



Ceylon Government Gazette

EXTRAORDINARY.

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Part II.—Legal.

Separate paging is given to each Part in order that it may be filed separately.

DRAFT ORDINANCE.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance to regulate Admission into, and Expulsion from, the Colony of former Enemy Aliens.

Preamble.

WHEREAS it is expedient to regulate admission into, and expulsion from, the Colony of former enemy aliens : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1 This Ordinance may be cited as " The Former Enemy Aliens Ordinance, No. of 1919."

Definitions.

2 In this Ordinance, unless the context otherwise requires—

" Former enemy alien " means any person who is the subject or citizen of a State with which His Majesty was at any time during the year 1918 at war.

" Visiting officer " means the Principal Collector of Customs and any officer of Customs authorized by him, and any police officer above the rank of Assistant Superintendent.

Master of vessel and others to give information, &c.

3 The master or person for the time being in charge of any vessel which shall arrive at any port or place in Ceylon, and every person on board such vessel, shall give such information and answer any such question in writing or otherwise as any visiting officer shall require for the purposes of this Ordinance, and any such master or person who shall refuse or neglect to give such information or answer any such question, or who shall give any false information or answer, shall be guilty of an offence, and shall be liable upon summary conviction to imprisonment of either description for any term not exceeding six months, or to a penalty not exceeding one thousand rupees, or to both.

Former enemy alien not to land without permission.

4 (1) (a) No former enemy alien shall land in the Colony without permission in writing of the Colonial Secretary first had and obtained.

(b) The grant of any such permission shall be in the absolute discretion of the Colonial Secretary, who may attach thereto any conditions that he may think fit.

(c) The Governor may, in his absolute discretion, at any time cancel any such permission, and no court of law shall

have any jurisdiction to question the exercise of any such discretion on any grounds whatsoever.

Penalties.

(2) Any former enemy alien who—

(a) Lands or attempts to land in the Colony without the permission in writing of the Colonial Secretary first had and obtained ; or

(b) Commits or attempts to commit any breach of any condition imposed by the Colonial Secretary on the grant of any such permission ;

shall be guilty of an offence, and shall be liable on conviction to imprisonment of either description for any term not exceeding one year, or to a penalty not exceeding ten thousand rupees, or to both.

**Aiding, &c.,
former enemy
aliens to land.**

5 Any person who—

(1) Being the master or person in charge of a vessel knowingly suffers any former enemy alien to land in Ceylon from such vessel contrary to the provisions of this Ordinance ; or

(2) Who knowingly aids in landing or procures to be landed any former enemy alien in Ceylon contrary to the provisions of this Ordinance ;

shall be guilty of an offence, and shall on conviction be liable to imprisonment of either description for a term not exceeding one year, or to a penalty not exceeding ten thousand rupees, or to both.

**Order to quit
Colony.**

6 (1) (a) Any former enemy alien who lands or attempts to land in the Colony in contravention of the provisions of this Ordinance, or whose permission to land is cancelled ; and

(b) Any person whom by reason of his parentage or former enemy alien associations the Governor considers should be dealt with as a former enemy alien ;

may, without prejudice to any other liability imposed by this Ordinance, be ordered by the Governor, in his absolute discretion, to quit the Colony within a time to be named in such order, and if such former enemy alien or person refuses or neglects to obey such order, the Governor may cause him to be arrested with a view to his removal from the Colony, and for that purpose to be detained in custody and to be placed on board any ship or boat.

(2) No court of law shall have any jurisdiction to question the exercise of any such discretion on any grounds whatsoever.

**Burden of
proof.**

7 The onus of proving in any proceedings under this Ordinance that a person alleged to be a former enemy alien is not a former enemy alien, or that he has obtained the permission of the Colonial Secretary to land, shall be upon such person.

**Duration of
Ordinance.**

8 This Ordinance shall remain in force for three years from the date of the same receiving the assent of the Governor.

By His Excellency's command,
Colonial Secretary's Office, A. S. PAGDEN,
Colombo, August 22, 1919. Acting Colonial Secretary.

Statement of Objects and Reasons.

THIS Bill has been prepared so as to bring the Colony into line with Imperial legislation on the subject of the exclusion of former enemy aliens.

It will be observed by reference to section 2 of the Bill that all subjects or citizens of States which were at war with Great Britain during 1918 fall within the definition of "former enemy alien"; but citizens or subjects of the new States which have arisen as the result of the settlement following upon the war will be excluded.

In view of the close relationship between these new States and our former enemies, it is obvious that difficult questions must arise as to whether a person is or is not within the definition of "former enemy alien." It is for that reason that the onus of proving that he is not a former enemy alien is thrown upon anybody about whom there is any doubt.

Attorney-General's Chambers,
Colombo, August 23, 1919.

H. C. GOLLAN,
Attorney-General.