



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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## DRAFT ORDINANCES.

J 301/3

## MINUTE.

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

No. 21 of 1901,  
II., 553.

**An Ordinance to amend the Interpretation Ordinance, 1901, and to make further provision for the interpretation of the written law of the Island.**

Preamble.

WHEREAS it is proposed that the Legislative Council constituted by the Ceylon (Legislative Council) Order in Council, 1923, and by certain Orders of His Majesty in Council amending that Order, shall cease to exist and that a State Council shall be constituted by Order of His Majesty in Council in lieu of the said Legislative Council and that the titles of certain public offices shall be changed ;

And whereas it is expedient to make provision for the interpretation of the written law of the Island with reference to the said State Council, and to the new titles of certain public offices, in anticipation of the time when the said Council shall be constituted and the said titles changed ;

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 and commencement.

1 This Ordinance may be cited as the Interpretation (Amendment) Ordinance, 1931, and shall come into operation upon a date to be declared by the Governor by Proclamation in the Gazette.

Interpretation.

2 In this Ordinance :—

“ State Council ” means the State Council to be constituted by Order of His Majesty in Council in lieu of the Legislative Council constituted under the Ceylon (Legislative Council) Order in Council, 1923, and any Order of His Majesty in Council amending that Order.

“ Financial Secretary ” means the person to be appointed by the Governor to be the Financial Secretary in the exercise of any power vested in the Governor by Order of His Majesty in Council or otherwise and includes the person for the time being lawfully exercising the functions of the Financial Secretary.

“ Auditor General ” means the person to be appointed by the Governor to be the Auditor General in the exercise of any power vested in the Governor by Order of His Majesty in Council and includes the person for the time being lawfully exercising the functions of the Auditor General.

Repeal of head (13) of section 3 of Ordinance No. 21 of 1901 and substitution.

3 Head (13) of section 3 of the principal Ordinance is hereby repealed and the following head substituted therefor, namely :—

(13) Ordinance shall mean an Ordinance of the Legislature of the Island as established by any Order of His Majesty in Council, whether before or after the commencement of this Ordinance.

Amendment of Head (24) of section 3 of Ordinance No. 21 of 1901.

4 Head (24) of the principal Ordinance is hereby amended by the deletion of the following words occurring therein after the word “ Ordinances ”, namely :—

“ of the Legislative Council of the Island of Ceylon.”

Addition of new sections after section 3B of Ordinance No. 21 of 1901.

5 The principal Ordinance is hereby further amended by the insertion of the following three sections immediately after section 3B thereof, namely :—

Interpretation of references in written law to the Legislative Council.

3C Any reference in any written law to the Legislative Council shall be deemed to refer to the State Council, either in addition to or in substitution for the Legislative Council as the case may require ; provided that when any power, authority or function conferred by any written law upon the Legislative Council shall be exercised or performed by the State Council, the same shall be exercised or performed subject to the provisions of any Order of His Majesty in Council relating to the powers, authorities and functions of the State Council.

Interpretation of references in written law to the Colonial Treasurer, &c.

3D Any reference in any written law to the Colonial Treasurer, or to the Treasurer, shall be deemed to refer to the Financial Secretary ; provided that nothing in this section shall affect any power now or at any time vested in the Governor by Order of His Majesty in Council, or otherwise howsoever, to delegate to any other person or body of persons, any power, authority or function now or at any time vested by any written law in the Colonial Treasurer or in the Treasurer.

3E Any reference in any written law to the Colonial Auditor, or to the Auditor, or to the Auditor-General or Assistant Auditor-General, shall be deemed to refer to the Auditor General; provided that nothing in this section shall affect any power now or at any time vested in the Governor by Order of His Majesty in Council, or otherwise howsoever, to delegate to any other person, or body of persons, any power, authority or function now or at any time vested by any written law in the Colonial Auditor, or in the Auditor, or in the Auditor-General or Assistant Auditor-General.

Interpretation  
of references  
to the Colonial  
Auditor, &c.

By His Excellency's command,  
Colonial Secretary's Office, F. G. TYRRELL,  
Colombo, March 5, 1931. Acting Colonial Secretary.

#### *Objects and Reasons.*

1. The establishment of a State Council in place of the existing Legislative Council will require that references in the law of the Island to the Legislative Council should be construed as references to the State Council.

In some instances, as will be explained in connection with clause 5 of this Bill, it will be necessary that references to the Legislative Council shall include the State Council. In others references to the Legislative Council must be construed as references to the State Council in the place of the Legislative Council.

2. It is proposed that in the new constitution the titles of the offices of Colonial Secretary, Colonial Treasurer, and Colonial Auditor shall become, respectively, Chief Secretary, Financial Secretary, and Auditor General, but it is only for the two last mentioned changes that provision can conveniently be made in the interpretation law. The form of the amendments proposed to meet these changes is explained in connection with clause 5 of this Bill.

