



The Acts of Ceylon

1962

Nos. 1-35 of 1962

1964

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THE ACTS OF CEYLON, 1962 04550

TITLE OF ACT

No.

1. An Act to make Special Provision for the Apprehension, detention and Trial of Persons suspected of having committed, or charged with, offences against the State, to amend the Penal Code, the Criminal Procedure Code and the Courts Ordinance, and to make provision for matters connected therewith or incidental thereto.
2. An Act to amend the Foreign Loans Act, No. 29 of 1957, and the Income Tax Ordinance.
3. An Act to amend the Village Councils Ordinance.
4. An Act to amend the Industrial Disputes Act.
5. An Act to amend the Ayurveda Act, No. 31 of 1961.
6. An Act to amend the Army Act.
7. An Act to amend the Air Force Act.
8. An Act to amend the Navy Act.
9. An Act to amend the Finance Act, No. 65 of 1961.
10. An Act to amend the Income Tax Ordinance, the Land Tax Act, No. 27 of 1961, the Companies Tax Act, No. 35 of 1961, and the Personal Tax Act, No. 14 of 1959.
11. An Act to amend the Navy Act.
12. An Act to amend the Ceylon State Plantations Corporation Act, No. 4 of 1958.
13. An Act to amend the Health Services Act.
14. An Act to amend the Ceylon Institute of Scientific and Industrial Research Act.
15. An Act to amend the Police Ordinance.
16. An Act to provide for the disposal of money and other property, belonging to German Nationals, in the possession of, or vested in, the Custodian of Enemy Property.
17. An Act to amend the Excise Ordinance.
18. An Act to amend the Estate Duty Ordinance.
19. An Act to repeal the Revenue Protection Ordinance and to enact new provisions of law for the protection of the public revenue.
20. An Act to amend the Coconut Products Ordinance.
21. An Act to amend the Muslim Mosques and Charitable Trusts or Wakfs Act, No. 51 of 1956.
22. An Act to amend the Licensing of Traders Act, No. 62 of 1961.
23. An Act to amend the Control of Prices Act.
24. An Act to amend the Maternity Benefits Ordinance.
25. An Act to make provision for the regulation and supervision of the business of insurance.
26. An Act to amend the Tea Control Act, No. 51 of 1957.
27. An Act to amend the Wages Boards Ordinance.
28. An Act to amend the Shop and Office Employees (Regulation of Employment and Remuneration) Act.
29. An Act to amend the Appeals (Privy Council) Ordinance.
30. An Act to provide for the service of the financial year, 1962-63, to authorise the raising of loans in or outside Ceylon for the purpose of such service, to make financial provision in respect of certain activities of the Government during that financial year, to enable the payment by way of advances out of the Consolidated Fund of Ceylon or any other fund or moneys of or at the disposal of, the Government, of moneys required during that financial year for expenditure on such activities, to provide for the refund of such moneys to that consolidated Fund, and to make provision for matters connected with or incidental to the aforesaid matters.
31. An Act to amend the Criminal Procedure Code, the Criminal Law (Special Provisions) Act, No. 1 of 1962, and to make special provisions relating to certain offences under the Penal Code.
32. An Act to amend the Army Act.
33. An Act to amend the Air Force Act.
34. An Act to amend the Motor Transport Act, No. 48 of 1957.
35. An Act to amend the Motor Traffic Act.

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Criminal Law (Special Provisions) Act, No. 1 of 1962

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AN ACT TO MAKE SPECIAL PROVISION FOR THE APPREHENSION, DETENTION AND TRIAL OF PERSONS SUSPECTED OF HAVING COMMITTED, OR CHARGED WITH, OFFENCES AGAINST THE STATE, TO AMEND THE PENAL CODE, THE CRIMINAL PROCEDURE CODE AND THE COURTS ORDINANCE, AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent : March 16, 1962]

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

1. This Act may be cited as the Criminal Law (Special Provisions) Act, No. 1 of 1962. Short title.

PART I

Arrest and detention of persons suspected of committing offences against the State

2. (1) Where the Inspector-General of Police suspects that any person has committed, whether before or after the date of the commencement of this Act, any offence against the State, the Inspector-General of Police or any other police officer authorised by him in that behalf may arrest such person without a warrant. Detention of persons suspected of having committed offences against the State.

(2) Any person arrested under this section may be removed from the place of arrest to any other place situated anywhere in Ceylon, and detained in custody until a date not later than sixty days from the day of his arrest or until the date on which proceedings in respect of the offence referred to in sub-section (1) of this section are instituted against him in a Court, whichever date is earlier and the fact of such arrest, and the place of detention and any subsequent change of the place of detention, shall be notified to the Magistrate's Court having jurisdiction over the place in which such arrest took place.

(3) Any person who has the power under sub-section (1) of this section to arrest a person may—

(a) search such person and seize, remove and detain any vehicle, vessel, article, substance or other thing whatsoever used or suspected to be used in or in connection with the commission of any offence referred to in that sub-section ; and

(b) enter and search any such premises as may be necessary for the purposes referred to in paragraph (a) of this sub-section.

(4) Any person detained in pursuance of the provisions of sub-section (2) of this section shall be deemed to be in lawful custody, and shall be so detained in such place as may be authorised in writing by the Inspector-General of Police, and—

(a) where such place is not a prison established under the Prisons Ordinance, it shall be the duty of the person in charge of that place to receive such person and to keep him in detention in accordance with such instructions as may be issued by the Inspector-General of Police ; or

(b) where such place is a prison established under the Prisons Ordinance, it shall be the duty of the officer in charge of that prison to receive such person and to keep him in detention, and the provisions of the Prisons Ordinance and the rules made thereunder, other than the provisions of Part IX of that Ordinance and the rules made to give effect to the provisions of the said Part IX, shall, subject to the provisions of sub-section (5) of this section, apply to the person so detained.

(5) Where a person is detained in pursuance of the provisions of sub-section (2) of this section in a prison established under the Prisons Ordinance, the Permanent Secretary to the Ministry of Defence

and External Affairs may, from time to time, by order issued to the officer in charge of that prison direct—

- (a) that any of the provisions of the Prisons Ordinance or the rules made thereunder, other than the provisions of Part IX of that Ordinance or the rules made to give effect to that Part, shall not apply to such person or shall apply to such person subject to such conditions or modifications as may be set out in the order ; or
- (b) that all or any of the provisions of Part IX of the Prisons Ordinance or the rules made to give effect to that Part shall apply to such person, or shall apply subject to such conditions or modifications as may be set out in the order.

(6) So long as an order under sub-section (5) of this section is in force in respect of any person, the provisions of paragraph (b) of sub-section (4) of this section shall, in their application in the case of such person, have effect subject to such order.

(7) It shall not be necessary to publish any order made under sub-section (5) of this section in the *Gazette*, and accordingly such order shall take effect upon its being signed by the Permanent Secretary to the Ministry of Defence and External Affairs.

(8) The provisions of sections 36, 37 and 38 of the Criminal Procedure Code shall not apply in the case of any person arrested or detained in pursuance of the preceding provisions of this section.

(9) Any person in charge of any place referred to in paragraph (a) of sub-section (4) of this section, or any officer in charge of any prison referred to in paragraph (b) of that sub-section, who fails to perform the duty imposed on him by the said paragraph (a), or the said paragraph (b), as the case may be, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.

PART II

**Amendments to the Criminal Procedure Code
and the Penal Code**

Amendment of
section 395 of
the Criminal
Procedure Code.

3. Section 395 of the Criminal Procedure Code is hereby amended, by the substitution, for the expression "sections 114, 191" wherever it occurs in sub-sections (1) and (3) of that section, of the expression "sections 114, 115, 116, 191".

Amendment of
section 440A
of the
Criminal
Procedure Code.

4. Section 440A of the Criminal Procedure Code is hereby amended as follows :—

(1) in sub-section (1) of that section by the substitution—

(a) in paragraph (a) of that sub-section, for the expression '(hereinafter, unless the context otherwise implies, referred to as "sedition")';', of the expression '(hereinafter, unless the context otherwise implies, referred to as "sedition")', or any other offence under Chapter VI of that Code ;' ; and

(b) for the expression "the person charged shall be tried", of the expression "the trial of such offence shall be held" ;

(2) in sub-section (3) of that section, by the substitution, for all the words from "by the Court" to the end of that sub-section, of the words "by the court of trial." ; and

(3) in sub-section (5) of that section, by the substitution, for the word "information.", of the following :—

" information :

Provided, however, that any such person shall not be admitted to bail except with the consent of the Attorney-General."

5. The First Schedule to the Criminal Procedure Code is hereby amended as follows :—

Amendment of
the First
Schedule to
the Criminal
Procedure
Code.

(1) in the entry in the third column of that Schedule relating to section 113B of the Penal Code, by the substitution, for the words “if arrest”, of the words “if arrest for the offence” ;

(2) in the entry in the—

(a) third column of that Schedule relating to section 114 of that Code, by the substitution, for the words “Shall not”, of the word “May” ; and

(b) seventh column of that Schedule relating to section 114 of that Code, by the substitution, for the words “for twenty years”, of the words “which shall extend to at least ten years but shall not extend to more than twenty years” ;

(3) in the entry in the seventh column of that Schedule relating to section 115 of that Code, by the substitution, for that entry, of the entry “Death or imprisonment of either description which shall extend to at least ten years but shall not extend to more than twenty years, and forfeiture of property.” ; and

(4) in the entry in the third column of that Schedule relating to section 123 of that Code, by the substitution, for the words “Shall not”, of the word “May”.

6. (1) Section 114 of the Penal Code is hereby amended, by the substitution, for the words “which may be extended to twenty years,”, of the words “which shall extend to at least ten years but shall not extend to more than twenty years,”.

Amendment of
sections 114 and
115 of the Penal
Code.

(2) Section 115 of the Penal Code is hereby amended as follows :—

(a) by the substitution, for all the words from “Ceylon, shall” to “to fine.”, of the following :—

“Ceylon, or conspires to overthrow, or attempts or prepares to overthrow, or does any act, or conspires to do, or

attempts or prepares to do any act, calculated to overthrow, or with the object or intention of overthrowing, or as a means of overthrowing, otherwise than by lawful means, the Government of Ceylon by law established, or conspires to murder, or attempts to murder, or wrongfully confines, or conspires or attempts or prepares to wrongfully confine, the Governor-General or the Prime Minister or any other member of the Cabinet of Ministers, with the intention of inducing or compelling him to exercise or refrain from exercising in any manner any of the lawful powers of such Governor-General, Prime Minister or Cabinet Minister, shall be punished with death, or imprisonment of either description which shall extend to at least ten years but shall not extend to more than twenty years, and shall forfeit all his property.” ; and

(b) in the marginal note to that section, by the substitution, for the word “section.”, of the words “section, and certain other offences against the State.”.

Insertion of
New section
126A in the
Penal Code.

7. The following new section is hereby inserted immediately after section 126, and shall have effect as section 126A, of the Penal Code :—

‘ Definition
of the
expression
“ State
prisoner ”.

126A. For the purposes of this Code, the expression “ State prisoner ” includes any person who is detained or remanded in custody or imprisoned in any place whatsoever, whether under the Criminal Procedure Code or any other written law, in connection with any offence under this Chapter or under any regulation made under the provisions of the Public Security Ordinance.’

PART III
General Provisions

8. Any direction issued by the Minister of Justice under section 440A of the Criminal Procedure Code shall be final and conclusive, and shall not be called in question in any Court, whether by way of writ or otherwise.

Direction issued by the Minister of Justice under section 440A of the Criminal Procedure Code to be final and conclusive.

9. Where the Minister of Justice issues a direction under section 440A of the Criminal Procedure Code that the trial of any offence shall be held before the Supreme Court at Bar by three Judges without a jury, the three Judges shall be nominated by the Minister of Justice, and the Chief Justice if so nominated or, if he is not so nominated, the most senior of the three Judges so nominated, shall be the president of the Court.

Constitution of the Supreme Court for the trial of an offence against the State at Bar by three Judges without a jury.

The Court consisting of the three Judges so nominated shall, for all purposes, be duly constituted, and accordingly the constitution of that Court, and its jurisdiction to try that offence, shall not be called in question in any Court, whether by way of writ or otherwise.

10. The determination of any question before the Supreme Court on a trial at Bar by three Judges without a jury shall be according to the opinion of the majority of such Judges.

Determination of questions by majority of the Court.

11. (1) In the case of any offence against the State, the Attorney-General may, at any time before or after the commencement of the trial of that offence but before judgment is pronounced, with a view to obtaining on such trial the evidence of any person supposed to have been directly or indirectly concerned in or privy to that offence, tender a pardon to such person, whether or not he is an accused, on the condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to that offence and to every other person concerned, whether as principal or abettor in the commission thereof.

Tender of pardon to an accomplice in the case of any offence against the State.

(2) The provisions of section 284 of the Criminal Procedure Code shall not apply in the case of any offence against the State but the other provisions of that Code relating to a pardon tendered under that section shall, *mutatis mutandis*, apply to a pardon tendered under sub-section (1) of this section in like manner and to the same extent as such other provisions apply in the case of a pardon tendered under the said section 284.

Admissibility
of statements
in the case of
offences against
the State.

12. (1) In the case of an offence against the State, a statement, whether or not it amounts to a confession, made by any person may, whether or not that person was in the custody of a police officer at the time the statement was made and whether or not such statement was made in the immediate presence of a Magistrate, be proved as against such person if, but only if, such statement is not irrelevant under section 24 of the Evidence Ordinance :

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

(2) In the case of an offence against the State, a statement made by any person which may be proved under sub-section (1) of this section as against himself may be proved as against any other person jointly charged with such person if, but only if, such statement is corroborated in material particulars by evidence other than a statement proved under that sub-section.

(3) The burden of proving that any statement referred to in sub-section (1) of this section is irrelevant under section 24 of the Evidence Ordinance shall lie on the person asserting it to be irrelevant.

(4) The provisions of sections 25, 26 and 30 of the Evidence Ordinance shall not apply in the case of any offence against the State.

(5) A statement made by any person may be proved under sub-section (1) or sub-section (2) of this section notwithstanding the provisions of sub-section (3) of section 122 of the Criminal Procedure Code.

13. In the case of any offence against the State, it shall not be necessary to comply with the provisions of Chapter XII of the Criminal Procedure Code.

Provisions of Chapter XII of the Criminal Procedure Code need not be complied with in the case of any offence against the State.

14. The trial of a person for an offence against the State may commence or continue in his absence if the Court is satisfied that he is evading arrest, or absconding, or feigning illness.

Circumstances in which the trial of an offence against the State may be held in the absence of the accused.

15. A person who is convicted on a trial held before the Supreme Court under section 440A of the Criminal Procedure Code shall have no right of appeal to the Court of Criminal Appeal, and accordingly section 4 of the Court of Criminal Appeal Ordinance shall not apply to such person.

No right of appeal to Court of Criminal Appeal.

PART IV

Miscellaneous Provisions

16. For the purpose of the exercise, discharge or performance of any power, duty or function conferred or imposed on any person in respect of any offence against the State, such person may use all such means, measures and force, as may be necessary for that purpose.

Special provisions relating to the exercise, etc., of certain powers, functions or duties.

17. (1) Subject to the provisions of sub-section (2) of this section, section 7 of the Courts Ordinance is hereby amended as follows :—

Amendment of the Courts Ordinance.

(a) by the substitution, for the word “ nine ”, of the word “ eleven ” ;

(b) by the substitution, for the word “ eight ”, of the word “ ten ” ; and

(c) in the marginal note to that section, by the substitution, for the word “ eight ”, of the word “ ten ”.

(2) The provisions of sub-section (1) of this section shall come into operation on such date as may be appointed by the Minister of Justice by Order published in the *Gazette*.

This Act to prevail over other written law.

18. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law.

Retrospective operation of this Act.

19. The provisions of this Act, other than the provisions of section 17, shall be deemed, for all purposes, to have come into operation on January 1, 1962 :

Provided, however, that the provisions of Part I of this Act shall be limited in its application to any offence against the State alleged to have been committed on or about January 27, 1962, or any matter, act, or thing connected therewith or incidental thereto.

Interpretation.

20. In this Act, the expression " offence against the State " means any act or omission made punishable by Chapter VI of the Penal Code.

Operation of this Act.

21. The preceding provisions of this Act, save and except Part I and section 17, shall cease to be operative after the conclusion of all legal proceedings connected with or incidental to any offence against the State committed on or about the 27th January, 1962, or from one year after the date of commencement of this Act, whichever is later, provided that the Senate and the House of Representatives may, by resolution setting out the grounds therefor, extend the operation of this Act from time to time for further periods not exceeding one year at a time.

GOVERNMENT OF CEYLON

2nd Session 1961-62



Foreign Loans (Amendment) Act, No. 2 of 1962

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Foreign Loans (Amendment)
Act No. 2 of 1962

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Foreign Loans (Amendment) Act, No. 2 of 1962

L. D.—O. 51/61.

AN ACT TO AMEND THE FOREIGN LOANS ACT, No. 29
OF 1957, AND THE INCOME TAX ORDINANCE.

Chapter 242.

[Date of Assent: March 28, 1962]

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

1. This Act may be cited as the Foreign Loans (Amendment) Act, No. 2 of 1962.

Short title.

2. Section 5 of the Foreign Loans Act, No. 29 of 1957, is hereby amended by the substitution, for the words "international organisation.", of the words "international organisation or such body of persons outside Ceylon as may be approved by the Government of Ceylon."

Amendment of section 5 of the Foreign Loans Act, No. 29 of 1957.

3. Section 7 of the Income Tax Ordinance, as amended by Act, No. 34 of 1958, is hereby amended in sub-section (1) of that section by the insertion, immediately after paragraph (ffff) of that sub-section, of the following new paragraph:—

Amendment of section 7 of Chapter 242.

"(ffff) the profits and income derived by any such body of persons outside Ceylon as may be approved by the Government of Ceylon from aid granted in money, goods, services or in any other form by that body to that Government;".

AN ACT TO AMEND THE FOREIGN LOANS ACT, NO. 20 OF 1967, AND THE INCOME TAX ORDINANCE

(English)

[Date of Assent: March 25, 1982]

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

1. This Act may be cited as the Foreign Loans (Amendment) Act, No. 2 of 1982.

2. Section 5 of the Foreign Loans Act, No. 20 of 1967 is hereby amended by the substitution, for the words "international organization" of the words "international organization or such body of persons outside Ceylon as may be approved by the Government of Ceylon".

3. Section 7 of the Income Tax Ordinance, as amended by Act No. 24 of 1968, is hereby amended in sub-section (1) of that section by the insertion immediately after paragraph (iii) of that sub-section of the following new paragraph:—

"(iv) the profits and income derived by any such body of persons outside Ceylon as may be approved by the Government of Ceylon from and granted in money, goods, services or in any other form by that body to that Government."

PARLIAMENT OF CEYLON

2nd Session 1961-62



Village Councils (Amendment)

Act, No. 3 of 1962

Date of Assent : March 31, 1962

Printed on the Orders of Government

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PARLIAMENT OF CEYLON

3rd Session 1961-62



Village Councils (Amendment)

Act No. 3 of 1962

Date of Assent: March 21, 1962

Printed as the Order of Government

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Village Councils (Amendment) Act, No. 3 of 1962

L. D.—O. 55/61.

AN ACT TO AMEND THE VILLAGE COUNCILS ORDINANCE.

Chapter 257,
Vol. IX.,
page 488.

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

[Date of Assent: March 31, 1962]

1. This Act may be cited as the Village Councils (Amendment) Act, No. 3 of 1962.

Short title.

2. The following new section is hereby inserted in the Village Councils Ordinance, hereinafter referred to as the "principal enactment", and shall have effect as section 54A of that enactment:—

Insertion of new
section 54A in
Chapter 257.

"Dissolution of
Village Council
for the purpose
of constituting
a local
authority.

54A. Where the Minister is of opinion that a local authority should be constituted for an area which is or includes a village area or a part of a village area, he may, by Order published in the *Gazette*, dissolve the Village Council of that village area and direct any public officer to administer the affairs of that village area for such period as may be specified in the Order."

3. Section 55 of the principal enactment is hereby amended by the substitution, for the expression "section 54", of the expression "section 54 or section 54A,".

Amendment
of section 55
of the principal
enactment.

Chapter 267
No. 13
1952

AN ACT TO AMEND THE VILLAGE COUNCILS ORDINANCE.
It is enacted by the Queen's most Excellent Majesty in and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled and by the authority of the Senate as follows:—

[Date of Assent: March 31, 1952]

Section 14A

1. This Act may be cited as the Village Councils (Amendment) Act, No. 3 of 1952.

Section 14B
Section 14C
Section 14D

2. The following new section is hereby inserted in the Village Councils Ordinance, hereinafter referred to as the "principal enactment", and shall have effect as section 14 of that enactment:—

"Section 14
Village Councils Ordinance
for the purpose
of amending
the principal
enactment
enacted
in 1951.

14A. Where the Minister is of opinion that a local authority should be constituted for an area which is or includes a village area or a part of a village area, he may by Order published in the Gazette dissolve the Village Council of that village area and direct any public officer to administer the affairs of that village area for such period as may be specified in the Order.

Amendment
of section 14
of the principal
enactment.

3. Section 14 of the principal enactment is hereby amended by the substitution for the expression "section 14 of the expression" section 14 of the expression "section 14 of the principal enactment" in section 14 of the principal enactment.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Industrial Disputes (Amendment) Act, No. 4 of 1962

Date of Assent : March 31, 1962

Printed on the Orders of Government

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Price : 55 cents

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Industrial Disputes
(Amendment) Act,
No. 4 of 1962

Date of Assent: March 21, 1962

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L. D.—O. 19/60.

AN ACT TO AMEND THE INDUSTRIAL DISPUTES ACT.

[Date of Assent: March 31, 1962]

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

1. This Act may be cited as the Industrial Disputes (Amendment) Act, No. 4 of 1962.

Short title.

2. Section 2 of the Industrial Disputes Act, hereinafter referred to as the "principal Act", is hereby amended as follows:—

Amendment of section 2 of Chapter 131.

(a) by the renumbering of that section as sub-section (1) of section 2; and

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

'(2) For the purposes of this section, "Commissioner" includes a Labour Officer.'

3. Section 3 of the principal Act, as amended by Act No. 62 of 1957, is hereby amended as follows:—

Amendment of section 3 of the principal Act.

(a) in sub-section (1) of that section, by the substitution, in paragraph (d) of that sub-section, for the words "arbitrator appointed", of the words "arbitrator or a body of arbitrators appointed";

(b) by the renumbering of sub-section (2) of that section as sub-section (3); and

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

'(2) A body of arbitrators appointed under paragraph (d) of sub-section (1) shall consist of—

(a) a person nominated by the employers,

(b) a person nominated by the workmen, and

(c) a person nominated as Chairman jointly by the employers and workmen, or, in the absence of such nomination, by the Commissioner.

The opinion on any matter of the majority of the members of a body of arbitrators shall be deemed to be the opinion of that body on that matter.”

Amendment of section 16 of the principal Act.

4. Section 16 of the principal Act, as amended by Act No. 62 of 1957, is hereby amended by the substitution, for all the words and figures from “Every order” to “settlement by arbitration”, of the following:—

‘Every order under section 3 (1) (d) referring an industrial dispute for settlement by arbitration to an arbitrator or a body of arbitrators (and accordingly the expression “arbitrator” shall hereafter in this Act be construed, where an industrial dispute has been referred to an arbitrator, as a reference to that arbitrator, or, where such dispute has been referred to a body of arbitrators, as a reference to that body of arbitrators), or every order under section 4 (1) referring such dispute to an arbitrator for settlement by arbitration’.

Amendment of section 31B of the principal Act.

5. Section 31B of the principal Act, as amended by Act No. 62 of 1957, is hereby amended as follows:—

(a) in sub-section (1) of that section, by the substitution, in paragraph (c) of that sub-section, for all the words from “pertaining” to “and”, of the following:—

“relating to the terms of employment, or the conditions of labour, of”; and

(b) by the substitution, for sub-section (2) of that section, of the following sub-section:—

“(2) A Labour Tribunal shall—

(a) where it is satisfied after such inquiries as it may deem necessary that the matter to

which an application under sub-section (1) of this section relates is under discussion with the employer of the workman to whom that application relates by a trade union of which that workman is a member, make order suspending its proceedings upon that application until the conclusion of that discussion, and upon such conclusion shall resume the proceedings upon that application, and, if a settlement is reached in the course of that discussion, shall make order according to the terms of such settlement, and

(b) where it is so satisfied that such matter constitutes, or forms part of, an industrial dispute referred by the Minister under section 4 for settlement by arbitration to an arbitrator, or for settlement to an Industrial Court, make order dismissing the application without prejudice to the rights of the parties in the industrial dispute.”.

6. Section 31C of the principal Act, as amended by Act No. 62 of 1957, is hereby amended in sub-section (1) of that section, by the substitution, for all the words from “as the Tribunal” to “by the application,”, of the following:—

Amendment of section 31C of the principal Act.

“and hear all such evidence as the Tribunal may consider necessary,”.

Insertion of
new Part IVB
in the
principal Act.

7. The following new Part is hereby inserted immediately after Part IVA of the principal Act, as amended by Act No. 62 of 1957, and shall have effect as Part IVB of the principal Act:—

“ PART IVB.

*Provisions relating to Retrenchment
of Workmen.*

Application
of this
Part.

31E. (1) The provisions of this Part shall not apply—

- (a) to any employer by whom less than fifteen workmen on an average have been employed for a working day in the month preceding the month in which notice of the intention to effect retrenchment in respect of any workman employed is given by the employer to that workman, or
- (b) to any industry which is of a seasonal character or in which work is performed intermittently, or
- (c) to the retrenchment of any workman who has been employed in any industry for a period which is less than one year.

(2) Where the Minister is of the opinion that the application of this Part to an industry is likely to affect that industry in such a manner as to cause serious repercussions to that industry, the Minister may by Order published in the *Gazette* declare that this Part shall not apply, or shall apply subject to such conditions as may be specified in that Order, to that industry.

Any Order made by the Minister under this sub-section shall be placed as soon as practicable before the House of

Representatives for approval. Any Order not so approved shall be deemed to have been of no effect.

(3) In the computation of the number of workmen for the purposes of subsection (1) (a), any workman who has been employed in the industry for a period of less than one year shall also be taken into account.

(4) If any question arises as to whether an industry is of a seasonal character or whether work in that industry is done only intermittently, such question shall be determined by the Commissioner and his decision on that question shall be final and conclusive.

Duty of employer to give notice of intended retrenchment to the workman, the trade union of which that workman is a member and to the Commissioner.

31F. Where an employer intends to effect retrenchment in respect of any workman employed in an industry carried on by that employer, he shall, unless such retrenchment is in consequence of an agreement between the employer or the representative of the employer and the workman or the representative of the workman, or a settlement or award under this Act,—

(a) give to that workman at least one month's notice in writing of such intention, and, if that workman is a member of a trade union, to that trade union, and

(b) send a copy of such notice to the Commissioner.

Retrenchment shall not be effected until after the expiry of two months after the date of the notice.

31G. Subject to the provisions of section 31H, no employer shall effect retrenchment in respect of any workman to whom he has given notice of his intention to do so until after the expiry of two months after the date of such notice.

Where an industrial dispute arising out of the intended retrenchment is referred for settlement, employer shall not effect the retrenchment within a period of two months, after the date of reference of such dispute.

31H. Where, before the expiry of two months after the date of the notice referred to in section 31F, any industrial dispute which exists or is apprehended in consequence of the retrenchment intended in that notice is referred—

- (a) by the Commissioner to an authorised officer for settlement by conciliation, or
- (b) by the Commissioner to an arbitrator for settlement by arbitration, or
- (c) by the Minister to an arbitrator for settlement by arbitration, or to an Industrial Court for settlement,

the employer giving such notice shall not effect the intended retrenchment within a period of two months after the date of reference of such dispute unless such retrenchment is effected in terms of any settlement or award under this Act:

Provided, however, that where any such dispute is referred by the Commissioner to an authorised officer for settlement by conciliation and where the authorised officer fails to effect a settlement of such dispute, the employer may effect the intended retrenchment after the expiry of a period of thirty days calculated from the date of the report made under section 12 (4) if such dispute has not within the aforesaid period of thirty days been referred for settlement by arbitration under section 3 (1) (d) or section 4 (1), or to an Industrial Court for settlement under section 4 (2).”.

8. Section 33 of the principal Act, as amended by Act No. 62 of 1957, is hereby amended as follows:—

Amendment of
section 33 of
the principal
Act.

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

(a) in paragraph (d) of that sub-section,—

(i) by the substitution, for the words
“workman as an alternative to his
reinstatement,”, of the word
“workman,”, and

(ii) by the substitution, for the full stop,
of a semi-colon, and

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

“(e) as to the payment by any employer of a gratuity or pension or bonus to any workman, the amount of such gratuity or pension or bonus and the method of computing such amount, and the time within which such gratuity or pension or bonus shall be paid.”; and

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

(a) by the substitution, for the words “compensation as an alternative to his reinstatement,”, of the words “compensation, gratuity or pension or bonus,”; and

(b) by the substitution, for the words “amount specified in that certificate as payable”, of the words “amount of such money”.

9. Section 36 of the principal Act, as amended by Act No. 62 of 1957, is hereby amended in sub-section (1) of that section by the substitution, for the words “Labour Tribunal, arbitrator or authorised officer”, of the words “Labour Tribunal, arbitrator, authorised officer or Labour Officer”.

Amendment of
section 36 of
the principal
Act.

Amendment of
section 40 of
the principal
Act.

10. Section 40 of the principal Act, as amended by Act No. 62 of 1957, is hereby amended as follows:—

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

(i) in paragraph (c) of that sub-section by the substitution, for the word and figures “ section 32 ” of the words and figures “ section 32 or section 50 ”;

(ii) by the substitution, for paragraph (k) of that sub-section, of the following paragraph:—

“(k) being an employer, without good cause terminates the services of, or reduces to a lower grade or class, or otherwise punishes, any workman for the reason that he has become entitled to the benefit of any collective agreement, or an Order under section 10 (2), or any settlement or award of an Industrial Court or arbitrator, or an order of any Labour Tribunal under this Act;”,

(iii) in paragraph (p) of that sub-section, in sub-paragraph (ii) of that paragraph, by the substitution for the words “ arbitrator; or ”, of the word “ arbitrator;”,

(iv) in paragraph (q) of that sub-section, by the substitution, for the comma at the end of that paragraph, of a semi-colon, and

(v) by the insertion, immediately after paragraph (q) of that sub-section, of the following new paragraphs:—

“(r) being an employer, contravenes the provisions of section 44C or section 44D;

- (s) being an employer, contravenes the provisions of section 31F or section 31G or section 31H;
- (t) fails to furnish such means required by any officer specified in section 44E as is necessary for any entry or inspection or the exercise of his powers under that section;
- (u) hinders or molests any officer in the exercise of his powers under section 44E;
- (v) refuses or fails without reasonable cause to produce any register or record or give any information which any officer requires him to give under the powers conferred by section 44E;
- (w) prevents or attempts to prevent any other person from answering any question put by any officer to such other person during an interrogation of such other person under section 44E;
- (x) makes or causes to be made any register or record which is false in any material particular, or produces or causes or knowingly allows to be produced any such register or record to any officer acting under the powers conferred by section 44E, knowing such register or record to be false; or
- (y) furnishes any information to any officer acting under the powers conferred by section 44E, knowing such information to be false,"; and

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

“ (3) In any prosecution of an employer for an offence relating to compliance with any settlement or award under this Act, or with an order of a Labour Tribunal, or with an Order under section 10 (2), the burden of proving that the settlement, award, order of the Labour Tribunal or Order under section 10 (2) was complied with shall lie on the employer.”.

Amendment of section 43 of the principal Act.

11. Section 43 of the principal Act, as amended by Act No. 62 of 1957, is hereby amended as follows:—

(a) in sub-section (1) of that section, by the substitution, for the expression “ sub-section (4)”, of the expression “ sub-section (5)”;:

(b) in sub-section (2) of that section, by the substitution, in paragraph (ii) of that sub-section, for the words “ such day,”, of the words “ such day and on each day of the period commencing on the date on which he should have been reinstated in service according to the terms of the award or order and ending on the date of the conviction of such employer,”;

(c) by the renumbering of sub-sections (3) and (4) of that section as sub-sections (4) and (5);

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

“ (3) On the conviction of an employer for an offence under section 40 (1) (k) for terminating without good cause the services of, or reducing to a lower grade or class, any workman,—

(a) the court shall, in addition to any punishment that it may impose on such employer under sub-section (1), order such employer—

- (i) where the services of the workman were terminated without good cause, to reinstate in service such workman, or
- (ii) where the workman was reduced to a lower grade or class, to restore such workman to his proper grade or class, or
- (iii) where such workman was otherwise punished, to grant such relief as the Court may consider necessary,

and if such employer fails to comply with such order, such employer shall be liable to pay a fine of fifty rupees for each day on which the failure is continued after conviction thereof; and

(b) such employer shall be liable to pay such workman—

(i) if his services had been terminated without good cause, the remuneration which would have been payable to him if he had been in service on each day of the period commencing on the date on which his services had been terminated and ending on the date on which he is reinstated in service, computed at the rate of salary or wages to which he would have been entitled if his services had not been terminated, or

(ii) if he had been reduced to a lower grade or class, the sum which represents the difference in remuneration between the amount which ought to have been paid to him if he had not been so reduced and the amount actually paid to him.

Any sum which an employer is liable to pay under paragraph (b) of this sub-section may be recovered on the order of the court by which he was convicted as if it were a fine imposed on him by the court and the amount so recovered shall be paid to the workman.”, and

(e) in renumbered sub-section (4) of that section, by the substitution, for all the words from “any settlement or award under this Act” to “is not so paid”, of the following:—

“any settlement, award or collective agreement under this Act, or with any order of a Labour Tribunal or with any Order under section 10 (2), relating to the payment of any sum of money by such employer to a workman, or to the grant of any benefit to which that workman is entitled, the court may, in addition to any other sentence that it may impose on such employer, order that such sum be paid, or, if such benefit is capable of being computed in terms of money, that such amount as may be determined by the court (whose determination shall be final) as the value of such benefit be paid, within the period specified in the order of the court, and if such sum or the amount so determined is not so paid,”.

12. The following new sections are hereby inserted immediately after section 43, and shall have effect as sections 43A and 43B, of the principal Act:—

Insertion of new sections 43A and 43B in the principal Act.

“Recovery of sums of money due to workmen in certain cases.

43A. (1) Where an employer has been convicted for failing to comply with any term or condition of any settlement or award under this Act, or with an order of a Labour Tribunal, or with an Order under section 10 (2), relating to the payment of any sum of money due by such employer to a workman, or the grant of any benefit to which that workman is entitled, then, if a notice in the

prescribed form of the intention so to do has been served on such employer at any time before the commencement of the trial, evidence may be given of the failure on the part of such employer to pay any sum of money, or to grant such benefit, to any other workman or workmen under that award or settlement or order of the Labour Tribunal or Order under section 10 (2), and, on proof of such failure, the court may order such employer to pay such sum of money or, if such benefit is capable of being computed in terms of money, such amount as may be determined by the court (whose determination shall be final) to such other workman or workmen. Any sum of money ordered to be paid under this sub-section may be recovered in the same manner as a fine.

(2) The power of the court to make an order under sub-section (1) shall not be in derogation of any right of the workman or workmen to recover the sum of money, or the value of the benefit if it can be computed in terms of money, by any other proceedings.

(3) Where a workman has not been paid any sum of money, or granted any benefit, which may be due to him from any employer in accordance with any term or condition, of a settlement or award under this Act, or with an order of a Labour Tribunal, or with an Order under section 10 (2), the Commissioner may, if he thinks fit so to do, by written notice require such employer to pay such sum of money, or, if such benefit is capable of being computed in terms of money, such amount as may be determined by the Commissioner (whose determination shall be final) as the value of the benefit, to the Commissioner within the time specified in the notice so that the Commissioner may remit it to such workman. If the employer on being served with the notice pays the sum of money

or the amount so determined directly to the workman instead of remitting it to the Commissioner as required by the notice, the employer shall be deemed not to have paid such sum of money or amount so determined to such workman.

Immediate employer being himself in the employment of another person.

43B. Where the immediate employer of any workman is himself in the employment of some other person, and that workman is employed to do any work in the course of and for the purpose of the trade, business, occupation or undertaking of that other person, that other person shall, for the purposes of subsection (1) of section 40, be deemed to be the employer of that workman jointly with his immediate employer."

Insertion of new sections 44B, 44C, 44D and 44E in the principal Act.

13. The following new sections are hereby inserted immediately after section 44A (inserted by Act No. 62 of 1957), and shall have effect as sections 44B, 44C, 44D and 44E, of the principal Act:—

' Power of Commissioner or trade union to recover by suit money due to a workman.

44B. (1) Notwithstanding anything to the contrary in any other written law—

- (a) a suit for the recovery of any sum due under this Act from any employer to any workman may be instituted in a court of competent jurisdiction in the name of the Commissioner or in the name of a trade union of which that workman is a member;
- (b) any sums due under this Act from an employer to two or more workmen may be sued for in a single suit instituted in the name of the Commissioner or in the name of a trade union of which those workmen are members;
- (c) a suit for the recovery of any sum due under this Act from any employer to any workman shall be maintainable if

it is instituted within two years after that sum has become due;

(d) in any such suit instituted in the name of the Commissioner, he may be represented by any Deputy or Assistant Commissioner or any Labour Officer; and

(e) in any such suit instituted in the name of a trade union, such union may be represented by any of its officers.

(2) For the purposes of this section, "sum of money" includes, where any benefit is due under this Act from an employer and where such benefit is capable of being computed in terms of money, such amount as may be determined by the court in which the action for the recovery of the value of such benefit is brought.

Employers to make available for inspection by the Commissioner or any Labour Officer or any other prescribed officer registers or records.

44C. Every employer shall make available for inspection by the Commissioner or any Labour Officer or any other prescribed officer any registers or records required to be maintained by him under the Wages Boards Ordinance, the Maternity Benefits Ordinance, the Shop and Office Employees (Regulation of Employment and Remuneration) Act, or the Employees' Holidays Act, No. 6 of 1959, and such other registers or records as may be prescribed.

Inclusion of prescribed particulars in register or record kept under any other written law.

44D. (1) Where an employer is by virtue of the Wages Boards Ordinance, the Maternity Benefits Ordinance, the Shop and Office Employees (Regulation of Employment and Remuneration) Act, or the Employees' Holidays Act, No. 6 of 1959, required to maintain any register or record, he shall, if so required by any regulation made under this Act, include in that register or record such particulars as may be prescribed in respect of any prescribed class or description of his workmen.

(2) Where by any regulation made under this Act any prescribed particulars are required to be included in any such register or record as is referred to in sub-section (1), that register or record shall, for the purposes of this Act, be deemed to be a register or record maintained under this Act.

Powers of
entry,
inspection, etc.

44E. Subject to such conditions and restrictions as may be prescribed, the Commissioner or any Labour Officer or any other prescribed officer shall have the power—

- (a) to enter and inspect at all reasonable hours of the day or night any place in which any workmen are employed, for the purpose of examining any register or record maintained or deemed to be maintained under this Act or such other registers or records as are required under this Act to be available for inspection;
- (b) where at the time of such inspection any such register or record is not available for examination, to require the production of such register or record on such date and at such place as he may specify;
- (c) to take copies of the whole or any part of any such register or record; or
- (d) to interrogate any person whom he finds at the place where the workmen are employed and whom he has reasonable cause to believe is an employer or a workman engaged or employed in the trade, business, occupation or undertaking carried on in such place.

14. Section 48 of the principal Act, as amended by Act No. 62 of 1957 and therein referred to as section 47, is hereby amended as follows:—

Amendment of section 48 of the principal Act.

(a) in the definition of “ Commissioner ”—

(i) in paragraph (a) of that definition, by the omission of the word “ and ”, and

(ii) by the addition, at the end of that definition, of the following paragraph:—

“(c) in respect of the power conferred on the Commissioner by section 3 (1) (b), any Labour Officer;”;

(b) in the definition of “ industrial dispute ” by the substitution, for the words “ between employers ”, of the words “ between an employer and a workman or between employers ”; and

(c) by the insertion, immediately after the definition of “ lock-out ” and “ strike ”, of the following new definition:—

“ “ retrenchment ” means the termination by an employer of the services of a workman or workmen on the ground that such workman or workmen is or are in excess of the number of workmen required by such employer to carry on his industry; ”.

15. The following new section is hereby inserted immediately after section 48, and shall have effect as section 48A, of the principal Act:—

Insertion of new section 48A in the principal Act.

“ Labour Officers subject to the general or special directions of the Commissioner.

48A. Where a Labour Officer exercises any power of the Commissioner under this Act, such officer shall be subject to the general or special directions of the Commissioner.”.

16. The following new section is hereby inserted immediately after section 49, and shall have effect as section 50, of the principal Act:—

Insertion of new section 50 in the principal Act.

“ Re-employment of retrenched workman.

50. Where after any employer has effected any retrenchment in respect of any workman the employer proposes to employ any new workman, he shall give preference to the workman retrenched by him if such workman offers himself for re-employment. ”.

14. Section 40 of the principal Act, as amended by Act No. 62 of 1957 and therein referred to as section 40, is hereby amended as follows:—

(a) in the definition of "Commissioner" (i) in paragraph (a) of that definition, by the addition of the word "and"

(ii) by the addition, at the end of that definition, of the following paragraph:—

"(b) in respect of the power conferred on the Commissioner by section 3 (1) (b), any Labour Officer;

(c) in the definition of "industrial dispute" by the substitution for the words "between employers" of the words "between an employer and a workman or between employers"; and

(d) by the insertion, immediately after the definition of "lock-out" and "strike" of the following new definition:—

"lock-out" means the termination by an employer of the services of a workman or workmen on the ground that such workman or workmen is or are in excess of the number of workmen required by such employer to carry on his industry;

15. The following new section is hereby inserted immediately after section 45 and shall have effect as section 46 of the principal Act:—

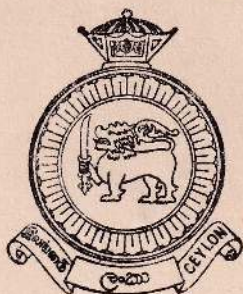
46A. Where a Labour Officer exercises any power of the Commissioner under this Act, such officer shall be subject to the general or special directions of the Commissioner.

16. The following new section is hereby inserted immediately after section 46 and shall have effect as section 47 of the principal Act:—

47. Where after any employer has effected any retrenchment in respect of any workman the employer proposes to employ any new workman, he shall give preference to the workman retrenched by him if such workman offers himself for re-employment.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Ayurveda (Amendment) Act, No. 5 of 1962

Date of Assent : May 15, 1962

Printed on the Orders of Government

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Amendments (Amendment)

Act No. 2 of 1962

Date of Assent: May 25 1962

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Price: 10 cents Postage: 10 cents

Ayurveda (Amendment) Act, No. 5 of 1962

L. D.—O. 53/61.

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

[Date of Assent: May 15, 1962]

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

1. This Act may be cited as the Ayurveda (Amendment) Act, No. 5 of 1962.

Short title.

2. Section 30 of the Ayurveda Act, No. 31 of 1961, hereinafter referred to as the principal Act, is hereby amended by the substitution, for the word " Council ", wherever that word occurs in that section, of the word " Board ".

Amendment of section 30 of the Ayurveda Act.

3. Section 82 of the principal Act is hereby amended by the substitution, for sub-section (2) thereof, of the following sub-section:—

Amendment of section 82 of the principal Act.

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

(a) any matter for which regulations are authorised by this Act to be made;

(b) the holding of elections necessary for the purpose of constituting, or filling vacancies in, the Ayurvedic Medical Council or the Ayurvedic College and Hospital Board, including the calling for deposits from candidates seeking election and the forfeiture of any such deposit made by a candidate where the number of votes polled by him is less than such proportion of the total number of votes polled at the election as may be set out in the regulations. "

THE ACT TO AMEND THE ACT

No. 2 of 1982

Date of Assent: 15.12.1982

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

1. This Act may be cited as the Act (Amendment) No. 2 of 1982.

2. Section 30 of the Act, No. 2 of 1981, in so far as it relates to the word "Council" shall be amended by substituting for that word the word "Board".

3. Section 32 of the original Act is hereby amended by the substitution for subsection (2) thereof of the following subsection:—

"(2) In paragraphs and 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) any matter for which regulations are authorised by this Act to be made;

(b) the holding of elections necessary for the purpose of constituting or filling vacancies in the Ayurvedic Medical Council or the Ayurvedic College and Hospital Board, including the calling for deposits from candidates seeking election and the forfeiture of any such deposit made by a candidate where the number of votes polled by him is less than such proportion of the total number of votes polled at the election as may be set out in the regulations.

Amendment A
Section 30 of
the Act

Amendment B
Section 32 of
the original
Act

PARLIAMENT OF CEYLON

2nd Session 1961-62



Army (Amendment) Act, No. 6 of 1962

Date of Assent : May 21, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, COLOMBO 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 10 cents.

Postage : 10 cents.

Army (Amendment) Act, No. 6 of 1962

L. D.—O. 42/61.

AN ACT TO AMEND THE ARMY ACT.

[Date of Assent: May 21, 1962]

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

1. This Act may be cited as the Army (Amendment) Act, No. 6 of 1962.

Short title.

2. The following new section is hereby inserted in PART IV of the Army Act, immediately after section 23, and shall have effect as section 23A of that Act:—

Insertion of new section 23A in Chapter 357.

“ Performance of certain other duties by members of the army.

23A. (1) The Governor-General may order all or any of the members of the army to perform such non-military duties as he may consider necessary in the national interest.

(2) The Governor-General may order any member of the army to perform escort and guard duties in respect of persons suspected, accused, or convicted of any offence against the State under Chapter VI of the Penal Code and the Criminal Law (Special Provisions) Act, No. 1 of 1962.

(3) Every member of the army shall perform such duties as may be imposed on him by Order of the Governor-General under sub-section (1).

(4) Wherever an Order is made under sub-section (1) calling upon any officer of the army to perform civilian administrative duties and wherever an Order is made under sub-section (2) the Governor-General shall communicate to Parliament such Order in the same manner as under the Public Security Ordinance in the case of a declaration of a state of emergency. ”.

THE ACT TO AMEND THE ARMY ACT

[Date of Assent: May 21, 1962]

BE it enacted by the Queen's most Excellent Majesty, in connection with the advice and consent of the Senate and the House of Representatives of the Commonwealth of Australia in this present Parliament assembled, and by the authority of the Senate and the House of Representatives, that the following provisions shall have effect as follows:—

1. This Act may be cited as the Army (Amendment) Act, No. 6 of 1962.

2. The following new section is hereby inserted in PART IV of the Army Act, immediately after section 33, and shall have effect as section 33A of that Act:—

33A. (1) The Governor-General may order all or any of the members of the army to perform such non-military duties as he may consider necessary in the national interest.

Government of Australia
in connection with the
Army Act, No. 6 of 1962

(2) The Governor-General may order any member of the army to perform escort and guard duties in respect of persons suspected, accused, or convicted of any offence against the State under Chapter VI of the Penal Code and the Original Law (Special Provisions) Act, No. 1 of 1962.

(3) Every member of the army shall perform such duties as may be imposed on him by Order of the Governor-General under this section (1).

(4) Wherever an Order is made under section (1) calling upon any officer of the army to perform civilian administrative duties and wherever an Order is made under this section (2) the Governor-General shall communicate to Parliament the Order in the same manner as when the Public Security Ordinance in the case of a declaration of a state of emergency.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Air Force (Amendment) Act, No. 7 of 1962

Date of Assent : May 21, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

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Price : 10 cents

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Air Force (Amendment) Act

No. 7 of 1962

Date of Assent: May 21, 1962

Printed by the Government Printer, Colombo

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Air Force (Amendment) Act, No. 7 of 1962

L. D.—O. 42/61.

AN ACT TO AMEND THE AIR FORCE ACT.

[Date of Assent: May 21, 1962]

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

1. This Act may be cited as the Air Force (Amendment) Act, No. 7 of 1962.

Short title.

2. The following new section is hereby inserted in PART IV of the Air Force Act, immediately after section 23, and shall have effect as section 23A of that Act:—

Insertion of new section 23A in Chapter 359.

“ Performance of certain other duties by members of the Air Force.

23A. (1) The Governor-General may order all or any of the members of the Air Force to perform such duties as he may consider necessary in the national interest.

(2) The Governor-General may order any member of the Air Force to perform escort and guard duties in respect of persons suspected, accused, or convicted of any offence against the State under Chapter VI of the Penal Code and the Criminal Law (Special Provisions) Act, No. 1 of 1962.

(3) Every member of the Air Force shall perform such duties as may be imposed on him by Order of the Governor-General under sub-section (1).

(4) Wherever an Order is made under sub-section (1) calling upon any officer of the Air Force to perform civilian administrative duties and wherever an Order is made under sub-section (2) the Governor-General shall communicate to Parliament such Order in the same manner as under the Public Security Ordinance in the case of a declaration of a state of emergency.”

AN ACT TO AMEND THE AIR FORCE ACT

[Date of Assent: May 21, 1932]

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

1. This Act may be cited as the Air Force (Amendment) Act, No. 7 of 1932.

2. The following new section is hereby inserted in PART IV of the Air Force Act, immediately after section 23, and shall have effect as section 23A of that Act:—

23A. (1) The Governor-General may order all or any of the members of the Air Force to perform such duties as he may consider necessary in the national interest.

23A. (1) The Governor-General may order all or any of the members of the Air Force to perform such duties as he may consider necessary in the national interest.

(2) The Governor-General may order any member of the Air Force to perform escort and guard duties in respect of persons suspected, accused or convicted of any offence against the State under Chapter VI of the Penal Code and the Criminal Law (Special Provisions) Act, No. 1 of 1932.

(3) Every member of the Air Force shall perform such duties as may be imposed on him by Order of the Governor-General under sub-section (1).

(4) Whenever an Order is made under sub-section (1) calling upon any officer of the Air Force to perform civilian administrative duties and wherever an Order is made under sub-section (2) the Governor-General shall communicate to Parliament such Order in the same manner as under the Public Security Ordinance in the case of a declaration of a state of emergency.

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

PARLIAMENT OF CEYLON

2nd Session 1961-62



Navy (Amendment) Act, No. 8 of 1962

Date of Assent : May 21, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

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Price : 10 cents.

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Navy (Amendment) Act

No 8 of 1962

Date of Assent: May 21, 1962

Printed on the Orders of Government

Printed at the Government Press, Colombo. To be purchased at the Government Publications Bureau, Colombo.

Price: 10 cents. Postage: 10 cents.

Navy (Amendment) Act, No. 8 of 1962

L. D.—O. 42/61.

AN ACT TO AMEND THE NAVY ACT.

[Date of Assent: May 21, 1962]

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

1. This Act may be cited as the Navy (Amendment) Act, No. 8 of 1962.

Short title.

2. Section 21 of the Navy Act is hereby amended in sub-section (1) of that section as follows:—

Amendment of section 21 of Chapter 358.

- (a) by the substitution, for the word " public ", of the word " national "; and
- (b) by the addition, at the end thereof, of the following:—

' The Governor-General may order any member of the Navy to perform escort and guard duties in respect of persons suspected, accused or convicted of any offence against the State under Chapter VI of the Penal Code or under the Criminal Law (Special Provisions) Act, No. 1 of 1962.

