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The Independence of Ceylon

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THE INDEPENDENCE OF CEYLON.

THE DOCUMENTS.

In a statement in the Parliament of the United Kingdom and the State Council of Ceylon on June 18, 1947, it was announced that as soon as the necessary agreements had been negotiated and concluded on terms satisfactory to the Governments of the United Kingdom and Ceylon, immediate steps would be taken "to confer upon Ceylon fully responsible status within the British Commonwealth of Nations". This phrase was intended to imply that the Island would enjoy the status of a fully, sovereign member of the British Commonwealth of Nations, *i.e.*, the status commonly known as Dominion Status.

2. Immediate steps were taken to take advantage of this offer and "Heads of Agreement" were reached for submission to the Cabinet. The Cabinet examined the documents at an early meeting and authorized me to sign the Agreements as soon as the text of the Ceylon Independence Bill had been settled to its satisfaction. On November 11, 1947, accordingly, His Excellency the Governor signed the Agreements on behalf of the Government of the United Kingdom and, in accordance with the direction of the Cabinet, I signed on behalf of the Government of Ceylon.

3. The problem of Ceylon is unique in that it has to jump from semi colonial status to independent Dominion Status. The older Dominions first obtained internal self-government and then gradually developed complete powers in respect of defence and external affairs. The Statute of Westminster deals only with legislative powers. Matters relating to defence and external affairs are settled partly by practice and partly by arrangements made at Imperial Conferences. Ceylon had to secure the abolition of the limitations in its Constitution, the extension to it of the legislative powers conferred by the Statute of Westminster, and the application of the practices relating to defence and external affairs. Also, there are in Ceylon (unlike the earlier Dominions) public officers appointed by or on behalf of the Secretary of State for the Colonies for whom he has a special responsibility. It was therefore agreed that five documents were needed to bring Dominion Status into operation:—

- (1) A Ceylon Independence Act passed by the Parliament of the United Kingdom to confer on the Ceylon Parliament full legislative powers and to deprive the United Kingdom of responsibility for the Government of Ceylon;
- (2) An Order in Council to remove the limitations on self-government in the Ceylon Constitution ;
- (3) An External Affairs Agreement to provide for certain matters relating to external affairs ;

- (4) A defence Agreement of such a nature that the necessary measures could be taken for the defence of Ceylon ; and
- (5) A Public Officers' Agreement transferring to the Ceylon Government the responsibilities hitherto vested in the Government of the United Kingdom in relation to public officers.

4. The Ceylon Independence Bill was introduced into the Parliament of the United Kingdom on November 13, 1947. Its text is given at the end of this Memorandum as Document 1. The amending Order in Council is a " prerogative " instrument which cannot for technical reasons be published in draft form, though its provisions have been approved by the Ceylon Government and are summarized below. The three Agreements are being published in London today in a White Paper whose text is annexed to this Memorandum as Document 2. The five documents are analysed below.

The Ceylon Independence Bill.

5. The purposes of the Ceylon Independence Bill are:—

- (1) to confer on Ceylon the legislative powers conferred on the older Dominions by the Statute of Westminster, 1931, and on India and Pakistan by section 6 of the Indian Independence Act, 1947 ;
- (2) to deprive the United Kingdom Government of responsibility for the Government of Ceylon by a provision similar to section 7 (1) (a) of the Indian Independence Act, 1947 ; and
- (3) to amend the law of the United Kingdom in matters relating to armed forces, naturalization, divorce, shipping, copyright, &c. so as to place Ceylon on the same footing as the other Dominions.

Certain consequential changes in the law of Ceylon will be required, but for the most part these will be enacted by the Parliament of Ceylon in due course in such manner as it thinks fit.

The Bill will take effect on " the appointed day " to be fixed by Order in Council. This day depends on the date of the Royal Assent to the Ceylon Independence Act and the enactment of the amendments to the Constitution. It is under negotiation with the United Kingdom Government.

