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EXTRAORDINARY.

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Part II.—Legal.

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DRAFT ORDINANCE.

MINUTE.

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

An Ordinance to amend "The Education Ordinance, No. 1 of 1920."

Preamble.	W HEREAS it is expedient to amend "The Education Ordinance, No. 1 of 1920": 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 Education (Amendment) Ordinance, No. of 1920."
Amendment of section 1 of the principal Ordinance.	2 Section 1 of the principal Ordinance is amended by inserting the following proviso at the end thereof: Provided, nevertheless, that Part I., except sub-sections (2) and (3) of section 5, and Part II. of this Ordinance shall come into operation on the passing of this Ordinance.
Amendment of section 44 of the principal Ordinance.	3 At the commencement of section 44 and immediately before the first word of the first line thereof there shall be inserted the following words: "Subject to the provisions of sections 46 and 47 hereof."
Addition of new sections 45, 46, and 47 to the principal Ordinance.	4 The following new sections shall be added to the principal Ordinance immediately after section 44 thereof, and shall be numbered 45, 46, and 47:
Existing local authorities and District Committees to continue in force notwithstanding repeal until appointment of new District Committees.	45. Every local authority constituted by Ordinance No. 5 of 1906 and every District Committee established by Ordinance No. 8 of 1907 shall continue to have and exercise the powers vested in and committed to them respectively by the said Ordinances until the appointment of a new District Committee under the provisions of this Ordinance in succession to such local authority or Committee, and all rules made by every such local authority or District Committee shall remain in full force and effect, and breaches thereof shall continue to be punishable as heretofore. Provided, however, that all such rules shall be deemed to be repealed, and shall cease to be operative within the limits of an education district constituted under the provisions of this Ordinance as and from the date on which rules made by a District Committee appointed under the provisions hereof for such district shall come into force.
New District Committee to be successor of existing local authority or District Committee.	46. (1) Where a District Committee is appointed under the provisions of this Ordinance, such District Committee shall be the successor of the existing local authority or District Committee constituted or appointed under the Ordinances hereby repealed for all purposes relating to the area of such existing local authority or Committee included within the limits of such new District Committee as from the date of the appointment of such Committee. (2) The property and funds of which such existing local authority or District Committee shall be possessed under or

by reason of the provisions of any of the Ordinances hereby repealed, and all the rights, duties, debts, liabilities, and obligations of any such existing local authority or District Committee, shall, in so far as they relate to any area within the limits of any District Committee appointed under this Ordinance, be deemed to be transferred to such District Committee from the date of the appointment of such Committee.

Provided, however, that in any case in which by reason of the constitution or creation of an education district under the provisions of this Ordinance a part only of the area comprised within the limits of a school district is included within the limits of such new education district, and doubts shall arise as to the extent to which the property and funds, or the rights, duties, debts, liabilities, and obligations of any such existing District Committee vests in such new District Committee, the Director of Education shall refer the matter for the decision of His Excellency in Executive Council, whose decision shall be final and binding upon all persons whomsoever.

District
Committee of
new education
district to be
successor of
existing
education
district.

47. (1) Whenever by reason of the constitution or creation of a new education district the whole or a part of any education district created under the provisions of this Ordinance is comprised within the limits of such new education district, the District Committee of such new education district shall be the successor of the Committee of such existing education district for all purposes relating to the area of such existing district within the limits of the new district.

(2) The property and funds of such existing District Committee, and all its rights, powers, duties, liabilities, and obligations shall in so far as they relate to any area within the limits of such new District Committee be deemed to be transferred to such new District Committee as from the date of the appointment of such Committee.

Provided, however, that in any case in which by reason of a part only of the area of any existing education district being comprised within the limits of such new education district doubts shall arise as to the extent to which the property or funds, or the rights, powers, duties, debts, liabilities, or obligations of such existing District Committee vests in the District Committee of such new education district, the Director of Education shall refer the matter for the decision of His Excellency in Executive Council, whose decision shall be final and binding upon all persons whomsoever.

By His Excellency's command,

Colonial Secretary's Office, B. HORSBURGH,
Colombo, June 11, 1920. Acting Colonial Secretary.

Statement of Objects and Reasons.

THE principal object of this Ordinance is to make provision for the period which must intervene before the machinery contemplated by the Education Ordinance can be created and can commence to perform its functions. It is essential that the Education Department and the Board should be constituted first to enable the work of preparing the Code to be undertaken and completed before the remaining provisions of the Ordinance can be brought into operation. This was recognized at the time the Education Bill was introduced, but appears to have been inadvertently overlooked. For this purpose it is proposed that Parts I. and II. of the Ordinance, with the exception of sub-sections (2) and (3) of section 5, shall come into operation at once, and that the existing District Committees shall continue to exercise the powers and duties committed to them till they are superseded by District Committees appointed under the provisions of the Education Ordinance. The rules made by the existing District Committees will continue to be operative until new rules are framed and brought into operation.

Provision has also been made for the transfer of the property and funds, as well as the rights, liabilities, and obligations of the existing District Committees to their successors, and similar provision has been made to meet the case of the alteration of the limits of education districts created under the Education Ordinance by the constitution or creation of new education districts.

Colombo, May 27, 1920. THOMAS F. GARVIN,
Acting Attorney-General.