Whenever an order relating to the performance by any officer of the Navy of civilian administrative duties or by any member of the Navy of escort and guard duties is made under this sub-section, the occasion thereof shall forthwith be communicated to Parliament in the same manner as a Proclamation made under section 2 of the Public Security Ordinance would be communicated to Parliament and accordingly the provisions of sub-section (3) of section 2 of that Ordinance shall *mutatis mutandis* apply as though there were substituted in that sub-section—

Cap. 40.

- (i) for the words " a Proclamation is made under the preceding provisions of this section ", the words " an order is made under this sub-section ";

(ii) for the words and figure " a Proclamation under subsection (1) ", the words " an order under this subsection "; and

(iii) for all the words and figures " or operation of that Proclamation or of the provisions of Part II of this Ordinance or anything done under that Part; ", the words " of an order made under this sub-section; " ' .

PARLIAMENT OF CEYLON

2nd Session 1961-62



Finance (Amendment) Act, No. 9 of 1962

Date of Assent : May 25, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, Colombo 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 45 cents.

Postage : 10 cents.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Finance (Amendment) Act
No. 9 of 1962

Date of Assent: May 28, 1962

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The Government of Ceylon, 1962.

Printed by the Government Printer, Colombo.

L. D.—O. 26/61.

AN ACT TO AMEND THE FINANCE ACT,
No. 65 OF 1961.

[Date of Assent: May 25, 1962]

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

1. This Act may be cited as the Finance (Amendment) Act, No. 9 of 1962.

Short title.

2. Section 18 of the Finance Act, No. 65 of 1961, hereinafter referred to as the "principal Act", is hereby amended as follows:—

Amendment of section 18 of Act No. 65 of 1961.

(a) in sub-section (1) of that section by the substitution, for the words "such amount as is in excess of his net income as", of the words "the amount by which his net income exceeds the sum"; and

(b) in sub-section (2) of that section by the substitution, for the words "Fund established for the purpose:", of the word "Fund:".

3. Section 19 of the principal Act is hereby amended in sub-section (2) of that section by the substitution, for paragraph (b) of that sub-section, of the following paragraph:—

Amendment of section 19 of the principal Act.

"(b) an investment by an individual in the purchase or construction of a house for his residence provided that he does not own a house at the time of such purchase or construction; or".

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

Amendment of section 21 of the principal Act.

(a) by the insertion, immediately before the definition of "individual", of the following definition:—

" "assessable income" shall have the same meaning as in the Income Tax Ordinance;";

(b) in the definition of "net income", by the substitution, for all the words from "And provided further" to "as a deduction;", of the following:—

"And provided further that, in determining the assessable income of an individual who is in receipt of a reduced pension, the amount of the difference between his unreduced pension and reduced pension shall be added to his assessable income;" ;

(c) in the definition of "non-resident company", by the substitution, for the semi-colon, of a full stop; and

(d) by the omission of the definition of "year of assessment".

Amendment of section 30 of the principal Act.

5. Section 30 of the principal Act is hereby amended by the substitution, for all the words and figures from "to which such individual" to "No. 25 of 1950:", of the following:—

"which has or have been issued under the Food Control Regulations made under the Food Control Act to such individual and the individuals, who for the purposes of the Income Tax Ordinance are deemed to be the family of which the first-mentioned individual is the head:".

Amendment of section 31 of the principal Act.

6. Section 31 of the principal Act is hereby amended by the substitution, for the words "manner of payment,", of the words "manner of determination of the Government rice subsidy by the Commissioner, and the manner of assessment and payment,".

Replacement of section 32 of the principal Act.

7. Section 32 of the principal Act is hereby repealed and the following section substituted therefor:—

"Non-application of this Part to the emoluments of certain persons.

32. The succeeding provisions of this Part shall not apply to emoluments which are exempt from income tax under section 7 of the Income Tax Ordinance or under any Double Taxation Relief Agreement made between the Government of Ceylon and the Government of any other country."

8. Section 33 of the principal Act is hereby amended, in sub-section (2) of that section, by the substitution, for the words "the employer of such employee", of the words "the employer of such employee or the person responsible for making the payment of such emoluments".

Amendment of section 33 of the principal Act.

9. Section 35 of the principal Act is hereby amended as follows:—

Amendment of section 35 of the principal Act.

(a) by the substitution, for the words "by his employer.", of the words "by his employer or by such person as is responsible for making the payment of his emoluments."; and

(b) in the marginal note to that section, by the substitution, for the words "Development Tax by employer.", of the words "Development Tax.".

10. Section 36 of the principal Act is hereby amended as follows:—

Amendment of section 36 of the principal Act.

(a) by the substitution, for all the words from "by an employer for any month" to "Development Tax", of the words "for any month by an employer from any employee subject to the National Development Tax or by such person as is responsible for making the payment of the emoluments of such employee";

(b) by the substitution, for the words "by such employer", of the words "by such employer or person"; and

(c) in the marginal note to that section by the substitution, for the words "Development Tax collected by employers.", of the words "Development Tax to Commissioner.".

11. The following new section is hereby inserted immediately after section 36, and shall have effect as section 36A, of the principal Act:—

Insertion of new section 36A in the principal Act.

" Payment of National Development Tax by employees in certain circumstances.

36A. Where the National Development Tax in respect of any employee cannot be collected from his employer or the person responsible for making the payment of his emoluments, such employee shall, upon being so requested by notice

in writing by the Commissioner, pay the amount of the National Development Tax to the Commissioner within the time specified in such notice.”.

Amendment of section 37 of the principal Act.

12. Section 37 of the principal Act is hereby amended as follows:—

(a) by the substitution, for all the words from “by his employer”, to “in the prescribed manner”, of the words “by his employer, or the person responsible for making the payment of his emoluments, to the Commissioner in the prescribed manner, or, in the event of the failure of such employer or person to pay, by the employee to the Commissioner.”; and

(b) by the substitution, for the words “may be recovered”, of the words “shall be deemed to be in default and may be recovered from the defaulter”.

Amendment of section 39 of the principal Act.

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

(1) by the substitution, for the definition of “employee”, of the following definition:—

“ “employee” —

(a) includes every person who holds a paid office as a servant of the Crown ;

(b) includes a person employed by a person residing outside Ceylon but does not include a person residing outside Ceylon employed by a person carrying on or exercising any trade, business, profession or vocation in Ceylon; and

(c) shall be deemed to include the following:—

(i) the President and Deputy President of the Senate,

(ii) the Speaker, the Deputy Speaker, the Deputy Chairman of Committees and the Leader of the Opposition, of the House of Representatives,

- (iii) the Clerk to the Senate, the Clerk to the House of Representatives or a member of the staff of the Clerk to the Senate or the Clerk to the House of Representatives,
- (iv) a Minister or a Parliamentary Secretary or the Chief Government Whip,
- (v) a Senator or a Member of Parliament by reason only of the fact that he receives any emoluments as a Senator or such Member,
- (vi) a member of the Public Service Commission,
- (vii) a member of the Judicial Service Commission,
- (viii) a member of the panel appointed for the purpose of the constitution of Bribery Tribunals under the Bribery Act,
- (ix) a member of any Board, Tribunal or Commission established under any written law,
- (x) every authorised adjudicator appointed under the Income Tax Ordinance,
- (xi) a director of a company or corporation.' ;

(2) by the substitution, for the definition of "employer", of the following definition:—

“ “ employer ”—

- (a) in relation to any person employed in a Government Department of which he is not the Head, means the Head of that Department; and
- (b) in relation to a person employed by a person residing outside Ceylon, means the agent or attorney in

Ceylon of the second-mentioned person or the receiver or manager in Ceylon in respect of the business carried on by the second-mentioned person; ; and

(3) by the substitution, for the definition of " emoluments ", of the following definition:—

" " emoluments " means the salary, wages, fees or allowances payable to an employee and such other payments in money which an employee receives or which are made for the benefit of the employee in the course of his employment but does not include the amount of any contribution made by the employer in respect of the employee to any such pension or provident fund as may be approved by the Minister, or allowances given or payments made to the employee in reimbursement of expenses incurred in the course of his employment. ' .

Amendment of section 40 of the principal Act.

14. Section 40 of the principal Act is hereby amended by the substitution, for the words " for that purpose: ", of the words " for that purpose and has obtained a certificate of registration from such authority: "

Amendment of section 41 of the principal Act.

15. Section 41 of the principal Act is hereby amended in sub-section (1) of that section as follows:—

(1) in paragraph (a) of that sub-section, by the substitution, for the words " he has paid ", of the words " if any fee is payable by him for such registration, he has paid ";

(2) in the Proviso to that sub-section, by the substitution, for the words " the fee ", of the words " the fee, if any, "; and

(3) by the repeal of sub-section (2) of that section.

Amendment of section 42 of the principal Act.

16. Section 42 of the principal Act is hereby amended by the substitution, for the words " appropriate fee ", of the words " appropriate fee, if any, " .

17. Section 43 of the principal Act is hereby amended as follows:—

Amendment of section 43 of the principal Act.

- (a) by the renumbering of that section as sub-section (1) of section 43;
- (b) in renumbered sub-section (1) of that section, by the substitution, for the words “ rupees per year, ”, of the word “ rupees, ”; and
- (c) by the addition, at the end of that sub-section, of the following new sub-section:—

“(2) Notwithstanding anything in sub-section (1), the competent authority to whom any person has furnished a declaration of income under section 41 (1) may at any time, if he is of the opinion that such declaration is incorrect, after due investigation increase the income declared by such person, and, such person shall—

- (a) if he has paid the National Development Tax on the income as declared by him, be liable to pay as National Development Tax an amount equivalent to four per centum of the difference between the income as declared by him and the income as so increased, or
- (b) if he has not paid any National Development Tax, be liable to pay as National Development Tax an amount equivalent to four per centum of the income as so increased,

and accordingly such person shall be liable to pay any difference in the fee for registration consequent on the income as declared by him being so increased.”

18. Section 45 of the principal Act is hereby amended by the substitution, for the words “ within the period specified in such certificate, ”, of the words “ when such instalment becomes due, ”.

Amendment of section 45 of the principal Act.

Amendment of section 47 of the principal Act.

19. Section 47 of the principal Act is hereby amended as follows:—

- (1) by the substitution, for the words “ as the proprietor thereof: ”, of the words “ as the proprietor thereof and such person has obtained a certificate of registration from such authority: ”;
- (2) in paragraph (b) of the Proviso to that section by the substitution, for the word “ annum. ”, of the words “ annum, or, ”; and
- (3) by the insertion, immediately after paragraph (b) of that Proviso, of the following new paragraph:—

“(c) by a company incorporated or registered by any law in force in Ceylon or elsewhere or a corporation.”.

Amendment of section 48 of the principal Act.

20. Section 48 of the principal Act is hereby amended as follows:—

- (1) in sub-section (1) of that section —
 - (i) in paragraph (a) of that sub-section, by the substitution, for the words “except upon”, of the words “if any fee is payable for such registration, except upon”;
 - (ii) in paragraph (b) of that sub-section, by the substitution, for the words “proprietor thereof”, of the words “person carrying on that business”, and
 - (iii) by the substitution, for all the words from “business is sought” to the end of that sub-section, of the words “business is sought.”; and
- (2) by the repeal of sub-section (2) of that section.

Amendment of section 49 of the principal Act.

21. Section 49 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, for the words “appropriate fee”, of the words “appropriate fee, if any,”.

Amendment of section 50 of the principal Act.

22. Section 50 of the principal Act is hereby amended as follows:—

- (a) by the renumbering of that section as sub-section (1) of section 50; and

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

“(2) Notwithstanding anything in sub-section (1), the competent authority to whom a person has furnished a declaration of income under section 48 (1) may, if he is of the opinion that such declaration is incorrect, after due investigation increase the income declared by such person, and if the income as so increased is over three thousand six hundred rupees, such person shall—

(a) if he has paid the National Development Tax on the income as declared by him, be liable to pay as National Development Tax an amount equivalent to four per centum of the difference between the income as declared by him and the income as so increased, or

(b) if he has not paid any National Development Tax, be liable to pay as National Development Tax an amount equivalent to four per centum of the income as so increased,

and accordingly such person shall be liable to pay any difference in the fee for registration consequent on the income as declared by him being so increased.”

23. Section 52 of the principal Act is hereby amended by the substitution, for the words “within the period specified in such certificate,” of the words “when such instalment falls due,”.

Amendment of section 52 of the principal Act.

24. Section 54 of the principal Act is hereby amended by the substitution, for the words “Any certificate”, of the words “Any receipt”.

Amendment of section 54 of the principal Act.

25. Section 55 of the principal Act is hereby amended as follows:—

Amendment of section 55 of the principal Act.

(a) by the substitution, for the words “during that year”, of the words “during the year preceding that year of assessment”; and

(b) by the substitution, for the words "that person", of the words "that person for that year of assessment".

Amendment of section 56 of the principal Act.

26. Section 56 of the principal Act is hereby amended in paragraph (e) of that section by the substitution, for the words "the proprietors", of the words "the persons registered as proprietors".

Replacement of section 59 of the principal Act.

27. Section 59 of the principal Act is hereby repealed and the following section substituted therefor:—

" Payment of National Development Tax in special cases.

59. (1) Notwithstanding anything in the preceding provisions of this Act, where any person whose aggregate income from all his employments, professions or businesses, or his employment and profession, or his employment and business, or his profession and business, or his employment, profession and business, exceeds three thousand six hundred rupees, then such person shall be liable to pay the Commissioner as National Development Tax an amount equivalent to four per centum of such aggregate income after deducting therefrom any amount paid by such person as the National Development Tax under the provisions of Part VI or Part VII of this Act:

Provided that where in consequence of the levy of the National Development Tax such aggregate income falls below three thousand six hundred rupees, such person shall be liable to pay the difference between the amount of such income and three thousand six hundred rupees.

(2) For the purposes of this section "aggregate income" in respect of any person means the total income derived by such person from his employments, professions and businesses, the income from his employments being the aggregate of his monthly emoluments from such employments for the year commencing on October 1, 1961, or any subsequent year, and the income from his professions or businesses being the income, as computed

for the purposes of the Income Tax Ordinance, for the year preceding the year in which registration of such professions or businesses is sought.

(3) Regulations may be made providing for the furnishing of declarations by persons liable to pay National Development Tax under sub-section (1) and for the manner of payment by such persons of the National Development Tax.”.

28. The following new section is hereby inserted immediately after section 59, and shall have effect as section 59A, of the principal Act:—

Insertion of new section 59A in the principal Act.

“ Establishment of the National Development Fund.

59A. (1) There shall be established for the purposes of this Act a fund called the National Development Fund.

(2) There shall be paid into the National Development Fund all sums which may be paid or recovered under this Act as National Development Tax.

(3) The Minister may, with the prior approval of the House of Representatives, determine the sums of money to be withdrawn from the National Development Fund and the purposes for which such sums shall be applied, and no sums of money other than such sums shall be withdrawn from that Fund.”.

29. Section 60 of the principal Act is hereby amended in sub-section (2) of that section as follows:—

Amendment of section 60 of the principal Act.

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

“ (aa) prescribing the forms necessary for the purposes of the collection of the National Development Tax or the amount of the Government rice subsidy levied under section 30; ”; and

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

“(cc) for the registration of employers, and persons responsible for making payments of emoluments, for the purposes of the levy of the National Development Tax, and the issue by such employers or persons to employees subject to the tax of certificates specifying the deductions made from their emoluments;”.

Replacement of section 61 of the principal Act.

30. Section 61 of the principal Act is hereby repealed and the following section substituted therefor:—

“ Offences.

61. Any person who—

(a) contravenes or fails to comply with any provision of this Act or any regulation made thereunder; or

(b) makes any incorrect declaration of income otherwise than by error or oversight; or

(c) practises his profession when the registration thereof is deemed to be suspended under section 45; or

(d) carries on his business when the registration thereof is deemed to be suspended under section 52,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding one year or to both such fine and imprisonment.”.

31. The following new section is hereby inserted immediately after section 61, and shall have effect as section 61A, of the principal Act:—

Insertion of new section 61A in the principal Act.

“ Offences by body of persons.

61A. Where an offence under this Act is committed by a body of persons, then—

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

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

shall be deemed to be guilty of that offence:

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

32. Section 63 of the principal Act is hereby amended by the insertion, immediately after the definition of the expression “ Commissioner ”, of the following definition:—

Amendment of section 63 of the principal Act.

“ “ profession ” includes any vocation carried on by a person; ”

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

Amendment of the Second Schedule to the principal Act.

(a) by the omission of the words “ Net Income ”, and

(b) by the substitution, for the words “ Married Couple ”, of the words “ Husband and wife ”.

Amendment of
the Third
Schedule to
the principal
Act.

34. The Third Schedule to the principal Act is hereby amended as follows:—

- (1) in paragraph (a) of that Schedule, by the substitution, for the words and figures "less than Rs. 10,000", of the words and figures "not less than Rs. 5,000 but is less than Rs. 10,000";
- (2) in paragraph (b) of that Schedule, by the substitution, for the words and figures "less than Rs. 15,000", of the words and figures "not less than Rs. 10,000 but is less than Rs. 15,000"; and
- (3) in paragraph (c) of that Schedule, by the substitution, for the words and figures "less than Rs. 20,000", of the words and figures "not less than Rs. 15,000 but is less than Rs. 20,000".

Retrospective
effect of
amendments.

35. The amendments made in the principal Act by the preceding provisions of this Act shall be deemed for all purposes to have taken effect on the date on which the principal Act came into force.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Income Tax (Amendment) Act, No. 10 of 1962

Date of Assent : May 26, 1962

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2nd Session 1961-62



Income Tax (Amendment)

Act No. 10 of 1962

Date of Assent: May 26, 1962

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L. D.—O. 46/60.

AN ACT TO AMEND THE INCOME TAX ORDINANCE, THE LAND TAX ACT, NO. 27 OF 1961, THE COMPANIES TAX ACT, NO. 35 OF 1961, AND THE PERSONAL TAX ACT, NO. 14 OF 1959.

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Income Tax (Amendment) Act, No. 10 of 1962.

Short title.

2. Section 4 of the Income Tax Ordinance (hereinafter referred to as the "principal enactment") is hereby amended in sub-section (1) of that section by the substitution, for the words "authorised representative," of the words "authorised representative or the Minister of Finance or the Permanent Secretary to the Ministry of Finance, who shall take and subscribe the oath of secrecy before a Justice of the Peace in the prescribed form,".

Amendment of section 4 of Chapter 242.

3. Section 6 of the principal enactment, as amended by Act No. 13 of 1959, is hereby amended in sub-section (2) of that section as follows:—

Amendment of section 6 of the principal enactment.

(1) in paragraph (a) of that sub-section by the substitution, in sub-paragraph (i) of that paragraph, for the words "or to his wife, son or daughter to enable him or her to visit his or her home abroad;" of the words "to enable him to come to Ceylon to assume duties or to visit his home abroad or to return from Ceylon on the termination of his services, whether on retirement or otherwise, or of any holiday warrant or passage granted to the wife, or any son or daughter, of such person to come to Ceylon or to visit his or her home abroad or to return from Ceylon on the termination of the services of such person;";

(2) in paragraph (e) of that sub-section, by the substitution—

(a) in sub-paragraph (iii) of that paragraph, for the words "cost to him of that which is redeemed," of the words

“ value of that which is redeemed at the time of its acquisition by him by purchase, gift, inheritance or exchange, or in any other manner whatsoever,” and

(b) in sub-paragraph (v) of that paragraph, for all the words from “ cost to him ” to the end of that sub-paragraph, of the words “ value of his share of the capital of such business or company at the time when such share was acquired by him by purchase, gift, inheritance or exchange, or in any other manner whatsoever;”;

(3) in paragraph (f) of that sub-section by the substitution—

(a) in sub-paragraph (ii) of that paragraph, for the words “ cost to him of that which is redeemed ”, of the words “ value of that which is redeemed at the time of its acquisition by him by purchase, gift, inheritance or exchange, or in any other manner whatsoever,” and

(b) in sub-paragraph (iii) of that paragraph, for all the words from “ cost to him ” to the end of that sub-paragraph, of the words “ value of his share of the capital of such business or company at the time when such share was acquired by him by purchase, gift, inheritance or exchange, or in any other manner whatsoever;” and

(4) in paragraph (k) of that sub-section, by the substitution, in sub-paragraph (ix) of that paragraph, for all the words from “ shall be an amount ” to the end of that sub-paragraph, of the following:—

“ shall—

(A) if the last mentioned shares were acquired by him by purchase, gift, inheritance, exchange or in any other manner whatsoever, before April 1, 1957, be an amount equal to the market value of the last mentioned shares on April 1, 1957, or

(B) if the last mentioned shares were so acquired by him on or after April 1, 1957, be an amount equal to the value to him of such shares at the time when they were so acquired;”.

4. Section 7 of the principal enactment, as last amended by Act No. 13 of 1959, is hereby amended in sub-section (1) of that section as follows:—

Amendment of section 7 of the principal enactment.

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

“ (e) the emoluments, and any income not arising in Ceylon, of any scientist, technician, expert or adviser, who is not a citizen of Ceylon and who is employed in Ceylon on a contract of employment entered into on or after April 1, 1959, between him and the Government of Ceylon or between him and any such statutory corporation or institution as may be approved by the Minister for the purpose;” and

(2) in paragraph (ee) of that sub-section by the substitution, for the words “ scientist or technician ”, of the words “ scientist, technician, expert or adviser ”.

5. Section 8 of the principal enactment (as amended by Act No. 38 of 1957 and Act No. 13 of 1959 and therein referred to as section 7A), is hereby amended by the substitution, for all the words and figures from “ Where at any time ” to “ established during that period. ”, of the words and figures “ Where the Government of Ceylon makes a contribution to the capital of any corporation established on or after April 1, 1951. ”.

Amendment of section 8 of the principal enactment.

6. Section 9 of the principal enactment (as amended by Act No. 38 of 1957 and Act No. 13 of 1959 and therein referred to as section 7B) is hereby amended as follows:—

Amendment of section 9 of the principal enactment.

(a) in sub-section (1) of that section, in paragraph (i) of that sub-section, by the substitution, for sub-paragraph (a) of that paragraph, of the following sub-paragraph:—

“(a) that it is an undertaking for the production or manufacture in Ceylon of goods or commodities commenced on or after April 1, 1951;”;

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

“(2A) The succeeding provisions of this Act shall apply for any year of assessment commencing on or after April 1, 1962.

The profits and income of—

(i) an undertaking referred to in paragraph (i) of sub-section (1), being the profits and income of that undertaking for the year of assessment in which production or manufacture in Ceylon of goods or commodities commences, and for each of the next five subsequent years of assessment, and

(ii) an undertaking referred to in paragraph (ii) of sub-section (1), being profits and income of that undertaking for the year of assessment in which it commences to carry on business, and for each of the next five subsequent years of assessment,

shall be exempt from the tax.”; and

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

“(3A) In respect of any year of assessment commencing on or after April 1, 1962, where the profits and income for that year of assessment of an undertaking to which this section applies are exempt from tax by virtue of sub-section (2A), all dividends which are in that year paid to

the shareholders of that undertaking shall be exempt from the tax; and accordingly the provisions of section 53D shall not apply to such dividends.”

7. Section 7C of the principal enactment (inserted by Act No. 44 of 1958) is hereby amended by the addition, at the end of that section, of the following new sub-section:—

Amendment of section 7C of the principal enactment.

“ (9) Where the assessable income for any year of assessment of a charitable institution does not exceed four thousand rupees, such income shall not be taxable.”

8. Section 11 of the principal enactment (as amended by Act No. 13 of 1959, and therein referred to as section 9) is hereby amended by the repeal of sub-section (1H) of that section.

Amendment of section 11 of the principal enactment.

9. Section 12 of the principal enactment (as amended by Act No. 13 of 1959, and therein referred to as section 10) is hereby amended as follows:—

Amendment of section 12 of the principal enactment.

(1) by the renumbering of that section as sub-section (1) of section 12;

(2) in the renumbered sub-section (1),—

(a) in paragraph (ab) of that sub-section, by the substitution, in sub-paragraph (i) of that paragraph, for all the words and figures “ in section 9 (1) (h);” of the following:—

“ in paragraph (e) or paragraph (f) or paragraph (h) of sub-section (1) of section 11; ”, and

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

“ (ac) for any year of assessment commencing on or after April 1, 1962, any travelling expenditure incurred in connection with any trade, business, profession or vocation carried on or exercised by such person other than—

- (i) if he is carrying on any trade or business, the expenditure, determined in accordance with the provisions of sub-section (2) and not exceeding two thousand rupees a year, incurred by him in connection with his trade or business in travelling within Ceylon to any place outside the city, town or village within which he mainly carries on his trade or business,
- (ii) if he is exercising any profession or vocation, the expenditure, determined in accordance with the provisions of sub-section (2), incurred by him in connection with his profession or vocation in travelling within Ceylon to any place outside the city, town or village within which his residence or office is situated,
- (iii) the amount actually expended by an employee of such person, who is not an executive officer, in travelling within Ceylon in connection with the trade, business, profession or vocation carried on or exercised by such person or the amount for such travelling determined in accordance with the provisions of sub-section (2), whichever amount is less,
- (iv) the expenditure, determined in accordance with the provisions of sub-section (2), incurred

by an executive officer who is in the employment of such person in travelling within Ceylon in connection with the trade, business, profession or vocation carried on or exercised by such person to any place outside the city, town or village within which such person mainly carries on his trade or business, or, if such person exercises any profession or vocation, within which the residence or office of such person is situated;”;

(c) in paragraph (g) of that sub-section by the substitution, for the words and figures “in section 49”, of the following:—

“in section 49 or such other tax or levy charged or imposed by the law for the time being in force as the Minister may, with the approval of the House of Representatives, declare by Order published in the *Gazette*;”;

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

“(2) For the purpose of determining the expenditure incurred in connection with travelling which is referred to in paragraph (ac) of sub-section (1) and in respect of which deduction is allowed under this section, such expenditure shall—

(a) in relation to any person carrying on any trade or business or exercising any profession or vocation, or in relation to any executive officer in the employment of such person,

- (i) be deemed to include the expenditure for subsistence incurred in the course of travelling by such person or officer, and
 - (ii) be computed in accordance with the rates prescribed from time to time in the Financial Regulations of the Government of Ceylon for ascertaining the cost of travelling and subsistence in regard to public officers, and
- (b) in relation to any officer other than an executive officer who is in the employment of such person be computed in accordance with the rates prescribed from time to time in the Financial Regulations of the Government of Ceylon for ascertaining the cost of travelling in regard to public officers.

(3) No person carrying on any trade or business or exercising any profession or vocation shall be entitled to any sum for depreciation by wear and tear of any vehicle used for travelling for the purpose of his trade, business, profession or vocation except in the case of a vehicle used for such purpose by an officer, who is not an executive officer, in the employment of such person, and in respect of the last mentioned vehicle such person shall be entitled to such sum as the Commissioner may consider reasonable for such depreciation.

(4) An Order made by the Minister for the purposes of paragraph (g) of sub-section (1) may be declared to take effect from a date earlier than the date on which that Order is made."

Amendment of section 15 of the principal enactment.

10. Section 15 of the principal enactment (as amended by Act No. 13 of 1959, and therein referred to as section 13) is hereby amended as follows:—

- (a) by the renumbering of sub-section (9) of that section as sub-section (10); and

(b) by the insertion, immediately after sub-section (8) of that section, of the following sub-section:—

“(9) The whole or any part of that amount which in accordance with the provisions of sub-section (1F) or sub-section (1G) of section 11 cannot be deducted from the statutory income of any person for any year of assessment commencing on or after April 1, 1958, shall, together with a sum equal to four per centum of that amount, be deducted as far as possible from the statutory income of the subsequent year of assessment, and, so far as it cannot be so deducted, it shall be deducted from the statutory income of the next succeeding year of assessment, and so on. Where under the preceding provisions of this sub-section a deduction is made from the statutory income of any of the succeeding years of assessment of such person, such deduction shall consist of the amount or part thereof which could not be deducted from the statutory income of the immediately preceding year of assessment and a sum equal to four per centum per annum of such amount or part thereof.”

11. Section 21 of the principal enactment is hereby amended by the substitution, for the expression “this Chapter”, of the expression “this Chapter or Chapter VIIA”.

Amendment of section 21 of the principal enactment.

12. The following new section is hereby inserted in Chapter VII of the principal enactment immediately after section 23, and shall have effect as section 23A, of the principal enactment:—

Insertion of new section 23A in the principal enactment.

“Tax payable in respect of a charitable institution shall not exceed the assessable income of that charitable institution reduced by four thousand rupees.

23A. The amount of the tax payable for any year of assessment by any person in the capacity of a trustee of a trust or by a corporation or an unincorporate body of persons, who or which is a charitable institution, shall not exceed the amount of the assessable income of such person, corporation or unincorporate body for that year of assessment reduced by four thousand rupees.”

Amendment of section 53C of the principal enactment.

13. Section 53C of the principal enactment (inserted by Act No. 13 of 1959), is hereby amended in sub-section (1) of that section by the substitution, in paragraph (a) of that sub-section, for the words "year preceding such year of assessment", of the words and figures "year preceding such year of assessment, or, if the statutory income of such company is directed by the Commissioner under section 13 (2) to be computed up to some day other than the thirty-first day of March as is specified in the direction, where there are remittances in the year ending on such specified day in the year preceding such year of assessment,".

Amendment of section 53D of the principal enactment.

14. Section 53D of the principal enactment (inserted by Act No. 13 of 1959), is hereby amended by the substitution, for sub-section (1) of that section, of the following sub-section:—

" (1) Subject to the provisions of sub-section (2) and sub-section (3), every resident company shall be entitled to deduct from the amount of any dividend payable to any shareholder in the form of money or an order to pay money out of the profits on which the taxable income of that company is computed for any year of assessment commencing on or after April 1, 1959, tax equal to $33 \frac{1}{3}$ per centum of such amount."

Amendment of section 75B of the principal enactment.

15. Section 75B of the principal enactment (inserted by Act No. 13 of 1959, and as amended by Act No. 5 of 1961), is hereby amended by the substitution, for the words "Personal Tax, or the land tax to which he is liable," of the words "Personal Tax".

Amendment of section 89 of the principal enactment.

16. Section 89 of the principal enactment is hereby amended in sub-section (1) of that section, in paragraph (ii) of the proviso to that sub-section, as follows:—

(a) by the substitution, for the words and figures "section 44 or", of the words and figures "section 44 or section 53D or", and

(b) by the substitution, for the words and figures "and (8) and section 45 (4).", of the words and figures "and (8), section 45 (4), and section 53D (6), (7) and (8).".

17. Section 90 of the principal enactment is hereby amended as follows:—

Amendment of section 90 of the principal enactment.

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

(i) by the substitution in paragraph (a) of that sub-section, for the figures “ 45 (1),”, of the following:—

“ 45 (1), 53D (2), ”; and

(ii) by the substitution in paragraph (c) of that sub-section, for the figures “ 45 (3),”, of the following:—

“ 45 (3), 53D (5), ”; and

(b) in sub-section (2) of that section, by the substitution, in paragraph (b) of that sub-section, for the word and numerals “ Chapter VI ”, of the following:—

“ Chapter VI or Chapter VIIA ”.

18. Section 92 of the principal enactment is hereby amended in sub-section (1) of that section, by the substitution, in paragraph (c) of that sub-section, for the word and numerals “ Chapter VI ”, of the following:—

Amendment of section 92 of the principal enactment.

“ Chapter VI or Chapter VIIA ”.

19. The Land Tax Act, No. 27 of 1961, is hereby amended as follows:—

Amendment of the Land Tax Act, No. 27 of 1961.

(1) by the substitution, for section 7 of that Act, of the following section:—

“ Set off against the land tax in certain circumstances.

7. Where the aggregate of—

(a) the land tax to which a person other than a company is liable for any year of assessment, and

(b) the income tax to which such a person is liable under the Income Tax Ordinance for that year of assessment,

exceeds eighty per centum of the assessable income of such person under that Ordinance for that year of assessment, the excess shall be set off against the land tax to which that person is liable for that year of assessment.”; and

- (2) by the insertion, immediately after section 7 of that Act, of the following new sections which shall have effect as sections 7A and 7B of that Act:—

“ Exemption of companies from land tax in certain circumstances.

7A. Where a company which is liable to the land tax for any year of assessment is also liable to income tax under the Income Tax Ordinance for that year of assessment, then, if the amount of the income tax payable by that company exceeds eighty per centum of the assessable income of that company for that year of assessment, that company shall be deemed for all purposes to be exempt from the liability to the land tax for that year.

Set off against the land tax in certain circumstances.

7B. Where the aggregate of—

(a) the land tax to which a company is liable for any year of assessment, and

(b) the income tax to which that company is liable for that year of assessment,

exceeds eighty per centum of the assessable income of that company for that year of assessment, such excess shall be set off against, the land tax to which that company is liable.”.

20. The Companies Tax Act, No. 35 of 1961, is hereby amended as follows:—

- (1) by the insertion, immediately after section 5 of that Act, of the following new section which shall have effect as section 5A of that Act:—

“ Exemption of tax under this Act in certain circumstances.

5A. Where a company which is liable to the tax under this Act for any financial year is also liable to income tax for the year of assessment corresponding to that financial year then, if the

Amendment of the Companies Tax Act, No. 35 of 1961.

amount of the income tax payable by that company exceeds eighty per centum of the assessable income of that company for that year of assessment, that company shall be deemed for all purposes to be exempt from the liability to the tax under this Act for that financial year.”;

- (2) by the repeal of section 6 of that Act and the substitution therefor of the following section:—

“Set off against the tax under this Act in certain circumstances.

6. Where the aggregate of—

(a) the tax to which a company is liable under this Act for any financial year, and

(b) the income tax to which that company is liable for the year of assessment corresponding to that financial year,

exceeds eighty per centum of the assessable income of that company for that year of assessment, such excess shall be set off against the tax to which that company is liable under this Act for that financial year.”.

21. The Personal Tax Act, No. 14 of 1959, is hereby amended as follows:—

Amendment of the Personal Tax Act, No. 14 of 1959.

- (1) in section 8 of that Act—

(a) by the substitution, for the words “a person”, of the following:—

“a person (other than a person in the capacity of a trustee of a trust or a corporation or an unincorporate body of persons, who or which is a charitable institution within the meaning of the Income Tax Ordinance)”,

(b) by the substitution, for the colon, of a full stop, and

(c) by the omission of the Proviso to that section;

- (2) by the insertion, immediately after section 8 of that Act, of the following new section which shall have effect as section 8A, of that Act:—

“ Taxable wealth of a person in the capacity of a trustee of a trust or a corporation or unincorporate body of persons who or which is a charitable institution within the meaning of the Income Tax Ordinance.

8A. (1) Where the net wealth for any year of assessment of a person in the capacity of a trustee of a trust or of a corporation or an unincorporate body of persons, who or which is a charitable institution within the meaning of the Income Tax Ordinance, exceeds twenty thousand rupees, the entirety of such net wealth shall be the taxable wealth of such person or corporation or unincorporate body of persons, as the case may be, for that year of assessment, and such person, corporation or unincorporate body of persons shall be liable to make the contribution in respect of such taxable wealth to the Personal Tax for that year of assessment.

(2) The contribution which a person in the capacity of a trustee of a trust or a corporation or an unincorporate body of persons referred to in sub-section (1), is liable to make in respect of the taxable wealth of such person, corporation or unincorporate body to the Personal Tax for any year of assessment shall not be more than the amount by which the taxable wealth of such person, corporation or unincorporate body exceeds twenty thousand rupees.”;

- (3) in section 12 of that Act—

(a) in sub-section (1) of that section by the substitution, in paragraph (o) of that sub-section, for the words “ Stamp Ordinance. ”, of the words “ Stamp Ordinance, or such other tax or levy charged or imposed by the law for the time being in force as the Minister may, with the approval of the House of Representatives, declare by Order published in the *Gazette.* ”, and

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

“(4) Any Order made by the Minister under paragraph (o) of sub-section (1) may be declared to take effect from a date earlier than the date on which such Order is made.”

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

“(4) Any Order made by the Minister under paragraph (3) may be declared to take effect from a date earlier than the date on which such Order is made.”

PARLIAMENT OF CEYLON

2nd Session 1961-62



Navy (Amendment) Act, No. 11 of 1962

Date of Assent : May 26, 1962

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PARLIAMENT OF CEYLON

2nd Session 1961-62



NAVY (AMENDMENT) ACT,
No. 11 of 1962

Date of Assent: May 26, 1962

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Navy (Amendment) Act, No. 11 of 1962

L. D.—O. 47/61.

AN ACT TO AMEND THE NAVY ACT.

Chapter 358
(Vol. XI,
page 184).

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Navy (Amendment) Act, No. 11 of 1962.

Short title.

2. Section 161 of the Navy Act is hereby amended in sub-section (1) of that section, in paragraph (c) thereof, by the substitution, for the words "widows and orphans", of the words "widows, children and other dependants".

Amendment of
section 161
of the
Navy Act
(Cap. 358).

AN ACT TO AMEND THE NAVY ACT.

[Date of Assent: May 28, 1902.]

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

1. This Act may be cited as the Navy (Amendment) Act, No. 11 of 1902.

2. Section 101 of the Navy Act is hereby amended in sub-section (1) of that section, in paragraph (b) thereof, by the substitution for the words "widows and orphans" of the words "widows, children and other dependants".

3. Section 101 of the Navy Act is hereby amended in sub-section (1) of that section, in paragraph (b) thereof, by the substitution for the words "widows and orphans" of the words "widows, children and other dependants".

Amendment of section 101 of the Navy Act. (Cap. 360)

PARLIAMENT OF CEYLON

2nd Session 1961-62



Ceylon State Plantations Corporation (Amendment) Act, No. 12 of 1962

Date of Assent : May 26, 1962

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PARLIAMENT OF CEYLON

Second Session 1962



Ceylon State Plantations Corporation (Amendment) Act No 12 of 1962

Date of Assent: May 20, 1962

Printed on the Orders of Government

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*Ceylon State Plantations Corporation (Amendment)
Act, No. 12 of 1962*

L. D.—O. 39/61.

AN ACT TO AMEND THE CEYLON STATE PLANTATIONS
CORPORATION ACT, NO. 4 OF 1958.

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Ceylon State Plantations Corporation (Amendment) Act, No. 12 of 1962.

Short title.

2. Section 6 of the Ceylon State Plantations Corporation Act, No. 4 of 1958, is hereby amended, by the addition, at the end of that section, of the following new sub-section:—

Amendment of
section 6 of
Act No. 4 of
1958.

“(3) The Corporation may, with the consent of the Minister and with the concurrence of the Minister of Finance, or in accordance with the terms of any general authority given by him with such concurrence, borrow such sums as the Corporation may require for the carrying out of the objects of the Corporation. The funds of the Corporation shall be applied in paying the interest on, and the amount of, sums so borrowed.”

L. D.—01/37/51

AN ACT TO AMEND THE CEYLON STATE PLANTATIONS
CORPORATION ACT, NO. 5 OF 1958.

[Date of Assent: May 28, 1958]

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

1. This Act may be cited as the Ceylon State
Plantations Corporation (Amendment) Act,
1958.

Enacted at
Ceylon this
28th day of
May 1958.

2. Section 9 of the Ceylon State Plantations
Corporation Act, No. 5 of 1958, is hereby amended,
in the definition of the word "that section" of the
said section, to read as follows:—

"(b) The Corporation may, with the consent of
the Minister (a) with the concurrence of the
majority of the Board, or in accordance with the
terms of any general authority given by him with
such concurrence, borrow such sums as the
Corporation may require for the carrying out of
the objects of the Corporation. The funds of
the Corporation shall be applied in paying the
interest on, and the amount of, sums so
borrowed."

PARLIAMENT OF CEYLON

2nd Session 1961-62



Health Services (Amendment) Act, No. 13 of 1962

Date of Assent : May 26, 1962

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Health Services (Amendment) Act, No. 13 of 1962

L. D.—O. 69/59.

AN ACT TO AMEND THE HEALTH SERVICES ACT.

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Health Services (Amendment) Act, No. 13 of 1962.

Short title.

2. Section 4 of the Health Services Act is hereby amended as follows:—

Amendment of section 4 of Chapter 219.

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

(a) by the substitution, for the words “five other officers of the Department”, of the words “seven medical practitioners”; and

(b) by the insertion, at the end of that sub-section, of the following:—

‘ In this sub-section, “medical practitioner” has the same meaning as in the Medical Ordinance.’; and

Cap. 105.

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

“(1A) Every member of the Health Council who is nominated by the Minister under sub-section (1) of this section shall, unless he earlier vacates office by resignation, hold office for a period of two years commencing from the date of his nomination. Any member who vacates office by effluxion of time shall be eligible for renomination.”.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Ceylon Institute of Scientific and Industrial Research (Amendment) Act, No. 14 of 1962

Date of Assent : May 26, 1962

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Ceylon Institute of Scientific
and Industrial Research
(Amendment) Act
No. 14 of 1962

Date of Assent: May 27, 1962

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L. D.—O. 56/57.

AN ACT TO AMEND THE CEYLON INSTITUTE OF SCIENTIFIC AND INDUSTRIAL RESEARCH ACT.

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Ceylon Institute of Scientific and Industrial Research (Amendment) Act, No. 14 of 1962.

Short title.

2. Section 4 of the Ceylon Institute of Scientific and Industrial Research Act, hereinafter referred to as the principal Act, is hereby amended, in the proviso to sub-section (1) of that section, as follows:—

Amendment of section 4 of Chapter 164.

(a) by the relettering of paragraph (a) and paragraph (b) of that proviso as paragraph (b) and paragraph (c) respectively, and

(b) by the insertion, immediately before the relettered paragraph (b) of that proviso, of the following new paragraph:—

“(a) only such of the charges for the services of the Institute to the Government and any department or agency of the Government as are in excess of five million rupees, which is the sum to be donated by the Government to the Institute under section 18 (1), shall be payable.”

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

Amendment of section 5 of the principal Act.

(1) in sub-section (2) of that section, by the substitution, in paragraph (a) of that section, for the words and figure “or elected as provided in sub-section (3) of this section,”, of the words “by the Minister,”; and

(2) by the repeal of sub-section (3) of that section.

Replacement of
section 20 of
the principal
Act.

4. Section 20 of the principal Act is hereby repealed and the following section substituted therefor:—

“Accounts.

20. (1) The Institute shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The Institute shall cause its books to be balanced as on the thirtieth day of September in each year and shall, before the thirty-first day of December next, cause to be prepared an income and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Institute made up to the first mentioned date. The income and expenditure account and the balance sheet shall be signed by the Chairman of the Board and by such officer of the Institute as may be authorised by the Board to do so.

(3) The accounts of the Institute shall be audited annually by an auditor (hereinafter referred to as “the auditor”) appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The auditor shall receive such remuneration from the funds of the Institute as the Minister may, with the concurrence of the Minister of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Institute shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his duties as auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Institute by such person

or persons as the Auditor-General may authorise in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to such person or persons or to any other person or persons authorised in that behalf by such person or persons, on such matters and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the Institute and ascertain the correctness of the balance sheet and income and expenditure account and furnish a report to the Auditor-General stating—

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

(b) whether in his opinion the balance sheet and the income and expenditure account referred to in the report are properly drawn up so as to exhibit a true and fair view respectively of the affairs of the Institute as at the date of such balance sheet and the result of its operation during the year ended on that date.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Board.

6 *Ceylon Institute of Scientific and Industrial Research (Amendment) Act, No. 14 of 1962*

Amendment
of section 21
of the
principal Act.

5. Section 21 of the principal Act is hereby amended by the substitution, for sub-section (1) of that section, of the following sub-section:—

(1) The Board shall, on receipt of the auditor's report in each year, transmit to the Minister—

(a) a copy of such report together with the Auditor-General's comments if any upon, and his supplement if any to, such report,

(b) a copy of the audited income and expenditure account,

(c) a copy of the audited balance sheet, and

(d) a report by such Board on the work of the Institute for the period for which the income and expenditure account has been made up.

The Minister shall cause copies of all documents specified above to be laid before the House of Representatives for approval subject to their examination by the Public Accounts Committee. ”.

Insertion of
new section
11A in the
principal Act.

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

“ Minister's
directions
to the
Board.

11A. In the exercise of its powers and the discharge of its duties under this Act, the Board shall be subject to, and act in accordance with, such general directions as the Minister may from time to time issue.”.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Police (Amendment) Act, No. 15 of 1962

Date of Assent : May 26, 1962

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Police (Amendment) Act

No. 45 of 1962

Enacted by the Parliament of Ceylon

Enacted by the Parliament of Ceylon

Enacted by the Parliament of Ceylon

Police (Amendment) Act, No. 15 of 1962

L. D.—O. 48/59.

AN ACT TO AMEND THE POLICE ORDINANCE.

[Date of Assent: May 26, 1962]

Chapter 53,
(Vol. II.,
page 299).

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

1. This Act may be cited as the Police (Amendment) Act, No. 15 of 1962.

Short title.

2. The following new section is hereby inserted immediately after section 28, and shall have effect as section 28A, of the Police Ordinance:—

Insertion of
new section
28A in
Chapter 53.

' Power to make regulations for the establishment and operation of a scheme for the grant of compensation in respect of the permanent total or partial disablement or death of police officers in the discharge of their duties.

28A. (1) The Minister may, with the concurrence of the Minister of Finance, make regulations providing for the establishment and operation of a scheme for the grant of compensation to any police officer who is permanently totally or partially disabled, or to the legal heir or heirs of any police officer who is dead, in any case where such disablement or death, as the case may be, is due to any injury—

(a) received by such officer, without his own negligence, in the actual discharge of his duties and on account of circumstances specifically attributable to the nature of his duties, or

(b) received by such officer as a result of any act of reprisal occasioned by, or arising out of, any action taken by him in his capacity as such officer.

Such regulations may provide for the principles, exceptions, restrictions and conditions according, and subject, to which such compensation will be granted and for all other matters necessary or expedient for the establishment and operation of such scheme. Such regulations may make different provisions in

respect of police officers who are members of the Special Police Reserve and police officers who are not such members.

(2) No regulation made under the preceding provisions of this section shall have effect until it is approved by the Senate and the House of Representatives, and notification of such approval is published in the *Gazette*.

(3) Any regulation made under the preceding provisions of this section may be given retrospective effect as from a date not earlier than the fourth day of February, 1948.

(4) Any compensation granted in accordance with regulations made under the preceding provisions of this section shall be a charge on the Consolidated Fund of Ceylon.

(5) Where in any case a dispute arises as to whether or not compensation is payable or as to the amount of compensation payable under any regulations made under the preceding provisions of this section, such dispute shall be referred to the Minister for decision by the Inspector-General of Police and the decision of the Minister, made with the concurrence of the Minister of Finance, on such reference shall be final and conclusive and shall not be subject to question or review in a court of law.

(6) Any compensation granted in accordance with regulations made under the preceding provisions of this section in respect of the disablement or death of a police officer shall be in addition to any pension, gratuity, compensation, allowance, or other benefit, granted in respect of such disablement or death under the Minutes on Pensions.

(7) For the purposes of this section "police officer" shall include a police driver.

3. The amendment made in the Police Ordinance by section 2 of this Act shall be deemed for all purposes to have come into force on the fourth day of February, 1948.

Section 2 to have retrospective effect.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Release from Custody of German Nationals' Property Act, No. 16 of 1962

Date of Assent : May 26, 1962

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Release from Custody of German
National Property Act

No. 16 of 1962

Date of Assent: May 28, 1962

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Release from Custody of German Nationals' Property Act, No. 16 of 1962

L. D.—O. 13/61.

AN ACT TO PROVIDE FOR THE DISPOSAL OF MONEY AND OTHER PROPERTY, BELONGING TO GERMAN NATIONALS, IN THE POSSESSION OF, OR VESTED IN, THE CUSTODIAN OF ENEMY PROPERTY.

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Release from Custody of German Nationals' Property Act, No. 16 of 1962.

Short title.

2. (1) (a) All such money payable to or for the benefit of German nationals as has been paid to, and

(b) the right, title and interest to and in all such property in Ceylon of German nationals as is vested in,

Property of German nationals held by Custodian of Enemy Property to be transferred to Crown and to be disposed of by Minister.

the Custodian of Enemy Property appointed under the Defence (Trading with the Enemy) Regulations, 1939, are hereby transferred to the Crown.

(2) The Minister is hereby empowered to make orders disposing of such money and property in any manner whatsoever specified in any such order and any such order shall have effect notwithstanding anything to the contrary in any law relating to the disposal of money or other property belonging to the Crown.

L. D. 4-10/52

AN ACT TO PROVIDE FOR THE LIBERAL OF MONEY AND
OTHER PROPERTY BELONGING TO GERMAN
NATIONALS, IN THE POSSESSION OF, OR TRUSTED IN,
THE GUARDIAN OF BENEVOLENT PROPERTY.

[Date of Assent: May 20, 1952]

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

1. This Act may be cited as the Release from
Custody of German Nationals' Property Act, No. 10
of 1952.

Property of
German
nationals
held or
vested in
the
Guardian of
Benevolent
Property as
defined in
the
Act.

2. (1) (a) All such money payable to or for the
benefit of German nationals as has
been paid, and

(b) the right, title and interest to and in
all such property in Ceylon of German
nationals as is vested in

the Guardian of Benevolent Property appointed under
the Defence (Trading with the Enemy) Regulations,
1948, are hereby transferred to the Crown.

(2) The Minister is hereby empowered to make
orders disposing of such money and property in any
manner whatsoever specified in any such order and
any such order shall have effect notwithstanding any
thing to the contrary in any law relating to the
deal of money or other property belonging to the
Crown.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Excise (Amendment) Act, No. 17 of 1962

Date of Assent : May 26, 1962

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Excise (Amendment) Act,
No. 17 of 1962

Date of Assent: May 28, 1962

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L. D.—O. 24/61.

AN ACT TO AMEND THE EXCISE ORDINANCE.

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Excise (Amendment) Act, No. 17 of 1962.

Short title.

2. The following new section is hereby inserted immediately after section 19 of the Excise Ordinance and shall have effect as section 19A of that Ordinance:—

Insertion of new section 19A in Chapter 52.

Power of Government Agent to take possession of premises for certain purposes.

19A. (1) It shall be lawful for the Government Agent of any Administrative District (hereinafter referred to as the "Government Agent"), with the prior approval of the Minister, to take possession of any premises, formerly used for the purposes mentioned in paragraphs (a) and (b) of this sub-section, situated within such Administrative District and to give such written directions as appear to him to be necessary or expedient in connection with the taking of possession of such premises in any case where it appears to him that the premises are required—

(a) for any one or more of the following purposes:—

- (i) manufacturing, or
- (ii) storing, or
- (iii) supplying by wholesale, or
- (iv) selling by wholesale, or
- (v) selling by retail,

any country liquor within any local area, or

(b) for the purpose of selling any foreign liquor by retail in a tavern within any local area under a tavern licence in that behalf from the Government Agent.

(2) Any police officer shall, if requested so to do by the Government Agent, take such steps and use such force as may be reasonably necessary for securing compliance with directions given under sub-section (1) in relation to the taking, or giving up, of possession of any premises.

(3) The period during which possession may be retained of any premises of which possession is taken under sub-section (1) shall be fixed by the Government Agent at the time of taking of possession, but such period may from time to time be varied by the Government Agent.

(4) It shall be lawful for the Government Agent, for the whole or a part of the time during which he is in possession of any premises under this section, to permit the occupation of the premises by any person (hereinafter called the "occupant").

(5) The occupant shall pay compensation, calculated in the manner set out in sub-section (6), to the person to whom rent would have been payable if the Government Agent had not taken possession of the premises and if the occupant was a tenant in respect of the premises of which he is in occupation.