6. Clause 1 (1) of the Bill reproduces section 4 of the Statute of Westminster, 1931, and deprives the Parliament of the United Kingdom of power to legislate for Ceylon except at her request and with her consent. It has in substance the same effect as section 6 (4) of the Indian Independence Act, 1947.

7. Clause 1 (3) incorporates the First Schedule and brings in the remainder of the Statute of Westminster—other than section 11,

which is reproduced in clause 4 (2)—except in so far as that Statute applies to specific Dominions. The provisions so incorporated may be summarized as follows:—

- (i.) Paragraph 1 of the First Schedule applies section 2 of the Statute of Westminster. Ceylon will cease to be a “colony” by virtue of clause 4 (2) of the Bill and the Colonial Laws Validity Act, 1865, will cease to apply to the Island. The Ceylon Parliament may repeal or amend all Imperial legislation applying to the Island. A similar provision is in section 6 (1) and (2) of the Indian Independence Act, 1947, which does not however refer to the Colonial Laws Validity Act because British India was not a “colony”.
- (ii.) Paragraph 2 of the First Schedule applies section 3 of the Statute of Westminster or part of section 6 (1) of the Indian Independence Act, 1947. It means that Ceylon may enact legislation covering acts or persons outside her territory.
- (iii.) Paragraph 3 of the First Schedule applies section 5 of the Statute of Westminster so as to give the Ceylon Parliament full power to regulate merchant shipping.
- (iv.) Paragraph 4 of the First Schedule applies section 6 of the Statute of Westminster so as to give the Ceylon Parliament full power to establish and regulate Prize Courts.

8. The following provisions of the Statute of Westminster are not reproduced because they have no relevance to Ceylon:—

- (a) Section 7 which relates to the federal system of the Dominion of Canada;
- (b) Section 8 which deals with the Constitution Acts of Australia and New Zealand;
- (c) Section 9 which relates to the federal system of the Commonwealth of Australia;
- (d) Section 10 which prevents sections 2 to 6 from applying to Australia, New Zealand and Newfoundland until they are adopted by them.

9. The right of secession is not specifically referred to either in the Statute of Westminster, 1931, or in the Indian Independence Act, 1947. It is, however, implicit in sections 2 and 4 of the Statute of Westminster and section 6 of the Indian Independence Act. These provisions are reproduced in clause 1 (1) and the First Schedule of the Ceylon Independence Bill. Ceylon will thus have the same right to secede as any of the other Dominions, including India and Pakistan.

10. Clause 1 (2) is intended to deprive the Government of the United Kingdom of the responsibility for the government of Ceylon,

since this responsibility passes to the Government established under the Ceylon Constitution. A similar provision is contained in section 7 (1) (a) of the Indian Independence Act, 1947. There is no such provision in the Statute of Westminster because responsibility had passed to the Governments of the Dominions long before 1931.

11. The remainder of the Bill consists of technical amendments to Imperial legislation and may be mentioned very shortly:—

(a) Clause 2 makes Ceylon a Dominion for the purposes of the Army Act and the Air Force Act which regulate the discipline of the United Kingdom forces: *i.e.*, United Kingdom forces in Ceylon will be subject to the same rules as if they were in Canada or South Africa. The matter is dealt with differently by section 12 of the Indian Independence Act, 1947, because there were special provisions of the Army Act and the Air Force Act applying to India. The jurisdiction and authority of the United Kingdom Government over United Kingdom forces is, however, retained by that section.

(b) Clause 3 deals with the divorce of persons having United Kingdom domicile and reproduces section 17 (1) to (3) of the Indian Independence Act, 1947.

(c) Clause 4 authorises consequential amendments in the laws of the United Kingdom either by express enactments in the Second Schedule or by Order in Council. In India and Pakistan similar amendments may be made by Order in Council under section 18 (2) of the Indian Independence Act, 1947.

