



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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No. 8,169 — TUESDAY, NOVEMBER 12, 1935.

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*Published by Authority.*

PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

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

**An Ordinance to amend the Courts Ordinance, 1889.** No. 1 of 1889.

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 Courts Amendment Ordinance, No. of 1935, and shall come into operation on such date as the Governor shall appoint by proclamation published in the Government Gazette. Short title and commencement.

2 Section 8 of the Courts Ordinance, 1889, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :— Amendment of section 8 of Ordinance No. 1 of 1889.

- (1) by the substitution for the words "six judges" of the words "seven judges";
- (2) by the substitution for the words "five Puisne Justices" of the words "six Puisne Justices"; and
- (3) in the marginal note thereto, by the substitution for the word "four", of the word "six".

Amendment of section 54A of the principal Ordinance.

3 Section 54A of the principal Ordinance is hereby amended as follows :—

- (1) by the substitution for the words " before all the six judges ", of the words " before all the seven judges ";
- (2) by the substitution for the words " five or four ", wherever those words occur therein of the words " six, five or four "; and
- (3) by the substitution for the words " by all the six judges "; of the words " by six judges ".

*Objects and Reasons.*

The object of this Bill is to make the amendments in the Courts Ordinance, 1889, which have been rendered necessary by the recent decision to increase the number of Puisne Justices of the Supreme Court from five to six.

J. W. R. ILANGAKOON,  
Acting Attorney-General.

Attorney-General's Chambers,  
Colombo, November 9, 1935.

MINUTE.

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

No. 35 of 1908.

**An Ordinance to amend the Ceylon Telegraph Ordinance, 1908.**

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

Short title.

1 This Ordinance may be cited as the Ceylon Telegraph Amendment Ordinance, No. of 1935.

Insertion of new section 7A in Ordinance No. 35 of 1908.

2 The following new section is hereby inserted immediately after section 7 of the Ceylon Telegraph Ordinance, 1908, and shall have effect as section 7A of that Ordinance :—

Notification of conditions, restrictions and rates applicable to foreign messages.

7A (1) Notwithstanding the provisions of section 7, the Governor may, for the purpose of giving effect to the provisions of any International Convention relating to Telegraphs, determine and adequately notify—

- (a) the conditions and restrictions subject to which messages to or from any place beyond the limits of Ceylon or of India and Burma shall be transmitted or received ;
- (b) the rates at which such messages shall be transmitted ;
- (c) the precautions to be taken for preventing the improper interception or disclosure of such messages ;
- (d) the period for which and the conditions subject to which the originals of all such messages and all documents relating thereto which are in the custody of telegraph officers shall be preserved ;
- (e) the fees to be charged for searching for or furnishing certified copies of such messages or of any documents relating thereto.

(2) The Governor may by order in the Gazette direct that the powers vested in the Governor by this section be exercised, subject to the direction and control of the Executive Committee of Communications and Works, by the officer for the time being performing the functions and discharging the duties of the Postmaster-General and Director of Telegraphs.

(3) All matters notified under this section shall have the same force and effect as though they were prescribed by rules made under section 7.

*Objects and Reasons.*

The rates to be paid and the conditions and restrictions to be observed in the case of both inland and foreign telegrams have at present to be prescribed by rules under section 7 of the Ceylon Telegraph Ordinance, 1908, made by the Governor, and confirmed by the State Council. As regards foreign telegrams the Ceylon Government is now bound by the International Conventions entered into from time to time and

therefore the foreign telegraph rules made locally merely give effect to the terms of the latest Convention. The rates and some other requirements relating to foreign telegrams are subject to change in terms of the Convention and amendments have accordingly to be made in the local rules to bring them into line with the rates and requirements in other countries to which the Convention applies. Every amendment of the rules must, by reason of section 11 (1) (e) of the Interpretation Ordinance, 1901, and of section 7 (6) of the Ceylon Telegraph Ordinance, 1908, be made by the Governor, confirmed by the State Council, and published in the Gazette before it can have the force of law. Even under the emergency powers vested in the Governor by the proviso to section 7 (6) of the principal Ordinance, a notification in the Gazette is necessary before a rule can take effect. The practice locally has been to enforce the foreign telegraph rules once they have been published in the Post Office Guide and the Daily List, as it is frequently not possible to defer the operation of a rule until after it has been published in the Gazette.

2. The object of this Bill is to regularise the existing practice and Clause 2 of the Bill therefore inserts a new section in the principal Ordinance under which the Governor may, in order to give effect to any International Convention, determine and adequately notify the rates and other conditions and restrictions applicable in the case of foreign telegrams. The necessity for previous publication in the Gazette is thus avoided.

Provision is also made that the Governor may delegate his powers under the new section to the Postmaster-General who, in the exercise of such powers, will be under the general direction and control of the Executive Committee of Communications and Works.

3. The Bill effects no change in the manner of making and notifying rules relating to inland telegrams as they are not affected by the International Conventions referred to above.

MOHD. MACAN MARKAR,  
Minister for Communications and Works.

Colombo, November 11, 1935.