(6) The amount of compensation referred to in sub-section (5) in respect of any premises shall be a sum equal to the rent which, in the opinion of the Government Agent, might reasonably be expected to be payable by a tenant in occupation of the premises, where the tenant undertook to pay all usual rates and to bear the cost of the repairs :

Provided, however, that in the case of any premises to which the Rent Restriction Act applies, the amount of compensation shall not exceed the authorised amount for the premises as determined under that Act.

(7) The occupant shall pay all usual rates and bear the cost of the repairs.

(8) Compensation under sub-section (5) shall be considered as accruing due from day to day for the period during which the premises are permitted to be occupied under sub-section (4), and be apportionable in respect of time accordingly, and shall be payable in respect of any particular month not later than the tenth day of the month next following.

(9) In any case where a dispute arises as to the person to whom any compensation under sub-section (5) in respect of any premises is payable, the provisions of sections 10 to 14 of the Land Acquisition Act shall, in so far as may be, apply in like manner as they apply where any land is to be acquired under that Act.

(10) Any person who is dissatisfied with the manner in which the amount of compensation has been calculated under sub-section (6) may appeal to have that amount revised to the Board of Review constituted under section 19 of the Land Acquisition Act; and the provisions of sub-sections (2) and (3) of section 22 of that Act and of sections 23 to 28 of that Act shall, *mutatis mutandis*, apply in relation to any appeal so preferred.

(7) The occupant shall pay all usual rates and bear the cost of the repairs.

(8) Compensation under sub-section (5) shall be considered as accruing one day to day for the period during which the premises are permitted to be occupied under sub-section (4), and the occupant shall be payable in respect of any part of the month next following.

(9) In any case where a dispute arises as to the person to whom any compensation under sub-section (5) in respect of any premises is payable, the provisions of sections 10 to 14 of the Land Acquisition Act shall, in so far as they apply in this manner as they apply where any land is to be acquired under that Act.

(10) Any person who is dissatisfied with the manner in which the amount of compensation has been calculated under sub-section (5) may appeal to have that amount revised to the Board of Review constituted under section 19 of the Land Acquisition Act and the provisions of sub-sections (2) and (3) of section 22 of that Act and of sections 23 to 25 of that Act shall, mutatis mutandis, apply in relation to any appeal so preferred.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Estate Duty (Amendment) Act, No. 18 of 1962

Date of Assent : May 26, 1962

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PARLIAMENT OF CEYLON

2nd Session 1962-63



Excise Duty (Amendment)
Act No. 18 of 1962

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Estate Duty (Amendment) Act, No. 18 of 1962

L. D.—O. 4/60.

AN ACT TO AMEND THE ESTATE DUTY ORDINANCE.

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Estate Duty (Amendment) Act, No. 18 of 1962.

Short title.

2. Section 6 of the Estate Duty Ordinance (hereinafter referred to as the "principal enactment"), as amended by Act No. 15 of 1959, is hereby amended in the proviso to paragraph (d) of that section, by the substitution, for paragraph (iv) of that proviso, of the following paragraph:—

Amendment of section 6 of Chapter 241.

"(iv) nothing herein contained shall apply to such gifts as are specified in sub-section (1) of section 21 of the Personal Tax Act, No. 14 of 1959, other than any gift specified in paragraph (b), paragraph (f), paragraph (h) or paragraph (i) of that sub-section;"

3. Section 48 of the principal enactment is hereby amended in sub-section (2) of that section by the substitution, in paragraph (a) of that sub-section, for all the words and figures from "in Ceylon" to "section 79, and", of the words "in Ceylon, and".

Amendment of section 48 of the principal enactment.

AN ACT TO AMEND THE ESTATE DUTY ORDINANCE.

[Date of Assent: May 27, 1932]

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

1. This Act may be cited as the Estate Duty (Amendment) Act No. 13 of 1932.

Amendment of section 3 of Ordinance 211.

2. Section 3 of the Estate Duty Ordinance (hereinafter referred to as the "principal enactment") as amended by Act No. 13 of 1932 is hereby amended in the proviso to paragraph (a) of that section by the substitution for paragraph (iv) of that section of the following paragraph:—

(iv) holding therein contained shall apply to such gifts as are specified in sub-section (1) of section 31 of the Personal Tax Act, No. 14 of 1930 other than any gift specified in paragraph (b), paragraph (c), paragraph (d) or paragraph (e) of that sub-section.

Amendment of section 31 of the Personal Tax Ordinance.

3. Section 31 of the principal enactment is hereby amended in sub-section (2) of that section by the substitution for paragraph (c) of that sub-section for all the words and figures from "in Ceylon" to "section 30 and" of the words "in Ceylon, and"

PARLIAMENT OF CEYLON

2nd Session 1961-62



Revenue Protection Act, No. 19 of 1962

Date of Assent : May 26, 1962

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PARLIAMENT OF CEYLON

3rd Session 1961-62



Revenue Protection Act
No. 19 of 1962

Date of Assent: May 26 1962

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Revenue Protection Act, No. 19 of 1962

L. D.—O. 14/61.

AN ACT TO REPEAL THE REVENUE PROTECTION ORDINANCE AND TO ENACT NEW PROVISIONS OF LAW FOR THE PROTECTION OF THE PUBLIC REVENUE.

[Date of Assent: May 26, 1962]

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

1. This Act may be cited as the Revenue Protection Act, No. 19 of 1962.

Short title.

2. (1) Where the Cabinet decides that a Bill or resolution should be introduced in the House of Representatives, being a Bill or resolution which will have the effect of—

Power of Minister to make Revenue Protection Orders.

- (a) imposing any customs duty on any article for the time being not subject to such duty; or
- (b) increasing or reducing the rate of such duty on any article for the time being subject to such duty; or
- (c) abolishing such duty on any article for the time being subject to such duty,

the Minister may make an Order with a view to giving immediate legal effect to such decision pending that Bill becoming an Act of Parliament, or that resolution being passed by the House of Representatives, as the case may be.

(2) An Order made by the Minister under subsection (1) is in this Act referred to as a "Revenue Protection Order".

(3) A Revenue Protection Order shall come into force on such date as may be specified in the Order or, if no date is so specified, on the date on which it is made by the Minister.

(4) A Revenue Protection Order shall, so long as it remains in force, have the effect of law notwithstanding anything in the Customs Ordinance or any resolution passed by the House of Representatives thereunder and, if so expressly provided, notwithstanding the provisions of any other written law (other than the Customs Ordinance or such resolution) as may be specified in the Order.

(5) Every Revenue Protection Order shall be published in the *Gazette*.

When a Revenue Protection Order ceases to be in force.

3. A Revenue Protection Order shall cease to be in force—

- (a) on a date four months after the date on which such Order came into force; or
- (b) on the date of the rejection by the House of Representatives of the Bill or resolution which was the subject-matter of the decision in relation to which such Order was made; or
- (c) on the date of the withdrawal of such Bill or resolution from the House of Representatives; or
- (d) on the date on which the House of Representatives adjourns *sine die* the consideration of such Bill or resolution; or
- (e) on the date of the dissolution of Parliament; or
- (f) on the date on which such Bill (whether with or without modification) becomes an Act of Parliament, or such resolution (whether with or without modification) is passed by the House of Representatives, as the case may be,

whichever date is the earlier date.

Circumstances in which a Revenue Protection Order is void and of no effect.

4. So long as the Revenue Protection Order is for the time being in force in respect of any customs duty on any article, the Minister shall not make a subsequent Revenue Protection Order in respect of such duty on that article, and accordingly any such Order made by the Minister in contravention of the preceding provisions of this section shall be void and of no effect whatsoever.

Effect of a Revenue Protection Order.

5. So long as a Revenue Protection Order is for the time being in force in respect of any customs duty on any article, the Principal Collector shall,—

- (a) if such Order is an Order to demand and levy such duty on that article at the rate or rates specified in the Order, provisionally demand and levy such duty on that article at the rate or rates so specified, in lieu of such duty leviable on that article under the

Customs Ordinance or any resolution passed by the House of Representatives thereunder but, unless otherwise expressly provided in the Order, in addition to such duty leviable on that article under any written law other than the Customs Ordinance or such resolution; or

- (b) if such Order is an Order abolishing such duty on that article, provisionally not demand or levy such duty on that article.

6. Where a Revenue Protection Order in respect of any customs duty on any article ceases to be in force, the Principal Collector shall,—

- (a) if such Order has so ceased to be in force by virtue of the operation of any of the provisions of paragraphs (a) to (e) of section 3 and customs duty was leviable on that article on the day immediately preceding the date on which such Order came into force, demand and levy such duty at the rate which was in force on that day; or

- (b) if such Order has so ceased to be in force by virtue of the operation of the provisions of paragraph (f) of section 3 and was not an Order abolishing such duty on that article, demand and levy such duty at the rate specified in the Act of Parliament or the resolution referred to in that paragraph,

until the rate of such duty is altered, or such duty is abolished, under the provisions of this Act or any other written law applicable in that behalf.

7. (1) Where a Revenue Protection Order in respect of any customs duty on any article ceases to be in force, then, if—

- (a) such duty is required to be demanded and levied on that article on or after the date of such cessation at a rate higher than the rate at which such duty was so demanded and levied while such Order was in force, the Principal Collector shall be entitled to recover from the person from whom such duty was so demanded and levied the amount which would have been payable by such person as such duty if such duty had been demanded and levied at

Customs duty which may be demanded and levied when a Revenue Protection Order ceases to be in force.

Refunds and recoveries of customs duty.

such higher rate while such Order was in force, less any sum actually paid by such person as such duty while such Order was in force; or

(b) such duty is required to be demanded and levied on that article on or after that date at a rate lower than the rate at which such duty was so demanded and levied while such Order was in force, the person from whom such duty was so demanded and levied shall be entitled to a refund from the Principal Collector of the amount of such duty paid in excess by such person while such Order was in force; or

(c) no such duty is required to be demanded and levied on that article on and after that date but was so demanded and levied while the Order was in force, the person from whom such duty was so demanded and levied shall be entitled to a refund of the whole amount paid by such person as such duty while such Order was in force; or

(d) such duty is required to be demanded and levied on that article on and after that date but was not so demanded and levied while such Order was in force, the amount which would have been payable as such duty if it had been demanded and levied while such Order was in force at the rate in force on and after that date shall be recoverable by the Principal Collector from the person who would have been liable to pay such duty.

(2) The provisions of sub-section (1) shall have effect notwithstanding anything in section 5.

8. The Revenue Protection Ordinance is hereby repealed.

9. Notwithstanding the repeal of the Revenue Protection Ordinance, any Order which was issued under section 2 of that Ordinance and was in force on the day immediately preceding the date of the commencement of this Act shall be deemed for all purposes to be a Revenue Protection Order made by the Minister under this Act, and accordingly shall continue in force until such time as it ceases to be in force in accordance with the provisions of this Act.

Repeal of
Chapter 250.

Saving of old
Revenue Pro-
tection
Orders.

10. In this Act unless the context otherwise requires— Interpretation.

“customs duty” means any export duty or import duty;

“Principal Collector” means the Principal Collector of Customs and includes any Deputy or Assistant Collector of Customs, or any Officer of Customs.

Revenue Protection Act, 1903 of 1903

10. In this Act unless the context otherwise requires

“customs duty” means any export duty or import duty;

“Principal Collector” means the Principal Collector of Customs and includes any Deputy or Assistant Collector of Customs or any Officer of Customs.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Coconut Products (Amendment) Act, No. 20 of 1962

Date of Assent : June 16, 1962

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L. D.—O. 29/61.

AN ACT TO AMEND THE COCONUT PRODUCTS ORDINANCE.

Chapter 160,
Vol. VI,
Page 543.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Coconut Products (Amendment) Act, No. 20 of 1962.

Short title.

2. Section 3 of the Coconut Products Ordinance, hereinafter referred to as the "principal enactment", is hereby amended by the insertion, immediately after paragraph (6) of that section, of the following new paragraph:—

Amendment of
section 3
of Chapter
160.

"(6A) to grant financial assistance to manufacturers of desiccated coconut, in accordance with regulations that may be made in that behalf, for the purpose of enabling such manufacturers to improve the processes of milling in mills belonging to them."

3. (1) The following new sections are hereby inserted immediately after section 20 of the principal enactment, and shall have effect as section 20A and section 20B of that enactment:—

Insertion of
new sections
20A and 20B
in the principal
enactment.

"Desiccated coconut not to be exported except on licence.

20A. On and after such date as may be fixed in that behalf by the Minister by Notification published in the *Gazette*, no person shall export any desiccated coconut from Ceylon except under the authority of a desiccated coconut general export licence or a desiccated coconut special export licence issued by the Board.

Regulations relating to manufacture and export of desiccated coconut.

20B. Regulations may be made for or in respect of all or any of the following matters:—

(a) the regulation, inspection, supervision, and control of the manufacture, packing, transport, storing, and export of desiccated coconut;

- (b) prescribing standards of quality to which all desiccated coconut manufactured shall conform;
- (c) ensuring that desiccated coconut exported from Ceylon is free from impurities or foreign matter, and is of good quality;
- (d) the inspection, supervision, regulation and control of factories, stores, buildings, equipment, and machinery used or to be used for the manufacture, packing, or storing of desiccated coconut;
- (e) the issue, renewal, suspension, and cancellation of desiccated coconut general export licences and desiccated coconut special export licences, and the terms and conditions subject to which such general or special licences shall be issued, and the manner of disposal of desiccated coconut in respect of which such licences are refused;
- (f) the registration of manufacturers or shippers of desiccated coconut, the terms and conditions subject to which such registration shall be effected, and the circumstances in which the registration of any such manufacturer or shipper may be renewed, suspended, or cancelled;
- (g) the prohibition of the manufacture or shipment of desiccated coconut except by registered manufacturers or shippers;

- (h) applications for registration as manufacturers or shippers of desiccated coconut, and prescribing forms for such applications;
- (i) the fees to be paid for the registration of manufacturers or shippers of desiccated coconut and for the issue of desiccated coconut general or special export licences, and the time and mode of payment of such fees;
- (j) appeals to the Minister against the refusal to register, or to renew the registration of, any person as a manufacturer or shipper of desiccated coconut, or against the suspension or cancellation of the registration of any manufacturer or shipper, or against the refusal, suspension, or cancellation of desiccated coconut general or special export licences;
- (k) the manner in which such appeals to the Minister shall be preferred and disposed of, and the procedure to be followed at the hearing of such appeals;
- (l) the fees to be paid by persons preferring appeals to the Minister, and the time and mode or payment of such fees;
- (m) the investigation of complaints made by importers regarding any desiccated coconut which has been exported from Ceylon; and
- (n) all matters incidental to or connected with the matters referred to in this subsection."

(2) Section 20B, inserted in the principal enactment by sub-section (1) of this section, shall be deemed to have come into force on the date of commencement of the principal enactment and accordingly, the Desiccated Coconut (Manufacture and Export) Regulations, 1961, published in *Gazette* No. 12,400 of May 5, 1961, shall be deemed to have been duly made under the said section 20B, and to have been valid and effectual for all the purposes for which they were made.

Amendment of section 23 of the principal enactment.

4. Section 23 of the principal enactment is hereby amended by the insertion, immediately after sub-section (2) thereof, of the following new sub-section:—

“(2A) In order to provide an income for the Board to grant, under the provisions of paragraph (6A) of section 3, financial assistance to manufacturers of desiccated coconut, there shall be charged, levied and paid, in addition to the export duty on desiccated coconut imposed under sub-section (1) of this section, a further export duty of twenty-five cents on every hundredweight of desiccated coconut and so in proportion for any less weight of such desiccated coconut.”.

Amendment of section 30 of the principal enactment.

5. Section 30 of the principal enactment is hereby amended in sub-section (2) thereof, by the insertion immediately after paragraph (a), of the following new paragraph:—

“(aa) the grant of financial assistance to manufacturers of desiccated coconut for the purpose of enabling such manufacturers to improve the processes of milling in mills belonging to them, the terms and conditions upon which such financial assistance may be granted, and all matters pertaining to or consequent upon such grant, including the mode of recovery of sums so granted;”.

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Muslim Mosques and Charitable Trusts or Wakfs (Amendment) Act, No. 21 of 1962

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1961

L. D.—O. 36/59.

AN ACT TO AMEND THE MUSLIM MOSQUES AND CHARITABLE TRUSTS OR WAKFS ACT, No. 51 OF 1956.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Muslim Mosques and Charitable Trusts or Wakfs (Amendment) Act, No. 21 of 1962.

Short title.

2. The following new section is hereby inserted immediately after section 9 of the Muslim Mosques and Charitable Trusts or Wakfs Act, No. 51 of 1956, hereinafter referred to as the "principal Act", and shall have effect as section 9A of that Act:—

Insertion of new section 9A in Act No. 51 of 1956.

"Delegation of powers, duties or functions of the Board to the Commissioner.

9A. The Board may by resolution delegate to the Commissioner any of the powers, duties or functions conferred or imposed upon, or vested in, the Board by or under this Act.

Any act done by the Commissioner in pursuance of any power, duty or function delegated to him under this section shall be reported by the Commissioner to the Board."

3. Section 13 of the principal Act is hereby amended by the substitution, for all the words from "and, if the Board" to "shall cause that mosque", of the following:—

Amendment of section 13 of the principal Act.

"the Board, after making such inquiries as it may deem necessary for verifying—

(a) the particulars contained in such application, and

(b) if any information and documents had been received by it in accordance with any notice served under section 11 on the applicant for registration, such information and the particulars contained in such documents,

shall cause that mosque".

Insertion of
new sections
13A, 13B and
13C in the
principal Act.

4. The following new sections are hereby inserted immediately after section 13 of the principal Act, and shall have effect as sections 13A, 13B and 13C, of that Act:—

“ Registration
of mosques on
applications
made after
period specified
in section 10.

13A. Notwithstanding anything in section 10, where an application for the registration of a mosque is made at any time after the expiry of the period specified in that section, such application shall be received by the Board and the provisions of sections 11 and 13 shall apply in relation to such application as if such application were made within the period specified in section 10.

Power of Board
to register a
mosque when no
applications
for registration
is made.

13B. (1) Where the Board determines that a mosque in respect of which no application for registration has been made should be registered, the Board shall for the purposes of such registration collect all such information as it may consider necessary regarding that mosque, and publish a notice of such determination in the Sinhala, Tamil and English languages in the *Gazette* and in one or more newspapers circulating in the area in which such mosque is situated.

(2) Every notice under sub-section (1) shall specify a date (such date being not later than one month after the date of that notice) on or before which objections to the proposed registration will be received by the Board.

(3) Every objection preferred in consequence of a notice under sub-section (2) shall be in writing and shall contain a statement of the grounds upon which the objection is made.

(4) After the expiry of the date referred to in sub-section (2), the Board shall, if it is of the opinion that the mosque should be registered after considering the objections, if any, to the registration of the mosque, cause the mosque to be registered in the Register

of Mosques by the entry therein of such particulars relating to the mosque as are available to the Board.

Power of Board to cancel the registration of a mosque which had been registered by reason of a mistake of law or of fact.

13C. If at any time the Board is satisfied that it has caused a mosque to be registered by reason of a mistake of law or of fact, it shall be lawful for the Board to cause the entry relating to that mosque to be deleted from the Register of Mosques, and such mosque shall be deemed to be not registered with effect from the date of such deletion.”.

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

Amendment of section 14 of the principal Act.

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

(i) by the substitution, for the words “persons to be”, of the words “persons from among Muslims to be”, and

(ii) by the substitution, for the words “that mosque.”, of the words “that mosque and issue to every person so appointed as a trustee an instrument of appointment.”;

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

“(1A) The Board may at any time after the appointment of a person as trustee of a mosque revoke his appointment if it is satisfied that such appointment was made by reason of a mistake of law or of fact.

Where the Board decides to revoke the appointment of any person as a trustee it shall by notice in writing addressed to such person—

(i) inform him of the revocation of his appointment as trustee, and

6 *Muslim Mosques and Charitable Trusts or Wakfs (Amendment) Act, No. 21 of 1962*

(ii) require him to return to the Board the instrument of appointment issued to him,

and upon receipt of such notice such person shall comply with such requirement.”;

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

(i) by the substitution, for the words “shall officiate”, of the words “shall, subject to such general or special directions as the Board may from time to time issue, officiate”, and

(ii) by the substitution, for the word and figures “section 15.”, of the following:—

“section 15 or his appointment as trustee is revoked by the Board under sub-section (1A).”; and

(d) by the substitution, for sub-section (4) of that section, of the following sub-section:—

“(4) The Board may, by notice in writing addressed to a trustee, require him to return to the Board the instrument of his appointment as trustee for the insertion therein of such condition or conditions as it may deem necessary and upon receipt of the notice the trustee shall return such instrument to the Board.

Every condition inserted in an instrument of appointment shall take effect from the date on which such condition is inserted.”.

6. Section 15 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, for paragraph (f) of that sub-section, of the following new paragraph:—

“(f) if the Board removes him from office under section 29.”.

7. The following new sections are hereby inserted immediately after section 15, and shall have effect as sections 15A and 15B, of the principal Act:—

Insertion of
new sections
15A and 15B in
the principal
Act.

“Duty of person or persons in charge of any property belonging to a mosque to hand over or deliver possession of such property to the duly appointed trustee or trustees of that mosque.

15A. (1) Upon the appointment of a trustee or trustees of a mosque by the Board, the person or persons who immediately prior to the date of such appointment had in any capacity whatsoever the possession, custody or control of any property which—

- (a) belonged to that mosque, or
- (b) in any way appertained to that mosque, or
- (c) was appropriated to the use of that mosque,

shall, upon a request being made in writing therefor by such trustee or trustees, hand over, or deliver possession of, such property, together with any documents relating to such property, to such trustee or trustees.

(2) Where any person fails to comply with the requirements of a request made under sub-section (1) within thirty days of the date of receipt of such request, the Board may, if it decides so to do, cause a notice in writing to be served on such person. Every such notice shall direct such person to hand over, or deliver possession of, within a period not exceeding one month as may be specified in such notice, such property as may be specified in the notice together with any documents relating thereto to the trustee or trustees of the mosque appointed by the Board.

(3) Where any person fails to deliver possession of, or to hand over, to the trustee or trustees of a mosque any property other than money specified in a notice served on him under sub-section

(2) within the period specified in that notice, the Commissioner, if directed so to do by the Board, shall, on making an application in that behalf to the Magistrate's Court having jurisdiction over the place where the land is situated, if such property is land, or where such person resides, if such property is property other than land, be entitled to an order of that Court directing the Fiscal to deliver possession of or hand over such property to the trustee or trustees of the mosque.

(4) Where any person fails to hand over to the trustee or trustees of a mosque any sum of money specified in a notice served on him under sub-section (2) within the period specified in that notice, the Commissioner may issue a certificate setting out the sum of money and the name and last known place of abode of such person to a Magistrate having jurisdiction over the place in which such person resides and such sum may be recovered in like manner as a fine imposed by that Court, notwithstanding that the amount of the money may exceed the amount of the fine which that Court may in the exercise of its ordinary jurisdiction impose.

Nothing in the preceding provisions of this sub-section shall authorise or require the Magistrate in any proceeding thereunder to consider, examine or decide the correctness of any statement in the certificate of the Commissioner.

(5) (a) Where an order under sub-section (3) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to that Court the manner in which that order was executed.

(b) For the purpose of executing an order relating to land issued by a Magistrate's Court under sub-section (3), the Fiscal or any person acting

under his directions may use such force as may be necessary to enter the land to which that order relates and to eject any person in occupation thereof and to deliver possession of that land to the trustee or trustees of the mosque.

(6) (a) A request referred to in sub-section (1), or a notice referred to in sub-section (2), to any person, shall be made or given by letter despatched to him by registered post and addressed to his last known place of abode.

(b) A request or notice made or given to any person by letter as provided in this sub-section shall be deemed to have been made to, or served on, him at the time at which the letter would have been delivered in the ordinary course of post.

(7) A decision of the Board under sub-section (2) shall be final and conclusive and shall not be called in question in any court:

Provided, however, that any person who claims to have any interest in any property which has been handed over, or the possession of which has been delivered to, the trustee or trustees of a registered mosque under the preceding provisions of this section may, not later than six months after the date on which such property has been handed over or possession thereof has been delivered to such trustee or trustees, institute an action in a court of competent jurisdiction to recover possession of such property, and the decision in such action shall be binding on such trustee or trustees and the Board, but so however that no costs or damages shall be awarded against the Board or any member thereof or such trustee or trustees.

10 *Muslim Mosques and Charitable Trusts or Wakfs (Amendment) Act, No. 21 of 1962*

Powers of trustees to appoint, exercise disciplinary control over, and dismiss Katheeb, etc.

15B. The trustee or trustees of a registered mosque shall have the power to appoint any person as a Katheeb, Pesh Imam, Lebbe, Muezzin, teacher in Arabic, labourer, or other employee in that mosque, and to exercise disciplinary control over, and dismiss, any person carrying on the duties of a Katheeb, Pesh Imam, Lebbe, Muezzin, teacher in Arabic or labourer, or carrying on duties in any other capacity whatsoever in that mosque. ”.

Insertion of new section 22A in the principal Act.

8. The following new section is hereby inserted immediately after section 22, and shall have effect as section 22A, of the principal Act:—

“ Duty of trustee or trustees of a registered mosque to maintain tills in accordance with directions of the Board.

22A. It shall be the duty of a trustee or trustees of a registered mosque to maintain in the mosque such number of tills, and in such manner, as the Board may direct for the reception of contributions in money made by worshippers and others who desire to make a contribution to that mosque. ”.

Repeal of sections 23 and 24 of the principal Act.

9. Sections 23 and 24 of the principal Act are hereby repealed.

Amendment of section 29 of the principal Act.

10. Section 29 of the principal Act is hereby amended as follows:—

(a) by the repeal of sub-sections (1) and (2) of that section and the substitution therefor of the following new sub-sections:—

“ (1) The Board may, of its own motion or upon a complaint made by any five members of the jama'ath of any registered mosque, either inquire, or direct the Commissioner or any person authorised in that behalf by the Board to hold an inquiry, into any alleged misfeasance, breach of trust or neglect of duty committed by a trustee of that mosque in respect of any property vested in that trustee or into any failure on the part of a trustee of that mosque to comply with the provisions of this Act,

or into the inability of a trustee of that mosque to perform the duties imposed by or under this Act or to administer efficiently the general affairs of that mosque.

(2) Where an inquiry under sub-section (1) has been held by the Board, the Board may, if it is satisfied that the allegations against the trustee have been proved, remove such trustee from office. ”;

(b) by the renumbering of sub-sections (3), (4), (5) and (6) respectively as sub-sections (6), (7), (8) and (9) of the principal Act ;

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

“ (3) Where an inquiry under sub-section (1) has been held by the Commissioner, the Commissioner may, if he is satisfied that the allegations against the trustee have been proved suspend such trustee and appoint an interim trustee and thereupon shall submit a report in writing on the inquiry held by him to the Board who shall after considering such report remove the trustee, in respect of whom such inquiry was held, from office or reinstate such trustee.

(4) Where an inquiry under sub-section (1) has been held by a person other than the Commissioner, such person shall submit a report on the inquiry held by him to the Board who may if it is satisfied that the allegations against the trustee have been proved, remove the trustee from office.

(5) Where any person has been appointed as an interim trustee of a registered mosque under sub-section (3), such person shall hold office until the Board either reinstates the trustee who was suspended or appoints a new trustee,

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Wakfs (Amendment) Act, No. 21 of 1962*

and shall exercise, perform and discharge the powers, duties or functions conferred or imposed upon, or vested in, a trustee of a mosque by or under this Act.”; and

(d) in renumbered sub-section (6) of that section—

- (i) by the substitution, for the expression “sub-section (4)”, of the expression “sub-section (7)”,
- (ii) by the omission of paragraph (d) of that sub-section, and
- (iii) by the relettering of paragraph (e) of that sub-section as paragraph (d).

Amendment of
section 32 of
the principal
Act.

11. Section 32 of the principal Act is hereby amended as follows:—

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

(a) in paragraph (d) of that sub-section by the substitution, for the words “mosque, shrine or place; and”, of the words “mosque, shrine or place or in any other place whatsoever;”;

(b) in paragraph (e) of that sub-section—

(i) by the omission of the word “other”, and

(ii) by the substitution, for the word “thereof.”, of the words “thereof; and”;

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

“(f) any other purpose recognised by Muslim law as religious, pious or charitable.”; and

(2) by the repeal of sub-section (2) of that section.

12. Section 43 of the principal Act is hereby amended in sub-section (2) of that section, by the substitution for the words "appropriate to the case:", of the following:—

Amendment of section 43 of the principal Act.

"appropriate to the case, and, where such trustee or trustees has or have failed to furnish such statement, a contribution out of such amount as is determined by the Board to be income of that mosque, shrine, place, trust or wakf less any sums paid out or such income as rates or taxes, during the period of twelve months immediately preceding the thirty-first day of March in the year in which such failure has occurred, calculated at such of the rates specified in that Schedule as is appropriate to the case:".

13. Section 54 of the principal Act is hereby amended in sub-section (2) of that section by the substitution, in paragraph (c) of that sub-section, for the word "Board.", of the words "Board or of trustees of a mosque."

Amendment of section 54 of the principal Act.

14. (1) Section 57 of the principal Act is hereby repealed.

Repeal of section 57 of the principal Act.

(2) The amendment made to the principal Act by sub-section (1) shall be deemed for all purposes to have come into operation on the first day of May, 1957.

15. The following new sections are hereby inserted immediately after section 57, and shall have effect as sections 57A and 57B, of the principal Act:—

Insertion of new sections 57A and 57B in the principal Act.

"No action against Board, etc., for things done in good faith under the Act.

57A. No action or other legal proceeding shall lie against the Board or any member thereof, or the Commissioner or any other person duly appointed or authorised under this Act, in respect of anything which is in good faith done or purported to be done under this Act.

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Application
of the Act.

57B. The provisions of this Act shall apply to every mosque, Muslim shrine and place of religious resort notwithstanding anything in any other written law, and where there is a conflict between this Act and any other written law, the provisions of this Act shall prevail.”.

Amendment of
section 58 of
the principal
Act.

16. Section 58 of the principal Act is hereby amended by the insertion, immediately after the definition of “member”, of the following definition:—

‘ “Muslim shrines and places of religious resort” include a Muslim shrine or a place of religious resort situated in land which is wakf or in land in private ownership.’.

Amendment of
Second Schedule
to the principal
Act.

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

(1) by the insertion, immediately after item 3 of that Schedule, of the following new item:—

‘ 3A. In sub-section (4) of section 13B and section 13C, there shall be substituted for the word “Mosques”, the words “Shrines and Places of Religious Resort” ’ ; and

(2) in item 5 of that Schedule—

(a) in paragraph (b) of that item, by the substitution, for the number “(5)”, wherever that number occurs in that paragraph, of the number “(8)”, and

(b) in paragraph (c) of that item, by the substitution—

(i) for the number “(6)”, of the number “(9)”, and

(ii) for the number “(7)”, of the number “(10)”.

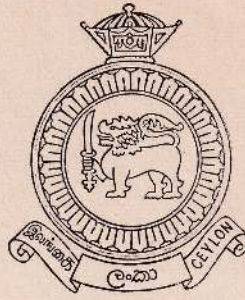
18. (1) Where, by reason of the repeal of sub-section (2) of section 32 of the principal Act by this Act, the provisions of Part V of the principal Act become applicable to any Muslim charitable trust or wakf of the description specified in that sub-section, the trustee or trustees of any such trust or wakf shall, notwithstanding anything in the principal Act, furnish to the Board within six months after the date of commencement of this Act, a statement setting out the particulars specified in section 34 of the principal Act in respect of such trust or wakf.

(2) Any person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence under the principal Act and shall, on conviction after summary trial before a Magistrate, be liable to the same penalty as is specified in section 53 (3) of that Act.

Duty of trustee or trustees of a Muslim charitable trust or wakf, to which the provisions of Part V of the principal Act apply upon the repeal of section 32 (2) of that Act, to furnish to the Board, a statement of particulars in respect of that trust or wakf.

(1) ... (2) ...

...



1962 ම් ஆண்டின் 21 ம் இலக்க
முஸ்லிம் பள்ளிவாசல்கள் தரும
நம்பிக்கைச் சொத்துக்கள் அல்லது
வக்புகள் (திருத்தச்) சட்டம்

1963

அரசினர் ஆணைப்படி, இலங்கை வாழைச்சேனை ஈஸ்ரேண் பேப்பர்
மில்ஸ் கோப்பரேஷனல் உற்பத்தி செய்யப்பட்ட காகிதத்தில் இலங்கை
அரசாங்க அச்சகத்திற் பதிப்பிக்கப்பெற்றது

கொழும்பு அரசாங்க வெளியீட்டுப் பணியகத்தில் விற்பனைக்குண்டு

விலை : சதம் 50

தபாற் செலவு : சதம் 20

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L. D.—O. 36/59

1956 ம் ஆண்டின் 51 ம் இலக்க முஸ்லிம் பள்ளிவாசல்கள், தரும நம்பிக்கைச் சொத்துக்கள் அல்லது வக்புகள் சட்டத்தினைத் திருத்தியமைப்பதற்கானதொரு சட்டம்.

(சம்மதமளித்த தேதி ஜூன் 16, 1962)

இப்போதைய இந்தப் பாராளுமன்றத்திற் குழுமியுள்ள இலங்கைச் சேனேற் சபையினதும் பிரதிநிதிகள் சபையினதும் ஆலோசனைப் படிபுஞ் சம்மதத்துடனும், மாட்சிமை தங்கிய மகாராணியாரினூற் பின்வருமாறு சட்டமாக்கப்படுவதாகுக.

1. இச்சட்டம் முஸ்லிம் பள்ளிவாசல்கள், தரும நம்பிக்கைச் சொத்துக்கள் அல்லது வக்புகள் (திருத்தச்) சட்டம் என எடுத்துக் காட்டப்படலாம்.

சரூக்கப் பெயர்.

2. இதனாகத்துப் பின்னர் பிரதான சட்டம் எனக் குறிப்பிடப்படும் 1956 ம் ஆண்டின் 51 ம் இலக்க முஸ்லிம் பள்ளிவாசல்கள், தரும நம்பிக்கைச் சொத்துக்கள் அல்லது வக்புகள் சட்டத்தின் 9 ம் பிரிவினை உடனடுத்துப் பின்வரும் புதிய பிரிவு இதனால் சேர்க்கப் படுகிறது. அது அச்சட்டத்தின் 9அ என்னும் பிரிவாகப் பயனுடைய தாதல் வேண்டும்.

1956 ம் ஆண்டின் 51 ம் இலக்கச் சட்டத்தில் 9அ என்னும் புதிய பிரிவு சேர்க்கப் படுதல்.

சபைக்குரிய தத்து வங்கள் கடமைகள் பணிகள் என்பன வற்றைக் கொடி ஷனருக்குக் கைய னித்தல். 9அ. தீர்மானத்தின் மூலம் சபை இச்சட்டத்தி னால் அல்லது இதன்மீதச் சபைக்கு வழங்கப்பட்டுள்ள, பொறுப்பிக்கப்பட்டுள்ள அல்லது உரிமையாக்கப்பட்டுள்ள தத்துவங்கள், கடமைகள் அல்லது பணிகள் என்பனவற்றுள் எதனையும் கொடிஷனருக்குக் கையளிக்கலாம்.

இப்பிரிவின்கீழ் தமக்குக் கையளிக்கப்பட்ட தத்து வம், கடமை அல்லது பணி எதனையும் அனுசரித்துக் கொடிஷனரால் செய்யப்பட்ட எச்செயலும், கொடி ஷனரால் சபைக்கு அறிவிக்கப்படவேண்டும்.

3. பிரதான சட்டத்தின் 13 ம் பிரிவினது “சபைக்கு விண்ணப்பஞ் செய்யப்பட்டதன்மேலும்” என்பது தொடங்கி “அந்தப் பள்ளிவாசல்” என்பது வரையுமுள்ள சொற்கள் எல்லாவற்றிற்கும் பதிலாகப் பின் வருவனவற்றை இவைதன் மூலம் திருத்தியமைக்கப்படுகின்றது.

பிரதான சட்டத்தின் 13 ம் பிரிவுக்கான திருத்தம்.

(அ) அத்தகைய விண்ணப்பத்திலடங்கியுள்ள விபரங்களையும்,

(ஆ) 11 ம் பிரிவின்கீழ் விண்ணப்பக்காரனுக்குச் சேவிக்கப்பட்ட ஏதேனும் அறிவித்தலுக்கிணங்க அதனால் ஏதேனும் செய்தியும் எவையேனும் பத்திரங்களும் பெறப்பட்டிருந் தால் அத்தகைய செய்தியையும் அத்தகைய பத்திரங் களிலடங்கியுள்ள விவரங்களையும் சரிபார்ப்பதற்குத் தேவை யானவையென அது கருதும் அத்தகைய விசாரணைகளைச் செய்தபின்னர் அந்தப் பள்ளிவாசல்”.

பிரதான சட்டத்
தில் 13அ, 13ஆ,
13இ என்னும்
புதிய பிரிவுகள்
சேர்க்கப்படுதல்.

4. பிரதான சட்டத்தின் 13 ம் பிரிவினை உடனடுத்துப் பின்வரும் புதிய பிரிவுகள் இதனூற் சேர்க்கப்படுகின்றன. அவை இச்சட்டத்தின் 13அ, 13ஆ, 13இ என்னும் பிரிவுகளாகப் பயனுடையனவாதல் வேண்டும்.

10 ம் பிரிவிற்
குறிப்பிடப்பட்ட
காலத்தின் பின்
னர் செய்யப்படும்
விண்ணப்பத்தின்
மீது பள்ளிவாசல்
கள் பதியப்படுதல்.

13அ. 10 ம் பிரிவின் கண் அடங்கியது எது எவ்விதமிருப்பினும் அப்பிரிவின் கண் குறிப்பிடப் பட்ட காலம் கழிந்தபின் எப்பொழுதேனும் பள்ளி வாசல் ஒன்று பதியப்படுவதற்கான விண்ணப்பஞ் செய்யப்படுபிடத்து, அத்தகைய விண்ணப்பம் சபை யினால் ஏற்கப்பட்டு 10 ம் பிரிவின் கண் குறிப்பிடப் பட்ட காலத்துள் அத்தகைய விண்ணப்பம் செய்யப் பட்டிருந்தாற் போன்று 11 ம் 13 ம் பிரிவுகளின் ஏற்பாடுகள் அத்தகைய விண்ணப்பம் தொடர்பாக ஏற்புடையனவாதல் வேண்டும்.

பதியப்படுவதற்
கென விண்ணப்
பம் எதுவும் செய்
யப்படாத விடத்
தும் பள்ளிவாசல்
ஒன்றனைப் பதிவ
தற்குச் சபைக்
குள்ள தத்துவம்.

13ஆ. (1) பதியப்படுவதற்கென அதன் பொருட் டாக எவ்வித விண்ணப்பமும் செய்யப்படாத பள்ளி வாசல் ஒன்று பதியப்படவேண்டும் எனச் சபை தீர் மானிக்குமிடத்து, சபை அத்தகைய பதிவின் நோக் கத்துக்கென அந்தப் பள்ளிவாசல் சம்பந்தமாக அது தேவையானவையெனக் கருதும் அத்தகைய எல் லாச் செய்திகளையும் திரட்டலாம். அத்துடன் அத் தகைய தீர்மானம் பற்றி அந்தப் பள்ளிவாசல் அமைந்துள்ள பிரதேசத்தில் வழங்கும் ஒன்று அல் லது அதிலும் அதிகமான புதினப் பத்திரிகைகளி லும் கசெற்றிலும் சிங்களம், தமிழ், ஆங்கிலமாகிய மொழிகளில் அறிவித்தல் ஒன்று பிரசுரித்தல் வேண்டும்.

(2) (1) ம் உட்பிரிவின் கீழான அறிவித்தல் ஒவ்வொன்றும் செய்யப்படவிருக்கும் பதிவிற்கெதி ரான ஆட்சேபங்கள் சபையால் எத்தேதியன்று அல் லது எதற்கு முன்னர் ஏற்றுக்கொள்ளப்படுமென (அறிவித்தலின் தேதியிலிருந்து ஒரு மாதத்துக்குப் பிந்தாததான) ஒரு தேதியைக் குறிப்பிடுதல் வேண் டும்.

(3) (2) ம் உட்பிரிவின் கீழான அறிவித்தல் ஒன்றின் விளைவாகச் செய்யப்படும் ஒவ்வொரு ஆட் சேபனையும் எழுத்திலிருந்து ஆட்சேபனை செய்யப் படும் காரணங்களின் கூற்று ஒன்றினையும் அடக்கிய தாய் இருத்தல் வேண்டும்.

(4) (2) ம் உட்பிரிவின் குறிப்பிடப்பட்ட தேதி கழிந்த பின்னர் சபை பள்ளிவாசல் பதியப்படுவதற் கெதிராக எவையேனும் ஆட்சேபனைகள் இருப்பின் அவற்றினை ஆராய்ந்த பின்னர் அப்பள்ளிவாசல் பதியப்படவேண்டுமென கருதினால், சபைக்குக் கிடைக் கக் கூடியனவாயுள்ள அப்பள்ளிவாசல் பற்றிய அத்தகைய விபரங்கள் அதன் கண் பதியப்படுவதன்

மூலம் பள்ளிவாசல்கள் இடாப்பில் அப்பள்ளிவாசல் பதியப்படச் செய்தல் வேண்டும்.

சட்டத்தவறு அல்லது விஷயத் தவறு காரணமாகப் பதியப்பட்ட பள்ளிவாசல் ஒன்றின் பிரிவினை நீக்குவதற்குச் சபைக்குரிய தத்துவம்.

13இ. எப்பொழுதாயினும் சட்டத்தவறு அல்லது விஷயத்தவறு ஒன்றின் காரணமாக பள்ளிவாசல் ஒன்றை அது பதியப்படச் செய்துவிட்டது எனச் சபை திருப்திப்பட்டால் பள்ளிவாசல்கள் இடாப்பிலிருந்து அப்பள்ளிவாசல் சம்பந்தமான பதிவை நீக்கலிடும்படி செய்வித்தல் அச்சபைக்குச் சட்டமுறையானதாகும். அங்ஙனம் நீக்கப்பட்ட தேதியிலிருந்து அத்தகைய பள்ளிவாசல் பதியப்படாததொன்றாகக் கொள்ளப்படுதல் வேண்டும்.

5. பிரதான சட்டத்தின் 14 ம் பிரிவு இதனால் பின்வருமாறு திருத்தியமைக்கப்படுகின்றது:—

பிரதான சட்டத்தின் 14 ம் பிரிவுக் கான திருத்தம்.

(அ) அப்பிரிவின் (1) ம் உட்பிரிவில்

(i) “ஆட்களைச்” என்னும் பதத்துக்குப்பதிலாக “ஆட்களை முஸ்லிம்களிலிருந்து” என்னும் சொற்களை இடுவதன் மூலமும்.

(ii) “நியமனஞ் செய்தல் வேண்டும்” என்னும் சொற்களுக்குப் பதிலாக “நியமனஞ் செய்து, அவ் விதம் நம்பிக்கைப் பொறுப்பாளராக ஒருவர் நியமிக்கப்பட்ட பின்னர் எக்காலத்திலேனும் சபை அத்தகைய நியமனம் ஒரு சட்டத்தவறு அல்லது விஷயத்தவறு காரணமாகச் செய்யப்பட்டது எனத் திருப்திப்பட்டால் அவரின் நியமனத்தை நீக்கஞ் செய்யலாம், நம்பிக்கைப் பொறுப்பாளராக ஆள் எவரும் நியமனத்தைச் சபை நீக்கஞ் செய்யத் தீர்மானிக்குமிடத்து, அத்தகைய ஆளுக்கு விலாசமிடப்படும் எழுத்திலான அறிவித்தல் மூலம்

(i) நம்பிக்கைப் பொறுப்பாளராக அவரின் நியமனத்தின் நீக்கம் பற்றியவருக்கு அறிவித்தல் வேண்டும், அத்துடன்

(ii) அவருக்கு வழங்கப்பட்ட நியமனச் சாதனத்தினைச் சபைக்குத் திருப்பியனுப்பும்படி அவரைக் கோருதல் வேண்டும்.

அத்தகைய ஆளும், அத்தகைய அறிவித்தலைப் பெற்றதும் அத்தகைய வேண்டுகோளுக்கு இணங்க ஒழுக்குதல் வேண்டும்.

(இ) அப்பிரிவின் (2) ம் உப்பிரிவில்

(i) உத்தியோகம் பார்ப்பார் என்னும் சொற்களுக்குப் பதிலாக “சபை காலத்துக்குக் காலம் விடுக்கும் அத்தகைய பொதுவான அல்லது விசேட பதிப்புரைகளுக்கு அமைய உத்தியோகம் பார்ப்பார்” என்னும் சொற்களை இடுவதன் மூலமும்,

(ii) “15 பிரிவின் பிரகாரம் அவர் தமது பதவியிலிருந்து விலகினாலன்றி” என்னும் சொற்களுக்குப் பதிலாகப் பின்வருவனவற்றை இடுவதன் மூலமும்:—

“15 ம் பிரிவின் பிரகாரமும் அவர் தமது பதவியிலிருந்து விலகினாலன்றி” என்னும் சொற்களுக்குப் பதிலாகப் பின்வருவனவற்றை இடுவதன் மூலமும்

“15 ம் பிரிவின் பிரகாரம் அவர் தமது பதவியிலிருந்து விலகினாலன்றி அல்லது (1அ) என்னும் உப்பிரிவின் கீழ் சபையினால் நம்பிக்கைப் பொறுப்பாளராக அவரின் நியமனம் நீக்கக் செய்யப்பட்டாலன்றி” அத்துடன்

(ஈ) அப்பிரிவின் 4 ம் உப்பிரிவுக்குப் பதிலாக பின்வரும் உப்பிரிவினை இடுவதன் மூலமும்:—

(4) சபையானது நம்பிக்கைப் பொறுப்பாளர் ஒருவருக்கு விலாசமிடப்படும் எழுத்திலான அறிவித்தல் ஒன்றன் மூலம் நம்பிக்கைப் பொறுப்பாளராக அவரின் நியமன சாதனத்தை அது தக்கதெனக் கருதும் அத்தகைய நிபந்தனை அல்லது நிபந்தனைகளை அதன் கண் சேர்ப்பதற்கென திருப்பியனுப்பும்படி அவரைக் கேட்டுக்கொள்ளலாம்.

அத்தகைய அறிவித்தலைப் பெற்றதும் நம்பிக்கைப் பொறுப்பாளர் சாதனத்தைச் சபைக்குத் திருப்பி அனுப்பிவைத்தல் வேண்டும். நியமன சாதனம் ஒன்றின் கண் சேர்க்கப்படும் ஒவ்வொரு நிபந்தனையும் அத்தகைய நிபந்தனை அதன் கண் சேர்க்கப்பட்ட தேதியிலிருந்து பயனுடையதாகும்.

6. பிரதான சட்டத்தின் 15 ம் பிரிவு இதனால் அப்பிரிவின் (1) ம் உப்பிரிவின் கண் அவுப்பிரிவின் (ஊ) என்னும் பந்திக்குப் பதிலாக பின்வரும் புதிய (ஊ) என்னும் பந்தியை இடுவதன் மூலமும் திருத்தியமைக்கப்படுகிறது:—

“(ஊ) 29 ம் பிரிவின் கீழ் சபை அவரைப் பதவியிலிருந்து நீக்கினால்”.

பிரதான சட்டத்தின் 15 ம் பிரிவுக்கான திருத்தம்

தரும் நம்பிக்கைச் சொத்துக்கள் அல்லது வக்புகள் (நிருத்தச்) சட்டம்.

7. 15 ம் பிரிவினை உடனடுத்துப் பின்வரும் புதிய பிரிவுகள் இதனால் சேர்க்கப்படுகின்றன. அவை பிரதான சட்டத்தின் 15அ, 15ஆ என்னும் பிரிவுகளாகப் பயனுடையதாகத் தல வேண்டும்.

பிரதான சட்டத் தின் 15அ, 15ஆ என்னும் புதிய பிரிவுகளைச் சேர்த தல்.

ஒரு பள்ளிவாச லுக்குச் சேர்ந்த சொத்து எதனை யேனும் தம் பொறுப்பில் வைத்திருக்கும் ஆள் அல்லது ஆட்கள் எவரும் அப்பள்ளிவாச லுக்கு முறைப்படி நியமிக்கப்பட்ட நம்பிக்கைப் பொறுப்பாளரிடம் கையளிக்க வேண்டியது அல்லது கொடுக்க வேண்டியது அவரின் கடமையாகும்.

15அ. (1) சபையினால் ஒரு பள்ளிவாசலுக்கு நம்பிக்கைப் பொறுப்பாளர் ஒருவர் அல்லது நம்பிக்கைப் பொறுப்பாளர்கள் நியமிக்கப்படுமிடத்து, அத்தகைய நியமனத் தேதியை உடனடுத்து முன்னர் எத்தகைய தோரணியிலேனும்சரி தனது அல்லது தமது வசம் பாதுகாப்பில் அல்லது கட்டுப் பாட்டில்—

(அ) அந்தப் பள்ளிவாசலுக்குச் சொந்தமான அல்லது

(ஆ) அப்பள்ளிவாசலுக்கு எவ்வழியிலேனும் சேர்ந்த அல்லது

(இ) அப்பள்ளிவாசலின் உபயோகத்துக்கென உரிமை பாராட்டப்பட்டுவந்த எந்தச்

சொத்தையும் அத்தகைய நம்பிக்கைப் பொறுப்பாளரால் அல்லது நம்பிக்கைப் பொறுப்பாளர்களால் எழுத்திலான கோரிக்கையொன்று அதற்கெனச் சமர்ப்பிக்கப்படுமிடத்து அத்தகைய சொத்தினை அத்தகைய நம்பிக்கைப்பொறுப்பாளருக்கு அல்லது நம்பிக்கைப் பொறுப்பாளர்களுக்கு அத்தகைய சொத்துச் சம்பந்தமான பத்திரங்களுடன் சேர்த்துக் கையளித்தல் வேண்டும் அல்லது ஆட்சியளித்தல் வேண்டும்.

(2) (1) ம் உட்பிரிவின் கீழ்ச் செய்யப்பட்ட வேண்டு கோள் ஒன்றின் தேவைகளுக்கு அத்தகைய வேண்டு கோள் பெறப்பட்ட தேதியிலிருந்து முப்பது நாட்களுக்கிடையில் இணங்கி ஒழுக்க ஆள் எவரும் தவறு மிடத்து சபை, அது அவ்விதஞ் செய்யத் தீர்மானித்தால் அத்தகைய ஆள்மீது எழுத்தினான தொரு அறிவித்தல் சேவிக்கப்படும்படி செய்யலாம். அத்தகைய அறிவித்தல் ஒவ்வொன்றும் அவ்வறிவித்தலிற் காட்ப்படும், ஒரு மாதத்துக்கு மேற்படாத ஒரு காலத்துள் அத்தகைய அறிவித்தலில் காட்ப்படும் சொத்தினை அதற்குத் தொடர்புடைய எவையேனும் பத்திரங்களுடன் சபையால் நியமிக்கப்பட்ட பள்ளிவாசலின் நம்பிக்கைப் பொறுப்பாளருக்கு அல்லது பொறுப்பாளர்களுக்கு கையளிக்க வேண்டும் அல்லது ஆட்சியளிக்கவேண்டும் எனப் பணித்தல் வேண்டும்.