(d) The specific enactments in the Second Schedule deal with the following matters:—

(i.) Ceylon can naturalize British subjects on the same terms as the other Dominions; there is nothing about Ceylonese nationality because that is a matter for the Ceylon Parliament.

(ii.) Ceylon may be given the same Imperial preference in the United Kingdom as the other Dominions; there is nothing about Imperial preference in Ceylon because that is a matter for the Ceylon Parliament.

(iii.) Ceylon's High Commissioner in London will be given the same tax exemptions as the High Commissioners of other Dominions.

(iv.) Ceylon loans in London may, at the request of Ceylon, become trustee securities on the same terms as other Dominion loans.

(v.) Ceylon armed forces in the United Kingdom will be treated in the same way as the armed forces of the other Dominions when in the United Kingdom.

- (vi.) Ships and air craft registered in Ceylon will be treated in United Kingdom law as Dominion ships and aircraft.
- (vii.) Matrimonial decrees by the Ceylon Courts will be treated in the same way as similar decrees in other Dominion Courts.
- (viii.) Ceylon will be treated with the other Dominions for the purpose of copyright law.

12. It will be seen that Ceylon has been given exactly the same status in the British Commonwealth as the Dominion of Canada, the Commonwealth of Australia, the Union of South Africa, New Zealand, the Dominion of India and Pakistan. All the relevant provisions of the Statute of Westminster, 1931, and the Indian Independence Act, 1947, have been applied.

The Constitutional Amendments.

13. The provisions of the new Order in Council are summarized very shortly in paragraph 4 of the White Paper (Document 2). Its essential purpose will be to remove from the present Constitution all provisions which are inconsistent with independence within the Commonwealth. Under the present Constitution, His Excellency the Governor represents the Government of the United Kingdom as well as His Majesty the King. His office must be replaced by that of a Governor-General who represents His Majesty alone. Clause 3 of the External Affairs Agreement (Appendix II of Document 2) provides for the Governments of the United Kingdom and of Ceylon to be represented by High Commissioners who will form the channel of communication between the Governments when direct communication between Prime Minister and Prime Minister or between the Commonwealth Relations Office and the External Affairs Department is not preferred. In accordance with the constitutional convention recorded by the Imperial Conference of 1930, which is applied by Clause 1 of the External Affairs Agreement (Appendix II of Document 2), the Governor-General will be appointed by His Majesty on the advice of the Ceylon Government.

14. The Governor-General being the representative of His Majesty must be in the position of a constitutional monarch. He must therefore be deprived of all the functions vested in the Governor as representative of the Colonial Secretary and of all discretionary powers which are not in accordance with the constitutional conventions applicable to the exercise of similar powers and functions in the United Kingdom by His Majesty. The words "generally speaking" are correctly used in the White Paper because it is not proposed to apply in Ceylon all the conventions relating to the appointment, transfer and disciplinary control of public and judicial officers. The functions of the Public Service Commission and the Judicial Service Commission are being retained.

15. Among the powers of the Governor which will disappear is that of reserving Bills of special classes for His Majesty's assent. A general power of reservation is contained in the Constitutions of the Dominion of Canada, the Commonwealth of Australia, and New Zealand, though in accordance with a resolution of the Imperial Conference of 1930, His Majesty acts on the advice of Dominion Ministers. In Ceylon it has been decided completely to abolish the power.

16. The Order in Council will also abolish completely the power of the King in Council to legislate for Ceylon in respect of defence, external relations and constitutional amendments. Section 1 of the Ceylon Independence Act, applying section 4 of the Statute of Westminster, will also prevent the enactment of Imperial legislation for Ceylon unless Ceylon has requested and consented to the enactment thereof. Consequently the Island will have complete control of its own legislation, including its Constitution.

The External Affairs Agreement.

