



Ceylon Government Gazette

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 Local Government Ordinance, No. 11 of 1920."

WHEREAS it is expedient to amend "The Local Government Ordinance, No. 11 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:

1 This Ordinance may be cited as "The Local Government (Amendment) Ordinance, No. of 1923."

2 Section 2 of the principal Ordinance is hereby amended by inserting at the commencement of the definitions set out therein, the following words:

"District Council" shall, subject to any limitations expressed in the order appointing him or them, include a Commissioner or Commissioners appointed under the provisions of sections 12 A or 195 of this Ordinance.

3 Section 8 of the principal Ordinance is amended by inserting at the commencement thereof the words "subject to the provisions hereafter set forth relating to the appointment of a Commissioner or Commissioners under this Ordinance."

4 Section 9 of the principal Ordinance is amended by striking out sub-section (2) thereof, and by re-numbering sub-section (1) as section 9.

5 The following shall be inserted as section 12 A of the principal Ordinance:

12 A. (1) In the event of its appearing to the satisfaction of the Governor in Executive Council that it is not advisable, having regard to the state of advancement of any area, to constitute a District Council therein, it shall be lawful for the Governor in Executive Council to appoint by order published in the "Government Gazette," any person or persons to be a Commissioner or Commissioners for such area.

Preamble.

Short title.

Amendment of section 2 of the principal Ordinance

Amendment of section 8 of the principal Ordinance.

Amendment of section 9 of the principal Ordinance.

Insertion of new section 12 A in the principal Ordinance.

Appointments of Commissioners to exercise powers, &c., of District Councils.

(2) Such Commissioner or Commissioners shall hold, have, enjoy, or exercise such rights, privileges, powers, and duties of a District Council under this Ordinance, as are set forth in such order or in any amending order or orders.

(3) The Governor in Executive Council may at any time revoke the appointment of any Commissioner or Commissioners and appoint another Commissioner or Commissioners.

(4) The Governor in Executive Council may, as provided in Chapter I. of Part III. of this Ordinance, constitute a District Council in and for the whole or part of such area as aforesaid or may amalgamate the whole or part of such area with a District Council.

Amendment of section 28 of the principal Ordinance.

6 Section 28 of the principal Ordinance is hereby amended—

(a) By striking out the word "district" in line 6 of paragraph (c) of sub-section (2) thereof, and substituting therefor the words "electoral division";

(b) By inserting the following as sub-section (3) thereof—

(3) In the case of a house occupied jointly by two or more persons, each such person, not being a usufructuary mortgagee, shall be entitled to have his name entered in the register of voters, provided the number of persons does not exceed the number obtained by dividing the annual value of such property by sixty.

Amendment of section 31 of the principal Ordinance.

7 Section 31 of the principal Ordinance is hereby amended by striking out the words "at the said meeting" in line 2 of sub-section (1) thereof.

Amendment of section 39 of the principal Ordinance.

8 Section 39 of the principal Ordinance is hereby amended by striking out the figures "201" in line 4 of sub-section (1) thereof, and inserting in their place the figures "244."

Amendment of section 46 of the principal Ordinance.

9 Section 46 of the principal Ordinance is amended by inserting the words "the provision of dwellings for the poorer classes," after the word "by" in line 3 of paragraph (c) thereof.

Amendment of section 68 of the principal Ordinance.

10 Section 68 of the principal Ordinance is amended by striking out the word "if" in line 3 of sub-section (2) thereof, and substituting therefor the word "of."

Amendment of section 168 of the principal Ordinance.

11 Section 168 of the principal Ordinance is amended by striking out sub-paragraph (j) of paragraph (10) thereof, and substituting therefor the following—

(j) The regulation, supervision, inspection, and control of the sale of articles of food or drink, including the regulation, supervision, inspection, and control of itinerant vendors and shops and places (other than markets) used for the sale of articles of food or drink, and of wells.

Amendment of section 178 of the principal Ordinance.

12 Section 178 of the principal Ordinance is amended by inserting the words "and any amendments of the said provisions enacted from time to time" after the figures "125" in line 7 thereof.

Amendment of section 182 of the principal Ordinance.

13 Section 182 of the principal Ordinance is amended by inserting the words "and any amendments of the said provisions enacted from time to time" after the word "Ordinance" in line 7 thereof.

Amendment of section 185 of the principal Ordinance.

14 Section 185 of the principal Ordinance is amended by inserting the word "average" after the word "fair" in line 4 of sub-section (1) thereof.

Amendment of section 214 of the principal Ordinance.

15 Section 214 of the principal Ordinance is amended by striking out the word "or" in line 7 thereof, and substituting therefor the word "to."

By His Excellency's command,

Colonial Secretary's Office,
Colombo, September 29, 1923.

CECIL CLEMENTY,
Colonial Secretary.

Statement of Object and Reasons.

ON March 20, 1923, the Hon. Mr. E. R. Tambimuttu moved a resolution in Legislative Council, asking that the Government should take all such steps as might be necessary to bring the Local Government Ordinance, 1920, into operation throughout Ceylon at an early date. This motion was accepted by Government, and an undertaking given that steps would be taken to prepare a Bill for the consideration of the Legislative Council. It was pointed out, however, by the Attorney-General in the course of the debate on the motion that, while it would be of great advantage to bring the much improved machinery of the Local Government Ordinance, 1920, into operation at an early date all over the Colony, difficulty might possibly be experienced in forming Rural District Councils, and that it might be advisable to introduce provisions in the amending Bill allowing of the principal Ordinance being operated by means of Commissioners until it is possible to create Rural District Councils. A provision to this effect has been introduced as section 5 of the Bill for the consideration of the Legislature. It should be clearly understood, however, that the appointment of Commissioners is to be regarded as merely a temporary expedient, and that it is the deliberate policy of Government to establish District Councils for all parts of the Colony.

2. The most important section of the Bill is section 4 which repeals sub-section (2) of section 9 of the principal Ordinance. This sub-section, which requires that, before a District Council is constituted, local opinion should be consulted, was not in the Local Government Ordinance when it was introduced into the Legislative Council, but was an amendment accepted by Government on strong representations from unofficial members. With the repeal of this sub-section the existing drag on the activities of the Local Government Ordinance will be removed, and the work of creating District Councils all over the Colony be pushed forward as expeditiously as possible.

3. By section 9 of the Bill it is proposed to add words to section 46 (c) of the principal Ordinance, which will add greatly to the powers for beneficent action by District Councils by allowing them to regard the provision of dwellings for the poorer classes as coming within the scope of their activities. It has been pointed out that a serious danger to public health is caused by the sale of articles of food, such as ice creams, under insanitary conditions by itinerant vendors, and with the object of providing against this danger as well as of the sale of water from polluted wells paragraph (j) of section 168 (10) of the principal Ordinance has been amended and re-enacted by section 11 of the Bill.

4. The other amendments proposed by the Bill are to the machinery of, or with a view to correcting typographical errors in, the existing law, and involve no question of principle.

Attorney-General's Chambers,
Colombo, September 20, 1923.

H. C. GOLLAN,
Attorney-General.