(3) (2) ம் உட்பிரிவின்கீழ் தம்மீது சேவிக்கப்பட்ட அறிவித்தல் ஒன்றிற் குறிப்பிடப்பட்டதும் பணமல்லாததுமான எச்சொத்தினையேனும் பள்ளிவாசல் ஒன்றன் நம்பிக்கைப் பொறுப்பாளருக்கு அல்லது பொறுப்பாளர்களுக்கு அந்த அறிவித்தலிற் குறிப்பிடப்பட்ட காலத்துள் ஆள் எவரேனும் கையளிக்க அல்லது அதன் ஆட்சியளிக்கத் தவறுமிடத்து, கொமிஷனர் அவ்விதம் செய்யும்படி சபையினால் பணிக் கப்படி அச்சொத்துக் காணியாயின் காணியமைந்துள்ள அல்லது அத்தகைய சொத்துக் காணியல்லாத தாயின் அவ்வாள் வசிக்கும் இடத்தின் மீது நியாயாதிக்கமுள்ள நீதிவான் நீதிமன்றத்தில் அதற்கெனச் செய்யப்படும் விண்ணப்பத்தின்மீது, அப் பள்ளிவாசலின் நம்பிக்கைப்பொறுப்பாளர் அல்லது நம்பிக்கைப் பொறுப்பாளரிடம் ஆட்சியை ஒப்படைக்கும்படி அல்லது அத்தகைய சொத்தைக் கையளிக் கும்படி பிஸ்காலுக்குப் பணிக் கும் நீதிமன்றக் கட்டளை யொன்றை பெற உரித்துடையராவர்.

(4) ஒரு பள்ளிவாசலின் நம்பிக்கைப்பொறுப்பாளரிடம் அல்லது நம்பிக்கைப் பொறுப்பாளர்களிடம் (2) ம் உட்பிரிவின்கீழ் அவர் மீது சேவிக்கப்பட்ட ஒரு அறிவித்தல் குறிப்பிடப்பட்ட பணத்தொகை எதனையும் அந்த அறிவித்தலிற் குறிப்பிடப்பட்ட காலத்துள் கையளிக்க ஆள் ஒருவர் தவறுமிடத்து, கொமிஷனர் அந்த ஆள் வசிக்கும் இடத்தின்மீது நியாயாதிக்கமுள்ள நீதிவானுக்கு பணத்தின் தொகையையும் அத்தகைய ஆளின் பெயரும் கடைசியாக வசித்ததாக அறியப்படும் இடமும் ஆகியவற்றைக் காட்டும் ஒரு சான்றுப் பத்திரத்தை வழங்கலாம். அத்தகைய பணத்தொகை அந்நீதிமன்றம் தனது சாதாரண நியாயாதிக்கத்தினைப் பிரயோகிக்கும்படித்து அது விதிக்கக்கூடிய அபராதத் தொகைக்கு மேற்பட்டதாகவிரும்பினும் அத்தகைய பணத்தொகை அந்நீதிமன்றத்தினால் விதிக்கப்பட்ட அபராதத் தொகை அறவிடப்படுமாறுபோல அறவிடப்படலாம்.

இவ்வாட்பிரிவின் முற்போந்த ஏற்பாடுகளுள் எதுவாயினும் இதன்கீழான எந்நடவடிக்கைக் கண்ணனும் கொமிஷனரின் சான்றுப் பத்திரத்திலுள்ள எக்கூற்றினதும் நேர்மையைப் பரிசீலனை செய்ய, ஆராய அல்லது தீர்மானிக்கும்படி நீதிவானைப் பணிப்பதாகாது அல்லது அதிகாரமளிப்பதாகாது.

(5) (அ) நீதிவான் நீதிமன்றமொன்றினால் (3) ம் உட்பிரிவின்கீழான ஒரு கட்டளை பிஸ்காலுக்கு வழங்கப்படுமிடத்து அவர் உடனே அக்கட்டளையை நிறை

வேற்றி அக்கட்டளை நிறைவேற்றப்பட்ட விதம்பற்றி எழுத்தில் நீதிமன்றத்துக்கு ஒரு அறிக்கை சமர்ப்பித்தல் வேண்டும்.

(ஆ) (3) ம் உட்பிரிவின்கீழ் ஒரு நீதிவான் நீதிமன்றத்தினால் வழங்கப்பட்ட காணி சம்பந்தமான கட்டளை ஒன்றை நிறைவேற்றும் நோக்கத்துக்கென பிஸ்கால் அல்லது அவரின் பணிப்புரைகளின் கீழ் செயலாற்றும் ஆள் எவரும் அக்கட்டளைத் தொடர்புடைய அக்காணியுட் செல்வதற்கும் அதன்கண் குடியிருக்கும் ஆள் எவரையும் அகற்றுவதற்கும் பள்ளிவாசல் நம்பிக்கைப் பொறுப்பாளருக்கு அல்லது பொறுப்பாளர்களுக்கு அக்காணியின் ஆட்சியைப் பெற்றுக் கொடுப்பதற்கும் தேவையாகும் அத்துணைப் பலாத்காரத்தினைப் பிரயோகிக்கலாம்.

(6) (அ) எவரேனும் ஆள் ஒருவருக்கான (1) ம் உட்பிரிவிற் குறிப்பிடப்பட்ட வேண்டுகோள் ஒன்று அல்லது (2) ம் உட்பிரிவிற் குறிப்பிடப்பட்ட அறிவித்தல் ஒன்று பதிவுத் தபாலாகவும் கடைசியாக அறியப்பட்ட அவரின் இருப்பிடத்துக்கு விலாசமிடப்பட்டதாகவும் அனுப்பப்படும் கடிதமூலம் செய்யப்படுதல் வேண்டும் அல்லது கொடுக்கப்படுதல் வேண்டும்.

(ஆ) இவ்வுட்பிரிவில் ஏற்பாடு செய்யப்பட்டுள்ள விதமாகக் கடித மூலம் எவரேனும் ஆள் ஒருவருக்குச் செய்யப்படும் அல்லது கொடுக்கப்படும் வேண்டுகோள் அல்லது அறிவித்தல் ஒன்று அக் கடிதம் தபாலில் சாதாரணமாக அவருக்கு ஒப்படைக்கப்படவேண்டிய அந்த நேரத்தில் அவரிடம் சேர்க்கப்பட்டதாக அல்லது சேவிக்கப்பட்டதாகக் கருதப்படல் வேண்டும்.

(7) (2) ம் உட்பிரிவின்கீழான சபையின் முடிவொன்று இறுதியானதும் முற்றானதுமாதல் வேண்டும். அது எந்த நீதிமன்றத்திலேனும் கேள்விக்குட்படுத்தலாகாது.

ஆயின் எவ்வாறேனும் இப்பிரிவின் முற்போந்த ஏற்பாடுகளின் கீழ்ப் பதியப்பட்ட பள்ளிவாசல் ஒன்றின் நம்பிக்கைப்பொறுப்பாளருக்கு அல்லது நம்பிக்கைப் பொறுப்பாளர்களுக்கு கையளிக்கப்பட்டுள்ள அல்லது அதன் ஆட்சி வழங்கப்பட்டுள்ள ஏதேனும் சொத்தில் ஏதேனும் அக்கறை உரியவராக உரிமை கோரும் ஆள் எவரும் அத்தகைய நம்பிக்கைப்பொறுப்பாளருக்கு அல்லது பொறுப்பாளர்களுக்கு அத்தகைய சொத்து கையளிக்கப்பட்ட அல்லது அதன் ஆட்சி வழங்கப்பட்ட தேதியிலிருந்து ஆறு மாதங்களுக்குப் பிந்தாமல், தகுந்த நியாயாதிக்கமுள்ள நீதிமன்றம் ஒன்றில் அச்சொத்

தின் ஆட்சியை மீள்பெறுவதற்கென வழக்குத் தொடரலாம். அத்தகைய வழக்கில் ஏற்படும் முடிவு நம்பிக்கைப்பொறுப்பாளரை அல்லது நம்பிக்கைப் பொறுப்பாளர்களையும் சபையையும் கட்டுப்படுத்துவ தாயமையும். ஆனால் சபைக்கெதிராகவேனும் அதன் அங்கத்தவர் எவர்க்கெதிராகவேனும் அத்தகைய நம்பிக்கைப்பொறுப்பாளர் அல்லது நம்பிக்கைப் பொறுப்பாளர்களுக்கெதிராகவேனும், வழக்குச் செலவுகள் அல்லது நடடங்கள் தீர்க்கப்படுதலாகாது.

கதிப் முதலியவர்களை நியமிப்பதற்கும் அவர்கள்மீது ஒழுக்க நடவடிக்கை எடுப்பதற்கும் நீக்குவதற்கும் நம்பிக்கைப் பொறுப்பாளர்களுக்குள்ள தத்துவங்கள்.

15. ஆ. பதியப்பட்ட பள்ளிவாசல் ஒன்றின் நம்பிக்கைப்பொறுப்பாளர் அல்லது பொறுப்பாளர்கள் எவ்வாறையும் அப்பள்ளிவாசலில் ஒரு கதிபாக, பேஷ் இமாமாக, லெவ்வையாக, முஅஸ்லினைக, அரபு ஆசிரியராக, வேலையாளாக அல்லது வேறுபணியாளாக நியமிப்பதற்கும், அவ்விதம் கதிப், பேஷ் இமாம், லெவ்வை, முஅஸ்லின், அரபு ஆசிரியர் அல்லது வேலையாளர் ஒருவரின் கடமைகளைச் செய்து வருகின்ற அல்லது அப்பள்ளிவாசலில் வேறு எத்தகைய தன்மையிலேனும் கடமைகளைச் செய்து வருகின்ற எந்த ஆள்மீதும் ஒழுக்க நடவடிக்கைகளைப் பிரயோகிப்பதற்கும் நீக்குவதற்கும் தத்துவ முடையவராயிருத்தல் வேண்டும்.

பிரதான சட்டத்தில் 22அ என்னும் புதிய பிரிவு சேர்க்கப்படுதல்.

8. 22 ம் பிரிவினை உடனடுத்துப் பின்வரும் புதிய பிரிவு இதனால் சேர்க்கப்படுகிறது. அது பிரதான சட்டத்தின் 22அ என்னும் பிரிவாகப் பயனுடையதாகத் வேண்டும்:—

சபையின் பணிப்புக்களுக்கு இணங்க உண்டியல்களை பதியப்பட்ட பள்ளிவாசல் ஒன்றின் நம்பிக்கைப் பொறுப்பாளர் அல்லது பொறுப்பாளர்கள் பரிபாலித்து வருவதற்குரிய கடமை.

22அ. பதியப்பட்ட பள்ளிவாசல் ஒன்றின் நம்பிக்கைப்பொறுப்பாளர் அல்லது நம்பிக்கைப் பொறுப்பாளர்களுக்கு அந்தப் பள்ளிவாசலில் வழிபாடு செய்வோராலும் அந்தப் பள்ளிவாசலுக்குப் பண உதவி செய்ய விரும்பும் வேறு ஆட்களாலும் செய்யப்படும் பணக்கொடைகளை ஏற்புதற்கெனச் சபை பணிக்கும் அத்தனை உண்டியல்களையும் அத்தகைய விதமாக பரிபாலித்து வரவேண்டியது அவரின் கடமையாகும்.

பிரதான சட்டத்தின் 23 ம், 24 ம் பிரிவுகள் நீக்கப்படுதல்.

9. பிரதான சட்டத்தின் 23 ம், 24 ம் பிரிவுகள் இதனால் நீக்கப்படுகின்றன.

பிரதான சட்டத்தின் 29 ம் பிரிவிற்கான திருத்தம்.

10. பிரதான சட்டத்தின் 29 ம் பிரிவு பின்வருமாறு இதனால் திருத்தியமைக்கப்படுகிறது:—

(அ) அப்பிரிவின் (1) ம், (2) ம் உட்பிரிவுகள் நீக்கப்படுவதன் மூலமும் அவற்றுக்குப் பதிலாகப் பின்வரும் புதிய உட்பிரிவுகள் இடப்படுவதன் மூலமும்:—

(1) சபை தன் எண்ணத்தினமீது அல்லது பதியப் பட்ட எந்தப் பள்ளிவாசலினதும் ஜமாஅத்தின் எவ ரேனும் ஐந்து அங்கத்தவராற் செய்யப்படும் முறைப் பாட்டினமீது அந்தப் பள்ளிவாசலின் நம்பிக்கைப் பொறுப்பினரால் அந்த நம்பிக்கைப்பொறுப்பாள ருக்கு உரிமையாக்கப்பட்ட ஏதேனும் சொத்துக்கள் சம்பந்தமான இழைக்கப்பட்டதாகக் கருதப்படும் அதி காரத்தூர்ப் பிரயோகம் நம்பிக்கை மோசடி அல்லது கட மை தவறுதல் அல்லது இச்சட்டத்தின் ஏற்பாடுகளுக்கு இணங்கி ஒழுகுவதற்கு அப்பள்ளிவாசலின் நம் பிக்கைப்பொறுப்பாளர் மீதானதவறு அந்தப் பள்ளி வாசலின் நம்பிக்கைப்பொறுப்பாளருக்கு இச்சட்டத் தில் அல்லது இச்சட்டத்தின்கீழ் சுமத்தப்பட்ட கடமை செய்ய அல்லது அந்தப் பள்ளிவாசலின் பொதுவான அலுவல்களைத் திறம்பட நிர்வகித்து வர இயலாமை என்பனபற்றி விசாரணை செய்யலாம், அல்லது கொமிஷனரை அல்லது சபையால் அதற்கென அதி காரமளிக்கப்பட்ட வேறு எவ்வாறையும் விசாரணை செய்யும்படி பணிக்கலாம்.

(2) (1) ம் உட்பிரிவின் கீழான விசாரணை ஒன்று சபையினாற் செய்யப்படுமிடத்து சபை, நம்பிக்கைப் பொறுப்பாளருக்கு மாறான முறைப்பாடுகள் நிரூ பிக்கப்பட்டன எனத் திருப்திப்பட்டால் அந்த நம் பிக்கைப்பொறுப்பாளரைப் பதவியிலிருந்து நீக்க லாம்.

(ஆ) (3) ம், (4) ம், (5) ம், (6) ம் உட்பிரிவுகளை முறையே பிரதான சட்டத்தினதும் (6), (7), (8), (9) ம் உட்பிரிவுகளாகத் திரும்ப எண்ணிடுவதன் மூலமும்.

(இ) (2) ம் உட்பிரிவினை உடனடுத்துப் பின்வரும் புதிய உட்பிரி வினை இடுவதன் மூலமும்:—

(3) (1) ம் உட்பிரிவின் கீழானதொரு விசாரணை கொமிஷனரால் நடாத்தப்படுமிடத்து, கொமிஷனர் நம்பிக்கைப்பொறுப்பாளருக்கு எதிரான குற்றச்சாட் டுக்கள் நிரூபிக்கப்பட்டன எனத் திருப்திப்பட்டால் அத்தகைய நம்பிக்கைப்பொறுப்பாளரை இடை நிறுத்தி இடைக்கால நம்பிக்கைப்பொறுப்பாளர் ஒரு வரை நியமிக்கலாம் அதன்மேல் தம்மால் நடாத்தப் பட்ட விசாரணைபற்றிச் சபைக்கு அறிக்கையொன்று சமர்ப்பித்தல் வேண்டும். சபை அத்தகைய அறிக் கையை ஆராய்ந்த பின்னர் எந்த நம்பிக்கைப் பொறுப்பாளருக்கு எதிராக அவ்விசாரணை செய்யப் பட்டதோ அவரை ஒன்றில் பதவியிலிருந்து அகற்று தல் வேண்டும் இன்றேல் திரும்பவும் பதவியில் அமர்த்துதல் வேண்டும்.

(4) (2) ம் உட்பிரிவின்கீழான விசாரணை கொமிஷனர் தவிர்ந்த வேறு ஒரு ஆள் ஒருவரால் நடாத்தப்பட்டிருக்குமிடத்து அத்தகையவர் தம்மால் நடாத்தப்பட்ட விசாரணைற்றிச் சபைக்கு அறிக்கையொன்று சமர்ப்பித்தல் வேண்டும் சபை நம்பிக்கைப்பொறுப்பாளருக்கு எதிரான குற்றச்சாட்டுக்கள் நிரூபிக்கப்பட்டன என திருப்திப்பட்டால் நம்பிக்கைப்பொறுப்பாளரைப் பதவியிலிருந்து நீக்கலாம்.

(5) (3) ம் உட்பிரிவின்கீழ் ஆள் எவரேனும் பதியப்பட்ட பள்ளிவாசல் ஒன்றின் இடைக்கால நம்பிக்கைப் பொறுப்பாளரென நியமிக்கப்பட்டிருக்குமிடத்து அத்தகைய ஆள் சபை இடை நிறுத்தப்பட்ட நம்பிக்கைப்பொறுப்பாளரை திரும்பவும் பதவியில் அமர்த்தும்வரை அல்லது புதிய நம்பிக்கைப்பொறுப்பாளர் ஒருவரை நியமிக்கும்வரை பதவி வகித்து இச்சட்டத்தினால் அல்லது இச்சட்டத்தின்கீழ் பள்ளிவாசல் ஒன்றன் நம்பிக்கைப்பொறுப்பாளர் ஒருவருக்கு வழங்கப்பட்டுள்ள அல்லது சமர்ப்பிக்கப்பட்டுள்ள உரிமையாக்கப்பட்டுள்ள தத்துவங்கள் கடமைகள் பணிகள் என்பனவற்றைப் பிரயோகிக்க வேண்டும் நிறைவேற்றல் வேண்டும்.

(ஈ) அப்பிரிவின் திரும்ப எண்ணிடப்பட்ட (6) ம் உட்பிரிவின் கண்

(i) (4) ம் உட்பிரிவு என்னும் சொற்றொடருக்குப் பதிலாக (7) ம் உட்பிரிவேன்னும் சொற்றொடரை இருவதன் மூலமும்.

(ii) அவ்வுட்பிரிவின் (ஈ) என்னும் பந்தியை விட்டுவிடுவதன்மூலமும்.

(iii) அவ்வுட்பிரிவின் (உ) என்னும் பந்தியினை (ஈ) என்னும் பந்தியாகத் திரும்ப எழுத்திடுவதன் மூலமும்.

பிரதான சட்டத்தின் 32 ம் பிரிவுக்கான திருத்தம்.

11. பிரதான சட்டத்தின் 32 ம் பிரிவு இதனால் பின்வருமாறு திருத்தியமைக்கப்படுகின்றது :—

(1) அப்பிரிவின் (1) ம் உட்பிரிவின்

(அ) அவ்வுட்பிரிவின் (ஈ) என்னும் பந்தியில் “ பள்ளிவாசலில் கேஷத்திரத்தில் அல்லது இடத்தில் ” என்னும் சொற்களுக்குப் பதிலாக “ பள்ளிவாசலில் கேஷத்திரத்தில் அல்லது இடத்தில் அல்லது எத்தகையதான வேறு எவ்விடத்திலும் ” என்னும் சொற்களை இருவதன் மூலமும்.

(ஆ) அவ்வுட்பிரிவின் (உ) என்னும் பந்தியில்

(i) “ வேறு ” என்னும் சொல்லை விட்டுவிடுவதன் மூலமும்.

(இ) அவ்வுட்பிரிவின் (உ) என்னும் பந்தியினை உடனடுத்துப் பின்வரும் புதிய பந்தியினை இருவதன் மூலமும் :—

1962 ம் ஆன்புன் 21 ம் இலக்க முஸ்லிம் பள்ளிவாசல்கள், தரும் நம்பிக்கைச் சொத்துக்கள் அல்லது வக்புகள் (திருத்தச்) சட்டம்.

(ஊ) மதசார்பானதென தூய்மையானதென தருமமானதென முஸ்லிம் நியாயப்பிர மாணம் அங்கீகரிக்கும் வேறு எந்த நோக்கமும் அத்துடன்

(2) அப்பிரிவின் (2) ம் உட்பிரிவினை நீக்கி விடுதல் மூலமும்.

12. பிரதான சட்டத்தின் 43 ம் பிரிவு அப்பிரிவின் (2) ம் உட்பிரிவின் கண் “அந்தச் சந்தர்ப்பத்துக்கு ஏற்றதான விகிதப்படி கணிக்கப்பட்ட ஒரு பண உதவியை” என்னும் சொற்களுக்குப் பதிலாக பின்வருவதனை இடுவதன் மூலமும் இதனால் திருத்தியமைக்கப்படுகிறது :—

பிரதான சட்டத்தின் 43 ம் பிரிவுக்கான திருத்தம்.

“அந்தச் சந்தர்ப்பத்துக்கு ஏற்றதான விகிதப்படி கணிக்கப்பட்ட ஒரு பண உதவியையும் அத்தகைய நம்பிக்கைப்பொறுப்பாளர் அல்லது நம்பிக்கைப்பொறுப்பாளர்கள் அத்தகைய விவரக்கூற்றினை சமர்ப்பிக்கத் தவறியிருந்தால், அந்தப் பள்ளிவாசலின் வழிப்பாட்டிடத்தின், இடத்தின் நம்பிக்கைச் சொத்தின் வக்புவின் வருமானம் எனச் சபையால் தீர்மானிக்கப்படும் அத்தகைய தொகையிலிருந்து, அத்தகைய தவறு நிகழ்ந்த வருடத்தின் மார்ச்சு மாதம் முடிந்ததோராம் நாளுக்கு நேர் முந்திய பன்னிரண்டு மாதங்களுள் வீத வரிகளும் வரிகளுமாக அவ்வருமானத்திலிருந்து கொடுக்கப்பட்ட எவையேனும் தொகைகன்போக அவ்வட்டவணியிற் குறிப்பிடப்பட்ட சந்தர்ப்பத்துக்கேற்ற அத்தகைய விகிதத்தில் கணக்கிடப்படும் ஒரு கட்டுப்பணத்தையும்”

13. பிரதான சட்டத்தின் 54 ம் பிரிவு அதன் (2) ம் உட்பிரிவின் கண் அவ்வப்பிரிவின் (இ) என்னும் பந்தியில் “சபையின்” என்னும் சொல்லுக்குப் பதிலாக “சபையின் அல்லது ஒரு பள்ளிவாசலின் நம்பிக்கைப்பொறுப்பாளர்களின்” என்னும் சொற்களை இடுவதன் மூலமும் இதனால் திருத்தியமைக்கப்படுகிறது.

பிரதான சட்டத்தின் 54 ம் பிரிவுக்கான திருத்தம்.

14. (1) பிரதான சட்டத்தின் 57 ம் பிரிவு இதனால் நீக்கப்படுகிறது.

பிரதான சட்டத்தின் 57 ம் பிரிவு நீக்கப்படுதல்.

(2) (1) ம் உட்பிரிவினால் பிரதான சட்டத்துக்குச் செய்யப்படும் திருத்தமானது 1957 ம் ஆண்டு மே மாதம் 1 ம் நாள் நடைமுறைக்கு வந்துள்ளதான எல்லா நோக்கங்களுக்குமாகக் கருதப்படாதல் வேண்டும்.

15. 57 ம் பிரிவினை உடனடுத்துப் பின்வரும் புதிய பிரிவுகள் சேர்க்கப்படுகின்றன. அவை பிரதான சட்டத்தின் 57அ, 57ஆ என்னும் பிரிவுகளாகப் பயனுடையதாகத் வேண்டும் :—

பிரதான சட்டத்தின் 57அ, 57ஆ என்னும் புதிய பிரிவுகள் சேர்க்கப்படுதல்.

இச்சட்டத்தின் கீழ் நல்லெண்ணெய் துடன் செய்யப்பட்ட செயல் களுக்கான சபை முதலியோருக்கு எதிராக நடவடிக்கை எடுக்கப் படாமை.

57அ. இச்சட்டத்தின்கீழ் நல்லெண்ணெய்துடன் செய்யப்பட்ட அல்லது செய்யப்பட்டதாகக் கருதப்பட வேண்டிய எதற்குமாக சபைக்கு அல்லது அதன் அங்கத்தவர் எவருக்கும் அல்லது கொமிஷனருக்கு அல்லது இச்சட்டத்தின்கீழ் முறைப்படி நியமிக்கப்பட்ட அல்லது அதிகாரமளிக்கப்பட்ட வேறு ஆள் எவர்க்கும் எதிராக எவ்வழக்கேனும் வேறு சட்ட நடவடிக்கையேனும் எடுபடலாகாது.

சட்டத்தின் ஏற்புடமை.

57ஆ. இச்சட்டத்தின் ஏற்பாடுகள் எழுத்திலுள்ள வேறு நியாயப்பிரமாணத்திலுள்ளவை எவ்வித மிருப்பினும் ஒவ்வொரு பள்ளிவாசலுக்கும் முஸ்லிம் வழிபாட்டிடத்திற்கும் மதச்சார்பான இடத்துக்கும் ஏற்புடையனவாகும். இச்சட்டத்துக்கும் எழுத்திலுள்ள வேறு நியாயப்பிரமாணத்துக்குமிடையே முரண்பாடு இருப்பின் இச்சட்டத்தின் ஏற்பாடுகளே நிலைத்து நிற்கும்.

பிரதான சட்டத்தின் 58 ம் பிரிவுக்கான திருத்தம்.

16. பிரதான சட்டத்தின் 58 ம் பிரிவானது “அங்கத்தவர்” என்பதன் வரைவிலக்கணத்தினை உடனடுத்துப் பின்வரும் வரைவிலக்கணத்தினை இடுவதன் மூலமும் இதனால் திருத்தியமைக்கப்படுகின்றது:—

“முஸ்லிம் வழிபாட்டிடங்கள்” என்பன முஸ்லிம் வழிபாட்டிடம் ஒன்றையும் வக்புவான காணி ஒன்றில் அல்லது தனியுரிமையிலுள்ள காணி ஒன்றில் அமைந்துள்ள மதச்சார்பானதொரு இடத்தையும் உள்ளடக்கும்.

பிரதான சட்டத்தின் 2 ம் அட்டவணக்கான திருத்தம்.

17. பிரதான சட்டத்துக்குரிய 2 ம் அட்டவணை பின்வருமாறு இதனால் திருத்தியமைக்கப்படுகிறது:—

(1) அவ்வட்டவணையின் 3 ம் விடயத்தினை உடனடுத்துப் பின்வரும் விடயத்தினைச் சேர்த்தல் மூலமும்:—

3அ, 13ஆ என்னும் பிரிவினின் 4 ம் உட்பிரிவினும் 13இ என்னும் பிரிவினும் “பள்ளிவாசல்கள்” என்பதற்குப் பதிலாக “வழிபாட்டிடங்களும் மதச்சார்பான இடங்களும்” என்னும் சொற்கள் இடப்படல் வேண்டும்.

(2) அவ்வட்டவணையின் 5 ம் விடயத்தில்

(அ) அவ்விடயத்தின் (ஆ) என்னும் பந்தியில் “(5)” என்னும் எண்ணுக்குப் பதிலாக அப்பந்தியில் அவ்வெண் தோன்றுமிடத்து எல்லாம் “8” என்னும் எண்ணை இடுவதன் மூலமும்.

(ஆ) அவ்விடயத்தின் (இ) என்னும் பந்தியில் “(6)”
 என்னும் எண்ணுக்குப் பதிலாக “(9)” என்னும்
 எண்ணையும் “(7)” என்னும் எண்ணுக்குப் பதி
 லாக “(10)” என்னும் எண்ணையும் இடுவதன்
 மூலமும்.

18. இச்சட்டத்தினால் பிரதான சட்டத்தின் 32 ம் பிரிவின்
 2 ம் உட்பிரிவு நீக்கப்படும் காரணத்தினால், பிரதான
 சட்டத்தின் 5 ம் பாகத்தின் ஏற்பாடுகள் அப்பிரிவில் குறிப்பிடப்
 பட்டுள்ள விவரத்தினையுடைய முஸ்லிம் தரும நம்பிக்கைப்பொறுப்பு
 யுக்கு அல்லது வக்புக்கு ஏற்புடையனவாகுமிடத்து, அத்தகைய நம்
 பிக்கைப்பொறுப்பின் அல்லது வக்பின் நம்பிக்கைப்பொறுப்பாளர்
 அல்லது பொறுப்பாளர்கள், பிரதான சட்டத்தில் எது எவ்விதமிருப்
 பினும், இச்சட்டம் ஆரம்பமானதிலிருந்து ஆறு மாதங்களுள் அத்
 தகைய நம்பிக்கைப்பொறுப்பு அல்லது வக்பு சம்பந்தமாக பிரதான
 சட்டத்தின் 34 ம் பிரிவிற்கு குறிப்பிடப்பட்டுள்ள விபரங்களைக் காட்டும்
 கூற்று ஒன்றைச் சபைக்குச் சமர்ப்பித்தல் வேண்டும்.

பிரதான சட்டத்
 தின் 5 ம் பாகத்
 தின் ஏற்பாடுகள்
 ஏற்புடையதான
 ஒரு நம்பிக்கைப்
 பொறுப்புக்கு
 அல்லது வக்புக்கு
 நம்பிக்கைப்
 பொறுப்பாளர்
 அல்லது பொறுப்
 பாளர்களாக
 வுள்ளவர், அச்
 சட்டத்தின் 32
 (2) ம் பிரிவு நீக்கக்
 செய்யப்படுமிடத்து,
 சபைக்கு அந்த
 நம்பிக்கைப்
 பொறுப்புப்பற்றி
 அல்லது வக்பு
 பற்றி விவரக்
 கூற்று ஒன்று
 சமர்ப்பிக்க
 வேண்டியுள்ள
 கடமை.

(2) இப்பிரிவின் (1) ம் உட்பிரிவின் ஏற்பாடுகளை மீறும் ஆள்
 எவரும் பிரதான சட்டத்தின் கீழானதொரு குற்றத்துக்குக் குற்ற
 வாளியாகி நீதவான் முன்னரான சுருக்கமான விசாரணை ஒன்றின்
 மீது குற்றவாளியாகக் காணப்படுமிடத்து அச்சட்டத்தின் 53 (3) ம்
 பிரிவில் குறிப்பிடப்பட்ட அத்தகைய தண்டனை விதிக்கப்படுவதற்
 காளாவர்.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Licensing of Traders (Amendment)

Act, No. 22 of 1962

Date of Assent : June 16, 1962

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PARLIAMENT OF CEYLON

3rd Session 1961-62



Licensing of Traders (Amendment)

Act No. 22 of 1962

Date of Assent: June 16, 1962

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Price: 16 cents.

Price: 16 cents.

Licensing of Traders (Amendment) Act,
No. 22 of 1962

L. D.—O. 9/61.

AN ACT TO AMEND THE LICENSING OF TRADERS ACT,
No. 62 OF 1961.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Licensing of Traders (Amendment) Act, No. 22 of 1962.

Short title.

2. Section 5 of the Licensing of Traders Act, No. 62 of 1961, is hereby amended as follows:—

Amendment of section 5 of the Licensing of Traders Act, No. 62 of 1961.

(a) in sub-section (1) of that section, by the substitution, in sub-paragraph (ii) of paragraph (d) of that sub-section, for the words "general revenue", of the words "Consolidated Fund of Ceylon"; and

(b) by the substitution, for sub-section (7) of that section, of the following sub-section:—

“(7) Where any trader refuses or fails to pay into the Consolidated Fund of Ceylon any sum which he has been required so to pay by a punitive order under sub-section (1), such sum may be recovered from him by the authority who issued the licence to him, upon application made by that authority to the Magistrate's Court having jurisdiction over the last known place of business or residence of that trader, in like manner as a fine imposed by that Court, notwithstanding that such sum may exceed the amount of the fine which that Court may in the exercise of its ordinary jurisdiction impose:

Provided that nothing in this sub-section shall authorise or require the Magistrate before whom an application is made to consider, examine or decide the correctness or legality of such punitive order.”.

AN ACT TO AMEND THE TRADING ACT
No. 22 of 1951

[Title of Assent: June 10, 1962]

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

1. This Act may be cited as the Trading Act
Traders (Amendment) Act, No. 22 of 1962.

Enacted by
the Senate and
the House of
Representatives
of Ceylon in
this present
Parliament
assembled, and
by the authority
of the same.

2. Section 5 of the Trading Act,
No. 22 of 1951, is hereby amended as follows:—

(a) in subsection (1) of that section by the
insertion of a sub-paragraph (ii) of
subsection (a) of that section for the
words "general terms", of the words
"Consolidated Fund of Ceylon"; and

(b) by the substitution for sub-section (v) of that
section of the following sub-section:—

"(v) Where any trader whose name
falls to be put into the Consolidated Fund
of Ceylon any sum which he has been
required so to pay by a punitive order
under sub-section (1), such sum may be
recovered from him by the authority
who issued the licence to him, upon
application made by that authority to
the Magistrate's Court having jurisdiction
over the last known place of business
or residence of that trader, in the
manner as a fine imposed by that Court,
notwithstanding that such sum may
exceed the amount of the fine which that
Court may in the exercise of its ordinary
jurisdiction impose;

Provided that nothing in this sub-
section shall authorize or require the
Magistrate's Court upon an application
to consider, examine or decide
the correctness or legality of such
punitive order."

PARLIAMENT OF CEYLON

2nd Session 1961-62



Control of Prices (Amendment) Act, No. 23 of 1962

Date of Assent : June 16, 1962

Printed on the Orders of Government

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PARLIAMENT OF CEYLON

3rd Session 1961-62



Control of Prices (Amendment)

Act No. 23 of 1962

Date of Assent: June 18 1962

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Control of Prices (Amendment) Act, No. 23 of 1962

L. D.—O. 2/61.

AN ACT TO AMEND THE CONTROL OF PRICES ACT.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Control of Prices (Amendment) Act, No. 23 of 1962.

Short title.

2. Section 4 of the Control of Prices Act is hereby amended, in sub-section (1) of that section, by the substitution, for all the words from " If it appears " to " may by Order ", of the following:—

Amendment of section 4 of Chapter 173.

" If it appears to the Controller that there is, or is likely to arise, in any part of Ceylon, any shortage of any article or any unreasonable increase in the price of any article, or that the price at which any article is being sold in any such part is excessive, having regard, in the case of an imported article, to what the Controller considers to be the reasonable cost of the importation and distribution of such article, the Controller may by Order "

THE ACT TO AMEND THE CONTROL OF PRICES ACT

[Date of Assent: June 16, 1982]

Enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the Senate of Ceylon:—

1. This Act may be cited as the Control of Prices (Amendment) Act, No. 28 of 1982.

Amendment of the Control of Prices Act, No. 28 of 1971

2. Section 4 of the Control of Prices Act is hereby amended, in sub-section (1) of that section, by the substitution, for all the words from "If it appears to " may be Order " of the following:—

"If it appears to the Controller that there is or is likely to arise, in any part of Ceylon, any shortage of any article or any unreasonable increase in the price of any article, or that the price at which any article is being sold in any such part is excessive, having regard, in the case of an imported article, to what the Controller considers to be the reasonable cost of the production and distribution of such article, the Controller may by Order"

PARLIAMENT OF CEYLON

2nd Session 1961-62



Maternity Benefits (Amendment) Act, No. 24 of 1962

Date of Assent : June 16, 1962

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Maternity Benefits (Amendment)

Act No. 24 of 1962

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Price: 10 cents

Price: 10 cents

L. D.—O. 79/58.

AN ACT TO AMEND THE MATERNITY BENEFITS
ORDINANCE.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Maternity Benefits (Amendment) Act, No. 24 of 1962.

Short title.

2. Section 4 of the Maternity Benefits Ordinance (hereinafter referred to as the principal enactment), as amended by Act No. 6 of 1958, is hereby amended as follows:—

Amendment of section 4 of Chapter 140.

(1) in sub-section (1) of that section, by the substitution, for the expression “of the notice required by section 7 (2).”, of the expression “of her confinement.”; and

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

“(1A) For the purpose of reckoning the one hundred and fifty days referred to in sub-section (1), a woman worker shall be deemed to have worked on—

(a) the days on which she was not provided with work by her employer;

(b) the holidays to which she was entitled under any written law;

(c) the days of her absence on leave granted by her employer or allowed by or under any written law;

(d) the days of her absence due to any injury to her caused by, or arising out of, or in the course of, her employment;

Cap. 159.

(e) the days of her absence due to any occupational disease specified in Schedule III of the Workmen's Compensation Ordinance; and

(f) the days, not exceeding thirty, of her absence due to any strike or lock-out that is not illegal."

Amendment of section 5 of the principal enactment.

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

(a) in sub-section (3) of that section, by the substitution,—

(i) for the expression "female labourers", of the expression "women workers"; and

(ii) for the expression "female labourer" occurring in paragraphs (a) and (b) of that sub-section, of the expression "woman worker";

(b) in sub-section (4) of that section, by the substitution, for the expression "female labourer", of the expression "woman worker"; and

(c) in sub-sections (5) and (6) of that section, by the substitution, for the expression "female labourers", of the expression "women workers".

Amendment of section 8 of the principal enactment.

4. Section 8 of the principal enactment is hereby amended, by the addition, at the end of that section, of the following:—

"The provisions of this section shall apply in relation to the woman whether or not she has given notice of her confinement to her employer under section 7 (2)."

Insertion of new sections 12A and 12B in the principal enactment.

5. The following new sections are hereby inserted, immediately after section 12, and shall have effect as section 12A and section 12B, of the principal enactment:—

"Establishment and maintenance of creches.

12A. (1) The employer of more than a prescribed number of women workers in any mine, estate, factory or prescribed establishment shall establish and maintain, in accordance with regulations

made in that behalf, a creche for children under six years of age, and shall allow any such worker who has in her care a child or children under six years of age, to leave such child or children in such creche during the hours when she is required to work for her employer.

(2) The prescribed number for the purposes of sub-section (1) may differ in respect of different classes of mines, estates, factories or prescribed establishments.

(3) Regulations may be made for the purpose of securing the proper maintenance and administration of creches provided under this section, and generally for securing the health, safety and proper care of the children in such creches.

(4) Without prejudice to the generality of the powers conferred by sub-section (3), regulations may be made prescribing the conditions which shall be complied with in relation to creches provided under this section, including conditions as to—

- (a) the situation, construction, maintenance and cleanliness of such creches;
- (b) the minimum size of the wards or rooms of such creches and the minimum floor space therein which shall be allowed for each child;
- (c) the provision of adequate washing, latrine and other facilities for those using such creches; and
- (d) the equipment and staff of such creches.

Provision
of nursing
intervals
for nursing
mothers.

12B. The employer of a woman worker in any mine, estate, factory or prescribed establishment shall, if she is nursing a child under one year of age, allow her, in any period of nine hours, two nursing intervals at such time as

she may require. Each nursing interval shall, where a creche or other suitable place is provided by such employer to such worker for nursing such child, be not less than thirty minutes, and, where no creche or other suitable place is so provided, be not less than one hour, and shall be in addition to any interval provided to such worker for meals or rest under any written law and be regarded, for all the purposes of her employment, as time during which she has worked in her employment.”.

Amendment of section 13 of the principal enactment.

6. Section 13 of the principal enactment is hereby amended as follows:—

(a) in sub-section (1) of that section, by the substitution,—

(i) for the expression “ Commissioner may ”, of the expression “ Commissioner or any special officer may ”;

(ii) for the expression “ Ordinance, and ”, of the expression “ Ordinance or a copy of the whole or a part of any such register of women workers as he may be required by any regulation to maintain, and ”; and

(iii) for the expression “ return to the Commissioner ”, of the expression “ return or copy to the Commissioner or that special officer ”; and

(b) in the marginal note to that section, by the substitution, for the word “ information. ”, of the words “ information or copies of registers of women workers. ”.

Amendment of section 14 of the principal enactment.

7. Section 14 of the principal enactment is hereby amended as follows:—

(A) by the repeal of sub-section (1) of that section and the substitution therefor of the following sub-section:—

“ (1) The Commissioner or any special officer shall have the power—

(a) to enter and inspect at all reasonable hours by day or night, for the purpose of

- ascertaining whether the provisions of this Ordinance are being complied with, any factory, estate, mine or prescribed establishment where women workers are employed;
- (b) to examine any register of women workers required by any regulation to be maintained by the employer of such workers;
- (c) where any such register is not available for examination at the time of the inspection of such factory, estate, mine or prescribed establishment, to require the production of that register for examination at his office or at such factory, estate, mine or prescribed establishment; and
- (d) to interrogate any person whom he finds in such factory, estate, mine or prescribed establishment and whom he has reasonable cause to believe is the employer of the women workers employed therein or is a worker employed therein.”; and
- (B) by the insertion, immediately after sub-section (1) of that section, of the following sub-section:—

“(1A) It shall be the duty of the employer of women workers in any factory, estate, mine or prescribed establishment to furnish the information required by the Commissioner or a special officer in inquiries made from that employer, for the purpose of ascertaining whether the provisions of this Ordinance are being complied with, during an inspection of such factory, estate, mine or prescribed establishment.”.

Amendment of
section 15 of
the principal
enactment.

8. Section 15 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the expression "this Ordinance.", of the expression "this Ordinance, or in respect of all matters for which regulations are required or authorised to be made under this Ordinance.".

PARLIAMENT OF CEYLON

2nd Session 1961-62



Control of Insurance Act, No. 25 of 1962

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Control of Insurance Act

No. 25 of 1962

Date of Assent: 1962

L. D.—O. 49/60.

AN ACT TO MAKE PROVISION FOR THE REGULATION AND SUPERVISION OF THE BUSINESS OF INSURANCE.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Control of Insurance Act, No. 25 of 1962, and shall come into operation on such date (hereinafter referred to as " the appointed date ") as may be appointed by the Minister by Order published in the *Gazette*.

Short title and date of operation.

PART I

APPLICATION OF ACT

2. Nothing in this Act shall apply to or be deemed or construed to prohibit or restrict the carrying on of insurance business by any trade union for the time being registered under the Trade Unions Ordinance, or by any society registered under the Societies Ordinance or under the Co-operative Societies Ordinance or by the Insurance Corporation of Ceylon.

Exemption for registered trade unions and co-operative and other societies and the Insurance Corporation of Ceylon. Cap. 138. Cap. 123. Cap. 124.

3. (1) Subject to the provisions of sub-section (2), nothing in this Act shall apply to or be deemed or construed to prohibit or restrict the carrying on of insurance business by—

Exemption for certain other associations.

(i) any association which is constituted by any Act or Ordinance (enacted in Ceylon whether after or before the appointed date) and which is authorised by such Act or Ordinance to carry on business falling within the meaning of insurance business as defined in this Act,

(ii) any association in the case of which all the following requirements are satisfied, that is to say—

(a) that contracts of insurance (whether express or arising by operation of the rules or by-laws of the association) are effected or entered into by

the association only with persons who are members of the association, and that the benefit under such contract accrues or may accrue only to members or their heirs or dependants or to persons nominated by such members in that behalf in accordance with the rules or by-laws;

(b) that no part of the net profits or income of the association is paid or payable to persons other than members or their heirs, dependants, or nominees as aforesaid; and

(c) that membership of the association is restricted to persons in the employment of any one employer, or of two or more employers each of whom is engaged in a business or undertaking of the same description as the other or the others, and

(iii) any association of persons which may be declared by the Minister by notification published in the *Gazette* to be exempt from the provisions of this Act.

(2) The Minister may, by notification published in the *Gazette*, declare that any provision or provisions of this Act shall apply to any association referred to in the preceding provisions of this section.

(3) The provisions of this Act other than the regulations in the Seventh Schedule shall not apply to any member of Lloyds Underwriters carrying on Ceylon business.

PART II

REGISTRATION OF INSURERS

4. Save as otherwise expressly provided in this Act—

(a) no person who on or before the appointed date is carrying on insurance business of any class in Ceylon shall continue to carry on insurance business of such class, and

(b) no person shall commence to carry on insurance business of any class other than life assurance business,

unless such person is for the time being registered under this Act as a person authorised to carry on insurance business of that class.

Insurance
business
to be
carried on
only by
persons
registered
under this
Act.

5. No company shall be registered under this Act as being authorised to carry on insurance business in Ceylon unless such company—

Requirement that a company applying for registration must be an incorporated company which has paid-up share capital and which is not a private company. Cap. 145.

(a) is a company which is incorporated in Ceylon under the Companies Ordinance, and which is not a private company as defined in section 27 of that Ordinance, or

(b) is a body which is incorporated by or under any law in any other country and which is not of the nature of such private company as aforesaid, and which has a paid-up capital of not less than one hundred thousand rupees, or the equivalent of such sum (ascertained at the time of registration) in any other currency, or

(c) is a company which is limited by guarantee.

6. (1) Every application for the registration of an insurer under this Act shall be made to the Controller in such form as may be provided for the purpose by the Controller and be accompanied by—

Application for registration of insurers.

(a) a statement in writing by the insurer that the provisions of section 12 have been complied with, together with a certificate under the hand of the Deputy Secretary to the Treasury specifying the amount deposited under that section by the insurer, and

(b) if such application is by a company—

(i) a certified copy of the memorandum and articles of association of the company, or of the charter, statute, deed of settlement, or other instrument constituting or defining the constitution of the company, and if the instrument is not written in the English language, a certified translation thereof;

(ii) a statement setting out the name, address and occupation, if any, of each of the directors of the company, if it is a Ceylon company; or if it is a foreign company, a list of directors, the address of the registered office or principal place of business in Ceylon of the company or of its principal agent in Ceylon and the

full name and address of the manager of the business of the company in Ceylon;

(iii) a statement setting out the class or classes of insurance business carried on or proposed to be carried on in Ceylon by the company; and

(iv) a statement setting out the amount of the paid-up capital of the company.

(2) Every application by a foreign insurance company for registration under this Act shall in addition be accompanied by a statement verified by an affidavit setting out the special requirements, if any, of the nature specified in section 9 imposed by the country, in which such foreign company is incorporated, on insurance companies incorporated in Ceylon and carrying on business in that country.

(3) Every application under this section shall be verified by a declaration signed by the person making the application that the statements accompanying the application are true and accurate. Every such declaration shall be free of stamp duty.

(4) Every application under this section shall be accompanied by a fee of two hundred and fifty rupees in respect of each class of insurance business carried on or proposed to be carried on by the insurer :

Provided that in the case of life assurance business the fee shall be fifty rupees.

7. (1) Where the Controller is satisfied that an insurer making an application for registration under this Act has complied with the provisions of sections 5 and 6, the Controller shall register the insurer as a person authorised to carry on insurance business in Ceylon and shall determine the class or classes of insurance business which the insurer is authorised to carry on :

Provided that the Controller shall refuse to register any foreign insurance company if he is satisfied—

(a) that Ceylon companies are by the law relating or applied to insurance in the country, in which that company is incorporated, debarred from carrying on insurance business in that country; or

(b) that any requirement imposed on that company under the provisions of section 9 of this Act has not been complied with by that company :

Registration
and issue of
certificates.

And provided further that if the Minister is of the opinion that a company should not be allowed to carry on insurance business in Ceylon in the national interest, the Controller shall refuse to register that company if the Minister so directs.

(2) Upon the registration of an insurer as hereinbefore provided, the Controller shall issue to the insurer a certificate of registration which shall be kept at all times at the principal office or place of business in Ceylon of the insurer and be made available for inspection by the Controller or any other person authorised by him for the purpose.

8. Whenever, after registration of a company, any alteration occurs or is made so as to affect any of the documents or particulars which under the provisions of sub-section (1) or of sub-section (2) of section 6 accompanied or were required to accompany the application of any company for registration, the company shall forthwith furnish to the Controller a full authenticated statement of such alteration.

Alteration in particulars furnished with application for registration to be reported to the Controller.

9. Where by the law or practice of any country other than Ceylon in which any foreign insurance company is incorporated, insurance companies incorporated in Ceylon are required as a condition of carrying on insurance business in that country to comply with any special requirement, whether as to the keeping of deposits or assets in that country or otherwise, which is not imposed under this Act upon companies of that country the Minister may, if satisfied of the existence of such special requirement, by notification published in the *Gazette*, direct that the same requirement or requirements as similar thereto as may be, shall be imposed upon foreign insurance companies incorporated in that country either—

Power of Minister to impose reciprocal disabilities on foreign companies.

(a) as a condition of carrying on business of insurance in Ceylon, or

(b) as a condition of entering into any new contract of long-term business in Ceylon.

10. (1) The Controller—

(a) shall cancel the registration of an insurer, either wholly or in respect of any particular class of insurance business, as the case may be—

Cancellation or alteration of registration.

(i) if the insurer is in liquidation or is adjudged an insolvent;

(ii) if the insurer makes default in complying with the provisions of section 12 or section 44 or if the whole of the deposit made under this Act has been returned to the company as hereinafter provided;

(iii) if the insurance business of the insurer has been transferred to any other person, or amalgamated with the business of, or wholly reinsured with, any other person; and

(b) may cancel the registration of an insurer—

(i) if the insurer makes default in complying with, or acts in contravention of, any requirement of this Act or of any regulation or order made thereunder; or

(ii) if the insurer fails to comply with any requirement of section 38; or

(iii) if the Controller has reason to believe that any amount due by the insurer under a decree entered in an action in Ceylon arising out of any policy of insurance issued by the insurer has remained unpaid for three months after the date of the final adjudication in such action; or

(iv) if the insurer carries on any business other than insurance business; or

(v) in any other case in which he is authorised by this Act to cancel the registration.

(2) Where in any case referred to in sub-paragraph (ii) or sub-paragraph (iii) of paragraph (a) of subsection (1), the default or the transfer or amalgamation or reinsurance of the business or the return of the deposit relates only to one or more, but not all, of the classes of insurance business carried on by the insurer, the Controller may, upon the cancellation of the registration of the insurer under that paragraph, register the insurer afresh in respect of any other class of insurance business and issue a fresh certificate in respect of that class of insurance business in accordance with the provisions of section 7.

(3) In any case where a registered insurer ceases to carry on insurance business of any class or proposes to carry on insurance business of any other class not previously carried on by the insurer, the Controller may alter the registration of the insurer in such manner as may be necessary, and may alter the certificate of registration issued to that insurer, or cancel such certificate and issue a fresh certificate of registration under section 7, as the circumstances of the case may require:

Provided, however, that the insurer shall not by any such alteration be authorised to carry on any new class of insurance business unless—

- (a) the statements and other information mentioned in section 6 relating to the new class of insurance business are furnished to the Controller and a fee of two hundred and fifty rupees for registration in respect of that class of insurance business has been paid to the Controller; and
- (b) unless the appropriate amount of the deposit required by section 12 has been made by the insurer and a certificate to that effect has been issued by the Deputy Secretary to the Treasury.

(4) In any case where the Controller is satisfied,—

- (a) that any insurer has contravened the provisions of section 19 or any order made thereunder; and
- (b) that for the reason aforesaid it is expedient in the interests of the policy holders that the insurer should be prevented from carrying on insurance business in Ceylon,

the Controller may make order cancelling the registration of the insurer.

(5) Notice of any order made under sub-section (4), shall be served on the insurer, and the order shall take effect upon the expiration of a period of two months after the date of the service of the notice unless an appeal as hereinafter provided is preferred against the order.

(6) The insurer in respect of whom or which an order is made under sub-section (4) may, before the expiry of a period of two months after the date of the service of notice of the order on the insurer, appeal to the District Court against the order; and such Court may, if it is satisfied that the insurer has not contravened the provisions of section 19, revoke the order of the Controller.

(7) The order of the District Court on any appeal under this section shall be subject to an appeal to the Supreme Court and such appeal shall be preferred in like manner as though it were an appeal against a final order of the District Court made in a civil action.

Unregistered
insurers.

11. (1) The following provisions shall apply in the case of any insurer who or which had prior to the appointed date carried on in Ceylon insurance business of any class :—

(a) The insurer may continue to carry on general business of that class for a period of not more than three months after the appointed date notwithstanding that the insurer is not registered as required by section 4 or that the provisions of section 5 are not satisfied in the case of that insurer, or that the insurer has not made the deposit required by section 12.