17. The purpose of this agreement is to give the Island the full international status of a Dominion. It will be able to apply to the United Nations Organization for membership and its application will have the support of the United Kingdom. It will be able to appoint its own diplomatic representatives or to use those of the United Kingdom if it prefers to do so. It will be able to make its own treaties and agreements subject to the rules relating to consultation and co-operation laid down by the Imperial Conferences, and these rules apply equally to the United Kingdom. What they mean in practice is that the United Kingdom will keep Ceylon fully informed about its actions through the Commonwealth Relations Office and that Ceylon may make any representations it thinks fit either directly or through the High Commissioners. Similarly, Ceylon will keep the United Kingdom fully informed and will, if necessary, receive representations through the same channels. Clause 6 is the usual formula when a new international entity is set up.

The Defence Agreement.

18. Ceylon may as a Dominion establish such defence forces as it pleases and under Clause 3 will obtain such assistance as it may require from the United Kingdom. In so far as it cannot provide for its own defence, it may rely on the forces of the United Kingdom, which for this purpose will be provided with such bases and facilities as may be agreed upon. Clause 1 binds Ceylon to render assistance only to the extent that it is in its interest to do so. The forces to be stationed will be agreed by the Ceylon Government and the bases provided will remain under its control, as has been the practice in the other Dominions. The provision of bases is a well recognized international practice where both parties gain from the arrangement: *e.g.* the United States have bases on British territory.

The Public Officers' Agreement.

19. The Public Officers' Agreement applies to the officers specified in Clause 1, namely, officers who hold appointments subject to the approval of the Secretary of State or who entered into agreements with the Crown Agents in one of the categories specified in the clause. The three classes of officers are, except for a slight change of date, already covered by section 63 (1) of the present Constitution. Clause 2 protects the officers' present conditions of service but does not prevent a general revision of salaries. Clause 3 gives the same right of retirement as section 63 of the present Constitution, except that it confers no compensating provision for loss of career where the officer is transferred to a post in the Colonial Service. Clause 4 reproduces the substance of section 64 of the present Constitution. Clause 5 is considered necessary because the officers will no longer be under the control of the Secretary of State.

D. S. SENANAYAKE,
Prime Minister.

Office of the Prime Minister,
Colombo, November 14, 1947.

A BILL

A.D. 1947.

To make provision for, and in connection with, the attainment by Ceylon of fully responsible status within the British Commonwealth of Nations.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provision for
the fully
responsible
status of
Ceylon.

1.—(1) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Ceylon as part of the law of Ceylon, unless it is expressly declared in that Act that Ceylon has requested, and consented to, the enactment thereof.

(2) As from the appointed day His Majesty's Government in the United Kingdom shall have no responsibility for the government of Ceylon.

(3) As from the appointed day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Ceylon.

Amendment of
Army and Air
Force Acts.

2. As from the appointed day Ceylon shall be included in the definition of "Dominion" in paragraph (23) of section one hundred and ninety of the Army Act and of the Air Force Act (which section, in each Act, relates generally to the interpretation of the Act), and accordingly in the said paragraph (23), in each Act, for the words "and Newfoundland" there shall be substituted the words "Newfoundland and Ceylon".

Divorce
jurisdiction.

3.—(1) No court in Ceylon shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or of Ceylon, all courts in Ceylon shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(2) Any rules made on or after the appointed day under subsection (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in Ceylon shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor,

be made by such authority as may be determined by the law of Ceylon, and so much of the said subsection and of any rules in force thereunder immediately before the appointed day as requires the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

A.D. 1947.

(3) The references in subsection (1) of this section to proceedings for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section eight of the Matrimonial Causes Act, 1937.

17 Edw. 8 and
1 Geo. 6, c. 57.
Consequential
amendments
not affecting
the law of
Ceylon.

4.—(1) As from the appointed day, the Acts and Regulations referred to in the Second Schedule to this Act shall have effect subject to the amendments made by that Schedule, and His Majesty may by Order in Council make such further adaptations in any Act of the Parliament of the United Kingdom of an earlier session than this or in any instrument having effect under any such Act, as appear to him necessary in consequence of section one of this Act:

Provided that this subsection shall not extend to Ceylon as part of the law thereof.

