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EXTRAORDINARY.

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PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance further 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 1937, and shall come into operation on such date as the Governor may appoint by Proclamation in the *Gazette*.

Short title and date of operation.

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 "seven Judges," of the words "nine Judges,";
- (2) by the substitution for the words "six Puisne Justices." of the words "eight Puisne Justices."; and
- (3) in the marginal note to that section, by the substitution for the words "six Puisne Justices." of the words "eight Puisne Justices."

Amendment of section 53 of the principal Ordinance.

3 Section 53 of the principal Ordinance is hereby amended by the substitution for the words "any three of them," of the words "any five of them,".

Amendment of section 54 of the principal Ordinance.

4 Section 54 of the principal Ordinance is hereby amended by the substitution for the words "any three of them," of the words "any five of them,".

Repeal of section 54A of the principal Ordinance and substitution of a new section therefor.

5 Section 54A of the principal Ordinance is hereby repealed and the following section is substituted therefor:—

Chief Justice may order appeals, &c. to be heard before Full Court or five or more Judges.

54A. (1) 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 Judges of such Court or by and before any five or more of such Judges named in the order, but so that the Chief Justice shall always be one of such five or more Judges. 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.

(2) Where an order has been made under sub-section (1) that any case shall be heard by and before an even number of Judges and where such Judges are equally divided in their opinions, the decision of the Chief Justice or the decision of any Judge with whom the Chief Justice concurs shall be deemed and taken to be the judgment of the Supreme Court.

Objects and Reasons.

The object of this Bill is to make such amendments in the Courts Ordinance, 1889, as are necessary for the purpose of giving effect to the recent decision of the State Council that the number of Puisne Justices of the Supreme Court should be increased from six to eight.

2. Section 8 of the principal Ordinance has been successively amended by Ordinances No. 16 and No. 21 of 1926, and by Ordinance No. 1 of 1936. Clause 2 of the Bill amends section 8 so as to provide that the Supreme Court shall consist of nine Judges, namely the Chief Justice and eight Puisne Justices.

3. Section 53 of the principal Ordinance empowers the Judges of the Supreme Court, or any three of them of whom the Chief Justice must be one, to frame Rules of Court. An increase in the number of Puisne Justices necessitates an amendment of this section so as to confer the power to make rules on a majority of the Judges of the Supreme Court. The object of Clause 3 of the Bill is to amend section 53 so as to provide that the powers conferred on the Judges of the Supreme Court may be exercised by any five of them when their number has been increased to nine. Clause 4 effects a corresponding amendment in section 54 of the principal Ordinance.

4. Section 54A was added to the principal Ordinance by Ordinance No. 21 of 1926, and was later amended by Ordinance No. 1 of 1936. The proposal to increase the number of Judges of the Supreme Court necessitates several consequential amendments in section 54A, and it has been considered preferable to repeal the existing section and to substitute a new section in its place.

Sub-section (2) of the new section provides that the decisions supported by the judgment of the Chief Justice shall prevail in a case where the Judges are equally divided in their opinions.

Chambers,
Hulftsdorp, Colombo, September 7, 1937.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

A 180/35

An Ordinance to amend the Labour Ordinance, No. 1 of 1923.

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 Labour Amendment Ordinance No. of 1937.

2 Section 13 of the Labour Ordinance, No. 1 of 1923, is hereby amended in sub-section (1) thereof by the addition at the end of that sub-section of the following new paragraph (h) :—

Amendment of section 13 of Ordinance No. 1 of 1923.

“(h) The payment of contributions to any provident fund or to any scheme for the grant of pensions or gratuities established for the benefit of those persons mentioned in paragraph (g) who, in addition to their salaries, receive no regular remuneration or allowance from any source other than the Fund in respect of any services rendered or duties performed in any matter relating to Indian immigrant labourers or incidental to the recruitment of such labourers”.

Objects and Reasons.

The object of this Bill is to authorise the payment out of the Immigration Fund of contributions to a scheme for the grant of pensions or gratuities to officers referred to in section 13 (1) (g) of the Labour Ordinance No. 1 of 1923. Such contributions will be made only in the case of those officers who receive no regular remuneration other than their salaries for duties performed in connexion with the recruitment of Indian Immigrant labourers.

Colombo, September 3, 1937.

G. S. WODEMAN,
Acting Chief Secretary.