(b) If the insurer is not, within a period of three months after the appointed date, duly registered under this Act as being authorised to carry on insurance business of that class the insurer shall not, save as hereinafter provided, continue to carry on such insurance business in Ceylon after the expiry of that period.

(c) Notwithstanding that an insurer is not duly registered within the period of three months after the appointed date, every policy or contract of insurance effected or renewed by the insurer at any time before the appointed date or within three months thereafter shall be deemed to be valid and effectual for all purposes, and nothing in this Act shall be deemed to prohibit or otherwise render unlawful the continuance of insurance business in Ceylon by that insurer in so far, but in so far only, as the transaction of such business is necessary

for the purpose of the maintenance of any policy or contract of insurance without renewal.

(2) Such provisions of this Act as are not inapplicable shall apply to any insurer who or which had prior to the appointed date carried on in Ceylon insurance business of any class so long as any liability of the insurer upon any policy or contract of insurance of any class remains unpaid or undischarged.

(3) Where the registration of any insurer is cancelled as provided in this Act, then, notwithstanding such cancellation—

(a) every contract of insurance effected by the insurer at any time before the cancellation takes effect shall be deemed to be valid and effectual for all purposes, and nothing in this Act shall be deemed to prohibit or otherwise render unlawful the continuance of insurance business in Ceylon by that insurer in so far, but in so far only, as the continuance of such business is necessary for the purpose of the collection and receipt of the premia payable upon such policy or contract and the payment of sums payable by the insurer thereunder;

(b) such of the provisions of this Act as are not inapplicable shall continue to apply to that insurer so long as any liability of the insurer upon any policy or contract of insurance of any class remains unpaid or undischarged.

12. (1) Every insurer applying for registration under this Act shall, keep deposited with the Deputy Secretary to the Treasury, for and on behalf of the Government of Ceylon, a sum of fifty thousand rupees in respect of each class of insurance business proposed to be carried on by that insurer in Ceylon:

Making of deposits.

Provided that the maximum amount of the deposit shall, subject to the provisions of section 44, be two hundred thousand rupees.

(2) A deposit made under this Act may consist of cash or of Government securities or of Government guaranteed securities, and the value of any securities so deposited shall be taken to be their market value at the date of deposit.

(3) A deposit made in cash shall be held by the Deputy Secretary to the Treasury to the credit of the insurer and shall be returnable to the insurer in cash in the circumstances and in the manner in which under the provisions of this Act a deposit is to be returned, and any interest accruing due on securities deposited under this section by any insurer shall, when it is collected, be paid by the Deputy Secretary to the Treasury to the insurer.

(4) An insurer may at any time substitute for the securities deposited with the Deputy Secretary to the Treasury under this section other Government securities or Government guaranteed securities of equal value assessed at the market rate prevailing at the time of substitution, and the Deputy Secretary to the Treasury shall, on the written application of any insurer who or which has made a deposit, invest in Government securities or Government guaranteed securities the whole or any part of the cash received by the Deputy Secretary to the Treasury on the redemption of any securities deposited by the insurer under this Act.

(5) The Deputy Secretary to the Treasury shall, if so requested by the insurer, sell any securities deposited with him and either hold the cash realised by such sale as deposit or invest in such Government securities or Government guaranteed securities as may be specified by the insurer the whole or any part of the cash received by him and hold the securities in which investment is so made as deposit.

(6) The amount of any deposit made under the provisions of Part II of the Motor Traffic (Third Party Risks) Regulations, 1951, by an insurer seeking registration under this Act shall be deemed to have been returned to such insurer under regulation 5 (3) of Part II of the aforesaid regulations and thereafter to have been paid by such insurer as a deposit in terms of sub-section (1) of this section:

Provided, however, that so much of that amount as may not be required to be kept deposited in terms of sub-section (1) of this section shall be returned to the insurer by the Deputy Secretary to the Treasury.

13. The deposit made by the insurer under section 12 shall be deemed to be part of the assets of the insurer, but shall not—

Reservation of deposits.

- (a) be capable of being transferred or assigned or of being encumbered with any mortgage or other charge by the insurer or be liable to seizure in execution of any decree; or
- (b) be available for the discharge of any liability of the insurer except for the discharge, in the event of the winding-up of the insurer, of liabilities arising out of policies of insurance business issued by the insurer and remaining undischarged.

14. Where the Controller is satisfied that an insurer has ceased to carry on in Ceylon any class of insurance business in respect of which a deposit has been made under section 12 and that its liabilities in Ceylon in respect of business of that class have been satisfied or are otherwise provided for, the Controller shall, on the application of the insurer, order the return to the insurer of so much of the deposit as may not be required under section 12 for the purposes of any other class of insurance business which the insurer may carry on thereafter:

Return of deposits.

Provided, however, that no such order shall be made in relation to any class of insurance business until after the expiration of two years from the date of the last policy of insurance of that class issued by the insurer.

PART III

GENERAL PROVISIONS APPLICABLE TO INSURERS

15. Where an insurer carries on business of more than one of the classes of insurance business as defined in this Act, such insurer shall keep a separate account of all receipts and payments in respect of each such class of insurance business.

Separation of accounts and assets.

16. Every Ceylon insurer shall in respect of all insurance business transacted by such insurer, and every foreign insurer shall in respect of all insurance business transacted by such insurer in Ceylon, keep and maintain—

Register of policies and register of claims.

- (a) a register or record of policies, in which shall be entered in respect of every policy issued by the insurer, the name and address of the policy holder, the date when the policy was

effected, and particulars of any transfer, assignment or nomination of which the insurer has notice; and

- (b) a register or record of claims in which shall be entered every claim presented to the insurer together with the date of the claim and the name and address of the claimant, the date of settlement of the claim, and where a claim is repudiated the date of repudiation and the grounds therefor.

Prohibition of
loans.

17. (1) No insurer shall grant to any person who holds the position of manager, managing agent, actuary, auditor, or officer of such insurer, and, if such insurer is a company, to any person who holds the position of director of such company, or to any company in which such a person holds any such position, any loan, other than a mortgage of a policy of life assurance issued by that insurer, except with the prior approval of the Controller who shall grant such approval only if he is satisfied that sufficient security is being given for the repayment of the loan.

(2) In respect of any loan granted by an insurer to any person referred to in sub-section (1) and outstanding on the appointed date, the Controller shall have the power, notwithstanding anything to the contrary in any agreement or contract, to examine the adequacy of the security given by such person for the repayment of the loan and, if the Controller considers it necessary so to do, to require that the loan be repaid, or that additional security be given, on or before a specified date. If such person fails to repay the loan, or to give additional security, on or before the specified date, he shall cease to hold office on the expiry of a period of one year from that date.

Assets of
insurer to be
kept in the
business name
of the insurer.

18. None of the assets in Ceylon of any insurer shall be kept otherwise than in the name of the insurer.

Reinsurance.

19. (1) No insurer shall reinsure with any person in Ceylon other than an insurer or with any such institution as may be declared by the Minister by notification published in the *Gazette* any risk under any policy or contract of insurance issued or effected in respect of insurance business transacted in Ceylon.

(2) Every insurer shall, not later than three months after the appointed date, furnish to the Controller a list of the insurers (together with their addresses), with whom that insurer has reinsured risks upon policies or contracts of insurance issued or effected in respect of insurance business transacted in Ceylon and shall whensoever reinsurance is effected with an insurer whose name is not in such list furnish the name and address of such last-mentioned insurers to the Controller.

(3) The Controller may from time to time, by order published in the *Gazette* or by special order addressed to any insurer, prohibit all insurers or any specified insurer, as the case may be, from reinsuring with any specified insurer outside Ceylon risks upon policies or contracts of insurance issued or effected in respect of insurance business transacted in Ceylon:

Provided, however, that before making any order under this sub-section the Controller shall inform the insurer or insurers of his intention to make such order and shall consider any representations made by the insurer or insurers with reference to his intention.

20. The holder of a policy of insurance issued by any insurer in respect of insurance business transacted in Ceylon after the appointed date shall have the right, notwithstanding anything to the contrary contained in the policy or in any agreement relating thereto, to receive payment in Ceylon of any sum secured thereby and to sue for any relief in respect of the policy in any competent court in Ceylon; and if the suit is brought in Ceylon any question of law arising in connection with any such policy shall be determined according to the law in force in Ceylon:

Application of law to policies issued in Ceylon.

Provided that this section shall not apply to holders of policies of marine insurance.

In this section "competent court" means the District Court of Colombo or of the district in which the plaintiff resides.

21. The Controller may from time to time fix and notify the maximum or minimum rates of premia, or both such rates, to be charged by insurers in respect of policies of insurance to be issued by them.

Power of Controller to fix rates of premia.

PART IV

LIFE ASSURANCE BUSINESS

Duty of insurers who have issued any policies of life assurance under which liabilities have not been discharged on the appointed date to maintain assets in Ceylon.

22. (1) Every insurer who or which has transacted life assurance business in Ceylon prior to the first day of January, 1962, and who or which has issued any policies of life assurance under which liabilities have not been discharged by such insurer on the appointed date shall maintain in Ceylon assets of such value as will be sufficient to discharge the liabilities under such policies determined in the prescribed manner.

(2) At least half of the assets which an insurer is required to have in Ceylon for the purposes of sub-section (1) shall consist of investments in Government securities and the remainder of such assets shall be of such kind as are notified to, and approved in writing by, the Controller.

(3) An insurer shall comply with the provisions of sub-section (1) before the expiry of a period of five years after the appointed date:

Provided that the insurer shall at the end of the first year after the appointed date have in Ceylon not less than one-fifth of the assets required for the purposes of sub-section (1) and shall thereafter before the end of each subsequent year increase such assets by at least one-fifth so that there shall be all the assets required for the purposes of sub-section (1) at the end of five years after the appointed date.

(4) Every insurer to whom sub-section (1) applies shall not later than January thirty-first in each year furnish to the Controller a return, in the prescribed form and certified in the prescribed manner, of the assets and liabilities of such insurer in Ceylon on the last day of December in the previous year; and such insurer shall furnish a similar return to the Controller in respect of each period of three months ending on March thirty-first, June thirtieth and September thirtieth in each year, the return in respect of each such period being furnished not later than one month after the date of termination of such period:

Provided that the Controller may, upon an application being made by an insurer, grant an extension of time not exceeding one month to furnish such return.

(5) The Controller may cause such investigation as he may consider necessary for the purpose of verifying the particulars contained in any return furnished by an insurer under sub-section (4), and such insurer shall upon being requested to do so by notice in writing by the Controller, furnish on or before the date specified in the notice such information or explanation as the Controller may require for such investigation.

23. (1) Every insurer who or which carries on the business of life assurance in Ceylon, whether solely or in addition to any other business, shall—

Duty of insurer carrying on business of life assurance to maintain a separate fund and keep assets relating to such business separate from assets relating to any other business.

- (a) maintain a separate fund to be called the life assurance fund and shall credit all money received in respect of the life assurance business carried on by such insurer to that fund; and
- (b) keep the assets in respect of the life assurance business separate from the assets in respect of any other class of insurance business.

(2) The life assurance fund maintained by an insurer under sub-section (1) shall not be liable for any contracts of the insurer for which it would not have been liable had the business of the insurer been only that of life assurance, and shall not be applied directly or indirectly for any purposes other than those of the life assurance business carried on by that insurer

(3) For the purpose of verifying whether an insurer complies with the provisions of sub-section (1), the Controller may—

- (a) call upon such insurer to furnish from time to time a return in such form as may be prescribed;
- (b) authorise an officer in writing to enter at all reasonable hours the place at which such insurer is carrying on the business of life assurance and examine any books, registers or documents of such insurer relating to such business and such insurer shall furnish such return or permit such officer to enter such place and make such examination.

Assignment
and transfer
of life
assurance
policies.

24. (1) A transfer of an assignment of a policy of life assurance, whether with or without consideration, may be made only by an endorsement upon the policy itself or by a separate instrument signed in either case by the transferor or by the assignor or his duly authorised agent and attested by at least one witness, and specifically setting forth the fact of transfer or assignment.

(2) No transfer or assignment of a policy of life assurance shall be of any effect as against the insurer unless it is made in accordance with sub-section (1), or until a notice in writing of the transfer or assignment, together with the instrument or endorsement of a copy thereof which is certified by or on behalf of the parties to the transfer or assignment to be correct, is served on the insurer at his or its principal place of business in Ceylon.

(3) The date on which the notice referred to in sub-section (2) is served on the insurer shall regulate the priority of all claims under a transfer or an assignment of a policy of life assurance as between persons interested in the policy; and where there is more than one instrument of transfer or assignment, the priority of the claims under such instruments shall be governed by the order in which the notices referred to in sub-section (2) are served.

(4) Upon the receipt of the notice referred to in sub-section (2), the insurer shall record the fact of such transfer or assignment together with the date thereof and the name of the transferee or the assignee and shall, on the request of the person by whom the notice was given, or of the transferee or assignee, on payment of a fee not exceeding one rupee, grant a written acknowledgment of the receipt of such notice, and any such acknowledgment shall be conclusive evidence against the insurer that he has duly received the notice to which such acknowledgment relates.

(5) Subject to the terms and conditions of the transfer or assignment, the insurer shall, from the date of the receipt of the notice referred to in sub-section (2), recognise the transferee or assignee named in the notice as the only person entitled to benefit under the policy, and such person shall be subject to all liabilities and equities to which the transferor or assignor was subject at the date of the transfer or assignment and may institute any proceedings in

relation to the policy without obtaining the consent of the transferor or assignor or making him a party to such proceedings.

(6) Any rights and remedies of an assignee or transferee of a policy of life assurance under an assignment or transfer effected prior to the appointed date shall not be affected by the provisions of this section.

(7) Notwithstanding any law or custom having the force of law to the contrary, an assignment in favour of a person made with the condition that it shall be inoperative or that the interest shall pass to some other person on the happening of a specified event during the lifetime of the person whose life is insured, and an assignment in favour of survivor or survivors of a number of persons, shall be valid.

25. (1) Where, in terms of a policy of life assurance, the policy is to mature upon death or upon survival to a fixed date or on earlier death, and the policy is subject to payment of premiums at an uniform rate for a fixed term or until earlier death, and all premiums have been paid for three consecutive years, the policy shall be deemed to acquire a surrender value, and, notwithstanding any contract to the contrary, shall not lapse by reason of non-payment of further premium but shall, notwithstanding such non-payment, be kept alive to the extent of its paid-up value.

Acquisition of
surrender
value by
policy.

For the purposes of this sub-section, the paid-up value of a policy under which premiums are payable at a minimum rate for a fixed term or until earlier death shall be an amount bearing to the total sum assured by the policy the same proportion as the total of the premiums already paid on the policy bears to the total of the premiums payable under the policy.

(2) Where a debt owing to an insurer is secured by a policy of life assurance issued by the insurer and, under sub-section (1), the policy is kept alive to the extent of its paid-up value, the insurer—

(a) may treat the debt as a debt secured by the policy so kept alive, and thereupon the policy so kept alive shall be a security for the debt, or

(b) may reduce the amount of such paid-up value by an amount the present value of which is equal to the amount of the debt, and thereupon the debt shall cease to be owing to the insurer.

- (3) This section shall not apply in any case where—
- (a) the sum assured is payable only on the happening of a contingency which may not arise; or
 - (b) the paid-up value of the policy will be less than one hundred rupees; or
 - (c) the parties after default has occurred in the payment of the premium agree in writing to some other arrangement; or
 - (d) the surrender value of the policy is automatically applied under the terms of the contract for maintaining the policy in force notwithstanding the non-payment of premiums.

Policy not to be called in question on the ground of mis-statement after two years.

26. No policy of life assurance shall after the expiry of two years from the date of the policy be called in question by any insurer on the ground that a statement made in the proposal or other document on the faith of which the policy was issued or reinstated, or in any report of a medical officer, or referee, or friend of the policy holder, was inaccurate or false unless the insurer shows that such a statement was made on a material matter or suppressed facts which it was material to disclose, and that it was fraudulently made by the policy holder and that the policy holder knew at the time of making it that the statement was false or that it suppressed facts it was material to disclose:

Provided that nothing in this section shall prevent the insurer from calling for proof of age at any time if it is entitled to do so, and no policy shall be deemed to be called in question merely because the terms of the policy are adjusted on subsequent proof that the age of the life insured was incorrectly stated in the proposal.

Supply of notice of options, &c.

27. (1) Where any premium in respect of a policy of life assurance is not paid on the date on which it is payable, notice of the options available to the policy holder shall be given to him by the insurer before the expiry of a period of three months from the said date, unless such options are set out in the policy:

Provided that where two or more premiums in respect of the same policy are due and unpaid, nothing in this sub-section shall apply to the case of the failure.

(2) Every notice under sub-section (1) shall be deemed to have been duly given to the policy holder if it is sent to him to such address as may be specified in the policy or, where the address is not so specified, to the address to which a renewal premium notice or receipt was last sent by the insurer to the policy holder.

(3) Upon application made to an insurer in that behalf, and on payment of a fee of two rupees, the insurer shall supply to the policy holder or to his legal representative or to an assignee of the policy, a certified copy of the proposal for the policy and of the personal statement made to the medical officer by the proposer, unless copies thereof are attached to the policy.

28. (1) The holder of a policy of life assurance may, when effecting the policy or at any time before the policy matures for payment, nominate the person or persons to whom the money secured by the policy shall be paid in the event of his death:

Power of
policy holder to
nominate
person or
persons to whom
the money
secured by the
policy shall
be paid.

Provided that, where any nominee is a minor, it shall be lawful for the policy holder to appoint in the prescribed manner any person to receive the money secured by the policy in the event of his death during the minority of the nominee.

(2) A nomination under sub-section (1) shall, unless it is incorporated in the text of the policy itself, be made by an endorsement on the policy and such endorsement shall by notice in writing be communicated to the insurer who shall register such endorsement in the record or register relating to that policy. Any such nomination may at any time before the policy matures for payment be cancelled or changed by another endorsement or a will of the policy holder, as the case may be, and unless notice in writing of any such cancellation or change has been given by the policy holder to the insurer, the insurer shall not be liable for any payment under the policy made *bona fide* by him to a nominee mentioned in the text of the policy or registered in records of the insurer.

(3) The insurer shall furnish to the policy holder a written acknowledgment of having registered a nomination or a cancellation or change thereof, and may charge a fee not exceeding one rupee for registering such cancellation or change.

(4) A transfer or assignment of a policy made in accordance with section 24 shall have the effect of cancelling a nomination:

Provided that the assignment of a policy to an insurer who bears the risk on the policy at the time of the assignment, in consideration of a loan granted by that insurer on the security of the policy within its surrender value, or its reassignment on repayment of the loan, shall not cancel a nomination, but shall affect the rights of the nominee only to the extent of the insurer's interest in the policy.

(5) Where the policy matures for payment during the lifetime of the person whose life is assured or where the nominee or, if there are more nominees than one, all the nominees die before the policy matures for payment, the amount secured by the policy shall be payable to the policy holder or his heirs or legal representatives, as the case may be.

(6) Where the nominee or, if there are more nominees than one, one or more of such nominees survive the person whose life is assured, the amount secured by the policy shall be payable to such survivor or survivors.

Restrictions
on dividends
and bonuses.

29. No insurer who or which carries on the business of life assurance in Ceylon shall, for the purposes of declaring or paying any dividend to shareholders or any bonus to policy holders of the company, if such insurer is a company, or of making any payment in service of any debentures, loans or advances on account, utilise directly or indirectly any portion of the life assurance fund or of the funds of such other class or sub-class of insurance business, as the case may be, except a surplus shown in the valuation balance sheet as in Form H as set forth in the Fourth Schedule submitted to the Controller as part of the abstract referred to in section 37 as a result of an actuarial valuation of the assets and liabilities of the insurer; and such surplus shall not be increased by contributions out of any reserve fund or otherwise unless such contributions have been brought in as revenue through the revenue account applicable to life assurance business on or before the date of the valuation aforesaid, except when the reserve fund is made up solely of transfers from similar surpluses disclosed by valuation in respect of which returns have been submitted to the Controller under section 37 of this Act:

Provided that payments made out of any such surplus in service of any debentures, loans or advances on account shall not exceed ninety per centum of such surplus including any payment by way of interest on

the debentures, loans or advances on account, and interest paid on the debentures, loans or advances on account shall not exceed ten per centum of any such surplus except when the interest paid on the debentures, loans or advances on account is offset against the interest credited to the fund concerned in deciding the interest basis adopted in the valuation disclosing the aforesaid surplus.

30. Notwithstanding anything contained in this Act to the contrary, an insurer shall be at liberty to declare, on the recommendation of an actuary made at the last preceding valuation, an interim bonus or bonuses to life assurance policy holders whose policies mature for payment by reason of death or otherwise during the inter-valuation of period.

Declaration of interim bonus.

31. (1) Notwithstanding anything contained in any contract between any insurer and an insurance agent, who either has effected business for the insurer to the value of fifty thousand rupees or more, or has had three years of service under the insurer and whose name appears in the books of the insurer on the first day of August, 1960, as to the forfeiture of commission on renewal premiums or the cessation of payment of such commission to the insurance agent, no such insurer shall, in respect of life assurance business transacted in Ceylon, refuse payment, or be entitled to refuse payment, to such insurance agent of commission on renewal premiums due to him under the agreement by reason only of the termination of his agreement on any ground other than fraud.

Prohibition of cessation of payment of commission in certain cases.

(2) In any case where the commission on renewal premiums is in terms of any contract between such insurer and such insurance agent payable to the widow or other dependants of the agent after his death, then the restrictions set out in sub-section (1) shall, in the event of the death of the agent, after the termination of his agreement, apply in relation to the payment of commission to such widow or dependants.

(3) Nothing in the preceding provisions of this section shall be deemed to render unlawful any agreement between an insurer and an insurance agent or the widow or dependants of the agent, as the case may be, for the commutation of the liability to make the payments referred to in those provisions.

(4) The provisions of this section shall apply to and in relation to contracts between insurers and insurance agents notwithstanding that such contracts may have been entered into prior to the appointed date.

Restrictions on transfers and amalgamations.

32. (1) Subject to the provisions of the Insurance Corporation Act, No. 2 of 1961, an insurer who has prior to the appointed date transacted life assurance business in Ceylon shall not transfer the assets and liabilities relating to his life assurance business to any person other than to such an institution as may be declared by the Minister by notification published in the *Gazette* or amalgamate such assets and liabilities with the assets and liabilities of the life assurance business of any insurer other than such an institution.

(2) A transfer or an amalgamation permissible under sub-section (1) shall not be valid unless the Commissioner of Inland Revenue had issued a certificate of tax clearance under his hand indicating that he is satisfied that the revenue of the Government of Ceylon will not be prejudiced by such transfer or amalgamation and that an appropriate sum has been paid by the insurer in commutation of his prospective liability to Ceylon income tax.

Restriction on the employment under certain conditions of persons in the capacity of managers or officers in charge of the business of insurers.
Cap. 145.

33. (1) Notwithstanding anything in the Companies Ordinance or in the articles of association of an insurer, where such insurer is a company, or in any contract or agreement, no insurer shall after the expiry of six months after the appointed date be directed or managed by, or employ as manager or officer in any capacity, any person whose remuneration or any part thereof takes the form of commission or bonus or a share in the valuation surplus in respect of the life assurance business of the insurer :

Provided that nothing in this sub-section shall be deemed to prohibit—

- (i) the payment of commission to a principal agent or an insurance agent in respect of life assurance business procured by or through him;
- (ii) the employment of any person in a clerical or other subordinate capacity who, as an insurance agent, receives commission in respect of insurance business procured by him;

(iii) the employment as an officer of any person who receives renewal commission in respect of life assurance business procured by him in his capacity as an insurance agent or as an employer of agents before the date of such employment or before the appointed date, whichever date is the later.

(2) Notwithstanding anything in the Companies Ordinance or in the articles of association of an insurer, where such insurer is a company, or in any contract or agreement, no manager, managing director or any other person concerned in the management of an insurer's business shall be entitled to nominate a successor to his office, and no person so nominated, whether before or after the appointed date, shall be entitled to hold or to continue to hold such office.

Cap. 145.

(3) If, in the case of any insurance company, provision is made by the articles of association of the company or by an agreement entered into between any person and the company for empowering a director or manager or other officer of the company to assign his office to any other person, any assignment of office made in pursuance of the said provision, shall, notwithstanding anything contained in the said provision or in the Companies Ordinance, be void.

(4) No person shall have any right, whether in contract or otherwise, to any compensation for any loss incurred by reason of the operation of any provision of this section.

34. If by reason of a contravention of any of the provisions of section 33 any loss is sustained by an insurer or by any policy holder of that insurer, every director, manager, or officer of that insurer who is knowingly a party to such contravention shall, without prejudice to any other penalty to which he may be liable under this Act, be severally liable to make good the amount of such loss.

Liability of directors, etc., for loss due to contravention of section 33.

PART V

ACCOUNTS, INSPECTION AND INVESTIGATION

35. (1) Every Ceylon insurer in respect of all insurance business transacted by such insurer, and every foreign insurer in respect of the insurance

Accounts and balance sheet.

business transacted by such insurer in Ceylon, shall at the expiration of each calendar year prepare with reference to that year—

- (a) a balance sheet substantially in accordance with the regulations contained in Part I of the First Schedule and substantially in the form set forth in Part II of that Schedule,
- (b) a profit and loss account, and a profit and loss appropriation account substantially in accordance with the regulations contained in Part I of the Second Schedule, and substantially in the forms set forth in Part II of that Schedule, except where the insurer carries on business of one class only and no other business,
- (c) in respect of each class of insurance business carried on by the insurer, a revenue account in accordance with the regulations contained in Part I of the Third Schedule, and a statement substantially in each of the forms set forth in Part II of that Schedule as may be applicable to that class of insurance business:

Provided that in the case of life assurance business transacted by any such insurer, such insurer shall prepare only such statements of accounts as may be prescribed.

(2) The accounts and statements referred to in sub-section (1) shall be signed—

- (a) in the case of a company to which the Companies Ordinance applies, by the officers or persons required by that Ordinance to sign accounts and statements;
- (b) in the case of any other company, by two Directors;
- (c) in the case of any other insurer, by such insurer or the officer authorised by such insurer,

and shall be accompanied by a statement containing the names and descriptions of each of the persons in charge of the management of the business during the period to which such accounts and statements relate and by a report by such persons on the affairs of the business during that period.

36. (1) The annual balance sheet, profit and loss account, profit and loss appropriation account and revenue account prepared by each insurer under section 35 shall, unless they are subject to audit under the Companies Ordinance, be audited by an auditor.

Audit.

(2) For the purposes of the audit of any accounts under this section, an auditor shall have the same powers, exercise the same functions and discharge the same duties as an auditor of companies under the provisions of section 132 of the Companies Ordinance.

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37. (1) Every insurer shall, in respect of all life assurance business transacted by the insurer, cause an investigation to be made by an actuary once at least in every three years into the financial condition of such life assurance business, including a valuation of its liabilities in respect of that business, and shall cause an abstract to be made in accordance with the regulations contained in Part I of the Fourth Schedule and in conformity with the requirements of Part II of that Schedule:

Actuarial
report and
abstract.

Provided that where an insurer is unable to establish to the satisfaction of the Controller that an investigation has been made by an actuary into the financial condition of the insurer's life assurance business in Ceylon as at a date not earlier than the thirty-first day of December, 1958, an investigation shall be made as at a date not later than the thirty-first day of December, 1961.

(2) The provisions of sub-section (1) regarding the making of an abstract shall apply whenever at any other time an investigation into the financial condition of the insurer is made with a view to the distribution of surplus or an investigation is made the results of which are made public.

(3) There shall be appended to every abstract required by sub-section (1) or sub-section (2) a certificate signed by the insurer or authorised officer of the insurer, or where the insurer is a company, the director or principal officer of the company, that full and accurate particulars of every policy under which there is a liability either actual or contingent have been furnished to the actuary for the purposes of the investigation.

(4) There shall be appended to every abstract required by sub-section (1) or sub-section (2) a statement prepared in accordance with the regulations

contained in Part I of the Fifth Schedule and in conformity with the requirements of Part II of that Schedule of the life assurance business subsisting at the date to which the accounts of the insurer are made up for the purposes of such abstract.

(5) Where an investigation into the financial condition of an insurer is made at a date other than the last date of the year of account, the accounts for the period elapsing after the end of the preceding year of account, and the balance sheet as at the date at which investigation is made, shall be prepared and audited in the manner provided for in this Act.

(6) Where by the law of the country in which a foreign insurer is constituted, incorporated or domiciled, the insurer is required to prepare and furnish to a public authority of that country documents substantially of the same nature as the documents to be furnished under this section, the insurer shall, within the time specified in section 38, furnish to the Controller four certified copies in the Sinhala or English language of every abstract, statement, account and return supplied to such public authority and the foregoing provisions of this section pertaining to investigation, valuation, abstracts, certificates and statements shall, in addition, apply separately to life assurance business transacted in Ceylon.

Submission
of returns.

38. (1) Every insurer shall cause to be printed the audited accounts and statements required by section 35 and the abstract and statements required by section 37 and shall furnish four copies thereof as returns to the Controller within six months after the end of the period to which they relate:

Provided that in the case of any foreign insurer or of a Ceylon insurer carrying on business outside Ceylon, the period allowed for furnishing such printed returns shall be nine months:

Provided further that the Controller may extend the period allowed for furnishing returns by a period not exceeding three months.

(2) One of the four copies furnished under subsection (1) shall be signed by the insurer, or where the insurer is a company, by the Directors.

Exemption
from certain
provisions of the
Companies
Ordinance.

39. (1) Where an insurance company incorporated in Ceylon furnishes in any year the accounts and balance sheets in accordance with the provisions of section 35, the company may at the same time send to the Registrar of Companies a copy of such accounts

and balance sheet; and where such a copy is so sent it shall not be necessary for the company to file a balance sheet with the Registrar of Companies as required by section 121 (2) of the Companies Ordinance, and the copy of the accounts and balance sheet so sent shall be chargeable with the same fees and shall be dealt with by the Registrar of Companies in all respects as if they were filed in accordance with that section.

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(2) Where an insurance company which transacts motor vehicle insurance business in any year furnishes revenue and profit and loss accounts and a balance sheet in accordance with the provisions of section 35 of this Act such insurer shall be deemed to have complied with the provisions of regulation 4 of Part II of the Motor Traffic (Third Party Risks) Regulations, 1951.

40. Every insurer shall furnish to the Controller a certified copy of the report relating to the business of the insurer submitted to the shareholders of the company, in the case of an insurer which is a company, or the policy holders of the insurer, immediately after it is so submitted.

Furnishing of reports.

41. Every registered insurer shall from time to time furnish the Controller with certified copies of its reinsurance treaties (including treaties which are revised) relating to any class of insurance business transacted by such insurer in Ceylon:

Furnishing copies of reinsurance treaties.

Provided that certified copies of such reinsurance treaties as are in force on the appointed date shall be furnished not later than three months after the appointed date.

42. (1) If it appears to the Controller that any return furnished to him under the provisions of this Act is inaccurate or defective in any respect, he may—

Powers of Controller regarding returns.

(a) require from the insurer such further information, certified if he so directs by such auditor or actuary as he may consider necessary to correct or supplement such return; or

(b) call upon the insurer to submit for his examination at the registered office or the principal place of business of the insurer in Ceylon, any book of account, register,

or other document or to supply any statement which he may specify in a notice served on the insurer for the purpose; or

(c) examine any officer of the insurer on oath or affirmation in relation to the return; or

(d) decline to accept such return unless such further information as may be required by him is furnished before the expiry of one month from the date on which the requisition asking for such further information was delivered to the insurer or of such further time as the Controller may specify in the requisition; and if the Controller declines to accept any such return, the insurer shall be deemed to have failed, to comply with the provisions of section 38 relating to the furnishing of returns.

(2) The District Court may, on the application of an insurer and after hearing the Controller, direct the acceptance of any return which the Controller has declined to accept, if the insurer satisfies the Court that the action of the Controller was in the circumstances unreasonable:

Provided that no application under this sub-section shall be entertained by the District Court unless it is made before the expiration of two months after the date on which the Controller made the order or declined to accept the return.

(3) The decision of the District Court in any application under this section shall be final and shall not be subject to any appeal.

Power of
Controller
to order
re-valuation.

43. (1) If it appears to the Controller that an investigation or valuation made under section 37 does not properly indicate the condition of the affairs of the insurer by reason of what appears to him to be a faulty basis adopted in the valuation, the Controller may after giving the insurer reasonable notice and an opportunity to be heard cause an investigation and valuation as at such date as he may specify to be made at the expense of the insurer by an actuary appointed by the insurer for that purpose and approved by the Controller, and the insurer shall place at the disposal of such actuary all the material required by such actuary for the purposes of the investigation and valuation within such period, not being less than three months, as the Controller may specify.

(2) The provisions of sub-sections (1) and (4) of section 37 relating to the making of abstracts and the provisions of section 38 relating to the printing of statements shall apply in relation to any investigation and valuation to be made under this section:

Provided that the abstract and statements prepared as the result of such investigation and valuation shall be furnished on or before such date as the Controller may specify.

44. Where upon examination of the returns and reinsurance treaties furnished by any registered insurer it appears to the Controller that the deposit made by the insurer under section 12 or that the amount of the assets in Ceylon in respect of insurance business of the insurer in Ceylon is inordinately low in relation to the volume of insurance business transacted by the insurer in Ceylon, the Controller may, after giving the insurer an opportunity of being heard, order the insurer to make an additional deposit and the provisions of sub-sections (2), (3), (4) and (5) of section 12 and the provisions of section 13 and section 14 shall apply to such additional deposit:

Power of Controller to increase deposit.

Provided, however, that where the insurer establishes to the satisfaction of the Controller that the assets of such insurer in Ceylon are adequate, to meet the outstanding claims and unexpired risks in respect of the insurance business transacted in Ceylon by such insurer, the amount of such additional deposit, together with any deposit made under section 12, shall not exceed one-tenth of the premia paid in Ceylon in the financial year preceding the year in which such order is made in respect of the policies of insurance issued by such insurer.

45. Where, having regard to the financial aspect and the volume of business transacted by any insurer the Controller is of the opinion that such insurer cannot carry on any class of insurance business in a satisfactory and efficient manner, the Controller may, after giving such insurer an opportunity of being heard, cancel the registration of the insurer in so far as it relates to the particular class of insurance business.

Power of Controller to cancel registration.

46. (1) Where the Controller—

(a) has reason to believe—

(i) that the interests of the policy holders of an insurer are in danger; or

Power to order inspection.

- (ii) that any insurer is unable to meet his or its obligations or has made default in complying with any of the provisions of this Act ; or
 - (iii) that an offence under this Act has been or is likely to be committed by any such insurer or any officer ; or
- (b) receives a requisition supported by an affidavit and signed by not less than fifty policy holders holding policies of life assurance which have been in force for not less than three years and which on maturity will be of a total value of not less than fifty thousand rupees, that an investigation into the affairs of the insurer be held; or
- (c) receives a similar requisition in the case of an insurance company signed by not less than one-tenth of the shareholders of that company who shall not have less than one-tenth of the whole share capital,

the Controller may, subject to the provisions of sub-section (2), after giving the insurer reasonable notice and an opportunity to be heard, order an investigation of the affairs of the insurer to be made by an auditor or an actuary or by both an auditor and an actuary appointed simultaneously or first an auditor only or an actuary only and afterwards by an actuary or auditor, or may himself make such investigation :

Provided that an auditor or actuary appointed for the purpose by the Controller shall not be an auditor or actuary in the employ of the insurer.

(2) The Controller may, as a condition precedent to the ordering of an investigation upon a requisition being sent therefor either by policy holders or by shareholders of an insurance company as provided in sub-section (1), require the persons making the requisition to furnish security in such amount as he may deem sufficient to meet the cost to the insurer of the investigations.

(3) For the purpose of determining whether or not an order should be made under sub-section (1), the Controller may exercise the powers conferred by paragraph (b) of section 42 (1).

(4) The results of any investigation made under this section shall be recorded in writing by the auditor or actuary appointed, as the case may be, and copies of the record shall be supplied to the Controller and to the insurer, and to the shareholders of an insurance company or to the policy holders who have sent a requisition for such investigation.

(5) The Controller may by written notice require the insurer to comply within such time as may be specified therein (not being less than fifteen days from the receipt of the notice by the insurer) with such directions (including a direction that the insurer shall have sufficient funds to meet the liabilities under the policies of life assurance issued by him) as may in the opinion of the Controller be necessary for remedying the defects disclosed by any investigation made under this section.

(6) If, as a result of any investigation made under this section, the Controller is of opinion that it is necessary in the interests of the policy holders that the business of the insurer should be wound up, or if the insurer fails to comply with any directions issued under sub-section (5), the Controller may, after giving the insurer reasonable notice and an opportunity to be heard, apply to the District Court or a Winding-up Tribunal for an order for the winding up of the business, of the insurer.

(7) Where the investigation discloses that the requisition, if any, made therefor was made without reasonable cause, the Controller may order that the whole or any part of the amount deposited as security as a condition of the ordering of the investigation shall be forfeited and paid to the insurer in order to defray the costs incurred by the insurer in connection with the investigation.

(8) The Minister may at any time by order in writing direct the Controller or any other person specified in the order to investigate the affairs of any insurer and to report to him on any investigation made by him:

Provided that the Controller or the other person may, wherever necessary, employ an auditor or actuary or both for the purpose of assisting him in any investigation under this sub-section.

47. When any investigation in respect of an insurance company is made under section 46, the provisions of section 133 of the Companies Ordinance shall

Powers of
Investigator.

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apply for the purposes of such investigation as they apply to an investigation made in pursuance of that section of that Ordinance and all expenses of and incidental to such investigation shall be defrayed by the company and shall have priority over other debts due from the company.

Further returns and abstracts.

48. Every insurer shall furnish to the Controller such further returns or abstracts or amended or substituted returns or abstracts as may be prescribed.

PART VI

PUBLICITY

Custody and inspection of documents.

49. (1) Every return furnished to the Controller under this Act or a certified copy thereof shall be kept at the office of the Controller and shall be open for inspection by any person with the approval of the Controller at such hours as he may specify.

(2) A person may obtain a copy of any such return or any part thereof, on payment of a fee calculated at the rate of twenty-five cents for every hundred words or part thereof required to be copied, any five figures being deemed for this purpose to be equivalent to one word.

Evidence of documents.

50. Every document purporting to be certified by the Controller to be a copy of a return furnished to him shall be deemed to be a copy of that return and shall be received in evidence as if it were the original return, unless some variation between it and the original return is proved.

Summary of returns to be published.

51. The Minister may cause to be published in each year, in such manner as he may direct, a summary of the accounts, balance sheets, statements, abstracts and other returns furnished or purporting to be furnished under this Act to the Controller and may append to such summary any note made by the Controller thereon and any correspondence in relation thereto:

Provided, however, that no reference shall be made in any such note to any matter affecting any particular insurer unless the insurer has been afforded an opportunity to make representations against the inclusion of such reference in the note.

52. No insurer shall publish in Ceylon any return in a form other than that in which it has been furnished to the Controller:

Returns to be published in statutory form.

Provided that nothing contained in this section shall prevent an insurer from publishing a true and accurate abstract from such returns for the purpose of publicity.

PART VII

MANAGEMENT BY ADMINISTRATOR AND WINDING-UP

53. (1) If at any time the Controller has from information available to him from any source whatsoever reason to believe that an insurer, who is carrying on the business of life assurance, or the business of life assurance in conjunction with any other class of insurance business, has acted in a manner prejudicial to the interests of holders of insurance policies or is acting in a manner likely to be prejudicial to the interests of holders of insurance policies, he may, after giving such opportunity to the insurer to be heard as he thinks fit, make a report thereon to the Minister.

When administrator may be appointed.

(2) The Minister, if he is of opinion after considering the report that it is necessary and proper to do so, may appoint an administrator to manage the business of the insurer under the direction and control of the Controller.

(3) An administrator appointed under sub-section (2) shall receive such remuneration as the Minister may direct, and such remuneration shall be payable out of the funds of the business which is managed by the administrator.

(4) The management of the business of an insurer shall, on and after the date of appointment of an administrator under sub-section (2), vest in such administrator:

Provided however that, except with the approval of the Controller, an administrator shall not issue any new policies of insurance.

(5) The Minister may at any time revoke the appointment of any person as administrator and appoint some other person as administrator, and thereupon the first mentioned person shall be divested of the management of the affairs of the insurer.

(6) The Controller may issue such directions to the administrator as to his powers and duties as he deems desirable in the circumstances of the case, and the administrator may apply to the Controller at any time for instructions as to the management of the business of the insurer or in relation to any matter arising in the course of such management.

Powers and
duties of
administrator.

54. (1) The administrator shall conduct the management of the business of the insurer with the greatest economy compatible with efficiency and shall, as soon as may be possible, file with the Controller a report stating which of the following courses is in the circumstances most advantageous to the general interests of the holders of life assurance policies, namely:—

- (a) the transfer of the business to such an institution as the Controller may, with the approval of the Minister, determine, or
- (b) the winding-up of the insurer, or
- (c) such other course as he may deem advisable.

(2) On the filing of the report with the Controller, the Controller may take such action as he thinks fit for protecting and promoting the interests of the holders of insurance policies in general.

(3) Any act done by the Controller in pursuance of the powers vested in him under sub-section (2) shall have effect,—

- (a) if the insurer is a company, notwithstanding anything in the memorandum or articles of association of that company, and
- (b) if the insurer is a person other than a company, notwithstanding anything in the instrument of incorporation of such insurer.

Cancellation
of contracts
and
agreements.

55. An administrator may, at any time during the continuance of his management of the affairs of an insurer, cancel or vary (either unconditionally or subject to such conditions as he thinks fit to impose) any contract or agreement, other than a policy between the insurer and any other person, which the administrator is satisfied has been or is prejudicial to the interests of holders of insurance policies. Before cancelling or varying any contract or agreement, the administrator shall give to all persons, who will be affected by such cancellation or variation, an opportunity of being heard.

56. If at any time, on a report made by the Controller in that behalf, it appears to the Minister that the purpose of the appointment of an administrator has been fulfilled or that for any reason it is undesirable that such appointment should continue, the Minister may revoke the appointment and thereupon the administrator shall be divested of the management of the insurance business which shall, unless otherwise directed by the Minister, again vest in the person in whom it was vested immediately prior to the date of appointment of the administrator.

Termination of appointment of administrator.

57. Any decision of the Minister made in pursuance of section 53 or section 56 shall be final and shall not be called in question in any court.

Finality of decision appointing administrator.

58. If any director of an insurance company or any officer in charge of the business of an insurer fails to deliver to the administrator any book of account, register or any other documents in his custody, relating to the business of the insurer or insurance company the management of which has vested in the administrator, or retains any property of such insurer or company, he shall be guilty of an offence and shall be liable to imprisonment of either description for a period not exceeding six months, or a fine not exceeding one thousand rupees or both such imprisonment and fine.

Penalty for withholding documents or property from administrators.

59. No suit or prosecution shall lie against the Minister, or Controller or an administrator or any officer or other person for any act which is in good faith done or purported to be done in pursuance of any of the sections 53, 54, 55 or 56.

No suit or prosecution to lie against the Minister, Controller, administrator or any officer or other person.

60. Notwithstanding anything in any other law, the business of an insurer shall not be wound up voluntarily except with the prior approval of the Controller.

Voluntary winding up.

61. (1) An insurance company carrying on insurance business shall be deemed for the purposes of section 162 of the Companies Ordinance (which section authorises the court to wind up a company) to be unable to pay its debts, and any other insurer shall be deemed to be unable to pay the debts appertaining to the insurance business carried on by such insurer, if the value of the assets relating to the insurance business carried on by such company or other insurer, as the case may be, does not exceed the amount of the liabilities relating to such business by the amount of the deposit for the time being required to be maintained by such company or other insurer under section

Margin of solvency.

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12 of this Act or one-tenth of the general premium income for the preceding financial year, whichever is the greater; and the provisions of section 46 of this Act shall apply accordingly.

(2) For the purposes of this section—

- (a) in computing the amount of the assets of an insurer, no account shall be taken of any uncalled capital or fictitious or intangible assets,
- (b) the value of the assets shall be computed at their market value or realisable value,
- (c) in computing the amount of the liabilities of an insurer, all contingent and prospective liabilities shall be taken into account, but not liabilities in respect of share capital, and
- (d) the general premium income of an insurer in any year shall be taken to be the net amount, after deduction of any premiums paid by the insurer for reinsurance of the premiums received by the insurer in that year in respect of all insurance business other than long term insurance business.

Appointment
of Winding up
Tribunals.

62. (1) The Minister may, for the purposes of this Act appoint one or more Winding-up Tribunals; each such Tribunal shall consist of three members appointed by the Minister, of whom one shall be a person who is or has been a Judge of a District Court, and such person shall be the Chairman of the Tribunal.

(2) A Winding-up Tribunal may choose one or more persons possessing special knowledge of any matter relating to any case under inquiry to assist the Tribunal in determining any question which has to be decided by it under this Act.

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(3) Every Winding-up Tribunal shall have such powers of a civil court under the Civil Procedure Code as may be prescribed.

(4) Every Winding-up Tribunal may review any of its decisions in the event of there being a mistake on the face of the record or correct any arithmetical or clerical mistake therein.

Circumstances
under which the
District Court
or a Winding-up
Tribunal may
order the
winding up of an
insurer.
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63. (1) The District Court or a Winding-up Tribunal may order the winding up of any insurance company in accordance with the Companies Ordinance and the provisions of that Ordinance shall, subject to the provisions of this Part of this Act, apply accordingly.

(2) The District Court or a Winding-up Tribunal may order the winding up of an insurer—

(a) if a petition in that behalf is presented by not less than fifty holders of policies of life assurance issued by that insurer and which have been in force for not less than three years and which will on maturity be of the total value of not less than fifty thousand rupees ; or

(b) if the Controller, who is hereby authorised to do so applies in that behalf to the District Court or to a Winding-up Tribunal on any of the following grounds, namely:—

(i) that the insurer has failed to comply with the provisions of section 12 and of section 44;

(ii) that the insurer having failed to comply with any requirement of this Act has continued such failure, or having contravened any provisions of this Act, has continued such contravention, for a period of three months after notice of such failure or contravention has been conveyed to the insurer by the Controller;

(iii) that it appears from the returns furnished under the provisions of this Act or from the results of any investigation made thereunder that the insurer is insolvent; or

(iv) that the continuance of the insurer is prejudicial to the interests of the policy holders.

(3) Where any petition under paragraph (a) of sub-section (2) is found to have been made frivolously or vexatiously, the District Court or Winding-up Tribunal may make order for the payment by the petitioners of the costs and expenses actually and reasonably incurred by the insurer in consequence of the petition and in the proceedings thereon.

64. (1) In the winding up of an insurer, the value of the assets and liabilities of the insurer shall be ascertained in such manner and upon such basis as the liquidator thinks fit, subject, as far as practicable,

Valuation of
assets and
liabilities.

to the regulation contained in the Sixth Schedule to this Act and to any directions which may be given by the District Court or Winding-up Tribunal, as the case may be.

(2) For the purposes of any reduction by the District Court or Winding-up Tribunal of the amounts of the contracts of an insurer, the value of the assets and liabilities of the insurer and all claims in respect of policies issued by the insurer shall be ascertained in such manner and upon such basis as the Court or Winding-up Tribunal thinks proper having regard to the regulation in the Sixth Schedule to this Act.

Application of
surplus of assets
fund in
liquidation.

65. (1) In the winding up of an insurer, the value of the assets and the liabilities of the insurer in respect of life assurance business shall be ascertained separately from the value of any other assets and liabilities of the insurer, and the first mentioned assets shall not be applied for the discharge of any liabilities other than those in respect of life assurance business except in so far as the first mentioned assets exceed the liabilities in respect of life assurance business.

(2) Where in the winding up of any insurer carrying on the business of life assurance it is found that when the assets and liabilities of the insurer are ascertained there is a surplus of assets over liabilities (hereinafter referred to as a "*prima facie* surplus") and that any part of the surplus had, at any time during the ten years preceding the commencement of the winding up, been allocated to life policy holders, the following provisions shall have effect:—

(i) there shall be added to the liabilities of the insurer in respect of the life assurance business an amount which bears to the *prima facie* surplus the same proportion as the aggregate amount of surplus so allocated to policy holders during the aforesaid ten years bears to the total surplus arising from the life assurance business in those ten years; and

(ii) the assets of the insurer shall be deemed to exceed its liabilities only in so far as they are in excess after such addition is made:

Provided that—

(a) if in any case there has been no such allocation or if it appears to the District Court or a Winding-up Tribunal that by reason of

special circumstances it would be inequitable that the amount to be added to the liabilities of the insurer in respect of the life assurance business should be an amount equal to such proportion as aforesaid, the amount to be so added shall be such amount as the District Court or Winding-up Tribunal may direct, and

- (b) for the purpose of the application of this subsection to any case where before the commencement of the winding up a proportion of such surplus as aforesaid of a category only of the life assurance business in question has been allocated to life policy holders, the value of the assets and liabilities of the insurer in respect of that category shall be separately ascertained in like manner as the value of the assets and liabilities of such insurer in respect of the life assurance business was ascertained, and any surplus so found of assets over liabilities shall, for the purpose of ascertaining the amount to be added to the liabilities of the insurer in respect of the life assurance business, be deemed to be *prima facie* surplus.

66. In the winding up of an insurer otherwise than in a case to which section 67 applies the liquidator shall apply to the District Court or a Winding-up Tribunal for an order for a return of the deposit made by the insurer under section 12 or section 44 and the Court or Winding-up Tribunal shall on such application order a return of the deposit subject to such terms and conditions as it shall direct.

Return of deposit on the application of a liquidator.

67. (1) If at any time it appears to be expedient that the affairs of an insurer in respect of any class of insurance business comprised in the undertaking of the insurer should be wound up but that any other class of insurance business comprised in the undertaking should continue to be carried on by the insurer or be transferred to such an institution as may be declared by the Minister by notification published in the *Gazette* a scheme for such purpose may be prepared and submitted for confirmation of the District Court or a Winding-up Tribunal in accordance with the provisions of this Act.

Scheme of partial winding up.

(2) Any scheme prepared under this section shall provide for the allocation and distribution of the assets and liabilities of the insurer between any classes of insurance business effected (including the allocation of any surplus assets which may arise on the proposed winding up), for any future rights of every class of policy holders in respect of their policies and for the manner of winding up of any of the affairs of the insurer which are proposed to be wound up, and may, if such insurer is a company, contain provisions for altering the memorandum of the insurance company with respect to its objects and such further provisions as may be expedient for giving effect to the scheme.

(3) The provisions of this Act relating to the valuation of liabilities of insurers in liquidation and to the application of surplus assets of the life assurance fund in liquidation shall apply to the winding up of any part of the affairs of an insurer in accordance with the scheme under this section in like manner as they apply in the winding up of an insurer, and any scheme under this section in relation to a company may apply with the necessary modifications to any of the provisions of the Companies Ordinance relating to the winding up of companies.

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(4) An order of the District Court or a Winding-up Tribunal confirming a scheme under this section whereby, if the insurer is a company, the memorandum of that company is altered with respect to its object shall as respects the alteration have effect as if it were an order confirmed under section 6 of the Companies Ordinance, and the provisions of that section shall apply accordingly.

(5) When making an order confirming a scheme under this section, the District Court or a Winding-up Tribunal may make such orders as it considers necessary for the disposal of so much of the deposit made by the insurer under section 12 or section 44 as does not relate to the classes of insurance business, if any, which the insurer continues to carry on.

