



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

No. 8,097 — MONDAY, DECEMBER 24, 1934.

Published by Authority.

PART II.—LEGAL.

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

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend the Forest Ordinance, 1907. No. 16 of 1907.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

- 1 This Ordinance may be cited as the Forest Amendment Ordinance, No. of 1934. Short title.
- 2 Section 7 of the Forest Ordinance, 1907, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution for the words "Any forest officer" therein of the words "A forest officer duly empowered in that behalf". Amendment of section 7 of Ordinance No. 16 of 1907.
- 3 Section 8 of the principal Ordinance is hereby amended—
(1) in paragraph (a), by the omission of the words "or pastures cattle,"; Amendment of section 8 of the principal Ordinance.

- (2) by the repeal of paragraph (d) and the substitution therefor of the following new paragraph as paragraph (d) :—
 “ (d) Poisons water ; ” and
- (3) by the insertion between paragraph (d) and the words “ shall be guilty of an offence ” of the following as paragraph (e) :—
 “ (e) In contravention of any regulations made by the Governor, pastures cattle, hunts, shoots, fishes, or sets traps or snares or guns, or constructs or uses ambushes, or uses any explosive substance—”.
- Amendment of section 9 of the principal Ordinance.** **4** Section 9 of the principal Ordinance is hereby amended by the substitution of the words “ regulations made by the Governor ” for the words “ rules made by the Governor in Executive Council ” in paragraph (b) thereof.
- Amendment of section 10 of the principal Ordinance.** **5** Section 10 of the principal Ordinance is hereby amended—
 (1) in sub-section (1), by the omission of the words “ in Executive Council ” ;
 (2) in sub-section (2)—
 (a) by the omission of the words “ in Executive Council ”, and
 (b) by the substitution of the word and figures “ section 21 (1) ” for the words, figures and letters “ section 21 (1) (b) and section 21 (1) (f) ”.
- Amendment of section 15 of the principal Ordinance.** **6** Section 15 of the principal Ordinance is hereby amended by the omission of all the words from the words “ and no person ” to the end of the section.
- New section 15A.** **7** The following new section is hereby inserted immediately after section 15 of the principal Ordinance and shall have effect as section 15A of the principal Ordinance :—
15A. (1) No person shall in a village forest—
 (a) poison water, or injure by fire or otherwise any tree enumerated in Schedule II hereto, or
 (b) in contravention of any regulation made by the Governor under sub-section (2), pasture cattle, or cut, mark, lop, girdle, saw, convert, or remove any tree enumerated in Schedule II hereto.
 (2) The Governor may by regulation prescribe the officers who shall be authorised to grant permission to any person in a village forest to do any act mentioned in paragraph (b) of sub-section (1), and the circumstances in which and the conditions subject to which such permission may be granted by such officers or any such act may be done.
- Acts prohibited in village forests.** **8** Section 18 of the principal Ordinance is hereby amended by the substitution for the words “ Every person who shall do any of the acts prohibited by section 15,” of the words “ Every person who shall act in contravention of the provisions of section 15A or of any regulation made thereunder ”.
- Amendment of section 18 of the principal Ordinance.**

Objects and Reasons.

1. Section 7 of the Forest Ordinance, 1907, empowers any forest officer to stop a public or private way or watercourse in a reserved forest. Clause 2 of the Bill amends that section in order to restrict the exercise of that power to officers specially authorised by regulations made by the Governor under section 62.

2. Section 8 of the principal Ordinance absolutely prohibits the pasturing of cattle in a reserved forest and penalises the act of poisoning water in such a forest only where it is done in contravention of rules made by the Governor in Executive Council. The purpose of clause 3 of the Bill is to make the poisoning of water an absolutely prohibited act and to add the pasturing of cattle to the category of acts which are offences only when they contravene the rules.

The opportunity has been taken to correct an obvious error by substituting “ regulations ” for “ rules ” and so to assimilate the phraseology of this section to that of section 10.

3. Clause 4 of the Bill amends section 9 of the principal Ordinance so as to make it clear that the “ rules ” referred to are “ regulations ” made by the Governor under section 10 (2).

4. Clause 5 of the Bill amends section 10 of the principal Ordinance so as to empower the Governor to make regulations under section 10 (2) for all the purposes mentioned in section 21 (1).