The functions which the Financial Secretary and the Auditor General will perform in the new constitution will include almost all of those which they now respectively exercise under a variety of laws and it is consequently convenient to provide in general terms for the interpretation of existing law accordingly.

The functions of the new office of Chief Secretary, on the other hand, will differ so materially from those of the existing office of Colonial Secretary that it will be necessary to distribute a large majority of the powers now vested by law in the Chief Secretary among a number of different authorities, including Executive Committees, Ministers and heads of Government departments. It would not be possible to effect a distribution of that nature by Ordinance before the full details of the new constitution have been settled and made public. Moreover, a method of distribution more easily variable than legislation may prove desirable until actual experience of the working of the new constitution reveals more precisely the distribution which it may be expedient to make. It has consequently seemed most convenient that power should be given to the Governor, in the Order in Council by which the constitution will be established, to redistribute the functions of the Colonial Secretary in such manner as the new circumstances may require.

3. The following observations relate to particular clauses of the Bill.

*Clause 1.*—The Governor is empowered to bring the law into operation when the State Council and its Committees enter upon their duties.

*Clause 2.*—Terms describing authorities which are not yet in existence are defined.

*Clause 3.*—A new definition of the term "Ordinance" is substituted for definition of that term in head (13) of section 3 of the Interpretation Ordinance, 1901. Ordinances of the State Council will be included as well as those of the Legislative Council.

*Clause 4.*—The reference to Ordinances in head (24) of section 3 of the Interpretation Ordinance, 1901, as Ordinances "of the Legislative Council of the Island of Ceylon" is deleted. The term "Ordinance", in its new sense, will have been defined earlier in the Ordinance by the new head (13) of the same section.

*Clause 5.*—The first of the new sections to be inserted after section 3B of the principal Ordinance provides for the construction of references to the Legislative Council as referring to the State Council, either in addition to or in substitution for the Legislative Council. In some instances, as, for example, in the provision for proof of proceedings of the legislature in

section 78 of the Evidence Ordinance, it will be necessary that a law should be construed as referring both to the Legislative Council and to the State Council. In other instances, as, for example, where a power is given to the Legislative Council, it will be necessary that the law should be construed as referring to the State Council in substitution for the Legislative Council.

The proviso to the new section 3c is intended to make it clear that when the State Council acts in the place of the Legislative Council, it will proceed, as in all its actions, in accordance with the Order in Council by which it will be established.

The purpose of the new section 3d which it is proposed to add to the principal Ordinance has already been explained in paragraph 2 above. It is anticipated that it will be found convenient to assign to other authorities some few of the functions now conferred by law upon the Colonial Treasurer and a partial re-distribution of that nature will be possible under the same power to be given by Order in Council which, as already explained, will enable the present functions of the Colonial Secretary to be re-allotted as circumstances may require. The proviso to section 3d makes it clear that the section is not intended to affect any such re-distribution.

The new section 3e is designed for the same purposes in the case of the Colonial Auditor as the new section 3d in the case of the Colonial Treasurer.

Prior to the year 1907 there was an office known as that of the Auditor-General and consequently mention is made of that office in referring to the laws which shall be construed as applying to the new office with the same title. The definition of "Auditor General" in clause 2 of the Bill makes it clear that it is the new office for which provision is made.

It is proposed to repeal, by a separate measure, the Audit Ordinance, No. 41 of 1908, which made provision for the performance of the statutory duties of the Auditor-General and Assistant Auditor-General upon the abolition of those offices.

Colombo, February 18, 1931.

S. OBEYSEKERE,  
Acting Attorney-General.

J 301/31

### MINUTE.

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

No. 41 of 1908.  
II. 872.  
Short title  
and  
commencement.

#### An Ordinance to repeal the Audit Ordinance, 1908.

1 This Ordinance may be cited as the Audit (Repeal) Ordinance, 1931, and shall come into operation upon a date to be declared by the Governor by Proclamation in the Gazette.

2 The Audit Ordinance, 1908, is hereby repealed.

Repeal of  
Ordinance  
No. 41 of 1908.

By His Excellency's command,

Colonial Secretary's Office,  
Colombo, March 5, 1931.

F. G. TYRRELL,  
Acting Colonial Secretary.

#### Objects and Reasons.

1. This Bill should be read in conjunction with the Bill entitled an Ordinance to amend the Interpretation Ordinance, 1901, and with the explanation of that Bill.

2. The Ordinance which it is now proposed to repeal was passed in consequence of the abolition of the offices of Auditor-General and Assistant Auditor-General and made provision for the performance of the duties of those offices by other officers.

It is proposed that in the new constitution the title of Auditor General shall be revived and it is consequently desirable to remove from the statute book a law which had its origin in the abolition of that title.

3. Clause 1 will enable the Bill to be brought into force when the new office of Auditor General is created.

Attorney-General's Chambers,  
Colombo, February 18, 1931.

S. OBEYSEKERE,  
Acting Attorney-General.