(2) Notwithstanding anything in the Interpretation Act, 1889, the expression "colony" shall not include Ceylon in any Act of the Parliament of the United Kingdom passed on or after the appointed day or in any such Act of this session passed before that day to provide for the independence of Burma as a country not within His Majesty's dominions.

(3) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council and, though made after the appointed day, may be made so as to have effect from that day.

(4) Every Order in Council made under this section shall be laid before Parliament forthwith after it is made, and if either House of Parliament within the period of forty days beginning with the day on which any such Order is laid before it resolves that an Address be presented to His Majesty praying that the Order be annulled, no further proceedings shall be taken thereunder and His Majesty in Council may revoke the Order, so, however, that any such resolution or revocation shall be without prejudice to the validity of anything previously done under the Order or to the making of a new Order.

A.D. 1947.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

56 and 57 Vict.
c. 66.

(5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, an Order in Council made under this section shall not be deemed to be or to contain a statutory rule to which that section applies.

Short title and
commencement.

5.—(1) This Act may be cited as the Ceylon Independence Act, 1947.

(2) In this Act the expression “the appointed day” means such day as His Majesty may by Order in Council appoint.

FIRST SCHEDULE.

LEGISLATIVE POWERS OF CEYLON.

28 and 29 Vict.
c. 63.

1.—(1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the appointed day by the Parliament of Ceylon.

(2) No law and no provision of any law made after the appointed day by the Parliament of Ceylon shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of Ceylon shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of Ceylon.

2. The Parliament of Ceylon shall have full power to make laws having extra-territorial operation.

3. Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the legislature of a British possession did not include reference to the Parliament of Ceylon.

57 and 58 Vict.
c. 60.

4. Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Ceylon.

A.D. 1947.

1st Sch.

—contd.

53 and 54 Vict.

c. 27.

SECOND SCHEDULE.

AMENDMENTS NOT AFFECTING LAW OF CEYLON.

British nationality.

1. The following enactments (which provide for certificates of naturalisation granted and other things done under the law of one part of His Majesty's dominions to be recognised elsewhere), namely—

(a) section eight of the British Nationality and Status of Aliens Act, 1914; and

(b) paragraph (c) of section eight of the British Nationality and Status of Aliens Act, 1943;

4 and 5 Geo. 5,
c. 17.6 and 7 Geo. 6
c. 14.

shall apply in relation to Ceylon as they apply in relation to the Dominions specified in the First Schedule to the said Act of 1914.

Financial.

2. As respects goods imported after such date as His Majesty may by Order in Council appoint section four of the Import Duties Act, 1932, and section two of the Isle of Man (Customs) Act, 1932 (which relate to Imperial preference other than Colonial preference), shall apply to Ceylon.

22 and 23 Geo. 5
c. 8.22 and 23 Geo. 5
c. 17.

3. In section nineteen of the Finance Act, 1923 (which, as extended by section twenty-six of the Finance Act, 1925, provides for exemption from income tax and land tax of the High Commissioner and other officials of self-governing dominions), the expression "self-governing dominion" shall include Ceylon.

13 and 14 Geo. 5
c. 14.15 and 16 Geo. 5
c. 36.

4. In the Colonial Stock Act, 1934 (which extends the stocks which may be treated as trustee securities), the expression "Dominion" shall include Ceylon.

24 and 25 Geo. 5
c. 47.

A.D. 1947.

Visiting forces.

2ND SCH.

—contd.

23 and 24 Geo. 5
c. 6.

5. The following provisions of the Visiting Forces (British Commonwealth) Act, 1933, namely—

- (a) section three (which deals with deserters);
- (b) section four (which deals with attachment and mutual powers of command);
- (c) the definition of “visiting force” for the purposes of that Act generally which is contained in section eight thereof;

shall apply in relation to forces raised in Ceylon as they apply in relation to forces raised in the Dominions within the meaning of the Statute of Westminster, 1931.

