



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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No. 8,377 — WEDNESDAY, JUNE 29, 1938.

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*Published by Authority.*

PART II.—LEGAL.

PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

**No. 22 of 1938.**

M. L. A.—B 1260/L. D.—O 55/38

An Ordinance to declare, for the removal of doubts, that no triennial general election under the Municipal Councils Ordinance, 1910, is due to be held in the year 1938, in the Municipality of Kandy or the Municipality of Galle, and to provide for the application to the said Municipalities of the provisions of section 40 of that Ordinance.

A. CALDECOTT.

WHEREAS by two Proclamations each dated May 25, 1938, and published in Gazette No. 8,370 of May 27, 1938, the Governor in the exercise of the powers in him vested by section 1 of the Colombo Municipal Council (Constitution) Ordinance, No. 60 of 1935, has directed that the provisions of the said Ordinance shall apply to the Municipal Councils of Kandy and Galle respectively, subject to the modifications specified in the said Proclamations :

And whereas by virtue of the provisions of section 100 of the aforesaid Ordinance, as modified by the said Proclamations the Municipal Councils of Kandy and Galle which are now in existence and were in existence at the commencement of that Ordinance, will continue in office until a date hereafter to be fixed by the Governor by notification published in the Gazette :

And whereas in accordance with the provisions of section 5 of the aforesaid Ordinance the provisions of Part II of the Municipal Councils Ordinance, 1910, will continue to be applicable to the Municipalities of Kandy and Galle, respectively, until the date on which the Councillors elected for the said Municipalities at the first general election held in accordance with the provisions of the Colombo Municipal Council (Constitution) Ordinance, No. 60 of 1935, as modified in its application to the said Municipal Councils by the Proclamations aforesaid, come into office :

And whereas, for the removal of doubts, it is expedient to declare that no triennial general election shall be held under the Municipal Councils Ordinance, 1910, in the said Municipalities in the year 1938, and to provide that no new lists of persons duly qualified to be elected or to vote need be prepared for that year in those Municipalities :

Be it therefore 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 Municipal Councils (Special Provisions) Ordinance, No. 22 of 1938.

No general election under Ordinance No. 6 of 1910 to be held in Kandy or Galle in 1938.

2 For the removal of doubts, it is hereby declared that in the year 1938 no triennial general election under the provisions of the Municipal Councils Ordinance, 1910, is due to be held in the Municipality of Kandy or the Municipality of Galle, and that section 40 of that Ordinance in its application to either of the aforesaid Municipalities shall have effect as though the year 1938 were a year other than that in which a general election is due to be held under that Ordinance.

Passed in Council the Twenty-first day of June, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Governor the Twenty-seventh day of June, One thousand Nine hundred and Thirty-eight.

E. R. SUDBURY,  
Secretary to the Governor.

## DRAFT ORDINANCES.

### MINUTE.

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

L. D.—O 24/37

1/7/2 (F S O)

**An Ordinance to provide for a rebate of Customs duty paid on the import into Ceylon of articles subsequently purchased in Ceylon for the use of the Imperial Lighthouse Service, and for the validation of rebates heretofore allowed on such articles.**

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 Imperial Lighthouse Service Goods (Rebate of Customs Duty) Ordinance, No. of 1938.

Rebate of customs duty on articles certified to have been purchased in Ceylon for the use of the Imperial Lighthouse service.

2 (1) Where any article on which import duty in Ceylon has been paid is purchased in Ceylon for the use of the Imperial Lighthouse Service and paid for out of the General Lighthouse Fund, the Principal Collector of Customs shall, notwithstanding anything in Ordinance No. 17 of 1869 to the contrary, allow a rebate of the duty paid on that article, upon production of a certificate from a certifying officer to the effect that such article was so purchased and paid for, and upon proof to his satisfaction of such particulars as he may require in regard to the amount of duty paid on that article and the time and place of payment of such duty.

(2) The Governor may, by Notification published in the Gazette, authorise any officer of the Imperial Lighthouse Service to issue certificates for the purposes of this section.

(3) The certificate required by this section shall be in such form as the Principal Collector of Customs shall from time to time prescribe.

Re-imposition of customs duty if article is subsequently sold.

3 (1) Where any article in respect of which a rebate of customs duty has been allowed under section 2 is sold in Ceylon by any officer of the Imperial Lighthouse Service or on his instructions, such officer shall forthwith furnish the Principal Collector of Customs with a declaration containing

such particulars relating to the sale as the Collector may require; and such officer shall pay to the said Collector an amount equivalent to the customs duty which would have been payable on such article if it had been imported into Ceylon at the time of the sale.

(2) Every declaration furnished for the purposes of this section shall be exempt from stamp duty.