All references to the Executive Council, in the sections amended by clauses 3, 4 and 5 have been deleted as the powers originally vested in the Governor in Executive Council are now exercised by the Governor alone by reason of the provisions of Article 93 of the Ceylon (State Council) Order in Council, 1931.

5. The purpose of clause 7 is to insert in Chapter III of the principal Ordinance a new section 15A which enumerates the acts which are penalised or restricted in a village forest.

6. Clauses 6 and 8 effect consequential amendments in sections 15 and 18 of the principal Ordinance.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.

Ministry of Agriculture and Lands,
Colombo, December 19, 1934.

MINUTE.

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

**An Ordinance to amend the Tea (Control of Export)
Ordinance, No. 11 of 1933.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Tea (Control of Export) Amendment Ordinance, No. of 1934. Short title.

2 The following section shall be inserted immediately after section 30 of the Tea (Control of Export) Ordinance, No. 11 of 1933, (hereinafter referred to as "the principal Ordinance"), and shall have effect as section 30A of that Ordinance :— Insertion of new section 30A in Ordinance No. 11 of 1933.

30A. (1) Nothing in this Ordinance contained shall be deemed to prohibit the planting or growing of tea in a nursery on any land not forming part of any estate or small holding at the time of the registration of that estate or small holding, if in respect of that nursery the following conditions are fulfilled :— Licences to plant or maintain nurseries.

(i) in the case of a nursery planted between the 23rd day of June, 1933, and the 1st day of February, 1935—

(a) that the land used for the nursery had not at any time prior to the planting of the nursery been planted with tea for any purpose,

(b) that a declaration in the prescribed form is forwarded by the owner to the Controller on or before the 1st day of March, 1935, and

(c) that a licence authorising the maintenance of the nursery is obtained from the Controller on application made in the prescribed form ;

(ii) in the case of a nursery to be planted after the 1st day of February, 1935—

(a) that the land to be used for the nursery has not at any time been planted with tea for any purpose, and

(b) that before any work in connexion with the nursery is commenced, a licence authorising the planting of the nursery is obtained from the Controller on application made in the prescribed form.

(2) Every licence issued under this section—

(i) shall be in the prescribed form and subject to the terms and conditions set out therein,

(ii) shall describe the land on which the nursery may be planted or maintained and specify the extent thereof, and

(iii) shall be valid for a period not exceeding—

(a) in the case of a licence for the maintenance of a nursery, three years from the date of issue, and

(b) in the case of a licence for the planting of a nursery, three years from the date on which the planting commences.

(3) (i) No nursery shall be maintained or planted in contravention of the terms or conditions of the licence issued therefor.

(ii) All tea grown in a nursery shall be eradicated and destroyed within one month after the date of expiry of the licence relating to that nursery.

Amendment of section 36 of the principal Ordinance.

3 Section 36 of the principal Ordinance is hereby amended in sub-section (3) thereof, as follows :—

- (1) by the substitution for "provisions of section 30 (1)", of "provisions of section 30 (1) or section 30A";
- (2) by the substitution for "under that section", of "under section 30 (1)"; and
- (3) by the substitution for "order that all tea planted", of "order that all tea planted or grown in any nursery or other land".

Objects and Reasons.

The object of this Bill is to give effect to the decision of the International Tea Committee in London that the prohibition against the planting of new areas contained in section 30 of the Tea (Control of Export) Ordinance, No. 11 of 1933, should not be extended to the planting of tea in nurseries, but that the planting and maintenance of nurseries should be permitted to be opened on virgin soil, subject to the conditions that they are under control, and are destroyed before the date on which the Ordinance ceases to be in force.

2. Clause 2 accordingly makes provision for the insertion in the principal Ordinance of a new section 30A which introduces a system of licences, limits the validity of the licences to a term of three years, and makes it obligatory to eradicate and destroy all tea grown in a nursery within one month of the expiry of the licence relating to that nursery.

3. Section 36 (3) which was added to the principal Ordinance by Ordinance No. 5 of 1934 provides that tea planted in contravention of the provisions of section 30 (1) may by order of a Magistrate be eradicated and destroyed. The purpose of the amendment introduced by clause 3 is to make section 36 (3) of the principal Ordinance applicable to breaches of the new section 30A referred to above.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.

Ministry of Agriculture and Lands,
Colombo, December 15, 1934.