68. In the winding up of an insurer for the purpose of a cash distribution of assets, the liquidator shall ascertain the value of the liability to each person appearing by the books of the insurer to be entitled to or interested in the policies granted by the insurer and shall give notice of such value to each such person in such manner as the District Court or Winding-up Tribunal may direct; and any person to whom notice is so given shall be bound by the value so ascertained,

Notice of
policy
values.

unless he gives notice of his intention to dispute such value in such manner and within such time as may be specified by the District Court or Winding-up Tribunal.

69. (1) Where an insurer is in liquidation, the District Court or Winding-up Tribunal may make an order reducing the amounts payable in respect of the insurance contracts of the insurer upon such terms and subject to such conditions as the District Court or Winding-up Tribunal thinks just.

Power of District Court or Winding-up Tribunal to reduce contracts of insurer.

(2) Where an insurer carrying on the business of life assurance has been proved to be insolvent, the District Court or Winding-up Tribunal may, if it thinks fit, in place of making a winding up order reduce the amounts payable in respect of the insurance contracts of the insurer upon such terms and subject to such conditions as the District Court or Winding-up Tribunal thinks just.

(3) Application for an order under this section may be made either by the liquidator or by or on behalf of the insurer or by a policy holder or by the Controller; and the Controller and any person whom the District Court or Winding-up Tribunal thinks likely to be affected shall be entitled to be heard on any such application.

70. Where on or after the twenty-first day of July, 1960, a person carrying on the business of life assurance has wound up, or takes steps to wind up, such business and where the assets relating to such business have not been, or are not, sufficient to meet the liabilities subsisting under policies of life assurance issued by such person, then every holder of such a policy shall be entitled by action instituted in a court of competent jurisdiction to proceed against—

Right of certain holders of life assurance policies to have recourse in certain circumstances to other assets of persons who have issued such policies and who have wound up, or are taking steps to wind up the business of life assurance.

- (a) if such person is an individual, any other assets held by such individual on or after that date, or
- (b) if such person is a company, any other assets held by each director of such company on or after that date, or
- (c) if such person is a firm, any other assets held by each partner of that firm on or after that date,

and recover any sum outstanding under such policy of insurance.

PART VIII

OFFENCES

Offence of carrying on or commencing any insurance business without registration or of carrying on any class of insurance business not authorised.

71. Any person who—

- (a) carries on any insurance business, or commences any insurance business, without being duly registered under this Act, or
- (b) carries on any class of insurance business which he is not authorised under this Act to carry on,

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

Offence of soliciting insurance business on behalf of unauthorised persons.

72. Any person who solicits or procures in Ceylon insurance business of any class, or makes any offer referred to in paragraph (b) of section 84 (2) with the object of effecting any contract of insurance of any class, for or on behalf of a person not being an insurer duly authorised under this Act to carry on insurance business of that class, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Other offences under this Act.

73. (1) Without prejudice to the provisions of section 58 or section 71 or section 72 by which a special penalty is prescribed for an offence, any person who contravenes or fails to comply with any provision of this Act 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 and in the case of a continuing offence to a further fine not exceeding two hundred rupees for each day on which the offence is so continued after the conviction.

(2) Where an offence under this Act is committed by an insurer, every principal, agent, manager or other officer of the insurer, and, if the insurer is a company, every director of the company, shall also be guilty of the same offence and liable to the same punishment, unless he proves that the offence was

committed without his knowledge or consent and that he had taken all reasonable steps to prevent the commission of the offence.

74. (1) A prosecution for any offence under this Act may be instituted by the Controller or by any other officer acting under the written authority of the Controller.

Institution of proceedings.

(2) No prosecution for any offence under this Act shall be instituted by any person other than the Controller or an officer acting under his authority, except with the prior written sanction of the Attorney-General.

75. If in any prosecution or other proceedings taken under this Act, it appears to the court that a person is or may be liable in respect of negligence, default or breach of duty, but that he has acted honestly and reasonably and that having regard to all the circumstances of the case, he ought fairly to be excused for such negligence, default or breach of duty, the court may relieve him fully or partly from his liability subject to such conditions as the court may seem fit.

Power of court to grant relief.

PART IX GENERAL

76. There may be appointed for the purposes of this Act—

Appointment of Controller of Insurance and other officers.

- (a) a person, by name or by office, to be or to act as the Controller of Insurance,
- (b) a person, by name or by office, to be or to act as the Deputy Controller of Insurance, and
- (c) such other officers, consultants and servants as may from time to time be required for the purposes of this Act.

77. Any notice or other document required or authorised by or under this Act to be served on any insurer shall—

Service of notices.

- (a) if such insurer is a company, be served on any director or manager or officer thereof in accordance with the provisions in that behalf contained in the Companies Ordinance, and

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(b) if such insurer is a person other than a company, be served on such insurer or the manager or principal agent of such insurer, and, if so served, shall be deemed for the purposes of this Act to have been duly served.

Power of Controller to settle claims arising under life assurance policies in which the sum assured does not exceed two thousand rupees.

78. (1) Where a dispute relating to the settlement of a claim on a policy of life assurance, by which the sum assured does not exceed two thousand rupees (exclusive of any profit or bonus not being a guaranteed profit or bonus) and which was issued by an insurer in respect of insurance business transacted by the insurer in Ceylon, arises between a claimant under the policy and the insurer who issued the policy or has otherwise assumed liability in respect thereof, the dispute may, at the option of the claimant, be referred to the Controller for his decision, and the Controller may, after giving an opportunity to the parties to be heard and after making such further inquiries as he may think fit, make his order on the dispute.

(2) The order of the Controller under this section shall be final and shall not be called in question in any court of law, and may, on application made by the Controller to the court in which, if the dispute had not been referred to the Controller, action would have been instituted in respect of the dispute, be executed by that court as if it were a decree entered by that court.

(3) The Controller shall be entitled to levy from the claimant such amount as may be prescribed as his fees for the duties performed by him under this section. Such amount may be recovered in the prescribed manner from the claimant and shall on recovery be paid into the Consolidated Fund of Ceylon.

Regulations.

79. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act or of amending any Schedule to this Act, and in particular in respect of matters required by this Act to be prescribed or in respect of which regulations are authorised to be made.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for the seizure, recovery and sale of any property belonging to a director, manager, or other officer or employee of an insurance business who has acted in a manner prejudicial to the interests of the holders of policies of insurance issued in respect of that

business and for the management of which an administrator has been appointed under section 53, whether such property is in the ownership or possession of such director, manager, other officer or employee, or of any member of his family or of any person or persons with whom such director, manager, other officer or employee has been associated in such business.

(3) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

80. Save as expressly provided in this Act, the provisions of this Act relating to insurance companies shall have effect in addition to and not in substitution for the provisions of the Companies Ordinance.

Application of Companies Ordinance.

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81. (1) Any insurer who is registered under the provisions of this Act to carry on motor vehicle insurance business shall be deemed to be an authorised insurer for the purposes of Part VI of the Motor Traffic Act.

Certain insurers deemed to be authorised insurers for the purposes of the Motor Traffic Act, and deemed to be granted licences under section 45 (1) of the Workmen's Compensation Ordinance. Cap. 203.

(2) Any insurer who is registered under the provisions of this Act to carry on employers' liability insurance business shall be deemed to have been granted a licence under the provisions of section 45 (1) of the Workmen's Compensation Ordinance to undertake insurance against liabilities to workmen which may be incurred by employers under that Ordinance.

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82. Notwithstanding anything in the preceding provisions of this Act, where any insurer has, at any time between the twenty-fourth day of November, 1961, and the appointed date, committed any of the following acts,—

Duty of insurers who have disposed of assets relating to life assurance business prior to the appointed date.

- (i) invested any moneys forming part of the assets relating to his life assurance business in investments other than in approved securities;
- (ii) given loans of such moneys which are not in accordance with the provisions of this Act;
- (iii) in any manner whatsoever alienated such assets or any part thereof,

such act shall be deemed to be null and void, and it shall be the duty of such insurer, notwithstanding anything in any other law, to recover such moneys or assets by the institution of legal proceedings in a competent court :

Provided that this section shall not apply to any loan or investment given or made by an insurer if the Minister is satisfied that such loan or investment was made in the best interests of the policy holders of that insurer.

Repeals.

83. (1) The Life Insurance Companies Ordinance, No. 11 of 1911, is hereby repealed.

(2) Sections 11, 12, 13, 16 and 30 of the Insurance Corporation Act, No. 2 of 1961, are hereby repealed.

Interpretation.

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

“actuary” means a person possessing such qualifications as may be prescribed;

“approved project” shall have the same meaning as “approved project” in section 47A (1) of the Income Tax Ordinance;

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“approved securities” means—

(a) Government securities,

(b) Government guaranteed securities,

(c) Local authority securities,

(d) Post Office Savings Bank Certificates, and deposits in the Ceylon Savings Bank,

(e) shares of the Development Finance Corporation of Ceylon,

(f) investments in any approved project, and

(g) ordinary shares, preference shares, and debentures, of any institution in which the Government of Ceylon and private individuals participate jointly;

“auditor” means a person possessing such qualifications as may be prescribed;

- “certified” in relation to any statement, account or return, or to any copy or translation of a document required to be furnished by or on behalf of an insurer, means that a certificate to the effect that such a statement, account or return is true and correct or that the copy is a true copy or that the translation is a correct translation, has been endorsed thereon or attached thereto by the insurer or the principal officer of the insurer authorised in that behalf, as the case may be;
- “Ceylon insurer” means in the case of a company any body corporate carrying on or transacting insurance business and being incorporated under any law for the time being in force in Ceylon and shall be deemed to include any such body corporate that has prior to the appointed date carried on or transacted insurance business, liability in respect of which remains unpaid or undischarged on the appointed date;
- “Controller” means the Controller of Insurance appointed for the purposes of this Act and includes the Deputy Controller of Insurance;
- “District Court” means the District Court of the district in which the head office or principal place of business in Ceylon of an insurer is situated;
- “foreign insurance company” means a company formed and registered under the law in that behalf in any country other than Ceylon which has at any time carried on insurance business in Ceylon;
- “foreign insurer” means an insurer other than a Ceylon insurer;
- “Government guaranteed securities” includes any security in respect of a loan the repayment of which together with interest thereto is guaranteed by the Government of Ceylon;
- “Government securities” means promisory notes (including treasury bills), stock, bearer bonds, and any other security issued by or

on behalf of the Government of Ceylon in respect of any loan raised either before or after the appointed date, but does not include a currency note;

“ insurance agent ” means an individual who receives or agrees to receive payment from an insurer by way of commission or other remuneration in consideration for his soliciting or procuring insurance business including business relating to the continuance, renewal or revival of policies of insurance;

“ insurance business ” means any of the following classes of business:—

(a) life assurance business, that is to say, the business of entering into or maintaining contracts of assurance on human lives, such contracts including contracts whereby the payment of money is assured on death or on the happening of any contingency dependent on human life, and contracts which are subject to payment of premiums for a term dependent on human life and such contracts being deemed to include—

(i) contracts for the granting of disability and double or triple indemnity accident and sickness benefits if so specified in such contracts,

(ii) contracts for the grant of annuities dependent on human life, and

(iii) contracts relating to capital redemption business;

(b) marine insurance business, that is to say, the business of effecting contracts of insurance upon vessels of any description, including cargoes and freights, and other interest which may legally be insured in or in relation to such vessels, cargoes and freights, goods, wares, merchandise and property of whatever description insured for any transit by land or water, or both, and whether or not including warehouse

- risks or similar risks in addition or as are incidental to such transit and includes any other risks customarily included among the risks insured against in marine insurance policies;
- (c) fire insurance business, that is to say, the business of effecting, otherwise than incidentally to some other class of insurance business, contracts of insurance against loss by or incidental to fire or other occurrence customarily included among the risks insured against in fire insurance policies;
- (d) motor vehicle insurance business, that is to say, the business of effecting contracts of insurance against loss of motor vehicles or damage arising out of or in connection with the use of motor vehicles, including third party risks;
- (e) employers' liability insurance business, that is to say, the issue of, or the undertaking of liability under, policies insuring employers against liability to pay compensation or damages to workmen in their employment;
- (f) miscellaneous insurance business, including personal accident insurance business, aircraft insurance business, fidelity guarantee insurance business, burglary insurance business, cash in transit insurance business and cash in safe insurance business but excluding insurance business which is not principally or wholly of any kind or kinds included in paragraphs (b), (c), (d) and (e) and excluding insurance business involving contracts of a long-term nature;

“insurer” means—

- (a) any body corporate carrying on or transacting insurance business and being incorporated under any law for the time being in force in Ceylon;



(b) an individual or unincorporated body of individuals or body corporate incorporated under the law of any country other than Ceylon, who or which carries on or transacts insurance business and who or which—

- (i) carries on that business in Ceylon, or
- (ii) has his or its principal place of business or his or its domicile in Ceylon, or
- (iii) with the object of offering insurance business employs a representative or maintains a place of business in Ceylon,

and shall be deemed to include an individual, any body corporate, or unincorporated body of individuals who or which has prior to the appointed date carried on or transacted insurance business, liability in respect of which remains unpaid or undischarged on the appointed date ;

“ local authority securities ” means any security that may be issued, in accordance with the law in force for the time being by any local authority in Ceylon;

“ long-term business ” means insurance business of all or any of the following classes, namely, life assurance business and bond investment business, and includes in relation to any insurer, insurance business carried on by the insurer as incidental only to any such class of business;

“ manager ” means a person who, subject to the control and supervision of the insurer, or if the insurer is a company, of the directors, has the management of the whole of the affairs of an insurer, and includes any other person occupying the position of a manager, by whatever name called, and whether under a contract of service or not;

“ officer ” or “ principal officer ” includes any director, managing director, manager or secretary of an insurer;

“ policy holder ” includes a person to whom the whole of the interest of the policy holder in the policy is assigned once and for all, but does not include an assignee thereof whose interest in the policy is defeasible or is for the time being subject to any condition;

“ principal agent ” means a person who, not being a salaried employee of an insurer, in consideration of any commission—

- (i) performs any administrative and organising function for the insurer, and
- (ii) procures insurance business ;

“ prescribed ” means prescribed by regulation made under this Act;

“ Winding-up Tribunal ” means a Tribunal appointed under section 62 of this Act.

(2) For the purposes of this Act, a person shall be deemed to carry on or transact insurance business of any class in Ceylon if such person—

- (a) issues, or undertakes liability under, any policy or contract of insurance of that class to or with a person for the time being in Ceylon; or
- (b) offers whether orally or in writing to issue, or undertake liability under, any policy or contract whether such offer is made directly to any such person or generally to any such person by the publication, transmission, or circulation of any advertisement, book, pamphlet, or any document whatsoever; or
- (c) employs, engages or in any other manner causes or encourages, any person to make any such offer as aforesaid whether or not any remuneration is paid or payable to such other person.

FIRST SCHEDULE

(Section 35)

**REGULATIONS AND FORMS FOR THE PREPARATION
OF BALANCE SHEET****PART I***Regulations*

1. (1) The balance sheet required to be prepared by an insurer must be in Form A set out in Part II of this Schedule.

(2) Form A set out in Part II of this Schedule, which is intended to be used by an insurer who carries on insurance business and who has undischarged liabilities in respect of life assurance policies issued by such insurer, must be used with the necessary modifications in the case of an insurer who does not have such undischarged liabilities or in the case of an insurer who also has undischarged liabilities on bond investment business.

2. The balance sheet of the life assurance business, the balance sheet relating to any other class of insurance business, and the balance sheet of bond investment business shall each be prepared as a separate document. The totals of each separate balance sheet prepared by any insurer under this regulation, that is to say, the total assets of the long-term business and insurance business, the balance to the credit of the life assurance fund and of every other separate fund or account, the amount of the shareholders' undivided profits, and outstanding liabilities shall in every case be incorporated in the general balance sheet of that insurer.

3. Every combined balance sheet issued for any purpose by an insurer, shall be in Form A referred to in regulation 1. There shall not be included among the assets shown in any combined balance sheet any amount in respect of any holding in or advance to any insurer whose assets and liabilities have been incorporated therein. Every combined balance sheet must show clearly on the face thereof that it is a combined balance sheet, and must set out fully the name of every insurer whose assets and liabilities have been incorporated therein; and where the assets and liabilities of any person who is not an insurer are included in the combined balance sheet the fact must be expressly stated in the balance sheet.

4. Where any guarantee has been given by an insurer (otherwise than in the ordinary course of reinsurance business) in respect of the policies of one or more other insurers, the balance sheet of the first mentioned insurer must show clearly the name of each other insurer whose policies have been so guaranteed and the extent of the guarantee:

Provided that this regulation shall not apply where a combined balance sheet is issued incorporating the assets and liabilities of the insurer whose policies are guaranteed.

5. Where any part of the assets of an insurer is deposited in any place outside Ceylon as security for the owners of the insurance policies issued in that place, the balance sheet must state that such part of the assets has been so deposited, and, if any such part forms part of the life assurance fund, the balance sheet must show the amount thereof and the place where it is deposited. Where any combined balance sheet is issued by an insurer for any purpose, the information required by this regulation must be shown in the aggregate in respect of all the insurers whose assets and liabilities have been incorporated in the balance sheet.

6. There shall be appended to the balance sheet of each insurer a statement, in Form AA set out in Part II of this Schedule, showing the value of the assets of that insurer in Ceylon together with a certificate by an auditor that the stated value does not in his opinion exceed the market value.

7. Every balance sheet must have the following certificates set out therein, namely—

(a) a certificate signed by the same persons as are required by this Act to sign the balance sheet, as to the manner in which the values of the investments in stocks and shares shown in the balance sheet have been arrived at, and the market value thereof has been ascertained for the purpose of comparison with the values so shown;

(b) a certificate signed by the same persons as are required by this Act to sign the balance sheet and signed also, so far as respects the value of any items shown in the balance sheet under the heading of "Reversions and Life Interests", by an actuary to the effect that the values of all the assets have been reviewed as at the date of the balance sheet, and that in their belief the assets set forth in the balance sheet are shown in the aggregate at amounts not exceeding their realisable or market value under the several headings—"Loans", "Reversions and Life Interests", "Investments", "Agents' Balances", "Outstanding Premiums", "Interest, Dividends and Rents accruing but not due", "Amounts due from other persons or bodies carrying on Insurance business" separately for Ceylon Insurers and for Foreign Insurers, "Sundry Debtors", "Bills Receivable", "Cash" and the several items specified under "Other Accounts":

Provided that in any case where it is not possible to certify that the assets set forth in the balance sheet are shown as required by this regulation a full explanation of the bases upon which the values shown in the balance sheet have been assessed shall be given in the certificate;

(c) where the balance sheet relates either wholly or in part to life assurance business, a certificate signed by the same persons as are required by this Act to sign the balance sheet and by the auditor to the effect that

no part of the assets of the life assurance fund has been directly or indirectly applied in contravention of the provisions of this Act relating to the application and investment of life assurance funds; and

(d) certificates signed by the auditor (which shall be in addition to any other certificate or report which he is required by law to give with respect to the balance sheet) to the effect—

(i) that he has verified the cash balances and the securities relating to the insurer's loans, reversions and life interests, and investments;

(ii) to what extent, if any, he has verified the investments and transactions relating to any trusts undertaken by the insurer as trustee; and

(iii) in the case of a combined balance sheet that he has audited the balance sheet and accounts of every insurer whose assets and liabilities are incorporated therein, or that any such balance sheet and accounts which have not been audited by him have been certified by independent auditors. The said certificate shall contain a reference to such reservations, if any, as may have been made by any auditor upon any report or certificate given by him with respect to the balance sheet and accounts of any insurer whose assets and liabilities are incorporated in the combined balance sheet.

8. If the values shown in the balance sheet in respect of "Holdings in Subsidiary Companies" or "House property" (i) in Ceylon (ii) out of Ceylon have been increased since the last previous balance sheet, the certificate required by paragraph (b) of regulation 7 shall state the amount of every increase not solely due to the cost of subsequent additions or, as respects holdings in controlled companies, to increased profits, and shall contain an explanation of the reason for such increase in values.

9. For the purposes of this Schedule, the following expressions have the meanings hereby respectively assigned to them, namely:—

(a) "combined balance sheet" includes any combined statement of assets and liabilities made by an insurer in the form of a balance sheet which includes the assets and liabilities of any other insurer; and

(b) "market value", as respects any asset, means the market value thereof as ascertained from published market quotations, or, if there be no such quotations published, its fair value as between a willing buyer and a willing seller.

PART II

FORM A

Form of Balance Sheet

Balance Sheet of _____ as at 19 _____

	Life Assurance Rs. c.	General Business Rs. c.		Life Assurance Rs. c.	General Business Rs. c.
Shareholders' capital (each class to be stated separately) ..			Loans on Mortgages of Property in Ceylon ..		
Authorised shares of Rs. each Rs.			Loans on Mortgages of Property out of Ceylon ..		
Subscribed shares of Rs. each Rs.			Loans on Policies ..		
Called up shares of Rs. each Rs.			Other loans (to be specified) (c) ..		
<i>Less</i> unpaid calls.... Rs.			Reversions and Life Interests ..		
Reserve or Contingency accounts (a) ..			Debenture Stocks (c) ..		
Investment Revenue Account ..			Deposit with Deputy Secretary to Treasury (securities to be specified) ..		
Profit and Loss Appropriation account ..			Ceylon Government securities ..		
Life Assurance Fund			Foreign Government securities ..		
(i) Business in Ceylon ..			Ceylon Government guaranteed securities ..		
(ii) Business outside Ceylon ..			Preference shares of concerns in Ceylon (c) ..		
Fire Insurance Account ..			Preference shares of concerns out of Ceylon ..		
Marine Insurance Account ..			Ordinary shares of concerns in Ceylon (c) ..		
Motor Vehicle Insurance Account ..			Ordinary shares of concerns out of Ceylon ..		
Employers' Liability Insurance Account ..			Land and House property in Ceylon ..		
Miscellaneous Insurance Account ..			Land and House property out of Ceylon ..		
Other accounts (to be specified) ..			Agents' Balances ..		
Loans and advances (b) ..			Outstanding Premiums ..		
Claims admitted or intimated but not paid ..			Interest, Dividends and Rents outstanding ..		
Life assurance ..			Interest accruing but not due ..		
Fire Insurance ..			Amounts due from other persons or bodies carrying on Insurance business (d) ..		
Marine Insurance ..					
Motor Vehicle Insurance ..			Ceylon Rs.		
Employers' liability Insurance ..			Foreign Rs.		
Miscellaneous Insurance ..					

	Life	General		Life	General
	Assu- rance	Business		Assu- rance	Business
	Rs. c.	Rs. c.		Rs. c.	Rs. c.
Amounts due to other persons or Bodies carrying on Insurance business (b)			Sundry Debtors (e) ..		
Ceylon Rs.			Cash on deposit account ..		
Foreign Rs.			Cash in hand and at Current Bank Accounts		
Sundry Creditors (b) ..			Other accounts (to be specified) (f) ..		
Other sums owing (to be specified) (b) ..					
Contingent Liabilities (to be specified) (b) ..					

NOTES

(a) The Reserves or Contingency Accounts must be separately stated.

(b) If the insurer has deposited security as cover in respect of any of these items, the amount and nature of the securities so deposited must be clearly indicated on the face of the balance sheet.

(c) Full particulars of holdings in and loans to subsidiary companies must be stated, giving the name of each company, the number and description of each class of shares held, the amounts paid thereon, and the value at which the holdings in each company stand in the balance sheet.

(d) The aggregate amount owing by a subsidiary company or subsidiary companies must be shown separately from all other assets and the aggregate amount owing to a subsidiary company or subsidiary companies must be shown separately from all other liabilities.

(e) Amounts due from directors and from officers must be shown separately.

(f) Under this heading must be included such items as the following, which must be shown under separate headings suitably described :- office furniture, goodwill, preliminary formation and organisation expenses, development expenditure account, other expenditure carried forward to be written off in future years, balance being loss on profit and loss appropriation accounts, etc. The amounts included in the balance sheet must not be in excess of cost.

FORM AA

Classified Summary of the Assets in Ceylon of the
 on 19.....

Class of Asset	(a) Book Value Rs.	(b) Market Value Rs.	(c) Remarks
1. Government Securities		
2. Government Guaranteed Securities		
3. Local Authority Securities		
4. Debentures of concerns in Ceylon (approved)		
5. Debentures of concerns in Ceylon (unapproved)		
6. Preference Shares of concerns in Ceylon (approved)		
7. Preference Shares of concerns in Ceylon (unapproved)		
8. Ordinary Shares of concerns in Ceylon (approved)		
9. Ordinary Shares of concerns in Ceylon (unapproved)		
10. Loans on Company's policies in Ceylon		
11. Loans on mortgage of property in Ceylon		
12. Other loans granted in Ceylon (particulars to be stated)		
13. Land and House Property in Ceylon		
14. Buildings		
15. Post Office Savings Bank Certificates		
16. Deposits in Ceylon Savings Bank		
17. Cash at Commercial Banks		
18. Interest, dividends and rents outstanding		
19. Agents' balances and outstanding premia		
20. Other Assets in Ceylon (to be specified)		

The statement shall show—

- (a) the value for which credit is taken in the balance sheet for each of the above-mentioned classes of assets,
- (b) the market value of such of the above-mentioned classes of assets as has been ascertained from published quotations after deduction of accrued interest included in market prices in those cases where accrued interest is included elsewhere in the balance sheet, and
- (c) how the value of such of the above-mentioned classes as has not been ascertained from published quotations has been arrived at.

SECOND SCHEDULE

(Section 35)

**REGULATIONS AND FORMS FOR THE PREPARATION
OF PROFIT AND LOSS ACCOUNTS**

PART I

Regulations

1. The items on the income side of the profit and loss account and profit and loss appropriation account must relate to income whether actually received or not, and the items on the expenditure side must relate to expenditure whether actually paid or not.
2. Deductions from Interest, Dividends and Rents shown in respect of income tax must include all amounts in respect of Ceylon Income Tax whether or not it has been or is to be deducted at source or paid direct.

PART II

FORMS

FORM B

Form of Profit and Loss Account

Profit and Loss Account of for the year
ended 19.....

	Rs. c.		Rs. c.
Taxes not applicable to any particular Fund or Account ..		Interest, Dividends and Rents (not applicable to any particular Fund or Account) ..	Rs.
Expenses of Management not applicable to any particular Fund or Account (a) ..		Less Income ..	Rs.
Loss on Realisation of Investments (not charged to Revenue or any particular Fund or Account) ..		Tax thereon ..	Rs.
Depreciation of Investments (not charged to Revenue or any particular Fund or Account) ..		Profit on Realisation of Investments (not credited to Revenue or any particular Fund or Account) ..	
Loss transferred from Revenue Accounts (details to be given) ..		Appreciation of Investments (not credited to revenue or any particular Fund or Account) ..	
Other Expenditure (to be specified)		Profit transferred from Revenue Accounts (details to be given) ..	
Balance for the year carried to Profit and Loss Appropriation Account ..		Transfer fees ..	
		Other Income (to be specified) ..	
		Balance being loss for the year carried to Appropriation Account ..	

(a) If any sum has been deducted from this item and entered on the assets side of the balance sheet, the amount must be shown separately.

FORM C

Form of Profit and Loss Appropriation Account

Profit and Loss Appropriation Account of
for the year ended 19.....

	Rs. c.		Rs. c.
Balance being loss for the year brought down from Profit and Loss Account (as in Form B) ..		Balance brought forward from last year <i>less</i> dividends since paid in respect of last year (to be specified) .. Rs. _____	
Dividends paid during the year on account of the current year (to be specified)		Balance for the year brought from Profit and Loss Account (as in Form B)	
Transfers to any particular Funds or Accounts (details to be given) ..			
Balance at end of year as shown in the Balance Sheet			

THIRD SCHEDULE

(Section 35)

REGULATIONS AND FORMS FOR THE PREPARATION OF REVENUE ACCOUNTS

PART I

Regulations

1. The revenue account relating to life assurance business must be in Form D set out in Part II of this Schedule.
2. A separate revenue account must be prepared for every class of business in respect of which the insurer is required to maintain a separate account.
3. The revenue account relating to marine insurance business must be in Form E set out in Part II of this Schedule.
4. The revenue account relating to fire insurance business must be in Form E set out in Part II of this Schedule.
5. A separate revenue account substantially in Form E must be prepared in respect of motor vehicle insurance business, employers' liability insurance business and miscellaneous insurance business.
6. Every combined revenue account issued for any purpose by an insurer—
 - (a) must be in accordance with the Forms set out in Part II of this Schedule;
 - (b) must clearly show on the face thereof that it is a combined revenue account;
 - (c) must set out fully the name of every insurer who is required to make separate returns under this Act and whose revenue and expenditure have been included therein; and
 - (d) if the revenue and expenditure of any person who is not an insurer are included in the account, the fact must be expressly stated thereon.
7. The items on the income side of the revenue account must relate to income whether actually received or not, and the items on the expenditure side must relate to expenditure whether actually paid or not.
8. Insurance business (excluding life assurance business) reinsurance premiums, whether on business ceded or accepted, must be brought into account as gross amounts. Net amounts, ordinary reinsurance commissions and reinsurance profits commissions must be shown separately.
9. In respect of the life assurance business carried on by each insurer, there shall be furnished annually to the Controller a statement, setting out full details, in each of the Forms DD, DDD, and DDDD set out in Part II of this Schedule.
10. Premiums received under each class of insurance business in Ceylon must be shown separately from Premiums in respect of business out of Ceylon.
11. Any office premises which form part of the assets of an insurer carrying on life assurance business must be treated as an investment on which interest accrues, and accordingly, in

the revenue account relating to the life assurance business a fair rent for the premises must be included under the heading "Interest, Dividends and Rents," and in the revenue account relating to every other class of business for which the premises are used proper charges for the use thereof must be included under the heading "Expenses of Management".

12. Where an insurer carries on the business of life assurance in conjunction with any other class of insurance business, the expenses of management charged to the life assurance revenue account must not include more than a reasonable proportion of the common expenses, and in particular, such account must not be charged with more than a fair sum for the use of any office premises, having regard to the income from the various classes of business carried on and to the extent to which the premises are used for the purposes of each class of business.

13. Deductions in respect of income tax from the Interest, Dividends and Rents must include all income tax charged thereon, whether or not it has been or is to be deducted at source or paid direct.

PART II

FORMS

FORM D

Form of Revenue Account applicable to Life Assurance Business

Revenue account of _____ for the year ended 19 ..

	Business with- in Ceylon Rs.	Business out of Ceylon Rs.	Total Rs.		Business with- in Ceylon Rs.	Business out of Ceylon Rs.	Total Rs.
Claims under Policies (in- cluding provisions for claims due or inti- mated), less Reinsuran- ces—				Balance of Fund at the beginning of the year			
By death ..				Premiums, less Re- insurances—			
By maturity ..				(i) First year pre- miums ..			
Annuities, less Reinsur- ances ..				(ii) Renewal pre- miums ..			
Surrenders (including Surrenders of Bonus), less Reinsurances ..				(iii) Single premiums			
Bonuses in cash, less Reinsurances ..				Consideration for An- nuities granted, less Reinsurances (b) ..			
Bonuses in Reduction of Premiums, less Re- insurances ..				Interest, Dividends and Rents ..			
Commission (less that on Reinsurances) ..				Less Income tax there- on (c) ..			
Expenses of Manage- ment (a) (f) ..				Registration Fees ..			
1. Commission and allowances ..				Other Income (to be specified) (d) ..			
2. Salaries, &c. (other than to agents and those contained in item No. 1) ..				Deficit transferred to Profit and Loss Account ..			
3. Travelling Expenses				Transferred from Ap- propriation Account			
4. Directors' fees ..							
5. Auditors' fees ..							
6. Law charges ..							
7. Advertisements ..							

FORM D—(contd.)

	Business with- in Ceylon Rs.	Business out of Ceylon Rs.	Total Rs.		Business with- in Ceylon Rs.	Business out of Ceylon Rs.	Total Rs.
8. Printing and Stationery ..							
9. Other expenses of management (accounts to be specified) ..							
10. Other payments (accounts to be specified) ..							
11. Rents for offices belonging to and occupied by the insurer ..							
12. Rents of other offices occupied by the insurer ..							
Bad Debts ..							
Ceylon and Foreign Taxes ..							
Other Expenditure (to be specified) ..							
Surplus transferred to Profit and Loss Account							
Balance of Fund at the end of the year as shown in the Balance Sheet ..							

Notes

(a) If any sum has been deducted from this item and entered on the assets side of the balance sheet, the amount so deducted must be shown separately. Under this item the salary paid to the managing agent or managing director shall be shown separately from the total amount paid as salaries to the remaining staff.

(b) All single premiums for annuities, whether immediate or deferred, must be included under this heading.

(c) Ceylon and foreign income tax on interest, dividends and rents must be shown under this heading, less any rebates of income tax recovered from the revenue authorities in respect of expenses of management. The separate heading on the other side of the account is for Ceylon and foreign taxes, other than those shown under this item.

(d) Under the head 'Other Income' fines, if any, realised from the staff must be shown separately. All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside Ceylon shall also be shown separately in the revenue account except such sums as properly appertain to the capital account.

FORM DD

Classified statement of life assurance policies of the.....
for the year ending, 19.....

	New life assurance business in respect of which a premium has been paid in the year				Total life assurance business in force at end of the year		Premium income for which credit has been taken in the revenue account
	Number of policies	Sums insured and annuities per annum	Single premiums (including consideration for immediate annuities and all other premiums paid at the outset where no subsequent premium is payable)	Yearly renewal premium income	Number of policies	Sums insured with bonuses and annuities per annum	
		Rs.	Rs.	Rs.		Rs.	Rs.
Ordinary policies—							
In Ceylon ..							
Out of Ceylon ..							
Total ..							
Annuity contracts, &c.—							
In Ceylon ..							
Out of Ceylon ..							
Total ..							
Group insurance policies—							
In Ceylon ..							
Out of Ceylon ..							
Total ..							

The amounts should be stated to the nearest rupee and after deduction of reinsurances.

FORM DDD

Additions to and deductions from policies of the
for the year ending, 19.....

	Ordinary life assurance policies insuring money to be paid on death or survival			Annuities	
	Number	Sum assured	Reversionary bonus additions	Number	Annuity per annum
		Rs.			Rs.
1. Policies at beginning of year ..					
2. New policies issued ..					
3. Old policies revived ..					
4. Old policies changed and increased ..					
5. Bonus additions allotted ..					
TOTAL ..					
Discontinued during year					
6. By death ..					
7. By survival or the happening of the contingencies insured against other than death ..					
8. By expiry of term under temporary insurance ..					
9. By surrender of policy ..					
10. By surrender of bonus ..					
11. By forfeiture or lapse ..					
12. By change and decrease ..					
13. By being not taken up ..					
Total discontinued ..					
Total existing at end of year ..					

FORM DDDD

Particulars of the policies forfeited or lapsed in the last financial year under review, less those revived and reinstated for full benefits, classified according to the year in which they were issued.

Financial year in which the policies were issued	Number of policies forfeited or lapsed	Sum insured under policies forfeited or lapsed
Year ending, 19....., being the year under review		Rs.
Year ending, 19....., being the year previous to that under review		

And so on the number of and sum insured under policies forfeited or lapsed in the last financial year under review being stated after classification according to each of the preceding years in which they were issued.

A separate statement must be given in respect of each class of life assurance business for which a separate revenue account is submitted.

Insurers having their principal place of business in Ceylon shall give the information required in the form separately for business transacted in Ceylon and business transacted outside Ceylon, and insurers having their principal place of business outside Ceylon will furnish information regarding business transacted in Ceylon only.

FORM DDDD

(a) Particulars of the policies forfeited or lapsed in the last financial year under review, less those revived and reinstated for full benefits, classified according to the year in which they were issued.

Particulars of the policies forfeited or lapsed in the last financial year under review, less those revived and reinstated for full benefits, classified according to the year in which they were issued.	Ceylon		Outside Ceylon	
	No.	Rs.	No.	Rs.
Year ending, 19....., being the year under review				
Year ending, 19....., being the year previous to that under review				

(b) And so on the number of and sum insured under policies forfeited or lapsed in the last financial year under review being stated after classification according to each of the preceding years in which they were issued.

(c) A separate statement must be given in respect of each class of life assurance business for which a separate revenue account is submitted.

(d) Insurers having their principal place of business in Ceylon shall give the information required in the form separately for business transacted in Ceylon and business transacted outside Ceylon, and insurers having their principal place of business outside Ceylon will furnish information regarding business transacted in Ceylon only.

FOURTH SCHEDULE

(Section 37)

**REGULATIONS FOR THE PREPARATION OF ABSTRACTS
OF ACTUARIES' REPORTS AND REQUIREMENTS
APPLICABLE TO SUCH ABSTRACTS**

PART I

Regulations

1. Abstracts and Statements must be so arranged that the numbers and letters of the paragraphs correspond with those of the paragraphs of Part II of this Schedule.

2. In showing the proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums, in accordance with the requirements of paragraph (4) of Part II of this Schedule, no credit is to be taken for any adjustments made in order to secure that no policy is treated as an asset.

3. (1) The average rate of interest yielded in any year by the assets constituting a life assurance fund shall, for the purposes of paragraph (5) of Part II of this Schedule, be calculated by dividing the interest of the year by the mean fund of the year; and for the purposes of any such calculation the interest of the year shall be taken to be the whole of the interest credited to the life assurance fund during the year after deduction of income tax charged thereon (any refund of income tax in respect of expenses of management made during the year being taken into account), and the mean fund of the year shall be ascertained by adding a sum equal to one-half of the amount of the life assurance fund at the beginning of the year to a sum equal to one-half of that fund at the end of the year, and deducting from the aggregate of those two sums an amount equal to one-half of the interest of the year.

(2) For the purposes of the calculation aforesaid either—

(a) all profits and income arising during the year from sums invested in reversions shall be included in the interest credited to the life assurance fund during the year; or

(b) such portion of the life assurance fund as is invested in the purchase of reversions, and the profits and income arising therefrom, shall be excluded from the calculation; but in that case a statement must be added to the information required under the said paragraph (5), showing, in respect of the portion of the fund so excluded as aforesaid, the average rate of annual profit and income for which credit has been taken during the three years last preceding the valuation date, and explaining the manner in which the said average rate has been calculated.

(3) The information given in accordance with the requirements of the said paragraph (5) shall show clearly by which of the methods hereinbefore in this regulation mentioned the sums invested in reversions and the profits and income arising therefrom have been dealt with.

4. Every abstract prepared in accordance with the requirements of Part II of this Schedule shall be signed by an actuary and shall contain a certificate by him to the effect that he has satisfied himself as to the accuracy of the valuations made for the purposes thereof and of the valuation data:

Provided that in the case of an abstract prepared on behalf of an insurer, if the actuary who signs the abstract is not a permanent officer of the insurer, the certificate as to the accuracy of the valuation data shall be given and signed by the principal officer of the insurer and the actuary shall include in the abstract a statement signed by him showing what precautions he has taken to ensure the accuracy of the data.

5. For the purposes of this Schedule, the following expressions have the meanings hereby respectively assigned to them, namely:—

“extra premium” means a charge for any risk not provided for in the minimum contract premium;

“inter-valuation period” means, as respects any valuation, the period to the valuation date of that valuation from the valuation date of the last preceding valuation in connexion with which an abstract was prepared under this Act or, in a case where no such valuation has been made in respect of the class of business in question, from the date on which the insurer began to carry on that class of business;

“maturity date” means the fixed date on which any benefits will become payable either absolutely or contingently;

“net premiums” means as respects any valuation the premium taken credit for in the valuation;

“premium term” means the period during which premiums are payable;

“valuation date” as respects any valuation means the date as at which the valuation is made.

PART II

REQUIREMENTS APPLICABLE TO AN ABSTRACT IN RESPECT OF LIFE ASSURANCE BUSINESS

The following tabular statement shall be annexed to every abstract prepared in accordance with the requirements of this Part of this Schedule, namely:—

(a) a Consolidated Revenue Account, in Form F annexed to this Part of this Schedule, for the inter-valuation period (except that it shall not be necessary to prepare such an account in respect of any class of business so long as the insurer deposits annually with the Controller an abstract in respect of that class of business); and

(b) a Summary and Valuation in Form G annexed to this Part of this Schedule of the policies included at the valuation date in the class of business to which the abstract relates; and

(c) a Valuation Balance Sheet in Form H annexed to this Part of this Schedule; and

(d) a statement in Form DDD as set forth in Part II of the Third Schedule of the additions to and deductions from the number of policies and the sums insured thereunder for each class of life assurance; and

(e) a statement in Form DDDD as set forth in Part II of the Third Schedule of particulars of policies forfeited or lapsed under each class of life assurance;

and every such abstract shall show—

(1) the valuation date;
(2) the general principles and full details of the methods adopted in the valuation of each of the various classes of assurances and annuities shown in the said Form G, including statements on the following points:—

(a) whether the principles were determined by the instruments constituting the insurer or by its regulations or by-laws or how otherwise;

(b) the method by which the net premiums have been arrived at and how the ages of entry, premium terms and maturity dates have been treated for the purpose of the valuation;

(c) the methods by which the valuation age, period from the valuation date to the maturity date, and the future premium terms, have been treated for the purpose of the valuation;

(d) the rate of bonus taken into account where by the method of valuation definite provision is made for the maintenance of a specific rate of bonus;

(e) the method of allowing for—
(i) the incidence of the premium income; and
(ii) premiums payable otherwise than annually;

(f) the methods by which provision has been made for the following matters, namely:—

(i) the immediate payment of claims;
(ii) future expenses and profits in the case of limited payment and paid-up policies;

(iii) the reserve in respect of lapsed policies, not included in the valuation, but under which a liability exists or may arise; and whether any reserves have been made for the matters aforesaid;

(g) whether under the valuation method adopted any policy would be treated as an asset, and, if so, what steps, if any, have been taken to eliminate such assets;

(h) a statement of the manner in which policies on under-average lives and policies subject to premiums which include a charge for climatic, military or other extra risks have been dealt with; and

(i) the rates of exchange at which liabilities in respect of policies issued in foreign currencies have been converted into rupees and what provision has been made for possible increase of liability arising from future variations in the rates of exchange;

(3) the table of mortality used, the rate of interest and the taxation basis assumed, in the valuation;

(4) the proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums separately specified in respect of assurances with immediate profits, with deferred profits, with profits under discounted bonus systems, and without profits;

(5) the average rates of interest yielded by the assets, whether invested or uninvested constituting the life assurance fund for each of the years covered by the valuation date;

(6) the basis adopted in the distribution of profits as between the insurer and policy holders, and whether such basis was determined by the instruments constituting the insurer, or by its regulations or by-laws or how otherwise;

(7) the general principles adopted in the distribution of profits among policy holders, including statements on the following points:—

(a) whether the principles were determined by the instruments constituting the insurer, or by its regulations or by-laws, or how otherwise;

(b) the number of years' premiums to be paid, the period to elapse and other conditions to be fulfilled before a bonus is allotted;

(c) whether the bonus is allotted in respect of each year's premium paid, or in respect of each completed calendar year or year of assurance or how otherwise; and

(d) whether the bonus vests immediately on allocation, or, if not, the conditions of vesting;

(8) (i) the total amount of surplus arising during the inter-valuation period, including surplus paid away and sums transferred to reserve funds or other accounts during that period, and the amount brought forward from the preceding valuation (to be stated separately) and the allocation of such surplus—

(a) to interim bonus paid;

(b) among policy holders with immediate participation, giving the number of the policies which participated and the sums assured thereunder (excluding bonuses);

(c) among policy holders with deferred participation, giving the number of the policies which participated and the sums assured thereunder (excluding bonuses);

(d) among policy holders in the discounted bonus class, giving the number of policies which participated and the sums assured thereunder (excluding bonuses);

(e) to the insurer or, in the case of an insurance company, among shareholders or to shareholders' accounts (any such sums passed through the accounts during the inter-valuation period to be separately stated);

(f) to every reserve fund or other fund or account (any such sums passed through the accounts during the inter-valuation period to be separately stated);

(g) as carried forward unappropriated;

(ii) specimens of bonuses allotted as at the valuation date to policies for one thousand rupees—

(a) for the whole term of life effected at the respective ages of 20, 30 and 40, and having been in force respectively for five years, ten years and upwards at intervals of ten years; and

(b) for endowment assurances effected at the respective ages of 20, 30 and 40, for endowment terms of fifteen, twenty and thirty years, and having been in force respectively for five years, ten years and upwards at intervals of ten years;

together with the amounts apportioned under the various manners in which the bonus is receivable;

(9) a statement in Form I annexed to this Part of this Schedule of specimen policy reserve values held or required to be held according to the methods adopted in the valuation, and specimen minimum surrender values in respect of whole life assurance policies for Rs. 1,000 with premiums payable throughout life effected at the respective ages of 20, 30, 40 and 50, and immediately on payment of the first, second, third, fourth, sixth, seventh, eighth, ninth, tenth, fifteenth and twentieth annual premium, with similar specimen policy reserve values and specimen surrender values in respect of whole life assurance policies subject to premiums payable for 20 years and of endowment assurance policies maturing at age of 55;

(10) a statement showing how the liability under any disability clause in a policy has been determined in the valuation with full information of the tables of sickness or accident rates used for the purpose.

				Balance of Life Assurance Fund at end of the period as shown in the balance sheet ..
				Surplus transferred to Profit and Loss Account ..
				Other expenditures (to be speci- fied) ..
				Bad Debts ..
				Foreign Taxes ..
				Ceylon Taxes ..
				Heats of other offices occupied by the Insurer ..
				Heats for offices belonging to and occupied by the company (specified) ..
				Other payments (accounts to be specified) ..
				Other expenses of management (accounts to be specified) ..
				Printing and Stationery ..
				Advertising ..
				Law charges ..
				Medical fees ..
				Auditors' fees ..
				Directors' fees ..
				Travelling expenses ..
				Agents and Commissions ..
				Expenses of Management Agents, and Commissioners ..
				Commission (see Part I Schedule I) ..
				Interest on debentures ..
				Interest on Loans ..
				Interest on Capital ..
				Insurance ..
				Provision for claims (Claims under Policies estimated) ..

(a) If any sum has been deducted from this item and entered on the assets side of the balance sheet the amount so deducted must be shown separately.

(b) Ceylon and Foreign income tax on interest, dividends and rents must be shown under this heading, less any rebate of income tax recovered from the revenue authorities in respect of expenses of management. The separate heading on the other side of the account is for Ceylon and Foreign taxes, other than those shown under this item.

FORM F

Consolidated Revenue Account of _____ for _____ Years Commencing _____ and _____ Ending _____

	Business within Ceylon	Total		Business within Ceylon	Total
	Rs.	Rs.		Rs.	Rs.
Claims under Policies (including provision for claims due or intimated)			Balance of Life Assurance Fund at the beginning of the period ..		
<i>less</i> Reinsurances			Premiums, <i>less</i> Reinsurances ..		
By death ..			Consideration for Annuities Granted, <i>less</i> Reinsurances		
By maturity ..			Interest, Dividends and Rents Rs.		
Annuities, <i>less</i> Reinsurances ..			<i>Less</i> —Income tax thereon		
Surrenders (including Surrenders of Bonuses), <i>less</i> Reinsurances ..			(b) ..		
Bonuses in Cash, <i>less</i> Reinsurances ..			Registration Fees ..		
Bonuses in reduction of Premiums, <i>less</i> Reinsurances ..			Other Income (to be specified) ..		
Commission (<i>less</i> that on Reinsurances)			Deficit transferred to Profit and Loss Account ..		
Expenses of Management (a) Agents' and Canvassers' allowance ..			Transferred from Appropriation Account ..		
Salaries, etc., (other than to Agents and Canvassers) ..					
Travelling expenses ..					
Directors' fees ..					
Auditors' fees ..					
Medical fees ..					
Law charges ..					
Advertising ..					
Printing and Stationery ..					
Other expenses of management (accounts to be specified) ..					
Other payments (accounts to be specified) ..					
Rents for offices belonging to and occupied by the company					
Rents of other offices occupied by the insurer ..					
Ceylon Taxes ..					
Foreign Taxes ..					
Bad Debts ..					
Other expenditure (to be specified) ..					
Surplus transferred to Profit and Loss Account ..					
Balance of Life Assurance Fund at end of the period as shown in the Balance Sheet ..					
Rs. ..			Rs. ..		

(a) If any sum has been deducted from this item and entered on the assets side of the balance sheet the amount so deducted must be shown separately.

(b) Ceylon and Foreign income tax on interest, dividends and rents must be shown under this heading, less any rebates of income tax recovered from the revenue authorities in respect of expenses of management. The separate heading on the other side of the account is for Ceylon and Foreign taxes, other than those shown under this item.

FORM G

Summary and Valuation of the Policies of _____ as at _____, 19__.

	Particulars of the Policies for Valuation					Valuation			
	Number of Policies	Sums assured	Bonuses	Office yearly Premiums	Net Yearly Premiums	Sums assured and bonuses	Office Premiums	Net yearly Premiums	Net Liabilities
DIVISION I									
ASSURANCES									
<i>Group A—</i>									
With immediate participation in profits									
For whole term of life									
Other classes (to be specified)									
Extra premiums									
Total Assurances									
Deduct — Reinsurances									
Net Assurances									
<i>Group B—</i>									
With deferred participation in profits									
For whole term of life									
Other classes (to be specified)									
Extra premiums									
Total Assurances									
Deduct — Reinsurances									
Net Assurances									
<i>Group C—</i>									
Under discounted bonus systems									
For whole term of life									
Other classes (to be specified)									
Extra premiums									
Total Assurances									
Deduct — Reinsurances									
Net Assurances									
Total Assurances with profits									
<i>Group D—</i>									
Without participation in profits									
For whole term of life									
Other classes (to be specified)									
Extra premiums									
Total Assurances									
Deduct — Reinsurances									
Net Assurances									
Total Assurances without profits									
Total of the Assurances shown in all groups									
Deduct — Reinsurances									
Net amount of Assurances									
Adjustments, if any (to be separately specified)									
DIVISION II									
Annuities on Lives									
Immediate annuities									
Deferred Annuities with return of premiums									
Deferred Annuities without return of premiums									
Other classes (to be specified)									
Total Annuities									
Deduct — Reinsurances									
Net Annuities									
Total of the results (after deduction of Reinsurances)									

Notes

1. Items in this summary are to be stated to the nearest rupee.
2. No policy of assurance upon the lives of a group of persons, whereby sums assured are payable in respect of the several persons included in the group, is to be included in Groups A, B, C or D of this Form : any such policies must be shown in a separate Group which must be added to the Form.

3. If policies without participation in profits but with a guaranteed rate of bonus are issued they must be separately specified in Group D of this Form.

4. Separate forms must be prepared in respect of classes of policies valued by different tables of mortality or at different rates of interest or involving the valuation of net premiums on different bases.

5. In cases where separate valuations of any portion of the business are required under local laws in places outside Ceylon and reserves based on such valuations are deposited in such places, a statement must be furnished in respect of the business so valued in each such place showing the total number of policies, the total sums assured and bonuses, the total office yearly premiums, and the total net liability on the bases as to mortality and interest adopted in each such place with a statement as to such bases respectively.

6. Office and net premiums and the values thereof must be shown after deduction of abatements made by the application of bonus.