4 Any rebate of import duty allowed by the Principal Collector of Customs before the date of the commencement of this Ordinance in respect of any article purchased in Ceylon for the use of the Imperial Lighthouse Service is hereby declared to be and to have been for all purposes valid and lawful.

Validation of rebates of customs duty.

5 (1) In this Ordinance, unless the context otherwise requires—

Interpretation.

“certifying officer” means any officer of the Imperial Lighthouse Service authorised by the Governor to issue certificates under section 2;

“General Lighthouse Fund” means the General Lighthouse Fund established by the Merchant Shipping (Mercantile Marine Fund) Act, 1898, of the Imperial Parliament.

(2) This Ordinance shall, so far as is consistent with the tenor thereof, be read and construed as one with Ordinance No. 17 of 1869.

*Objects and Reasons.*

Goods imported by the Imperial Lighthouse Service for the use of the Service are admitted free of customs duty. It frequently happens that the Imperial Lighthouse Service purchases in Ceylon for the use of the Service articles on which import duty has already been paid. The object of this Bill is to provide for a rebate of the import duty paid on such articles. Provision is also made for the re-imposition of duty in respect of any such article if it is subsequently sold in Ceylon. Clause 4 of the Bill validates all rebates of import duty which have hitherto been allowed on such articles.

Colombo, June 4, 1938.

H. J. HUXHAM,  
Financial Secretary.

MINUTE.

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

M. L. A.—B 1555/L. D.—O 57/37

**An Ordinance to amend the Local Boards' Ordinance, 1898.**

No. 13 of 1898.

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 Local Boards Amendment Ordinance, No. of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

Short title and date of operation.

2 Section 28 of the Local Boards' Ordinance, 1898, is hereby amended by the substitution for all the words from “or which may be made over” to “for the purposes of this Ordinance” of the words “and all sums and all sources of revenue which may from time to time be appropriated or made over to any board by the State Council, whether by resolution or otherwise”.

Amendment of section 28 of Ordinance No. 13 of 1898.

*Objects and Reasons.*

There is no provision in the Local Boards' Ordinance, 1898, under which a source of revenue, made over to any Local Board, by the State Council, can be said to form part of the local fund. The object of this Bill is to supply the omission by the addition, in section 28 of the Ordinance, of words similar to those contained in section 169 (2) (h) of the Local Government Ordinance, No. 11 of 1920.

S. W. R. D. BANDARANAIKE,  
Minister for Local Administration.

Colombo, June 15, 1938.

## MINUTE.

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

M. L. A.—B 1554/L. D.—O 57/37

No. 18 of 1892.

**An Ordinance to amend the Small Towns Sanitary Ordinance, 1892.**

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

Short title, and date of operation.

**1** This Ordinance may be cited as the Small Towns Sanitary (Amendment) Ordinance, No. of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

Amendment of section 5 of Ordinance No. 18 of 1892.

**2** Section 5 of the Small Towns Sanitary Ordinance, 1892, is hereby amended in sub-section (2) thereof, by the substitution, for the words "receive for such fund", of the words "receive for such fund all sums and all sources of revenue from time to time appropriated or made over to the Board by the State Council, whether by resolution or otherwise, and".

*Objects and Reasons.*

There is no provision in the Small Towns Sanitary Ordinance, 1892, under which any sum or any source of revenue, made over to the Sanitary Board by the State Council, can be said to form part of the local fund. The object of this Bill is to supply the omission by the addition, in section 5 (2) of the Ordinance, of words similar to those contained in section 169 (2) (h) of the Local Government Ordinance, No. 11 of 1920.

S. W. R. D. BANDARANAIKE,  
Minister for Local Administration.

Colombo, June 15, 1938.

## MINUTE.

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

M. L. A.—B 1553/L. D.—O 57/37

No. 6 of 1910.

**An Ordinance to amend the Municipal Councils Ordinance, 1910.**

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

Short title and date of operation.

**1** This Ordinance may be cited as the Municipal Councils Amendment Ordinance, No. of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

Amendment of section 73 of Ordinance No. 6 of 1910.

**2** Section 73 of the Municipal Councils Ordinance, 1910, is hereby amended, by the substitution for the words "or which may be made over by the Ceylon Government at any time to the Council for the purposes of this Ordinance" of the words "and all sums and all sources of revenue which may from time to time be appropriated or made over to the Council by the State Council, whether by resolution or otherwise".

*Objects and Reasons.*

There is no provision in the Municipal Councils Ordinance, 1910, under which moneys derived from a source of revenue made over to the Municipal Council by resolution of the State Council can be credited to the Municipal Fund.

Clause 2 supplies the omission by the addition, in section 73 of the Ordinance, of words similar to those contained in section 169 (2) (h) of the Local Government Ordinance, No. 11 of 1920.

S. W. R. D. BANDARANAIKE,  
Minister for Local Administration.

The Ministry of Local Administration,  
Colombo, June 15, 1938.