22 and 23 Geo. 5
c. 4.*Ships and aircraft.*

6.—(1) In the definitions of “Dominion ship or aircraft” contained in subsection (2) of section three of the Emergency Powers (Defence) Act, 1939, and in that contained in Regulation one hundred of the Defence (General) Regulations, 1939, the expression “a Dominion” shall include Ceylon.

2 and 3 Geo. 6
c. 62.

(2) Paragraph (2) of Regulation 54 of the Defence (General) Regulations, 1939 (which confers power by notice to requisition from certain British subjects and companies or accommodation in ships and aircraft) shall not authorise service on a British subject resident in Ceylon or a corporation incorporated under the law of Ceylon.

2 and 3 Geo. 6
c. 70.

7. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Ceylon; and the penal provisions of that Act shall not apply to persons in Ceylon (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

25 and 26 Geo. 5
c. 70.

8. In the Whaling Industry (Regulations) Act, 1934, the expression “British ship” to which this Act applies shall not include a British ship registered in Ceylon.

*Matrimonial causes.*7 and 8 Geo. 6
c. 43.

9. Section four of the Matrimonial Causes (War Marriages) Act, 1944 (which provides for the general recognition in British courts of decrees and orders made by virtue of that Act or of any law passed in a part of His Majesty's dominions outside the United Kingdom and declared by an Order in Council to

correspond to that Act) shall, in relation to the making of any further Order in Council as respects a law of Ceylon, apply subject to the same provision for securing reciprocity as is made by proviso (ii) to subsection (1) thereof in the case of Dominions within the meaning of the Statute of Westminster, 1931.

A.D. 1947.

2ND SCH.
—contd.

Copyright.

10. If the Parliament of Ceylon repeals or amends the Copyright Act, 1911, as it forms part of the law of Ceylon, then—

1 and 2 Geo. 5
c. 46.

- (a) Except by virtue of sub-paragraph (b) of this paragraph, that Act shall no longer apply in relation to Ceylon as a part of His Majesty's dominions to which the Act extends so, however, that this provision shall not prejudicially affect any legal rights existing at the time of the repeal or amendment;
- (b) Ceylon shall be included in the expression "self-governing dominion" for the purposes of subsection (2) of section twenty-five and subsection (3) of section twenty-six of that Act (which relate to reciprocity with self-governing Dominions having their own copyright law) and the said subsection (2) shall have effect in relation to Ceylon as if that Act, so far as it remains part of the law of Ceylon, had been passed by the Parliament thereof.

Document 2.

IN a statement in Parliament on June 18th, 1947, it was indicated that when Agreements on a number of subjects had been concluded on terms satisfactory to His Majesty's Government in the United Kingdom and the Ceylon Government, steps would be taken to amend the Constitution so as to confer upon Ceylon fully responsible status within the British Commonwealth of Nations.

2. Agreements (of which texts appear in Appendices I., II. and III of this Paper) have now been concluded on the following matters of mutual concern:—

- (a) Defence;
- (b) External Affairs;
- (c) Certain matters affecting public officers.

3. The steps necessary to confer upon Ceylon the new status mentioned above are:—

- (a) The enactment of an Act of Parliament on the lines of the Bill of which the text has now been published; and
- (b) the amendment of the Ceylon (Constitution) Order in Council, 1946, so as to bring it into a form suitable for a fully self-governing member of the British Commonwealth.

4. The principal alterations proposed in the Order in Council are as follows:—

- (a) In place of Governor there will be a Governor-General who in the exercise of his powers and functions will generally speaking act in accordance with constitutional conventions applicable to the exercise of similar powers and functions in the United Kingdom by His Majesty.
- (b) The powers reserved to His Majesty to make laws for Ceylon in matters relating to Defence and External Affairs and to amend and revoke the Order in Council will be abolished.
- (c) The provisions for reservations of Bills for His Majesty's pleasure will be revoked.