DIVISION I	
Group A	
Net Premiums	Net Premiums
Interest — Reinsurance	Interest — Reinsurance
Total Assurances	Total Assurances
Extra Premiums	Extra Premiums
Other classes (to be specified)	Other classes (to be specified)
For whole term of life	For whole term of life
With deferred participation in profits	
Group B	
Net Premiums	Net Premiums
Interest — Reinsurance	Interest — Reinsurance
Total Assurances	Total Assurances
Extra Premiums	Extra Premiums
Other classes (to be specified)	Other classes (to be specified)
For whole term of life	For whole term of life
With immediate participation in profits	
Group C	
Net Premiums	Net Premiums
Interest — Reinsurance	Interest — Reinsurance
Total Assurances	Total Assurances
Extra Premiums	Extra Premiums
Other classes (to be specified)	Other classes (to be specified)
For whole term of life	For whole term of life
Under discounted point system	
Total Assurances with profits	
Group D	
Net Premiums	Net Premiums
Interest — Reinsurance	Interest — Reinsurance
Total Assurances	Total Assurances
Extra Premiums	Extra Premiums
Other classes (to be specified)	Other classes (to be specified)
For whole term of life	For whole term of life
Without participation in profits	
Total Assurances without profits	
Total of the Assurances shown in all groups	
Net amount of Assurances	Net amount of Assurances
Abatement, if any (to be separately specified)	Abatement, if any (to be separately specified)
DIVISION II	
Net Assurances	Net Assurances
Interest — Reinsurance	Interest — Reinsurance
Total Assurances	Total Assurances
Other classes (to be specified)	Other classes (to be specified)
Deferred Assurances without return of premium	Deferred Assurances without return of premium
Deferred Assurances with return of premium	Deferred Assurances with return of premium
Immediate Assurances	Immediate Assurances
Assurances on lives	Assurances on lives
Total of the results after deduction of abatements	

Notes

1. Items in this summary are to be stated to the nearest rupee.
 2. No policy of assurance upon the lives of a group of persons whereby sums assured are payable in respect of the several persons included in the group, is to be included in Groups A, B, C or D of this Form; any such policies must be shown in a separate Group which must be added to the Form.

FORM II

Valuation Balance Sheet of _____ as at _____ 19____

	Rs.	Rs.
Net liability under business as shown in the Summary and Valuation of Policies		Balance of Life Assurance Fund as shown in the Balance Sheet ..
Surplus, if any		Deficiency, if any ..

Note.—If the proportion of surplus allocated to the insurer, or in the case of an insurance company to shareholders, is not uniform in respect of all classes of insurances, the surplus must be shown separately for the classes to which the different proportions relate.

FORM I

Specimen Policy Reserve Values and Minimum Surrender Values under a _____ Policy for Rs. 1,000

Number of Premiums paid	Age at entry 20		Age at entry 30		Age at entry 40		Age at entry 50	
	Reserve value	Minimum surrender value	Reserve value	Minimum surrender value	Reserve value	Minimum surrender value	Reserve value	Minimum surrender value
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
15								
20								

Note.—Items in this Form to be stated to the nearest rupee.
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FIFTH SCHEDULE

(Section 37)

REGULATIONS FOR PREPARING STATEMENTS OF BUSINESS IN FORCE AND REQUIREMENTS APPLICABLE TO SUCH STATEMENTS

PART I

Regulations

1. Statements prepared under this Schedule must be prepared, so far as practicable, in tabular form and must be identified by numbers and letters corresponding with those of the paragraphs of Part II of this Schedule.

2. Except with respect to rates of premium or contribution, items in statements prepared under this Schedule are to be shown to the nearest rupee.

3. Extra premium shown in the forms of Summary and Valuation prepared under the Fourth Schedule must not be included in statements prepared under this Schedule.

4. Every statement prepared under this Schedule shall be signed by the actuary making the investigation in connexion with which it is prepared.

5. For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them, namely:—

- (a) "annual loading" means the provision made for future expenses and profits;
- (b) "extra premiums" means a charge for any risk not provided for in the minimum contract premium;
- (c) "net premiums" means the premiums taken credit for in the valuation in connexion with which any statement is prepared; and
- (d) "valuation date" means as respects any valuation the date as at which the valuation is made.

PART II

REQUIREMENTS FOR STATEMENTS APPLICABLE TO LIFE ASSURANCE BUSINESS

The statements required to be prepared under this Part of this Schedule are as follows:—

1. Where new life assurance business is currently transacted in Ceylon, statements, separately prepared in respect of policies with and without participation in profits, showing—

- (a) as respects policies for the whole term of life, the rates of office premiums charged, in accordance with the published tables in use, for new policies giving the rates for decennial ages at entry from 20 to 70 inclusive; and
- (b) as respects endowment assurance policies, the rates of office premiums charged, in accordance with the published tables in use, for new policies with original terms of ten, fifteen, twenty, thirty and forty years, giving the rates for decennial ages at entry from 20 to 40 inclusive, but excluding policies under which the age at maturity exceeds 70.

2. Statements, separately prepared in respect of policies with immediate profits, with deferred profits, with profits under discounted bonus systems and without profits, showing in quinquennial groups—

(a) as respects policies for the whole term of life—

(i) the total amount assured (specifying sums assured and reversionary bonuses separately), grouped according to ages attained ;

(ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable throughout life, and of the corresponding net premiums, grouped according to ages attained ; and

(iii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable for a limited number of years, and either, the corresponding net premiums grouped in accordance with the grouping adopted for the purposes of the valuation, or, the annual loading reserved for the remaining duration of the policies, grouped according to ages attained ;

(b) as respects endowment assurance policies—

(i) the total amount assured (specifying sums assured and reversionary bonuses separately), grouped in accordance with the grouping adopted for the purposes of the valuation ; and

(ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable, and of the corresponding net premiums grouped in accordance with the grouping adopted for the purposes of the valuation :

Provided that—

(a) as respects endowment assurance policies which will reach maturity in less than five years, the information required by sub-paragraph (b) (i) of this paragraph must be given for each year instead of in quinquennial groups ; and

(b) where the office premiums payable under policies for the whole term of life for a limited number of years, or the office premiums payable under endowment assurance policies, or the corresponding net premiums, are grouped for the purposes of the valuation otherwise than according to the number of years payments remaining to be made, or, where the sums assured under endowment assurance policies are grouped for the purposes of the valuation otherwise than according to the years in which the policies will mature for payment or in which they are assumed to mature if earlier than the true year, then, in any such case the valuation constants and an explanation of the method by which they are calculated must be given for each group, and in the case of the sums assured under endowment assurance policies a statement must

also be given of the amount assured maturing for payment in each of the two years following the valuation date.

3. Statements as respects any policies in force under which premiums cease to be payable, whether permanently or temporarily, during disability arising from sickness or accident, showing the total amount of the office premiums payable.

4. Policies under which there is a waiver of premiums during disability must be shown as a separate class.

5. Statements as respects immediate annuities on single lives for the whole term of life, separately prepared in respect of annuities on male and female lives, showing in quinquennial age groups the total amount of such annuities.

6. Statements as respects deferred annuities, separately prepared in respect of annuities on male and female lives, showing the specimen reserve values for annuities of one hundred rupees which will be produced on maturity on the basis of valuation adopted at ages, in the case of male lives, 60 and 65 and in the case of female lives, 55 and 60; the said statements must show the specimen reserve values which will be produced under the table of annual premiums in use for new policies where new business is currently transacted in Ceylon and if under any other table of annual premiums in use for any other deferred annuity policies in force smaller reserve values will be produced the like specimens of these must also be given.

7. Statements as respects any policies of assurance upon the lives of a group of persons, whereby sums assured are payable in respect of the several persons included in the group, showing the total claims paid since the date as at which the last statements were prepared under this Part of this Schedule or, where no such statements have been prepared, since the date on which the insurer began to carry on the class of business to which the statements relate or the date of the last valuation of the insurer's liabilities in respect of that class of business, and the reserve for unexpired risks and outstanding claims.

SIXTH SCHEDULE

(Section 64)

REGULATION AS TO THE VALUATION OF THE LIABILITIES OF AN INSURER IN LIQUIDATION

The liabilities of an insurer in respect of current contracts effected in the course of life assurance business including annuity business shall be calculated by the method and upon the basis to be determined by an actuary approved by the District Court or Winding-up Tribunal, and the actuary so approved shall, in determining as aforesaid, take into account—

- (a) the purpose for which such valuation is to be made,
- (b) the rate of interest, taxation, and the rates of mortality and sickness to be used in valuation, and
- (c) any special directions which may be given by the District Court or Winding-up Tribunal.

The liabilities of an insurer in respect of current policies of general business shall be such portion of the last premium paid as is proportionate to the unexpired portion of the policy in respect of which the premium was paid.

SEVENTH SCHEDULE

(Section 3)

REGULATIONS APPLICABLE TO UNDERWRITING MEMBERS OF LLOYDS

1. The Committee of Lloyds shall appoint a person resident in Ceylon as the chief representative of underwriting members of Lloyds (hereinafter referred to as the "chief representative") and shall notify the Controller the name of the person so appointed.

2. The person appointed as the chief representative under regulation 1 shall, on payment of the deposit or deposits referred to in regulation 3, be deemed to be registered as a person authorised to carry on Ceylon business on behalf of any member, or all members, of Lloyds:

Provided that nothing in this regulation shall be construed to prevent any member of Lloyds from carrying on Ceylon business through any other representative or agent so long as the registration of the chief representative is in force.

3. The chief representative shall keep deposited with the Deputy Secretary to the Treasury, for and on behalf of the Government of Ceylon, a sum of fifty thousand rupees in respect of each class of Ceylon business proposed to be carried on by any member, or all members, of Lloyds:

Provided that the maximum amount of the deposit shall be two hundred thousand rupees.

4. The chief representative shall file with the Controller—

- (a) a copy of each of the Acts of the British Parliament defining or regulating the functions of Lloyds Underwriters,
- (b) a copy of the annual list of members of Lloyds Underwriters and all information relating to the constitution of the Committee of Lloyds, and
- (c) the names and addresses of one or more persons resident in Ceylon duly authorised, except in respect of cases arising from marine insurance cover, to accept, on behalf of underwriting members of Lloyds, service of process or other notice required by law to be served on them, together with a power of attorney granted to such person or persons.

5. The chief representative shall forward to the Controller—

- (a) four copies of the returns and accounts submitted by Lloyds Underwriters to, and published each year by, the British Board of Trade, one copy being authenticated by the Chairman of Lloyds Underwriters and the appropriate Department of the British Government,
- (b) a declaration signed by the Chairman of Lloyds Underwriters and by the appropriate Department of the British Government, certifying that all Lloyds Underwriters have complied with the requirements for the time being imposed upon them by the provisions of the First Schedule to the Insurance Companies Act, 1958, of Great Britain.

(c) such additional information as the Controller may from time to time call for relating to the conduct of the Ceylon business of underwriting members of Lloyds.

6. In these regulations and in section 3 (3) of this Act, "Ceylon business" means any insurance business, other than life assurance business, transacted in Ceylon, and such business shall be deemed to be transacted in Ceylon, wherever it may be so transacted, if the relevant contract of insurance is in respect of persons resident in Ceylon or in respect of property situated in Ceylon or any vessel or aircraft registered in Ceylon. If any question arises as to whether any business is business transacted in Ceylon or not, the Controller shall decide the question and his decision shall be final.

Provided that nothing in this regulation shall be construed to prevent any member of Lloyds from carrying on Ceylon business through any other representative or agent so long as the registration of the chief representative is in force.

3. The chief representative shall keep deposited with the Deputy Secretary to the Treasury, for and on behalf of the Government of Ceylon, a sum of fifty thousand rupees in respect of each class of Ceylon business proposed to be carried on by any member or all members of Lloyds:

Provided that the maximum amount of the deposit shall be two hundred thousand rupees.

4. The chief representative shall file with the Controller—

(a) a copy of each of the Acts of the British Parliament relating to the regulation or controlling the functions of Lloyds Underwriters,

(b) a copy of the annual list of members of Lloyds Underwriters and all information relating to the constitution of the Committee of Lloyds, and

(c) the names and addresses of one or more persons resident in Ceylon duly authorized, except in respect of cases arising from marine insurance cover, to accept, on behalf of underwriting members of Lloyds, service of process or other notices required by law to be served on them, together with a power of attorney granted to such person or persons.

5. The chief representative shall forward to the Controller—

(a) four copies of the returns and accounts submitted by Lloyds Underwriters to, and published each year by, the British Board of Trade, one copy being submitted by the Chairman of Lloyds Underwriters to the appropriate Department of the British Government,

(b) a declaration signed by the Chairman of Lloyds Underwriters and by the appropriate Department of the British Government, certifying that all Lloyds Underwriters have complied with the requirements for the time being imposed upon them by the provisions of the First Schedule to the Insurance Companies Act, 1962 of Great Britain.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Tea Control (Amendment) Act, No. 26 of 1962

Date of Assent : June 16, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, Colombo 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 10 cents,

Postage : 10 cents,

PARLIAMENT OF CEYLON

2nd Session 1961-62



Act, No. 26 of 1962 (Tea Control) (Amendment)

Date of Assent: June 16, 1962

Printed on the Orders of Government

Printed at the Government Press, Ceylon. To be purchased at the Government Publications Bureau, Colombo.

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the Superintendent, Government Publications Bureau, P. O. Box 500, Colombo 1, before 30th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Postage: 10 cents.

Price: 10 cents.

Tea Control (Amendment) Act, No. 26 of 1962

L. D.—O. 34/61.

AN ACT TO AMEND THE TEA CONTROL ACT,
No. 51 OF 1957.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Tea Control (Amendment) Act, No. 26 of 1962.

Short title.

2. Section 8 of the Tea Control Act, No. 51 of 1957, is hereby amended, in sub-section (2) of that section, by the substitution, for the words "made tea of good quality.", of the words "made tea of good quality, or that the owner of such factory has paid for green tea leaf bought by him for manufacture at such factory a price which is unreasonably low having regard to the price fetched by the made tea manufactured at that factory."

Amendment of
section 8
of Act No. 51
of 1957.

For not to amend the Tea Control Act, No. 21 of 1952

[Date of Assent: June 18, 1952]

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

1. This Act may be cited as the Tea Control (Amendment) Act, No. 20 of 1952.

2. Section 2 of the Tea Control Act, No. 21 of 1952, is hereby amended, in sub-section (2) of that section, by substituting for the words "grade tea of good quality" the words "grade tea of good quality or of such other grade as may be prescribed by the Director in writing for the purposes of this section, and the words "the said" shall be deleted therefrom.

Enacted in the Senate of Ceylon on the 18th day of June 1952.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Tea Control (Amendment) Act, No. 26 of 1962

Date of Assent : June 16, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, Colombo 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 10 cents.

Postage : 10 cents.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Act, No. 26 of 1962 (Tea Control) (Amendment)

Date of Assent: June 16, 1962

Printed on the Orders of Government

Printed at the Government Press, Ceylon. To be purchased at the Government Publications Bureau, Colombo.

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the Superintendent, Government Publications Bureau, P. O. Box 800, Colombo 1, before 30th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Postage: 10 cents.

Price: 10 cents.

Tea Control (Amendment) Act, No. 26 of 1962

L. D.—O. 34/61.

AN ACT TO AMEND THE TEA CONTROL ACT,
No. 51 OF 1957.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Tea Control (Amendment) Act, No. 26 of 1962.

Short title.

2. Section 8 of the Tea Control Act, No. 51 of 1957, is hereby amended, in sub-section (2) of that section, by the substitution, for the words "made tea of good quality.", of the words "made tea of good quality, or that the owner of such factory has paid for green tea leaf bought by him for manufacture at such factory a price which is unreasonably low having regard to the price fetched by the made tea manufactured at that factory."

Amendment of
section 8
of Act No. 51
of 1957.

AN ACT TO AMEND THE TEE CONTROL ACT
No. 21 of 1981

[Date of Assent: June 18, 1982]

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

1. This Act may be cited as the TEE Control (Amendment) Act No. 28 of 1982.

2. Section 2 of the Tee Control Act No. 21 of 1981 is hereby amended, in sub-section (1) of that section, by the substitution for the words "made for or used in the production of the goods" of the words "made for or used in the production of such goods as may be specified in the order of such authority as may be made for the purpose of this section, which is unreasonably low having regard to the value added by the manufacturer of such goods".

PARLIAMENT OF CEYLON

2nd Session 1961-62



Wages Boards (Amendment) Act, No. 27 of 1962

Date of Assent : June 16, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, Colombo 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 10 cents.

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Wages Boards (Amendment)

Act No. 27 of 1962

Date of Assent: June 10, 1962

Printed on the Order of Government

Printed in the Government Press, Ceylon. To be printed at the Government Printing Bureau, Colombo. Annual Subscriptions (including postage) Rs. 20 (Twenty) per Annum. Single Copies Rs. 2.00. The Government of Ceylon, 1962. Printed and Published by the Government Printer, Colombo. Printed and Published by the Government Printer, Colombo. Printed and Published by the Government Printer, Colombo. Printed and Published by the Government Printer, Colombo.

Wages Boards (Amendment) Act, No. 27 of 1962

L. D.—O. 38/61.

AN ACT TO AMEND THE WAGES BOARDS ORDINANCE.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Wages Boards (Amendment) Act, No. 27 of 1962. Short title.
2. Section 3 of the Wages Boards Ordinance, hereinafter referred to as the "principal enactment", is hereby amended, in sub-section (2) of that section, by the substitution, for the words "for two years", of the words "for four years". Amendment of section 3 of Chapter 136.
3. Section 41 of the principal enactment is hereby amended, in sub-section (2) of that section, by the substitution, for the words "a period of two years", of the words "a period of four years". Amendment of section 41 of the principal enactment.
4. Section 46 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words "during the two years", of the words "during the four years". Amendment of section 46 of the principal enactment.
5. Section 56 of the principal enactment is hereby amended, in paragraph (e) of that section, by the substitution, for the words "within two years", of the words "within four years". Amendment of section 56 of the principal enactment.
6. Section 60 of the principal enactment is hereby amended, in paragraph (b) of that section, by the substitution, for the words "within two years", of the words "within four years". Amendment of section 60 of the principal enactment.

AN ACT TO AMEND THE WAGES BOARDS ORDINANCE.

[Date of Assent: June 18, 1932]

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

- 1. This Act may be cited as the Wages Board (Amendment) Act, No. 27 of 1932.
- 2. Section 2 of the Wages Board Ordinance, in so far as it relates to the "principal enactment" in sub-section (2) of that section, is hereby amended, in sub-section (2) of that section, by the substitution for the words "for two years" of the words "for four years".
- 3. Section 41 of the principal enactment is hereby amended, in sub-section (2) of that section, by the substitution for the words "a period of two years" of the words "a period of four years".
- 4. Section 42 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution for the words "during the two years" of the words "during the four years".
- 5. Section 43 of the principal enactment is hereby amended, in paragraph (a) of that section, by the substitution for the words "within two years" of the words "within four years".
- 6. Section 44 of the principal enactment is hereby amended, in paragraph (b) of that section, by the substitution for the words "within two years" of the words "within four years".

PARLIAMENT OF CEYLON

2nd Session 1961-62



Shop and Office Employees (Regulation of Employment and Remuneration) (Amendment) Act, No. 28 of 1962

Date of Assent : June 16, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, Colombo 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 10 cents.

Postage : 10 cents.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Shop and Office Employees
(Regulation of Employment and
Remuneration) (Amendment)
Act No. 28 of 1962

Date of Assent: June 16, 1962

Printed on the Orders of Government

Printed at the Government Press, Colombo. To be
purchased of the Government Printers, Colombo.
Annual Subscription (including Sales Tax 5% (local), Rs. 10
Foreign, payable to the Superintendent, Government
Printers, No. 11, C. M. S. Road, Colombo 1 before 30th
November each year in respect of the year following. Late
subscriptions will be charged on the condition that bills issued
before the date of payment will not be repaid.

Postage: 10 cents

Price: 75 cents

*Shop and Office Employees (Regulation of
Employment and Remuneration) (Amendment)
Act, No. 28 of 1962*

L. D.—O. 38/61.

AN ACT TO AMEND THE SHOP AND OFFICE
EMPLOYEES (REGULATION OF EMPLOYMENT AND
REMUNERATION) ACT.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Shop and Office Employees (Regulation of Employment and Remuneration) (Amendment) Act, No. 28 of 1962.

Short title.

2. Section 50B of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, hereinafter referred to as the "principal Act", is hereby amended, in paragraph (c) of that section, by the substitution, for the words "within two years", of the words "within four years".

Amendment of
section 50B
of Chapter 129.

3. Section 53 of the principal Act is hereby amended, in sub-section (1) of that section, by the substitution, for the words "during the two years", of the words "during the four years".

Amendment of
section 53 of
the principal
Act.

4. Section 64 of the principal Act is hereby amended by the substitution, for the words "within two years", of the words "within four years".

Amendment of
section 64 of
the principal
Act.

L. D. O. 28/61

AN ACT TO AMEND THE FOOD AND OTHER
EMPLOYEES (REGULATION OF EMPLOYMENT AND
RENUMERATION) ACT,

[Enacted by the President on 16.10.1962]

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

1. This Act may be cited as the Food and Other
Employees (Regulation of Employment and Remuneration)
(Amendment) Act, 1962 of 1962.

2. Section 50B of the Food and Other Employees
(Regulation of Employment and Remuneration) Act,
is hereby amended to be the "principal Act", in
paragraph (c) of that section, by
the substitution for the words "within two years"
of the words "within four years".

3. Section 50 of the principal Act is hereby
amended, in sub-section (1) of that section, by the
substitution for the words "during the two years"
of the words "during the four years".

4. Section 52 of the principal Act is hereby
amended by the substitution for the words "within
two years", of the words "within four years".

PARLIAMENT OF CEYLON

2nd Session 1961-62



Appeals (Privy Council) Amendment Act, No. 29 of 1962

Date of Assent : June 16, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, Colombo 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 10 cents.

Postage : 10 cents.

PARLIAMENT OF CEYLON

1962-1963



Appellate (Privy Council)
Amendment Act,
No. 29 of 1962

Law of Ceylon, 1962, No. 29

Printed in the Offices of the Government Printer, Colombo

Printed in the Offices of the Government Printer, Colombo
1962-1963

Appeals (Privy Council) Amendment Act,
No. 29 of 1962

L. D.—O. 33/60.

AN ACT TO AMEND THE APPEALS (PRIVY COUNCIL)
ORDINANCE.

[Date of Assent: June 16, 1962]

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

1. This Act may be cited as the Appeals (Privy Council) Amendment Act, No. 29 of 1962.

Short title.

2. The Schedule to the Appeals (Privy Council) Ordinance is hereby amended in rule 3, by the substitution, in paragraph (a) of that rule, for the words "on application made to it, before the expiration of such period have granted an extension thereof," of the words "on application made to it either before, or within thirty days after, the expiry of the aforesaid period of one month, have granted more time,".

Amendment of
Schedule to
Chapter 100.

AN ACT TO AMEND THE APPEALS (PRIVY COUNCIL)
ORDINANCE

(Date of Assent: June 16, 1962)

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

1. This Act may be cited as the Appeals (Privy Council) Amendment Act, No. 29 of 1962.

Enon this

Amendment of
Schedule to
Chapter 100

2. The Schedule to the Appeals (Privy Council) Ordinance is hereby amended in rule 3, by the substitution, in paragraph (c) of that rule, for the words "on application made to it before the expiration of such period have granted an extension thereof," of the words "on application made to it either before or within thirty days after the expiry of the aforesaid period of one month, have granted more time".

PARLIAMENT OF CEYLON

3rd Session 1962-63



Appropriation Act, No. 30 of 1962

Date of Assent : September 28, 1962

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, Colombo 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price Re. 1

Postage : 35 cents



Appropriation Act
No. 30 of 1962

Date of Assent: September 24, 1962

Printed on the Order of Government

Printed at the Government Press, Ceylon. To be
purchased at the Government Publications Bureau, Colombo.
Annual Subscriptions (including E.M.S. No. 30 (local), No. 29
(Foreign), payable to the Superintendent, Government
Printers, Colombo, P. O. Box 200, Colombo 1 before 30th
December each year in respect of the year following. Late
subscriptions will be accepted on the condition that bills payable
before the date of payment will not be accepted.
Price Rs. 1. Postages: 55 cents

Appropriation Act, No. 30 of 1962

L.D.—O. 153/34.

AN ACT TO PROVIDE FOR THE SERVICE OF THE FINANCIAL YEAR, 1962-63, TO AUTHORISE THE RAISING OF LOANS IN OR OUTSIDE CEYLON FOR THE PURPOSE OF SUCH SERVICE, TO MAKE FINANCIAL PROVISION IN RESPECT OF CERTAIN ACTIVITIES OF THE GOVERNMENT DURING THAT FINANCIAL YEAR, TO ENABLE THE PAYMENT BY WAY OF ADVANCES OUT OF THE CONSOLIDATED FUND OF CEYLON OR ANY OTHER FUND OR MONEYS OF, OR AT THE DISPOSAL OF, THE GOVERNMENT, OF MONEYS REQUIRED DURING THAT FINANCIAL YEAR FOR EXPENDITURE ON SUCH ACTIVITIES, TO PROVIDE FOR THE REFUND OF SUCH MONEYS TO THAT CONSOLIDATED FUND, AND TO MAKE PROVISION FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE AFORESAID MATTERS.

[Date of Assent : September 28, 1962]

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

1. This Act may be cited as the Appropriation Act, No. 30 of 1962.

Short title.

2. (1) Without prejudice to any other law authorising any expenditure, the expenditure of the Government, which it is estimated will be rupees one thousand nine hundred and seventy-one million one hundred and twenty thousand four hundred and fifty-four for the service of the financial year beginning on October 1, 1962, and ending on September 30, 1963, shall be met—

Appropriation for financial year, 1962-63.

(a) from payments which are hereby authorised to be made out of the Consolidated Fund of Ceylon, or any other fund or moneys of, or at the disposal of, the Government ; and

(b) from the proceeds of loans which are hereby authorised to be raised, whether in or outside Ceylon, for and on behalf of the Government, so however, that the aggregate of such proceeds does not exceed rupees five hundred million.

The sum of rupees one thousand nine hundred and seventy-one million one hundred and twenty thousand four hundred and fifty-four hereinbefore referred to may be expended as specified in the First Schedule to this Act.

(2) The provisions of sub-section (1) of this section shall have effect without prejudice to the provisions of any other written law authorising the raising of loans for and on behalf of the Government.

Financial provision in respect of certain activities of the Government for the financial year, 1962-63.

3. (1) The receipts of the Government, during the financial year referred to in section 2, from each activity specified in column I of the Second Schedule to this Act shall be credited to the account of such activity, but the aggregate of the receipts so credited shall not exceed the maximum limit specified in the corresponding entry in column III of that Schedule. Any receipts from such activity in excess of such maximum limit shall be credited to the Consolidated Fund of Ceylon.

(2) The expenditure incurred by the Government, during the financial year referred to in section 2, on each activity specified in column I of the Second Schedule to this Act shall be paid out of the receipts of the Government from such activity during that financial year, but such expenditure shall not exceed the maximum limit specified in the corresponding entry in column II of that Schedule.

(3) The debt balance, outstanding at the end of the financial year referred to in section 2, of any activity specified in column I of the Second Schedule to this Act shall not exceed the maximum limit specified in the corresponding entry in column IV of that Schedule, and the total liabilities of that activity at the end of that financial year shall not exceed the maximum limit specified in the corresponding entry in column V of that Schedule.

Payment from the Consolidated Fund, or any other fund or moneys of, or at the disposal of the Government, of advances for expenditure on the activities referred to in section 3 during the financial year, 1962-63.

4. Whenever, at any time during the financial year referred to in section 2, the receipts of the Government from any activity specified in column I of the Second Schedule to this Act are insufficient to meet the expenditure incurred by the Government on such activity, the Minister of Finance may, from time to time, by Order direct that such sums as he may deem necessary to meet such expenditure shall be payable, by way of advances, out of the Consolidated Fund of Ceylon, or any other fund or

moneys of, or at the disposal of, the Government, so however, that the aggregate of the sums so advanced does not exceed the maximum limit of expenditure specified in the corresponding entry in column II of that Schedule. Any sums so advanced in respect of such activity shall be refunded to that Consolidated Fund in such manner as the Minister of Finance may by Order direct.

5. Any moneys which, by virtue of the provisions of the First Schedule to this Act, have been allocated to any vote other than Votes Nos. 3, 5 and 7, appearing under any head specified in that Schedule but have not been expended and are not likely to be expended, may be transferred to any other vote under that head by order of the Secretary to the Treasury or other officer authorised by him.

Power to transfer unexpended moneys from one Vote to another Vote under the same head of expenditure.

6. The Minister of Finance, with the approval of the Government, may by Order vary or alter any of the maximum limits specified in column II, column III, column IV or column V of the Second Schedule to this Act.

Power of Minister of Finance to vary the maximum limits specified in the Second Schedule to this Act.

7. The House of Representatives may, by resolution, amend the Second Schedule to this Act, by adding to the appropriate columns of that Schedule, any activity and all or any of the maximum limits relating to such activity.

Power of House of Representatives to amend the Second Schedule to this Act.

FIRST SCHEDULE

Sums payable for general services

Rs.

Head 1, His Excellency the Governor-General	
Vote No. 1, Personal Emoluments and other allowances of staff	275,250
Vote No. 2, Administration Charges—Recurrent Expenditure	156,000
Head 2, Department of Elections (Parliamentary and Local Bodies)	
Vote No. 1, Personal Emoluments and other allowances of staff	834,460
Vote No. 2, Administration Charges—Recurrent Expenditure	1,415,540

Head	3, Cabinet Office			
	Vote No. 1, Personal Emoluments and other allowances of staff	..	..	124,648
	Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	10,352
Head	4, Senate			
	Vote No. 1, Personal Emoluments and other allowances of staff	..	..	361,773
	Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	289,100
Head	5, House of Representatives			
	Vote No. 1, Personal Emoluments and other allowances of staff	..	..	807,820
	Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	1,542,180
Head	6, Judicial Service Commission			
	Vote No. 1, Personal Emoluments and other allowances of staff	..	..	89,904
	Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	5,096
Head	7, Public Service Commission			
	Vote No. 1, Personal Emoluments and other allowances of staff	..	..	210,246
	Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	9,750
Head	8, Audit Office			
	Vote No. 1, Personal Emoluments and other allowances of staff	..	..	3,100,000
	Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	304,125
Head	9, Office of the Leader of the House of Representatives			
	Vote No. 1, Personal Emoluments and other allowances of staff	..	..	57,728
	Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	3,250
Head	10, Office of the Leader of the Opposition in the House of Representatives			
	Vote No. 1, Personal Emoluments and other allowances of staff	..	..	44,721
	Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	1,570

Rs.

Head 16, Prime Minister

Vote No. 1, Personal Emoluments and other allowances of staff	215,658
Vote No. 2, Administration Charges—Recurrent Expenditure	158,785

Head 17, Minister of Defence and External Affairs

Vote No. 1, Personal Emoluments and other allowances of staff	940,843
Vote No. 2, Administration Charges—Recurrent Expenditure	1,398,320
Vote No. 4, Services provided by the Department—Recurrent Expenditure	359,000
Vote No. 5, Services provided by the Department—Capital Expenditure	2,350,000

Head 18, Army

Vote No. 1, Personal Emoluments and other allowances of staff	20,585,024
Vote No. 2, Administration Charges—Recurrent Expenditure	13,402,369
Vote No. 3, Administration Charges—Capital Expenditure	2,298,750

Head 19, Royal Ceylon Navy

Vote No. 1, Personal Emoluments and other allowances of staff	9,944,205
Vote No. 2, Administration Charges—Recurrent Expenditure	5,731,390
Vote No. 3, Administration Charges—Capital Expenditure	75,000

Head 20, Royal Ceylon Air Force

Vote No. 1, Personal Emoluments and other allowances of staff	8,314,799
Vote No. 2, Administration Charges—Recurrent Expenditure	5,234,396
Vote No. 3, Administration Charges—Capital Expenditure	544,000

Head 21, Police

Vote No. 1, Personal Emoluments and other allowances of staff	33,652,454
Vote No. 2, Administration Charges—Recurrent Expenditure	8,384,032
Vote No. 3, Administration Charges—Capital Expenditure	468,000

Head 22, Department of External Affairs Abroad

Vote No. 1, Personal Emoluments and other allowances of staff	5,270,038
Vote No. 2, Administration Charges—Recurrent Expenditure	2,477,989
Vote No. 3, Administration Charges—Capital Expenditure	25,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	87,334

	Rs.
Head 23, Department of Immigration, Emigration and Registration of Indian and Pakistani Residents	
Vote No. 1, Personal Emoluments and other allowances of staff	1,973,374
Vote No. 2, Administration Charges—Recurrent Expenditure	651,350
Vote No. 3, Administration Charges—Capital Expenditure	67,500
Head 24, Department of Broadcasting and Information	
Vote No. 1, Personal Emoluments and other allowances of staff	3,411,306
Vote No. 2, Administration Charges—Recurrent Expenditure	2,633,533
Vote No. 3, Administration Charges—Capital Expenditure	190,000
Vote No. 5, Services provided by the Department—Capital Expenditure	775,000
Head 25, Department of National Planning	
Vote No. 1, Personal Emoluments and other allowances of staff	355,069
Vote No. 2, Administration Charges—Recurrent Expenditure	78,500
Head 26, Government Tourist Bureau	
Vote No. 1, Personal Emoluments and other allowances of staff	220,524
Vote No. 2, Administration Charges—Recurrent Expenditure	698,163
Vote No. 3, Administration Charges—Capital Expenditure	10,000
Head 31, Minister of Finance	
Vote No. 1, Personal Emoluments and other allowances of staff	185,975
Vote No. 2, Administration Charges—Recurrent Expenditure	6,700
Head 32, Treasury	
Vote No. 1, Personal Emoluments and other allowances of staff	2,426,966
Vote No. 2, Administration Charges—Recurrent Expenditure	162,000
Head 33, Pensions	
Vote No. 2, Administration Charges—Recurrent Expenditure	49,884,650
Head 34, Public Debt	
Vote No. 2, Administration Charges—Recurrent Expenditure	116,61
Head 35, Loan Board	
Vote No. 1, Personal Emoluments and other allowances of staff	48,521
Vote No. 2, Administration Charges—Recurrent Expenditure	700
Head 36, Government Stores	
Vote No. 1, Personal Emoluments and other allowances of staff	1,613,774

		Rs.
	Vote No. 2, Administration Charges—Recurrent Expenditure	213,069
Head 37,	Department of Inland Revenue	
	Vote No. 1, Personal Emoluments and other allowances of staff	5,384,194
	Vote No. 2, Administration Charges—Recurrent Expenditure	378,725
Head 38,	Customs	
	Vote No. 1, Personal Emoluments and other allowances of staff	4,319,843
	Vote No. 2, Administration Charges—Recurrent Expenditure	674,255
	Vote No. 3, Administration Charges—Capital Expenditure	26,000
Head 39,	Department of Census and Statistics	
	Vote No. 1, Personal Emoluments and other allowances of staff	2,279,052
	Vote No. 2, Administration Charges—Recurrent Expenditure	3,061,288
	Vote No. 3, Administration Charges—Capital Expenditure	422,000
Head 40,	National Savings Movement	
	Vote No. 1, Personal Emoluments and other allowances of staff	231,890
	Vote No. 2, Administration Charges—Recurrent Expenditure	87,420
Head 41,	Government Press	
	Vote No. 1, Personal Emoluments and other allowances of staff	5,513,259
	Vote No. 2, Administration Charges—Recurrent Expenditure	4,424,258
	Vote No. 3, Administration Charges—Capital Expenditure	583,845
Head 42,	Widows' and Orphans' Pension Office	
	Vote No. 1, Personal Emoluments and other allowances of staff	325,302
	Vote No. 2, Administration Charges—Recurrent Expenditure	173,535
Head 43,	Combined Services	
	Vote No. 1, Personal Emoluments and other allowances of staff	586,637
	Vote No. 2, Administration Charges—Recurrent Expenditure	133,400
Head 44,	Miscellaneous Services	
	Vote No. 2, Administration Charges—Recurrent Expenditure	14,736,545
	Vote No. 4, Services provided by the Department—Recurrent Expenditure	630,000
	Vote No. 5, Services provided by the Department—Capital Expenditure	782,087
	Vote No. 6, Economic Development—Recurrent Expenditure	10,000
	Vote No. 7, Economic Development—Capital Expenditure	14,750,000

Head 53, Minister of Justice		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	443,286
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	27,500
Vote No. 4, Services provided by the Department—Recurrent Expenditure	.. .. .	50,000
Head 54, Revision of Legislative Enactments and Subsidiary Legislation		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	9,600
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	400
Head 55, District Courts		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,655,648
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	244,826
Head 56, Courts of Requests and Magistrates' Courts		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,220,795
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	294,150
Head 57, Fiscals		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,566,042
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	1,183,958
Head 58, Conciliation Boards		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	54,850
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	5,750
Head 59, Attorney-General		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	943,831
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	359,350
Head 60, Legal Draftsman		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	344,975
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	5,025
Head 61, Rural Courts		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,258,023
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	188,692

		Rs.
Head 62, Debt Conciliation Board		
	Vote No. 1, Personal Emoluments and other allowances of staff	68,186
	Vote No. 2, Administration Charges—Recurrent Expenditure	5,075
Head 63, Department of the Bribery Commissioner ..		
	Vote No. 1, Personal Emoluments and other allowances of staff	196,052
	Vote No. 2, Administration Charges—Recurrent Expenditure	71,600
Head 64, Official Language Department		
	Vote No. 1, Personal Emoluments and other allowances of staff	1,358,647
	Vote No. 2, Administration Charges—Recurrent Expenditure	137,960
Head 65, Supreme Court		
	Vote No. 1, Personal Emoluments and other allowances of staff	1,571,281
	Vote No. 2, Administration Charges—Recurrent Expenditure	526,250
Head 70, Minister of Industries, Home and Cultural Affairs		
	Vote No. 1, Personal Emoluments and other allowances of staff	431,501
	Vote No. 2, Administration Charges—Recurrent Expenditure	156,500
	Vote No. 6, Economic Development—Recurrent Expenditure	1,597,895
	Vote No. 7, Economic Development—Capital Expenditure	43,355,674
Head 71, Provincial Administration		
	Vote No. 1, Personal Emoluments and other allowances of staff	24,832,580
	Vote No. 2, Administration Charges—Recurrent Expenditure	1,840,834
	Vote No. 3, Administration Charges—Capital Expenditure	194,000
	Vote No. 4, Services provided by the Department—Recurrent Expenditure	218,000
Head 72, Government Analyst		
	Vote No. 1, Personal Emoluments and other allowances of staff	498,914
	Vote No. 2, Administration Charges—Recurrent Expenditure	47,550
Head 73, Department of Prisons		
	Vote No. 1, Personal Emoluments and other allowances of staff	6,031,137
	Vote No. 2, Administration Charges—Recurrent Expenditure	3,276,030

Rs.

	Vote No. 3, Administration Charges—Capital Expenditure	70,000
	Vote No. 4, Services provided by the Department—Recurrent Expenditure	68,250
Head 74, Registrar-General		
	Vote No. 1, Personal Emoluments and other allowances of staff	3,577,070
	Vote No. 2, Administration Charges—Recurrent Expenditure	243,760
Head 75, Department of Rural Development and Small Industries		
	Vote No. 1, Personal Emoluments and other allowances of staff	7,028,056
	Vote No. 2, Administration Charges—Recurrent Expenditure	798,648
	Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,096,224
	Vote No. 5, Services provided by the Department—Capital Expenditure	2,100,000
	Vote No. 6, Economic Development—Recurrent Expenditure	1,141,000
	Vote No. 7, Economic Development—Capital Expenditure	2,558,600
Head 76, Department of Mosques and Muslim Charitable Trusts		
	Vote No. 1, Personal Emoluments and other allowances of staff	43,029
	Vote No. 2, Administration Charges—Recurrent Expenditure	21,971
Head 77, Department of Social Services		
	Vote No. 1, Personal Emoluments and other allowances of staff	1,071,422
	Vote No. 2, Administration Charges—Recurrent Expenditure	5,000
	Vote No. 4, Services provided by the Department—Recurrent Expenditure	28,139,089
Head 78, Department of Probation and Child Care Services		
	Vote No. 1, Personal Emoluments and other allowances of staff	218,956
	Vote No. 3, Administration Charges—Capital Expenditure	10,000
	Vote No. 4, Services provided by the Department—Recurrent Expenditure	3,750,104
	Vote No. 5, Services provided by the Department—Capital Expenditure	41,000
Head 79, Public Trustee		
	Vote No. 1, Personal Emoluments and other allowances of staff	245,558
	Vote No. 2, Administration Charges—Recurrent Expenditure	29,400

	Rs.
Head 80, Geological Survey Department	
Vote No. 6, Economic Development—Recurrent Expenditure	1,071,952
Vote No. 7, Economic Development—Capital Expenditure	150,000
Head 81, Salt Department	
Vote No. 1, Personal Emoluments and other allowances of staff	619,095
Vote No. 2, Administration Charges—Recurrent Expenditure	11,250
Vote No. 6, Economic Development—Recurrent Expenditure	13,718
Vote No. 7, Economic Development—Capital Expenditure	667,050
Head 82, Excise Department	
Vote No. 1, Personal Emoluments and other allowances of staff	2,559,437
Vote No. 2, Administration Charges—Recurrent Expenditure	518,527
Vote No. 3, Administration Charges—Capital Expenditure	85,875
Vote No. 6, Economic Development—Recurrent Expenditure	18,375
Vote No. 7, Economic Development—Capital Expenditure	754,540
Head 83, Department of Cultural Affairs	
Vote No. 1, Personal Emoluments and other allowances of staff	162,680
Vote No. 2, Administration Charges—Recurrent Expenditure	20,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,723,000
Head 84, Department of Government Archivist	
Vote No. 1, Personal Emoluments and other allowances of staff	240,531
Vote No. 2, Administration Charges—Recurrent Expenditure	52,403
Head 85, Department of National Museums	
Vote No. 4, Services provided by the Department—Recurrent Expenditure	450,000
Head 86, Archaeological Department	
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,564,916
Vote No. 5, Services provided by the Department—Capital Expenditure	524,650
Head 87, Government College of Fine Arts	
Vote No. 4, Services provided by the Department—Recurrent Expenditure	461,521

Rs.

Head 88, Kandyan Peasantry Rehabilitation Scheme		
Vote No. 5, Services provided by the Department—		
Capital Expenditure	.. ..	673,000
Vote No. 7, Economic Development—Capital Expen-		
diture	.. ..	3,650,000
Head 95, Minister of Agriculture, Land, Irrigation and Power		
Vote No. 1, Personal Emoluments and other allowances		
of staff	.. ..	580,826
Vote No. 2, Administration Charges—Recurrent Expen-		
diture	.. ..	26,750
Vote No. 6, Economic Development—Recurrent Expen-		
diture	.. ..	3,000
Vote No. 7, Economic Development—Capital Expen-		
diture	.. ..	46,245,000
Head 96, Land Commissioner		
Vote No. 1, Personal Emoluments and other allowances		
of staff	.. ..	4,806,319
Vote No. 2, Administration Charges—Recurrent Expen-		
diture	.. ..	683,835
Vote No. 6, Economic Development—Recurrent Expen-		
diture	.. ..	7,379
Vote No. 7, Economic Development—Capital Expen-		
diture	.. ..	17,748,142
Head 97, Land Settlement Department		
Vote No. 1, Personal Emoluments and other		
allowances of staff	.. ..	476,388
Vote No. 2, Administration Charges—Recurrent Expen-		
diture	.. ..	93,798
Head 98, Survey Department		
Vote No. 1, Personal Emoluments and other		
allowances of staff	.. ..	8,790,859
Vote No. 2, Administration Charges—Recurrent Expen-		
diture	.. ..	11,962,146
Vote No. 3, Administration Charges—Capital Expen-		
diture	.. ..	10
Vote No. 6, Economic Development—Recurrent Expen-		
diture	.. ..	253,475
Head 99, Forest Department		
Vote No. 1, Personal Emoluments and other allowances		
of staff	.. ..	2,080,213
Vote No. 2, Administration Charges—Recurrent Ex-		
penditure	.. ..	510,938
Vote No. 6, Economic Development—Recurrent Ex-		
penditure	.. ..	155,350
Vote No. 7, Economic Development—Capital Expendi-		
ture	.. ..	3,111,429

Rs.

Head 100, Irrigation Department		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,403,676
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	774,140
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	14,374,979
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	32,000,000
Head 101, Valuation Department		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,064,104
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	235,896
Head 102, Land Development Department		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	921,418
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	428,768
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	223,175
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	4,065,132
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	15,776,825
Head 103, Department of Agriculture		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,980,149
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	287,397
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	65,000
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	26,297,368
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	9,049,500
Head 104, Department of Agrarian Services		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,394,996
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	412,050
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	4,057,901
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	4,550,946
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	10,492,500
Head 105, Coconut Rehabilitation Scheme		
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	6,150,000

Rs.

Head 106, Department of Wild Life		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	521,814
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	139,786
Head 107, Department of Fisheries		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,144,403
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	319,183
Vote No. 4, Services provided by the Department—Recurrent Expenditure	.. .. .	105,000
Vote No. 5, Services provided by the Department—Capital Expenditure	.. .. .	750,000
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	1,478,636
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	2,115,000
Head 108, Electrical Department (Commercialised Activities)		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	5,833,446
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	37,181,590
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	435,500
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	696,500
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	70,440,000
Head 109, Electrical Department (Non-Commercialised Activities)		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	77,203
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	3,877,870
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	1,568,180
Head 114, Minister of Labour and Nationalised Services		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	200,516
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	56,090
Head 115, Department of Labour		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	3,088,354
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	679,500
Vote No. 4, Services provided by the Department—Recurrent Expenditure	.. .. .	5,262,639
Vote No. 5, Services provided by the Department—Capital Expenditure	.. .. .	1,014,870

Rs.

Head 116, Colombo Port Commission

Vote No. 1, Personal Emoluments and other allowances of staff	11,125,000
Vote No. 2, Administration Charges—Recurrent Expenditure	8,001,752
Vote No. 3, Administration Charges—Capital Expenditure	214,120
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,222,000
Vote No. 5, Services provided by the Department—Capital Expenditure	26,218
Vote No. 6, Economic Development—Recurrent Expenditure	2,163,150
Vote No. 7, Economic Development—Capital Expenditure	17,988,050

Head 117, Coast Lights

Vote No. 1, Personal Emoluments and other allowances of staff	115,460
Vote No. 2, Administration Charges—Recurrent Expenditure	34,540

Head 118, Commissioner of Motor Traffic

Vote No. 1, Personal Emoluments and other allowances of staff	1,187,021
Vote No. 2, Administration Charges—Recurrent Expenditure	112,750

Head 126, Minister of Health

Vote No. 1, Personal Emoluments and other allowances of staff	253,675
Vote No. 2, Administration Charges—Recurrent Expenditure	11,000

Head 127, Department of Health

Vote No. 1, Personal Emoluments and other allowances of staff	1,838,948
Vote No. 2, Administration Charges—Recurrent Expenditure	211,173
Vote No. 4, Services provided by the Department—Recurrent Expenditure	149,625,651
Vote No. 5, Services provided by the Department—Capital Expenditure	5,224,832

Head 128, Indigenous Medicine

Vote No. 1, Personal Emoluments and other allowances of staff	68,370
Vote No. 4, Services provided by the Department—Recurrent Expenditure	2,276,237

Head 134, Minister of Education

Vote No. 1, Personal Emoluments and other allowances of staff	394,418
Vote No. 2, Administration Charges—Recurrent Expenditure	21,800

Rs.

Vote No. 4, Services provided by the Department—		
Recurrent Expenditure	.. ..	87,688
Vote No. 5, Services provided by the Department—		
Capital Expenditure	.. ..	7,380,500

Head 135, Education Department

Vote No. 1, Personal Emoluments and other allowances of staff	.. ..	7,775,432
Vote No. 2, Administration Charges—Recurrent Expenditure	.. ..	937,650
Vote No. 3, Administration Charges—Capital Expenditure	.. ..	100,000
Vote No. 4, Services provided by the Department—		
Recurrent Expenditure	.. ..	282,534,366
Vote No. 5, Services provided by the Department—		
Capital Expenditure	.. ..	14,824,100

Head 136, Grants to Universities

Vote No. 4, Services provided by the Department—		
Recurrent Expenditure	.. ..	12,748,099

Head 137, Ceylon Technical College Department

Vote No. 1, Personal Emoluments and other allowances of staff	.. ..	181,238
Vote No. 2, Administration Charges—Recurrent Expenditure	.. ..	71,500
Vote No. 6, Economic Development—Recurrent Expenditure	.. ..	1,505,928
Vote No. 7, Economic Development—Capital Expenditure	.. ..	314,980

Head 138, Department of Examinations

Vote No. 1, Personal Emoluments and other allowances of staff	.. ..	1,007,029
Vote No. 2, Administration Charges—Recurrent Expenditure	.. ..	2,452,715

Head 139, Educational Publications Advisory Board

Vote No. 1, Personal Emoluments and other allowances of staff	.. ..	29,682
Vote No. 2, Administration Charges—Recurrent Expenditure	.. ..	23,800

Head 140, Department of Meteorology

Vote No. 1, Personal Emoluments and other allowances of staff	.. ..	1,061,207
Vote No. 2, Administration Charges—Recurrent Expenditure	.. ..	113,375

Rs.

Head 148, Minister of Commerce, Trade, Food and Shipping

Vote No. 1, Personal Emoluments and other allowances of staff	388,728
Vote No. 2, Administration Charges—Recurrent Expenditure	251,805

Head 149, Food Commissioner

Vote No. 1, Personal Emoluments and other allowances of staff	8,271,016
Vote No. 2, Administration Charges—Recurrent Expenditure	711,410
Vote No. 3, Administration Charges—Capital Expenditure	800,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	225,852,812
Vote No. 5, Services provided by the Department—Capital Expenditure	752,000
Vote No. 6, Economic Development—Recurrent Expenditure	154,235

Head 150, Department of Co-operative Development

Vote No. 1, Personal Emoluments and other allowances of staff	8,051,701
Vote No. 2, Administration Charges—Recurrent Expenditure	1,681,847
Vote No. 4, Services provided by the Department—Recurrent Expenditure	16,000
Vote No. 7, Economic Development—Capital Expenditure	100,000

Head 151, Marketing Department

Vote No. 1, Personal Emoluments and other allowances of staff	1,041,260
Vote No. 2, Administration Charges—Recurrent Expenditure	290,962
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,500,000
Vote No. 6, Economic Development—Recurrent Expenditure	28,800
Vote No. 7, Economic Development—Capital Expenditure	1,964,233

Head 152, Department of Commerce

Vote No. 1, Personal Emoluments and other allowances of staff	673,753
Vote No. 2, Administration Charges—Recurrent Expenditure	295,540

	Rs.
Head 153, Department of Registrar of Companies	
Vote No. 1, Personal Emoluments and other allowances of staff	459,236
Vote No. 2, Administration Charges—Recurrent Expenditure	61,670
Head 154, Department of Controller of Imports and Exports	
Vote No. 1, Personal Emoluments and other allowances of staff	502,242
Vote No. 2, Administration Charges—Recurrent Expenditure	117,208
Head 155, Department of Merchant Shipping	
Vote No. 1, Personal Emoluments and other allowances of staff	115,881
Vote No. 2, Administration Charges—Recurrent Expenditure	7,551
Head 163, Minister of Transport and Works	
Vote No. 1, Personal Emoluments and other allowances of staff	464,336
Vote No. 2, Administration Charges—Recurrent Expenditure	32,110
Head 164, Railway	
Vote No. 1, Personal Emoluments and other allowances of staff	36,388,450
Vote No. 2, Administration Charges—Recurrent Expenditure	37,230,165
Vote No. 4, Services provided by the Department—Recurrent Expenditure	100,000
Vote No. 6, Economic Development—Recurrent Expenditure	38,093,165
Vote No. 7, Economic Development—Capital Expenditure	31,487,000
Head 165, Civil Aviation	
Vote No. 1, Personal Emoluments and other allowances of staff	1,613,261
Vote No. 2, Administration Charges—Recurrent Expenditure	449,348
Vote No. 3, Administration Charges—Capital Expenditure	407,093
Vote No. 7, Economic Development—Capital Expenditure	5,260,000

	<i>Rs.</i>
Head 166, Basic Technical Training Institute	
Vote No. 2, Administration Charges—Recurrent Expenditure	7,150
Vote No. 6, Economic Development—Recurrent Expenditure	312,850
Head 167, Zoological Gardens	
Vote No. 1, Personal Emoluments and other allowances of staff	325,870
Vote No. 2, Administration Charges—Recurrent Expenditure	320,570
Vote No. 3, Administration Charges—Capital Expenditure	5,000
Head 168, Public Works Department	
Vote No. 1, Personal Emoluments and other allowances of staff	7,904,742
Vote No. 2, Administration Charges—Recurrent Expenditure	4,296,496
Vote No. 3, Administration Charges—Capital Expenditure	13,282,594
Vote No. 4, Services provided by the Department—Recurrent Expenditure	50,000
Vote No. 5, Services provided by the Department—Capital Expenditure	14,845,951
Vote No. 6, Economic Development—Recurrent Expenditure	21,719,139
Vote No. 7, Economic Development—Capital Expenditure	21,853,400
Head 169, Postal and Telecommunication Services	
Vote No. 1, Personal Emoluments and other allowances of staff	56,199,760
Vote No. 2, Administration Charges—Recurrent Expenditure	10,864,300
Vote No. 3, Administration Charges—Capital Expenditure	218,500
Vote No. 7, Economic Development—Capital Expenditure	15,100,000

Rs.

