



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 further to amend "The Courts Ordinance, 1889."

WHEREAS it is expedient further to amend "The Courts Ordinance, 1889": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

1 This Ordinance may be cited as "The Courts (Amendment) Ordinance, No. of 1921."

2 Section 8 of the principal Ordinance is hereby amended in the following respects :

(a) By striking out the word "four" in line 3 and inserting in lieu thereof the word "five"; and

(b) By striking out the word "three" wherever the same occurs and inserting in lieu thereof the word "four."

3 Section 28 of the principal Ordinance shall be amended in the following respects :

(a) By the addition of the following words immediately before the proviso thereto :

"For the Eastern Circuit, twice at least at Batticaloa and such other place or places in such circuit as the Governor, after previous consultation with the Judges, shall appoint, such sessions commencing at Batticaloa in the month of February and the month of July in every year."

Preamble.

Short title.

Amendment of section 8 of the principal Ordinance.

Amendment of section 28 of the principal Ordinance.

(b) By the addition of the following proviso at the end thereof :

“ Provided further that in the event of it proving impracticable or inconvenient for any Judge, by reason of pressure of circuit or other work elsewhere, to arrive at any circuit town in time to commence any sessions on the date appointed, such Judge may, on giving such public or other notice as he may deem necessary for the purpose of informing all persons concerned, postpone such sessions until such other date (not more than one week later than the date appointed) as he may deem convenient.

Insertion of new section 54 A in principal Ordinance.

Chief Justice may order appeal to be heard by five Judges.

4 Section 54 A of the principal Ordinance as the same is contained in section 13 of Ordinance No. 24 of 1901 is hereby repealed, and there shall be inserted in lieu thereof the following section :

54 A. It shall be lawful for the Chief Justice to make order in writing in respect of any case brought before the Supreme Court by way of appeal, review, or revision that it shall be heard by and before all the five Judges of such Court and the decision of such Judges when unanimous, or of the majority of them in case of any difference of opinion, shall in all cases be deemed and taken to be the judgment of the Supreme Court.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, September 29, 1921.

GRAEME THOMSON,
Colonial Secretary.

Statement of Objects and Reasons.

THE amount of work in the Supreme Court has increased so greatly that it has become unavoidable to increase the number of the Judges from four to five. As section 8 of “The Courts Ordinance, 1889,” provides only for four Judges, the amendment proposed to be made by section 2 of this Bill is necessary before a fifth Judge can be appointed.

2. The object of section 3 (a) of the Bill is to make the necessary amendment in section 28 of the principal Ordinance to allow of a separate circuit for the Eastern Province for the convenience of the residents of that Province, while the amendment in section 3 (b) is made with the object of providing for cases where circuits may overlap owing to the business at one of them having taken longer than was expected.

3. Section 4 of the Bill makes a necessary alteration in section 54 A of the principal Ordinance in consequence of the increase in the number of the Judges.

Attorney-General's Chambers,
Colombo, August 11, 1921.

H. C. GOLLAN,
Attorney-General.