(Document 2, Appendix I.)

**DEFENCE AGREEMENT BETWEEN HIS MAJESTY'S
GOVERNMENT IN THE UNITED KINGDOM AND
THE GOVERNMENT OF CEYLON.**

UNITED KINGDOM—CEYLON.

Defence Agreement.

WHEREAS Ceylon has reached the stage in Constitutional development at which she is ready to assume the status of a fully responsible member of the British Commonwealth of Nations, in no way subordinate in any aspect of domestic or external affairs, freely associated and united by common allegiance to the Crown;

AND WHEREAS it is in the mutual interest of Ceylon and the United Kingdom of Great Britain and Northern Ireland that the necessary measures should be taken for the effectual protection and defence of the territories of both and that the necessary facilities should be afforded for this purpose;

THEREFORE the Government of the United Kingdom and the Government of Ceylon have agreed as follows:—

1. The Government of the United Kingdom and the Government of Ceylon will give to each other such military assistance for the security of their territories, for defence against external aggression and for the protection of essential communications as it may be in their mutual interest to provide. The Government of the United Kingdom may base such naval and air forces and maintain such land forces in Ceylon as may be required for these purposes, and as may be mutually agreed.

2. The Government of Ceylon will grant to the Government of the United Kingdom all the necessary facilities for the objects mentioned in Article 1 as may be mutually agreed. These facilities will include the use of naval and air bases and ports and military establishments and the use of telecommunication facilities, and the right of service courts and authorities to exercise such control and jurisdiction over members of the said Forces as they exercise at present.

3. The Government of the United Kingdom will furnish the Government of Ceylon with such military assistance as may from time to time be required towards the training and development of Ceylonese armed forces.

4. The two Governments will establish such administrative machinery as they may agree to be desirable for the purpose of co-operation in regard to defence matters, and to co-ordinate and determine the defence requirements of both Governments.

5. This Agreement will take effect on the day when the constitutional measures necessary for conferring on Ceylon fully responsible status within the British Commonwealth of Nations shall come into force.

Done in duplicate, at Colombo, this eleventh day of November, 1947.

Signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland.

HENRY MOORE.

Signed on behalf of the Government of Ceylon.

D. S. SENANAYAKE.

(Document 2, Appendix II.)

**EXTERNAL AFFAIRS AGREEMENT BETWEEN HIS
MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM
AND THE GOVERNMENT OF CEYLON.**

UNITED KINGDOM—CEYLON.

External Affairs Agreement.

WHEREAS Ceylon has reached the stage in constitutional development at which she is ready to assume the status of a fully responsible member of the British Commonwealth of Nations, in no way subordinate in any aspect of domestic or external affairs, freely associated and united by common allegiance to the Crown;

AND WHEREAS the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ceylon are desirous of entering into an agreement to provide for certain matters relating to external affairs;

THEREFORE the Government of the United Kingdom and the Government of Ceylon have agreed as follows:—

1. The Government of Ceylon declares the readiness of Ceylon to adopt and follow the resolutions of past Imperial Conferences.

2. In regard to external affairs generally, and in particular to the communication of information and consultation, the Government of the United Kingdom will, in relation to Ceylon observe the principles and practice now observed by the Members of the Commonwealth, and the Ceylon Government will for its part observe these same principles and practice.

3. The Ceylon Government will be represented in London by a High Commissioner for Ceylon, and the Government of the United Kingdom will be represented in Colombo by a High Commissioner for the United Kingdom.

4. If the Government of Ceylon so requests, the Government of the United Kingdom will communicate to the Governments of the foreign countries with which Ceylon wishes to exchange diplomatic representatives, proposals for such exchange. In any foreign country where Ceylon has no diplomatic representative the Government of the United Kingdom will, if so requested by the Government of Ceylon, arrange for its representatives to act on behalf of Ceylon.