Head 176, Minister of Local Government and Housing

Vote No. 1, Personal Emoluments and other allowances of staff	197,804
Vote No. 2, Administration Charges—Recurrent Expenditure	17,196

Head 177, Commissioner of Local Government

Vote No. 1, Personal Emoluments and other allowances of staff	1,666,116
Vote No. 2, Administration Charges—Recurrent Expenditure	38,498,567
Vote No. 3, Administration Charges—Capital Expenditure	13,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,235,868
Vote No. 5, Services provided by the Department—Capital Expenditure	10,199,980
Vote No. 7, Economic Development—Capital Expenditure	300,000

Head 178, Local Government Service Commission

Vote No. 1, Personal Emoluments and other allowances of staff	347,562
Vote No. 2, Administration Charges—Recurrent Expenditure	189,590

Head 179, Department of Town and Country Planning

Vote No. 1, Personal Emoluments and other allowances of staff	393,150
Vote No. 2, Administration Charges—Recurrent Expenditure	31,350
Vote No. 5, Services provided by the Department—Capital Expenditure	998,157
Vote No. 6, Economic Development—Recurrent Expenditure	50,500

Head 180, Department of National Housing

Vote No. 1, Personal Emoluments and other allowances of staff	1,047,546
Vote No. 2, Administration Charges—Recurrent Expenditure	137,060
Vote No. 4, Services provided by the Department—Recurrent Expenditure	8,000

Rs.

Head 181, Department of Water Supply and Drainage

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	769,600
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	112,265
Vote No. 3, Administration Charges—Capital Expenditure	..	..	230,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	950,000
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	9,957,940
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	732,000
Vote No. 7, Economic Development—Capital Expenditure	..	..	10
		Total	<u>1,971,120,454</u>

SECOND SCHEDULE						
I		II	III	IV	V	
Department	Item No.	Maximum limits of Expenditure of the activities of Government	Maximum limits to be credited to the accounts of the activities of Government	Maximum limits of Debit Balances of the activities of Government	Maximum limits of Liabilities of the activities of Government	
		Rs.	Rs.	Rs.	Rs.	
Audit Minister of Defence and External Affairs	1	Advances to Public Officers	175,000	160,000	300,000	—
	2	Advances to Public Officers	400,000	325,000	515,000	—
	3	Purchase of stores required for Works Services by the Ceylon Army Engineers, 3 Works Services	800,000	800,000	400,000	50,000
Navy Air Force	4	Advances to Public Officers	1,000,000	1,000,000	875,000	—
	5	Advances to Public Officers	400,000	400,000	350,000	—
	6	Repayments to Air Ministry, U. K., on account of Training of R. Cy. A. F. Personnel	1,200,000	1,200,000	500,000	—
	7	Advances to Public Officers	300,000	300,000	255,000	—
Police External Affairs Abroad	8	Advances to Public Officers	1,400,000	1,300,000	1,200,000	—
	9	Purchase of new official cars	52,000	27,000	—	—
	10	Running expenses of Ceylon Students' Welfare Centre in London	212,000	142,000	1,500	—
Department of Broadcasting and Information	11	Stores Advance Account	250,000	300,000	300,000	75,000
	12	Advances to Public Officers	140,000	140,000	166,000	—
	13	Running expenses of resthouses and restaurants at Travel Centres	300,000	300,000	15,000	—
Government Tourist Bureau	14	Printing and sale of publications	30,000	30,000	—	—

Treasury	15 .. Advances to the Imperial Lighthouse Service	350,000 ..	350,000 ..	100,000 ..	—
	16 .. Advances for the maintenance of graves of Boer Prisoners of War	3,000 ..	3,000 ..	1,000 ..	—
	17 .. Advances for payments on behalf of other Governments	800,000 ..	800,000 ..	400,000 ..	—
	18 .. Advances to Public Officers	2,000,000 ..	1,500,000 ..	2,000,000 ..	—
	19 .. Miscellaneous Advances	1,500,000 ..	1,500,000 ..	1,250,000 ..	—
	20 .. Advances to Government sponsored Corporations	15,000,000 ..	2,000,000 ..	37,200,000 ..	—
Government Stores	21 .. Advances to Public Officers	100,000 ..	100,000 ..	80,000 ..	—
	22 .. Advance Account for the purchase, transport and maintenance of equipment, stores, &c.	100,000,000 ..	100,000,000 ..	15,000,000 ..	35,000,000
Department of Inland Revenue	23 .. Advances to Public Officers	300,000 ..	240,000 ..	400,000 ..	—
Customs	24 .. Under-valued goods	300,000 ..	300,000 ..	150,000 ..	—
	25 .. Expenses in connection with seized and forfeited goods	15,000 ..	15,000 ..	15,000 ..	—
Department of Census and Statistics	26 .. Advances to Public Officers	250,000 ..	220,000 ..	291,000 ..	—
	27 .. Advances to Public Officers	150,000 ..	150,000 ..	170,000 ..	—
Government Press	28 .. Advances to Public Officers	280,000 ..	270,000 ..	210,000 ..	—
	29 .. Charges for official advertisements by Government Departments in newspapers	250,000 ..	250,000 ..	15,000 ..	—
Miscellaneous Services	30 .. Government Insurance Fund	150,000 ..	800,000 ..	—	—
	31 .. Advance to the Rubber Replanting Subsidy Fund	20,000,000 ..	20,000,000 ..	90,000,000 ..	—
Minister of Justice	32 .. Advances to Public Officers	600,000 ..	600,000 ..	800,000 ..	—
Official Language Department	33 .. Printing, publicity and sale of books (including purchase of copyright, publications, translation rights and translation fees)	1,000,000 ..	800,000 ..	1,800,000 ..	—

SECOND SCHEDULE

Department	Item No.	I Activities of the Government	II Maximum limits of Expenditure of the activities of Government		III Maximum limits of receipts to be credited to the accounts of the activities of Government		IV Maximum limits of Debit Balances of the activities of Government		V Maximum limits of Liabilities of the activities of Government	
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
Minister of Industries, Home and Cultural Affairs	34 ..	Advances to Public Officers	2,600,000 ..	2,300,000 ..	3,200,000 ..	—	—	—	—	
	35 ..	Industrial Exhibition, 1964	3,000,000 ..	3,600,000 ..	—	—	—	—		
	36 ..	Advances to Public Officers	275,000 ..	275,000 ..	180,000 ..	—	—	—		
Prisons	37 ..	Prisons Industrial and Agricultural Undertakings	1,800,000 ..	1,800,000 ..	850,000 ..	—	—	—		
	38 ..	Advances to Public Officers	160,000 ..	160,000 ..	207,000 ..	—	—	—		
Registrar-General's Department	39 ..	Purchase and sale of cottage industrial products	50,000,000 ..	52,000,000 ..	13,000,000 ..	—	—	—		
	40 ..	Establishment and management of Industrial Workshops including supply of raw material	14,000,000 ..	14,000,000 ..	4,275,000 ..	—	—	—		
Department of Rural Development and Small Industries	41 ..	Financing of the Production and Marketing of Industrial Products and Granting of Loans to individual cottage workers, Industrial Co-operative Societies and incorporated bodies for the development of Industries, including the supply of Plant, Machinery, Equipment, etc., on Hire Purchase	10,000,000 ..	3,000,000 ..	14,000,000 ..	—	—	—		

42 ..	Advances to Public Officers	..	200,000 ..	175,000 ..	225,000 ..
43 ..	Running expenses of Industrial Schools	..	1,600,000 ..	1,600,000 ..	800,000 ..
44 ..	Advances to Public Officers	..	200,000 ..	175,000 ..	350,000 ..
45 ..	Advances to Public Officers	..	160,000 ..	150,000 ..	225,000 ..
46 ..	Advances for the administration of Estates and Trusts	..	5,000 ..	5,000 ..	2,000 ..
47 ..	Advances to Public Officers	..	—	160,000 ..	—
48 ..	Granting of loans for the development of industries and for production and marketing of industrial products including loans to Industrial Co-operatives and Incorporated Bodies	..	—	716,000 ..	—
49 ..	Working of the Monazite Separating Plant	..	150,000 ..	100,000 ..	450,000 ..
50 ..	Advances to Public Officers	..	120,000 ..	76,000 ..	90,000 ..
51 ..	Purchase, manufacture, collection, transport, storage and distribution of salt and by-products and expenses incidental thereto—	..	10,000,000 ..	8,500,000 ..	2,400,000 ..
	(a) General expenses				
	(b) Recoverable expenses such as advances to salt producers and cost of work done for other Departments incidental to salt production				
	(c) Purchase of salt from private manufacturers				
Department of Social Services					
Department of Probation and Child Care Services					
Public Trustee					
Industries					
Geological Survey Department					
Salt					

SECOND SCHEDULE

Department	Item No.	Activities of the Government	Limits of Receipts, Expenditure, Debit Balances and Liabilities				
			I Maximum limits of Expenditure of the activities of Government	II Maximum limits of receipts to be credited to the accounts of the activities of Government	III Maximum limits of Debit Balances of the activities of Government	IV Maximum limits of Liabilities of the activities of Government	V Maximum limits of activities of Government
			Rs.	Rs.	Rs.	Rs.	Rs.
Excise	.. 52 ..	Advances to Public Officers	.. 300,000 ..	.. 300,000 ..	.. 400,000 —	.. —
	.. 53 ..	Working of Arrack Stock Account including purchase of bottles	.. 104,000,000 ..	.. 92,000,000 ..	.. 12,000,000 —	.. —
Land Commissioner	.. 54 ..	Working of a State-owned Distillery	.. 2,800,000 ..	.. 2,800,000 ..	.. 100,000 —	.. —
	.. 55 ..	Loans to owners of holdings under the L. D. O.	.. 500,000 ..	.. 300,000 ..	.. 3,200,000 —	.. —
	.. 56 ..	Administration of estates acquired for village expansion	.. — ..	.. 30,000 ..	.. 15,000 —	.. —
Survey Department	.. 57 ..	Loans to Co-operative Colonization Schemes and purchase of Agricultural and other equipment for use by the Co-operative Societies in Colonization Schemes	.. 50,000 ..	.. 50,000 ..	.. 2,000,000 —	.. —
	.. 58 ..	Advances to Public Officers	.. 125,000 ..	.. 125,000 ..	.. 225,000 —	.. —
.. 59 ..	Purchase and re-sale of Empire Survey Review	.. 1,000 ..	.. 1,000 — —	.. —	

60 ..	Advances to Public Officers (Transport)	200,000 ..	175,000 ..	340,000 ..	—
61 ..	Advances to Public Officers (Festivals)	650,000 ..	650,000 ..	340,000 ..	—
62 ..	Advances to Public Officers (Housing)	100,000 ..	38,000 ..	269,000 ..	—
63 ..	Extraction and supply of timber, firewood to Government Departments and the public including sale of seized timber	19,500,000 ..	18,000,000 ..	5,672,718 ..	—
64 ..	Operation of the Government run saw mills for the conversion of timber	700,000 ..	900,000 ..	—	—
65 ..	Advances to Public Officers ..	225,000 ..	235,000 ..	210,000 ..	—
66 ..	Purchase of Stores, Mechanical Branch, Ratmalana	4,500,000 ..	4,500,000 ..	5,500,000 ..	750,000
67 ..	Work Done Advance Account, Mechanical Branch, Ratmalana	7,500,000 ..	8,000,000 ..	500,000 ..	—
68 ..	Advances to Public Officers ..	1,200,000 ..	1,200,000 ..	1,500,000 ..	—
69 ..	Advances to Public Officers ..	72,000 ..	55,000 ..	116,000 ..	—
70 ..	Land Development Stores, Advance Account	5,000,000 ..	5,000,000 ..	1,500,000 ..	—
71 ..	Advances to Public Officers ..	1,000,000 ..	1,000,000 ..	775,000 ..	—
72 ..	Medium-term loans for the construction of tobacco flue-curing barns	200,000 ..	125,000 ..	1,362,275 ..	—
73 ..	Short-term loans to Tobacco Societies	520,000 ..	464,593 ..	220,000 ..	—
74 ..	Working of Kangaroo Tractor Station and Sub-units	4,000,000 ..	4,000,000 ..	1,567,900 ..	—
75 ..	Central Workshop to turn out implements	800,000 ..	700,000 ..	630,000 ..	—
76 ..	Advances to Public Officers ..	1,250,000 ..	1,200,000 ..	1,139,990 ..	—
77 ..	Granting of loans to Co-operative Societies for the production and marketing of Agricultural crops and livestock	25,000,000 ..	25,000,000 ..	40,000,000 ..	—

Forest Department

Irrigation Department

Valuation Department

Land Development

Agriculture

Agrarian Services

SECOND SCHEDULE

Department	Item No.	Activities of the Government	I				
			II	III	IV	V	
			Maximum limits of Expenditure of the activities of Government	Maximum limits to be credited to the accounts of the activities of Government	Maximum limits of Debit Balances of the activities of Government	Maximum limits of Liabilities of the activities of Government	
			Rs.	Rs.	Rs.	Rs.	
	78 ..	Issue on loans or sale of seed paddy, seed onions, planting materials, implements and other agricultural requisites in deficit areas	1,000,000 ..	300,000 ..	3,439,415 ..	—	
	79 ..	Working of the Guaranteed Price Scheme and Rice Milling and repairs and maintenance of buildings	425,000,000 ..	420,000,000 ..	40,000,000 ..	—	
	80 ..	Scheme for the supply of fertilizers and other agricultural requisites and repairs and maintenance of buildings	11,000,000 ..	11,000,000 ..	1,000,000 ..	250,000	
	81 ..	Advances to Public Officers	500,000 ..	450,000 ..	433,205 ..	—	
	82 ..	Advance Account for granting of loans to Cultivation Committees	840,000 ..	840,000 ..	1,500,000 ..	—	
	83 ..	Acquisition of paddy lands under the Paddy Lands Act	10,000 ..	—	10,000 ..	—	
	84 ..	Advances to Public Officers	160,000 ..	135,000 ..	184,500 ..	—	
	85 ..	Purchase of stock for and working of fishermen's equipment depots	299,000 ..	309,000 ..	107,858 ..	—	
Fisheries	..						

86 ..	Loans to Fishing Industry through Co-operative Societies and individuals and advances to Fishery Officers who are appointed as Liquidators of such Societies to meet their preliminary expenses	400,000 ..	120,000 ..	1,416,500 ..	—
87 ..	Operation of trawlers	1,650,000 ..	1,500,000 ..	1,200,000 ..	—
88 ..	Upkeep and working of Ice and Refrigeration Plants and purchase and sale of ice	300,000 ..	275,000 ..	8,000 ..	—
89 ..	Stores Advance Account	1,000,000 ..	1,000,000 ..	1,000,000 ..	250,000
90 ..	Running expenses of Fishery By-products Factory, Machine Shop and Cold Storage Plant	1,389,000 ..	1,327,000 ..	331,000 ..	—
91 ..	Loans for the mechanisation of the fishing industry including purchase of mechanized boats, engines and ancillary fishing gear	4,950,000 ..	2,500,000 ..	19,450,000 ..	—
92 ..	Loans for the mechanisation of the fishing industry including purchase of mechanized boats, engines and ancillary fishing gear financed from aid	500,000 ..	1,200,000 ..	1,600,000 ..	—
93 ..	Electrical Stores Advance Account	6,000,000 ..	8,000,000 ..	8,000,000 ..	1,500,000
94 ..	Work Done Advance Account	25,000 ..	20,000 ..	16,000 ..	—
95 ..	Travelling Advance Account	40,000 ..	40,000 ..	6,000 ..	—
96 ..	Advances to Public Officers	150,000 ..	130,000 ..	250,000 ..	—
97 ..	Festival Advances to Public Officers..	400,000 ..	370,000 ..	138,320 ..	—
98 ..	Housing Advances to Public Officers..	60,000 ..	39,000 ..	180,000 ..	—
99 ..	Work done by local authorities, etc., to accommodate expenditure incurred in carrying out works for the Department by the local authorities	30,000 ..	20,000 ..	10,000 ..	—

SECOND SCHEDULE

I

V

IV

III

II

I

Department	Item No.	Activities of the Government	Maximum limits of Expenditure of the activities of Government	Maximum limits of receipts to be credited to the accounts of the activities of Government	Maximum limits of Debit Balances of the activities of Government	Maximum limits of Liabilities of the activities of Government
			Rs.	Rs.	Rs.	Rs.
Labour	100	Labour Gazette	60,000	60,000	—	—
	101	Advances to Public Officers	650,000	650,000	895,000	—
	102	Provision of funds for Co-operative Labour Societies	600,000	500,000	700,000	—
Colombo Port Commission	103	Work Done Account	250,000	275,000	275,000	—
	104	Work Done Account, Mahara	200,000	200,000	115,000	—
	105	Harbour Works Stores Account	9,000,000	10,000,000	6,000,000	3,000,000
	106	Advances to Public Officers	1,200,000	1,200,000	1,200,000	—
	107	Advances to Port Labour Reserve Fund	—	58,263	—	—
Commissioner of Motor Traffic	108	Advances to Public Officers	80,000	85,000	100,000	—
Department of Health	109	Purchase of medical, surgical and laboratory requisites	18,000,000	18,000,000	2,000,000	5,000,000
	110	Occupational Therapy, Mental Hospital, Angoda	60,000	55,000	—	—
	111	Dairy Farm	75,000	80,000	—	—
	112	Advances to Public Officers	6,000,000	4,500,000	6,500,000	—
Education	113	Ceylon Journal of Education	19,000	4,000	—	—

114 ..	Advances to Public Officers	8,000,000 ..	6,500,000 ..	7,075,000 ..	—
115 ..	Advances for meeting cost of minor repairs to school buildings	200,000 ..	200,000 ..	15,000 ..	—
116 ..	Loans to Assisted Schools for buildings and equipment for practical education	—	—	49,000 ..	—
..	Examinations	55,000 ..	42,000 ..	80,000 ..	—
..	Food Commissioner	450,000 ..	340,000 ..	880,000 ..	—
119 ..	Food Purchases and Distribution Account	947,500,000 ..	683,500,000 ..	160,000,000 ..	—
120 ..	Advances for Co-operative conferences, propaganda and training	30,000 ..	30,000 ..	5,000 ..	—
121 ..	Advances to Public Officers	500,000 ..	550,000 ..	700,000 ..	—
122 ..	Advances for the establishment of collecting depots, the purchase of the necessary vans, weighing machines, spraying equipment, leaf bags, repayment of debts to factory owners	300,000 ..	300,000 ..	250,000 ..	—
..	Marketing	525,000 ..	330,000 ..	370,000 ..	—
124 ..	Purchase, collection and sale of local and other products, processing and canning of and provision of cold storage facilities for local and other products	17,250,000 ..	16,550,000 ..	4,000,000 ..	—
125 ..	Working of the Agricultural Products (Regulation) Ordinance	400,000 ..	363,000 ..	20,000 ..	—
126 ..	Working of the Hospital Supply Branch	9,100,000 ..	9,100,000 ..	900,000 ..	—

SECOND SCHEDULE		I	II	III	IV	V
Department	Item No.	Activities of the Government	Maximum limits of Expenditure of the activities of Government Rs.	Maximum receipts to be credited to the accounts of the activities of Government Rs.	Maximum limits of Debit Balances of the activities of Government Rs.	Maximum limits of Liabilities of the activities of Government Rs.
Commerce Imports and Exports Commodity Purchase	127 ..	Working of the Marketing Department transport service and vehicles repair station for repairs and servicing of Government vehicles	1,400,000 ..	1,400,000 ..	300,000 ..	—
	128 ..	Working of the Bakery, Kitchens and catering	2,500,000 ..	2,550,000 ..	450,000 ..	—
	129 ..	Working of the Cold Rooms at Lotus Road	340,000 ..	270,000 ..	—	—
	130 ..	Advances to Public Officers	180,000 ..	150,000 ..	140,000 ..	—
	131 ..	Advances to Public Officers	115,000 ..	55,000 ..	118,000 ..	—
Commodity Purchase	132 ..	Purchase and sale of rubber, formic and acetic acids, tea and administrative expenses	120,000,000 ..	120,000,000 ..	30,000,000 ..	—
	133 ..	Advances to Public Officers	100,000 ..	100,000 ..	40,000 ..	—
	134 ..	Railway Stores Advance Account	70,000,000 ..	70,000,000 ..	40,000,000 ..	20,000,000
Railway	135 ..	Work Done Advance Account	480,000 ..	480,000 ..	75,000 ..	—
	136 ..	Stores Manufacturing Advance Account	4,000,000 ..	4,000,000 ..	1,060,000 ..	—
	137 ..	Foundry Shop Advance Account	1,250,000 ..	1,250,000 ..	75,000 ..	—

138 ..	Timber Conversion Advance Account	1,000,000 ..	1,000,000 ..	50,000 ..	—
139 ..	Galgamuwa and Ambepussa Quarries Advance Account	800,000 ..	760,000 ..	80,000 ..	—
140 ..	Sundry Advances Account	535,000 ..	535,000 ..	266,000 ..	—
141 ..	Advances to Public Officers Account	4,000,000 ..	4,000,000 ..	3,465,000 ..	—
142 ..	Advances to Public Officers	120,000 ..	100,000 ..	200,000 ..	—
143 ..	Advance Account for the purchase and exchange of exhibits for the Zoological Gardens	90,000 ..	75,000 ..	15,000 ..	—
144 ..	Advances to Public Officers	1,325,000 ..	1,285,000 ..	1,410,000 ..	—
145 ..	P. W. D. Factory Stores Advance Account	2,500,000 ..	3,000,000 ..	3,000,000 ..	2,000,000
146 ..	P. W. D. Factory Work Done Advance Account	3,494,000 ..	3,494,000 ..	6,000 ..	—
147 ..	P. W. D. Factory Foundry Materials Advance Account	200,000 ..	200,000 ..	5,000 ..	—
148 ..	P. W. D. Stores Advance Account	8,000,000 ..	8,000,000 ..	4,830,000 ..	1,000,000
149 ..	Government Factory Log Sawing Advance Account	500,000 ..	500,000 ..	100,000 ..	—
150 ..	Advance for the purchase of telecommunication stores	8,000,000 ..	7,000,000 ..	7,000,000 ..	6,000,000
151 ..	Advance for the manufacture of articles in the Telecommunication Workshop	50,000 ..	50,000 ..	25,000 ..	—
152 ..	Advance on rent for improvements, repairs, payment of annual rental and maintenance of rented offices and quarters	75,000 ..	50,000 ..	80,000 ..	—
153 ..	Advance for the purchase of postal stores	1,100,000 ..	1,000,000 ..	5,000 ..	500,000
154 ..	Advance for the maintenance and running expenses of the Overseas Telecommunication Services including expenses of the O. T. S. Conferences abroad	6,000,000 ..	9,000,000 ..	—	—

SECOND SCHEDULE

Department	Item No.	I Activities of the Government	II Maximum limits of Expenditure of the activities of Government		III Maximum limits of receipts to be credited to the accounts of the activities of Government		IV Maximum limits of Debit Balances of the activities of Government		V Maximum limits of Liabilities of the activities of Government	
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
	155 ..	Advance for the payments of trans-	1,000,000 ..	950,000 ..	450,000 ..	—				
	156 ..	port of foreign air mails Advances to Public Officers	3,500,000 ..	3,500,000 ..	2,230,000 ..	—				
Commissioner of Government	157 ..	Advances to Public Officers	120,000 ..	120,000 ..	240,000 ..	—				
Local Government Commission	158 ..	Advances to Public Officers	20,000 ..	20,000 ..	31,000 ..	—				
Department of Housing	159 ..	Advances to Public Officers	90,000 ..	70,000 ..	135,000 ..	—				
Department of Water Supply and Drainage	160 ..	Advances to Public Officers	250,000 ..	250,000 ..	225,000 ..	—				
	161 ..	Purchase of stores to be used on works undertaken by the Department	1,750,000 ..	1,750,000 ..	750,000 ..	—				
	Total		2,145,261,000	1,841,973,856	644,282,181	75,375,000				

PARLIAMENT OF CEYLON

3rd Session 1962-63



Criminal Law Act, No. 31 of 1962

Date of Assent : November 14, 1962

Printed on the Orders of Government

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L. D.—O. 7/62.

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE, THE CRIMINAL LAW (SPECIAL PROVISIONS) ACT, NO. 1 OF 1962, AND TO MAKE SPECIAL PROVISIONS RELATING TO CERTAIN OFFENCES UNDER THE PENAL CODE.

[Date of Assent: November 14, 1962]

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

1. This Act may be cited as the Criminal Law Act, No. 31 of 1962.

Short title.

2. The Criminal Law (Special Provisions) Act, No. 1 of 1962, is hereby amended as follows :—

Amendments to Act No. 1 of 1962.

(a) by the repeal of sections 4, 8, 9, 10 and 14, of that Act ; and

(b) by the repeal of paragraph (1), subparagraph (a) of paragraph (2), and paragraph (4), of section 5 of that Act.

3. Section 440A of the Criminal Procedure Code is hereby repealed and the following new section substituted therefor :—

Replacement of section 440A of the Criminal Procedure Code.

“Three Judges of the Supreme Court at Bar may try without jury in certain cases.

440A. (1) Notwithstanding anything to the contrary in any other written law or any other provision of this Code, the trial of any person for any offence punishable under section 114, section 115 or section 116 of the Penal Code shall be held before the Supreme Court at Bar by three Judges without a jury.

(2) In the following cases, that is to say,—

(a) in the case of any offence under Chapter VI of the Penal Code, other than an offence under section 114, section 115 or section 116 of that Code ;

OR

(b) in the case of any offence, other than an offence under Chapter VI of that Code, which, by reason of civil commotion, disturbance of public feeling or any other similar cause, the Minister of Justice may consider to be appropriately triable in the manner in this section provided,

the Minister of Justice may by Order under his hand direct that the trial of any person for such offence shall be held before the Supreme Court at Bar by three Judges without a jury.

(3) A trial before the Supreme Court under this section may be held either upon indictment, or upon information exhibited by the Attorney-General.

(4) Notwithstanding anything to the contrary in section 385 or any other law, the Attorney-General may exhibit to the Supreme Court informations in respect of any offences which are required by or under this section to be tried before the Supreme Court at Bar by three Judges without a jury.

(5) A trial before the Supreme Court under this section shall proceed as nearly as possible in the manner provided for other trials before the Supreme Court, subject to such modifications as may be ordered by the Court or as may be prescribed by rules made under the Courts Ordinance.

(6) A person committed for trial before the Supreme Court under this section shall not be admitted to bail by a Magistrate except with the authority of the Attorney-General.

(7) At any trial before the Supreme Court under this section, the Court, or the presiding Judge thereof, may give directions for the summoning, arrest, custody and bail of all persons charged before the Court by information exhibited under this section :

Provided, however, that any such person shall not be admitted to bail except with the consent of the Attorney-General.

(8) The trial of any person before the Supreme Court under this section may commence or continue in the absence of such person if the Court is satisfied that he is evading arrest, or absconding, or feigning illness.”.

4. The following new section is hereby inserted immediately after section 440A of the Criminal Procedure Code, and shall have effect as section 440B of that Code :—

Insertion of new section 440B in the Criminal Procedure Code

“ Special provisions regarding trials at Bar before the Supreme Court under section 216 or section 440A of this Code.

440B. (1) In every case of a trial at Bar before or by the Supreme Court under section 216 or section 440A of this Code, it shall be lawful for the Chief Justice to name the three Judges (of whom he may be one) before or by whom the trial shall be held.

(2) At any trial before or by the Supreme Court under section 216 or section 440A of this Code, the determination of any question before the Court shall be according to the opinion of the majority of the Judges.”.

5. The First Schedule to the Criminal Procedure Code is hereby amended as follows :—

Amendment of the First Schedule to the Criminal Procedure Code.

(1) in the entry in the Third Column of that Schedule relating to section 113B of the Penal Code, by the substitution, for the words “ if arrest ”, of the words “ if arrest for the offence ” ;

- (2) in the entry in the Third Column of that Schedule relating to section 114 of that Code, by the substitution, for the words "Shall not", of the word "May"; and
- (3) in the entry in the Third Column of that Schedule relating to section 123 of that Code, by the substitution, for the words "Shall not", of the word "May".

Special provisions regarding certain matters.

6. The following provisions shall have effect in regard to the amendments made in the Criminal Procedure Code and the Criminal Law (Special Provisions) Act, No. 1 of 1962, by this Act, and the direction, information, and nomination reproduced in the First Schedule, the Second Schedule, and the Third Schedule, respectively, to this Act :—

- (a) the said direction, information and nomination, shall be deemed, for all purposes, to have had, and to have, no force or effect in law ;
- (b) the Minister of Justice shall not have, and be deemed never to have had, any power or duty to nominate the Judges for the trial at Bar without a jury of the persons named in that information in respect of the offences specified in such information ; and
- (c) any action, proceeding, or thing instituted, commenced or initiated by, or by virtue of, the said direction, information or nomination and pending or incompleated on the date of the commencement of this Act shall be deemed, for all purposes, never to have been instituted, commenced or initiated.

First Schedule

DIRECTION UNDER SECTION 440A OF THE CRIMINAL PROCEDURE CODE AS AMENDED BY SECTION 4 OF THE CRIMINAL LAW (SPECIAL PROVISIONS) ACT, NO. 1 OF 1962.

To the Honourable the Chief Justice of the Supreme Court of the Island of Ceylon.

I, Samuel Peter Christopher Fernando, Minister of Justice, by virtue of the power vested in me by Section 440A (1)(a) of the Criminal Procedure Code, as amended by Section 4 of the Criminal Law (Special Provisions) Act, No. 1 of 1962, do hereby direct that the trial of the following persons, to wit,

- (1) Don John Francis Douglas Liyanage
- (2) Maurice Ann Gerard de Mel
- (3) Frederick Cecil de Saram
- (4) Cyril Cyrus Dissanayaka
- (5) Sidney Godfrey de Zoysa
- (6) Gerard Royce Maxwell de Mel
- (7) Wilmot Selvanayagam Abraham
- (8) Bastianpillai Ignatius Loyola
- (9) Wilton George White
- (10) Nimal Stanley Jayakody
- (11) Anthony John Bernard Anghie
- (12) Don Edmond Weerasinghe
- (13) Noel Vivian Mathysz
- (14) Victor Leslie Percival Joseph
- (15) Basil Rajandiram Jesudasan
- (16) Victor Joseph Harold Gunasekera
- (17) John Anthony Rajaratnam Felix
- (18) William Ernest Chelliah Jebanesan
- (19) Terrence Victor Wijesinghe
- (20) Lionel Christopher Stanley Jirasinghe
- (21) Vithanage Elster Perera
- (22) David Senadirajah Thambyah
- (23) Samuel Gardner Jackson
- (24) Rodney de Mel

in respect of the following offences under Chapter VI of the Penal Code, to wit,

- (1) That on or about the 27th day of January, 1962, at Colombo, Kalutara, Ambalangoda, Galle, Matara and other places, they with others did conspire to

wage war against the Queen and thereby committed an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No. 1 of 1962, read with Section 114 of the Penal Code.

(2) That on or about the 27th day of January, 1962, at Colombo, Kalutara, Ambalangoda, Galle, Matara and other places, they with others did conspire to overthrow otherwise than by lawful means the Government of Ceylon by law established and thereby committed an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No. 1 of 1962.

(3) That on or about the 27th day of January, 1962, at Colombo, Kalutara, Ambalangoda, Galle, Matara and other places, they with others did prepare to overthrow otherwise than by lawful means the Government of Ceylon by law established and thereby committed an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No.1 of 1962,

be held before the Supreme Court at Bar by three Judges without a Jury.

Given under my hand this 23rd day of June, 1962, at Colombo.

(Sgd.) SAM P. C. FERNANDO,
Minister of Justice.

Second Schedule

IN THE SUPREME COURT OF THE ISLAND OF CEYLON
INFORMATION

Information exhibited by Her Majesty's Attorney-General.

The Queen

vs.

- (1) Don John Francis Douglas Liyanage
- (2) Maurice Ann Gerard de Mel
- (3) Frederick Cecil de Saram
- (4) Cyril Cyrus Dissanayaka
- (5) Sidney Godfrey de Zoysa
- (6) Gerard Royce Maxwell de Mel
- (7) Wilmot Selvanayagam Abraham
- (8) Bastianpillai Ignatius Loyola
- (9) Wilton George White
- (10) Nimal Stanley Jayakody
- (11) Anthony John Bernard Anghie
- (12) Don Edmond Weerasinghe
- (13) Noel Vivian Mathysz
- (14) Victor Leslie Percival Joseph
- (15) Basil Rajandiram Jesudason
- (16) Victor Joseph Harold Gunasekera
- (17) John Anthony Rajaratnam Felix
- (18) William Ernest Chelliah Jebanesam
- (19) Terrence Victor Wijesinghe
- (20) Lionel Christopher Stanley Jirasinghe
- (21) Vithanage Elster Perera
- (22) David Senadirajah Thambyah
- (23) Samuel Gardner Jackson
- (24) Rodney de Mel

Defendants.

This 23rd day of June, 1962.

BE it remembered that Douglas St. Clive Budd Janszé Esquire, Queen's Counsel, Her Majesty's Attorney-General for the Island of Ceylon, who for Her Majesty in this behalf prosecutes, gives the Court to understand and be informed that--

- (1) On or about the 27th day of January, 1962, at Colombo, Kalutara, Ambalangoda, Galle, Matara and other places within the jurisdiction of this Court, the

defendants abovenamed with others did conspire to wage war against the Queen and did thereby commit an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No. 1 of 1962, read with Section 114 of the Penal Code.

(2) At the time and places aforesaid and in the course of the same transaction the defendants abovenamed with others did conspire to overthrow otherwise than by lawful means the Government of Ceylon by law established and did thereby commit an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No. 1 of 1962.

(3) At the time and places aforesaid and in the course of the same transaction the defendants abovenamed with others did prepare to overthrow otherwise than by lawful means the Government of Ceylon by law established and did thereby commit an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No. 1 of 1962.

WHEREUPON Her Majesty's Attorney-General prays the consideration of the Court here in the premises, and that due process of law may be awarded against the defendants abovenamed, in this behalf to make them answer to Our Sovereign Lady the Queen touching and concerning the premises aforesaid.

(Sgd.) D. JANSZÉ,
Attorney-General.

Third Schedule

**NOMINATION MADE BY THE MINISTER OF JUSTICE UNDER SECTION 9
OF THE CRIMINAL LAW (SPECIAL PROVISIONS)
ACT, NO. 1 OF 1962.**

WHEREAS I, SAMUEL PETER CHRISTOPHER FERNANDO, Minister of Justice, have on the Twenty-third day of June, 1962, issued a direction under Section 440A of the Criminal Procedure Code as amended by Section 4 of the Criminal Law (Special Provisions) Act, No. 1 of 1962, requiring that the trial of the following persons, to wit,

- (1) Don John Francis Douglas Liyanage
- (2) Maurice Ann Gerard de Mel
- (3) Frederick Cecil de Saram
- (4) Cyril Cyrus Dissanayaka
- (5) Sidney Godfrey de Zoysa
- (6) Gerard Royce Maxwell de Mel
- (7) Wilmot Selvanayagam Abraham
- (8) Bastianpillai Ignatius Loyola
- (9) Wilton George White
- (10) Nimal Stanley Jayakody
- (11) Anthony John Bernard Anghie
- (12) Don Edmond Weerasinghe
- (13) Noel Vivian Mathysz
- (14) Victor Leslie Percival Joseph
- (15) Basil Rajandiram Jesudasan
- (16) Victor Joseph Harold Gunasekera
- (17) John Anthony Rajaratnam Felix
- (18) William Ernest Chelliah Jebanesan
- (19) Terrence Victor Wijesinghe
- (20) Lionel Christopher Stanley Jirasinghe
- (21) Vithanage Elster Perera
- (22) David Senadirajah Thambyah
- (23) Samuel Gardner Jackson
- (24) Rodney de Mel

in respect of the following offences under Chapter VI of the Penal Code, to wit,

- (1) That on or about the 27th day of January, 1962, they with others did conspire to wage war against the Queen and thereby committed an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No. 1 of 1962, read with Section 114 of the Penal Code.

(2) That on or about the 27th day of January, 1962, they with others did conspire to overthrow otherwise than by lawful means the Government of Ceylon by law established and thereby committed an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No. 1 of 1962.

(3) That on or about the 27th day of January, 1962, they with others did prepare to overthrow otherwise than by lawful means the Government of Ceylon by law established and thereby committed an offence punishable under Section 115 of the Penal Code as amended by Section 6 (2) of the Criminal Law (Special Provisions) Act, No. 1 of 1962,

be held before the Supreme Court at Bar by three Judges without a Jury :

NOW THEREFORE, I, SAMUEL PETER CHRISTOPHER FERNANDO, Minister of Justice, in pursuance of the power vested in me by Section 9 of the Criminal Law (Special Provisions) Act, No. 1 of 1962, do hereby nominate

- (1) THE HONOURABLE THUSEW SAMUEL FERNANDO, C.B.E., Q.C.
- (2) THE HONOURABLE LEONARD BERNICE DE SILVA
- (3) THE HONOURABLE PONNUDURASAMY SRI SKANDA RAJAH

Judges of the Supreme Court of the Island of Ceylon, to be the three Judges who shall preside over the trial of the aforementioned persons to be held in pursuance of the aforementioned direction.

Given under my hand this 23rd day of June, 1962.

(Sgd.) SAM P. C. FERNANDO,
Minister of Justice.

TO THE HONOURABLE THE CHIEF JUSTICE,
COLOMBO.

PARLIAMENT OF CEYLON

3rd Session 1962-63



Army (Amendment) Act, No. 32 of 1962

Date of Assent : December 5, 1962

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PARLIAMENT OF CEYLON

3rd Session 1962-63



Army (Amendment) Act
No. 32 of 1962

Date of Assent: December 5, 1962

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Price: 50 cents

Army (Amendment) Act, No. 32 of 1962

L. D.—O. 12/62.

AN ACT TO AMEND THE ARMY ACT.

Chapter 357.
Vol. XI,
page 97.

[Date of Assent: December 5, 1962]

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

1. This Act may be cited as the Army (Amendment) Act, No. 32 of 1962.

Short title.

2. Section 27 of the Army Act is hereby amended as follows:—

Amendment of
section 27 of
Chapter 357.

(1) by the substitution, for the words "pay due to an officer", of the words "pay or allowance due to an officer"; and

(2) by the insertion, immediately after paragraph (a), of the following new paragraph:—

"(aa) in respect of each month of any period during which he is suspended from the exercise of his office, a part of his pay and allowances for that month as may be prescribed;".

3. Section 28 of the Army Act is hereby amended in sub-section (1) thereof as follows:—

Amendment of
section 28 of
Chapter 357.

(1) by the substitution, for the words "deductions may be made from the pay", of the words "deductions may be made from the pay or allowance"; and

(2) by the insertion, immediately after paragraph (a), of the following new paragraph:—

"(aa) in respect of each month of any period during which he is suspended from his duties, a part of his pay and allowances for that month as may be prescribed;".

AN ACT TO AMEND THE ARMY ACT

[State of Assam: December 5, 1932]

Enacted by His Majesty the King in Council, and with the assent and consent of the Senate and the House of Representatives of Assam in this present Parliament assembled, and by the authority of the King, as follows:—

1. This Act may be cited as the Army (Amendment) Act, No. 27 of 1932.

2. Section 27 of the Army Act is hereby amended as follows:—

(1) by the substitution, for the words "pay due to an officer", of the words "pay or allowance due to an officer"; and

(2) by the insertion, immediately after paragraph (a), of the following new paragraph:—

"(aa) in respect of each month of any period during which he is absent from the exercise of his office, a part of his pay and allowance for that month as may be prescribed;"

3. Section 28 of the Army Act is hereby amended in sub-section (1) thereof as follows:—

(1) by the substitution, for the words "deductions may be made from the pay or allowances"; and

(2) by the insertion, immediately after paragraph (a), of the following new paragraph:—

"(aa) in respect of each month of any period during which he is absent from his duties, a part of his pay and allowance for that month as may be prescribed;"

PARLIAMENT OF CEYLON

3rd Session 1962-63



Air Force (Amendment) Act, No. 33 of 1962

Date of Assent : December 5, 1962

Printed on the Orders of Government

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Air Force (Amendment) Act
No. 33 of 1962

This of Assent: December 5, 1962

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Air Force (Amendment) Act, No. 33 of 1962

L. D.—O. 12/62.

AN ACT TO AMEND THE AIR FORCE ACT.

Chapter 359.
Vol. XI,
page 248.

[Date of Assent: December 5, 1962]

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

1. This Act may be cited as the Air Force (Amendment) Act, No. 33 of 1962.

Short title.

2. Section 27 of the Air Force Act is hereby amended as follows:—

Amendment of
section 27 of
Chapter 359.

(1) by the substitution, for the words "pay due to an officer", of the words "pay or allowance due to an officer"; and

(2) by the insertion, immediately after paragraph (a) thereof, of the following new paragraph:—

"(aa) in respect of each month of any period during which he is suspended from the exercise of his office, a part of his pay and allowances for that month as may be prescribed;".

3. Section 28 of the Air Force Act is hereby amended in sub-section (1) thereof as follows:—

Amendment of
section 28 of
Chapter 359.

(1) by the substitution, for the words "deductions may be made from the pay", of the words "deductions may be made from the pay or allowance"; and

(2) by the insertion, immediately after paragraph (a), of the following new paragraph:—

"(aa) in respect of each month of any period during which he is suspended from his duties, a part of his pay and allowances for that month as may be prescribed;".

AN ACT TO AMEND THE AIR FORCE ACT
(Date of Assent: December 5, 1947)

It is enacted by His Majesty the King in Council, with the assent and consent of the Senate and the House of Representatives of New Zealand in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Air Force (Amendment) Act, No. 38 of 1947.

2. Section 37 of the Air Force Act is hereby amended as follows:—

(1) by the substitution for the words "pay due to an officer" of the words "pay or allowance due to an officer"; and

(2) by the insertion, immediately after paragraph (a) thereof, of the following new paragraph:—

(aa) in respect of each month of any period during which he is suspended from the exercise of his office, a part of his pay and allowances for that month as may be prescribed;

3. Section 38 of the Air Force Act is hereby amended in and as soon as (1) thereof as follows:—

(1) by the substitution for the words "during" of the words "pay or allowance"; and

(2) by the insertion, immediately after paragraph (a) of the following new paragraph:—

(aa) in respect of each month of any period during which he is suspended from his office, a part of his pay and allowances for that month as may be prescribed;

Section 37 of the Air Force Act, 1947

Section 37 of the Air Force Act, 1947

Section 38 of the Air Force Act, 1947

PARLIAMENT OF CEYLON

3rd Session 1962-63



Motor Transport (Amendment) Act, No. 34 of 1962

Date of Assent : December 5, 1962

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PARLIAMENT OF CEYLON

3rd Session 1962-63



Motor Transport (Amendment)
Act No. 34 of 1962

Date of Assent: December 2, 1962

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Postage: 16 cents

Price: 20 cents

*Motor Transport (Amendment) Act,
No. 34 of 1962*

L. D.—O. 27/62.

AN ACT TO AMEND THE MOTOR TRANSPORT
ACT, NO. 48 OF 1957.

1958
Supplement
Vol. II,
Page 194.

[Date of Assent: December 5, 1962]

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

1. This Act may be cited as the Motor Transport (Amendment) Act, No. 34 of 1962.

Short title.

2. Section 2 of the Motor Transport Act, No. 48 of 1957, hereinafter referred to as "the principal Act", is hereby amended in sub-section (1), in paragraph (a) thereof, by the substitution, for the word "administration," of the words "administration or labour relations,".

Amendment of section 2 of Act No. 48 of 1957.

3. Section 38 of the principal Act, as amended by Act No. 22 of 1961, is hereby further amended in the proviso to sub-section (2) thereof, by the substitution, for the words "the date", of the words "such date".

Amendment of section 38 of the principal Act.

4. Section 41A of the principal Act, inserted by Act No. 22 of 1961, is hereby amended in sub-section (1) thereof, by the substitution, in each of the paragraphs (b) and (c) of that sub-section, for the words "by any party to the dispute", of the words "by any party to the dispute or by the Board".

Amendment of section 41A of the principal Act.

5. Section 47 of the principal Act, as amended by Act No. 22 of 1961, is hereby further amended in the second proviso to sub-section (1) thereof, by the substitution, for the words "five per centum of such cost", of the words "five per centum of such cost or, where such actual cost cannot be ascertained, the actual cost of any other second-hand omnibus reasonably comparable with the second-hand omnibus so vested, to the holder of a stage carriage permit increased by not more than five per centum of such cost".

Amendment of section 47 of the principal Act.

Amendment of
section 52 of
the principal
Act.

6. Section 52 of the principal Act, as amended by Act No. 22 of 1961, is hereby amended as follows:—

(1) in paragraph (a) of sub-section (1) thereof—

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

“(iia) have been neither admitted nor denied by such person to be due from him under section 40, section 40A or section 40B, and are certified in writing by the Commissioner of Labour to the Ceylon Transport Board to have been neither so admitted nor so denied by such person and to be so due from such person; or”;

(b) in sub-paragraph (iii), by the substitution, for the words “revenue licence for an omnibus by reason of the failure of such person to deliver such licence”, of the words “revenue licence or a certificate of registration for an omnibus or other motor vehicle by reason of the failure of such person to deliver such licence or certificate”;

(c) in sub-paragraph (viii), by the substitution, for the words “from such person as fees to a Liquidator”, of the words “to a Liquidator from such person as fees of, or expenses incurred by, such Liquidator”; and

(d) by the substitution, for the expression “sub-paragraph (ii)”, of the expression “sub-paragraph (ii) or sub-paragraph (iia)”;

(2) in sub-section (2)—

(a) by the substitution, for the words “The following provisions shall apply in any case where the compensation”, of the words “The following provisions shall apply in any case where the total compensation”;

(b) in paragraph (a) thereof, by the substitution, for the words "cannot be paid out of the compensation", of the words "cannot be paid out of the total compensation";

(c) in paragraph (b) thereof, by the substitution, for the word "compensation", of the words "total compensation"; and

(d) in paragraph (c) thereof, by the substitution, for the words "be paid out of the compensation" of the words "be paid out of the total compensation"; and

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

"(4) Any certificate issued by any person or authority under sub-section (1) of this section shall, for all purposes, be conclusive proof of the facts stated therein."

7. Section 52A of the principal Act, inserted by Act No. 22 of 1961, is hereby amended as follows:—

Amendment of section 52A of the principal Act.

(1) by the substitution, for the words "Where the compensation", of the words "Where the total compensation"; and

(2) by the substitution, for the words "then, if that sum is payable to the Ceylon Transport Board, the Chairman of that Board, or, if that sum is payable to the Commissioner of Labour, such Commissioner," of the words "the Chairman of that Board".

8. Section 52B of the principal Act, inserted by Act No. 22 of 1961, is hereby amended in each of the sub-sections (1) and (2) thereof, by the substitution, for the words "Board or the Commissioner of Labour", of the word "Board".

Amendment of section 52B of the principal Act.

Amendment of
section 81 of
the principal
Act.

9. Section 84 of the principal Act is hereby amended by the insertion, immediately after sub-section (1) thereof, of the following new sub-section:—

“(1A) Any passenger in any omnibus of the Ceylon Transport Board who—

(a) does not retain with him throughout the journey the ticket that is issued to him; or

(b) fails or refuses to show or surrender such ticket when called upon to do so by the conductor of that omnibus or by any other person authorised by the Board in that behalf,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees:

Provided that no prosecution shall be instituted or maintained against any such passenger if he pays to any officer of the Ceylon Transport Board authorised by the Board to receive such payment, a penalty of two rupees and fifty cents together with twice his fare.”.

Amendment of
Part II of the
Schedule to
the principal
Act.

10. Part II of the Schedule to the principal Act is hereby amended as follows:—

(1) by the renumbering of paragraphs 1, 2 and 3 as paragraphs 2, 3 and 4;

(2) by the insertion, immediately before the renumbered paragraph 2, of the following new paragraph:—

“ 1. Section 169 of the Motor Traffic Act shall not apply to or in relation to any omnibus or hiring car of the Ceylon Transport Board.”;

(3) in the renumbered paragraph 2, by the substitution, for the expression “ Sections 169,”, of the word “ Sections ”; and

(4) by the addition, at the end thereof, of the following new paragraph:—

“ 5. Sub-section (2) of section 186 of the Motor Traffic Act shall not apply to or in relation to any omnibus of the Ceylon Transport Board.”.

11. The amendments made in the principal Act by sections 3, 4, 5, 6, 7 and 8 of this Act shall be deemed for all purposes to have taken effect on the date on which the principal Act came into force.

Retrospective
effect of
certain
amendments.

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Printer, Madras

11. The amendments made in the principal Act by sections 4, 5, 7 and 8 of this Act shall be deemed for all purposes to have taken effect on the date on which the principal Act came into force.

PARLIAMENT OF CEYLON

3rd Session 1962-63



Motor Traffic (Amendment) Act, No. 35 of 1962

Date of Assent : December 5, 1962

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Motor Traffic (Amendment)

Act No. 35 of 1962

Date of Assent: December 5, 1962

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Motor Traffic (Amendment) Act, No. 35 of 1962

L. D.—O. 56/61.

AN ACT TO AMEND THE MOTOR TRAFFIC ACT.

Vol. VII,
Chapter 203,
Page 434.

[Date of Assent: December 5, 1962]

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

1. This Act may be cited as the Motor Traffic (Amendment) Act, No. 35 of 1962.

Short title.

2. Section 243 of the Motor Traffic Act is hereby amended by the repeal of sub-section (7) of that section.

Amendment of
section 243 of
Chapter 203.



AN ACT TO AMEND THE MOTOR TRAFFIC ACT

[Date of Assent: December 8, 1932]

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

1. This Act may be cited as the Motor Traffic (Amendment) Act, No. 35 of 1932.

2. Section 21 of the Motor Traffic Act is hereby amended by the repeal of sub-section (7) of that section