5. The Government of the United Kingdom will lend its full support to any application by Ceylon for membership of the United Nations, or of any specialised international agency as described in Article 57 of the United Nations Charter.

6. All obligations and responsibilities heretofore devolving on the Government of the United Kingdom which arise from any valid international instrument shall henceforth in so far as such Instrument may be held to have application to Ceylon devolve upon the Government of Ceylon. The reciprocal rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Ceylon shall henceforth be enjoyed by the Government of Ceylon.

7. This Agreement will take effect on the day when the constitutional measures necessary for conferring on Ceylon fully responsible status within the British Commonwealth of Nations shall come into force.

Done in duplicate, at Colombo, this eleventh day of November, 1947.

Signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland.

HENRY MOORE.

Signed on behalf of the Government of Ceylon.

D. S. SENANAYAKE.

(Document 2, Appendix III.)

**PUBLIC OFFICERS AGREEMENT BETWEEN
HIS MAJESTY'S GOVERNMENT IN THE UNITED
KINGDOM AND THE GOVERNMENT OF CEYLON.**

UNITED KINGDOM—CEYLON.

Public Officers Agreement.

THE Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ceylon have agreed as follows:—

1. In this Agreement:—

“ officer ” means a person holding office in the public service of Ceylon immediately before the appointed day, being an officer—

- (a) who at any time before the 17th day of July, 1928, was appointed or selected for appointment to an office, appointment to which was subject to the approval of a Secretary of State, or who, before that day, had entered into an agreement with the Crown Agents for the Colonies to serve in any public office for a specified period; or
- (b) who on or after the 17th day of July, 1928, has been or is appointed or selected for appointment (otherwise than on agreement for a specific period) to an office, appointment to which is subject to the approval of a Secretary of State; or
- (c) who, on or after the 17th day of July, 1928, has entered or enters into an agreement with the Crown Agents for the Colonies to serve for a specific period in an office, appointment to which is not subject to the approval of a Secretary of State, and who, on the appointed day, either has been confirmed in a permanent and pensionable office or is a European member of the Police Force;

“ the appointed day ” means the day when the constitutional measures necessary for conferring on Ceylon fully responsible status within the British Commonwealth of Nations shall come into force;

“ pension ” includes a gratuity and other like allowance.

2. An officer who continues on and after the appointed day to serve in Ceylon shall be entitled to receive from the Government of Ceylon the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of office, or rights as similar thereto as changed circumstances may permit, as he was entitled to immediately before the appointed day, and he shall be entitled to leave passages in accordance with the practice now followed; but he shall not be entitled to exemption from any general revision of salaries which the Government of Ceylon may find it necessary to make.

3. Any officer who does not wish to continue to serve in Ceylon, being an officer described in paragraph (a) of the definition of “ officer ” in Clause 1, may retire from the service at any time; and in any other case may retire from the service within two years of the appointed day. On such retirement he shall be entitled to receive from the Government of Ceylon a compensatory pension in accordance with the special regulations made under Section 88 of the Ceylon (State Council) Order in Council, 1931, in force on the appointed day; but an officer who leaves the Ceylon service on transfer to the Public Service in any colony, protectorate or mandated or trust territory shall not be entitled to receive such a pension.

4. Pensions which have been or may be granted to any persons who have been, and have ceased to be, in the public service of Ceylon at any time before the appointed day, or to the widows, children or dependants of such persons, shall be paid in accordance with the law under which they were granted, or if granted after that day, in accordance with the law in force on that day, or in either case in accordance with any law made thereafter which is not less favourable.

5. The Government of Ceylon will comply with any reasonable request which may at any time be made by the Government of the United Kingdom for the release of a public officer for employment in the public service elsewhere.

6. This Agreement will take effect on the appointed day.

Done in duplicate, at Colombo, this eleventh day of November, 1947.

Signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland.

HENRY MOORE.

Signed on behalf of the Government of Ceylon.

D. S. SENANAYAKE.