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EXTRAORDINARY.

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DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 52/38

An Ordinance further to amend the Food Control Ordinance, No. 22 of 1937.

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 Food Control (Amendment) Ordinance, No. of 1938. Short title.

2 Section 2A of the Food Control Ordinance, No. 22 of 1937, (hereinafter referred to as the "principal Ordinance"), is hereby amended by the addition at the end of that section of the following :— Amendment of Section 2A of Ordinance No. 22 of 1937.

" Every such Deputy may, subject to such direction and control, exercise all or any of the powers conferred on the Food Controller under this Ordinance; and every such Assistant may, subject to such direction and control, exercise all or any of the powers conferred on the Food Controller or a Deputy Food Controller under this Ordinance."

Amendment of section 3 of the principal Ordinance.

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

(1) in sub-section (1), by the addition at the end thereof of the following new paragraph :—

“(h) prescribe the maximum price, both wholesale and retail, above which any cattle, food or article of food shall not be sold in the Island or in any part thereof.”;

(2) in sub-section (2) by the substitution, for the words “commencing on that date,” of the following :—

“commencing on that date: Provided, however, that in any case where an Order is made under sub-section (1) (e) in respect of any granary, warehouse, or store, the Minister may by writing under his hand authorise the Food Controller or any Deputy Food Controller, pending the publication of the Order in the Gazette, to enter such granary, warehouse or store and to take such steps as may be necessary to prevent or regulate the removal therefrom of any cattle, food or article of food; and any act done by the Food Controller, or by any Deputy Food Controller, or by any Assistant Food Controller, acting on behalf of the Food Controller or a Deputy Food Controller, in pursuance of any such written authority shall be as valid and lawful as if the Order had been in operation at the time such authority was granted.”.

Insertion of new Section 3A in the principal Ordinance.

Power to impose special import duty.

4 The following new section shall be inserted immediately after section 3 of the principal Ordinance and shall have effect as section 3A of that Ordinance :—

3A (1) (a) For the purpose of defraying the whole or any part of the expenses which may be incurred in giving effect to or carrying out the provisions of any Order for the allocation and rationing of supplies of any cattle, food or article of food, the State Council may by resolution impose an import duty upon any such cattle, food or article of food which is imported into the Island. Every such resolution shall be submitted to the Governor for ratification, and, if ratified, to the Secretary of State for his approval. Notification of such ratification and approval shall be published in the Gazette.

(b) Any resolution under paragraph (a) may at any time be amended or repealed by resolution passed, ratified and approved in the manner provided in that paragraph.

(2) No import duty shall at any time, by virtue of any resolution under sub-section (1) be charged or levied or become payable upon any cattle, food or article of food unless an Order is at that time in operation providing for the allocation of supplies of such cattle, food or article of food to distributors or merchants and for the rationing of such supplies.

(3) Any import duty imposed by any resolution under this section shall be in addition to any other duty charged or chargeable by or under the provisions of any other written law.

(4) Sub-sections (1) and (2) shall have effect as though they formed part of Ordinance No. 17 of 1869, and the provisions of that Ordinance shall apply accordingly.

Insertion of new section 6A in the principal Ordinance.

Protection of officers.

5 The following section shall be inserted immediately after section 6 of the principal Ordinance and shall have effect as section 6A of that Ordinance :—

6A No civil action or criminal prosecution shall be instituted or maintained against the Food Controller or any Deputy or Assistant Food Controller or any other officer of Government—

(1) in respect of any act *bona fide* done in pursuance or supposed pursuance of any power or authority conferred or granted by or under this Ordinance; or

(2) in respect of any failure or omission inadvertently to observe or to comply with any provision of this Ordinance or of any regulation made thereunder.

Objects and Reasons.

The object of this Bill is to effect further amendments in the Food Control Ordinance, No. 22 of 1937, which are considered to be necessary in order to facilitate the administration of the Ordinance.

2. Clause 2 amends section 2A of the principal Ordinance by the addition of provision which will enable a Deputy or Assistant Food Controller, subject to the general direction and control of the Food Controller, to exercise all or any of the powers conferred on the Food Controller by any Order or regulation made under the Ordinance.

3. The Ordinance does not at present confer the power to fix prices during times of emergency. If Orders for the control of supplies are made at a time during which there is a shortage of such supplies, it is likely that prices will be raised, and it is therefore necessary that power should be taken to control prices in such emergencies.

Clause 3 (1) amends section 3 of the Ordinance by the insertion of a new paragraph which will enable Orders to be made fixing the minimum price of any cattle, food, or article of food.

Clause 3 (2) amends section 3 (2) of the principal Ordinance by the insertion of provision under which the Minister may, in anticipation of the publication of an Order assuming control of any granary, warehouse or store, authorise the Food Controller or any Deputy Controller to take control of such granary, warehouse or store. This power is taken in order to prevent the removal of stocks during the period intervening between the making of the Order and its publication in the Gazette.

4. Considerable expenditure will have to be incurred in order to carry out an Order for the allocation and rationing of supplies.

The object of Clause 4 of this Bill is to insert in the principal Ordinance a new section 3A which will enable a special import duty to be levied for the purpose of defraying the whole or any part of such expenditure. A resolution under the new section, imposing an import duty on any cattle, food, or article of food, will only be effective, during a period when an Order is in operation for the allocation and rationing of supplies of such cattle, food or article of food.

5. The object of Clause 5 is to insert in the principal Ordinance provision for the protection of officers concerned in the administration of the Ordinance and the regulations made thereunder.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, September 27, 1938.

MINUTE.

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

An Ordinance to provide for the maintenance of reserve stocks of commodities which would be essential for the vital needs of the community in the event of war or other public emergency ; for the registration of importers of such commodities and for purposes incidental to or connected with the matters aforesaid.

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 " Essential Commodities Reserves Ordinance, No. of 1938." It shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette on the advice of the Board of Ministers and shall continue in force until the Governor with like advice and by Proclamation published in the Gazette declare that it shall cease to be in operation.

Short title.

2 (1) The Schedule describing the commodities which may be declared to be essential commodities for the purposes of this Ordinance may, by regulation, be amended or varied by the addition thereto of any specified commodity or class of commodities.

Scheduled commodities.

(2) Any commodity described or specified in the Schedule for the time being in force is hereinafter referred to as a scheduled commodity.

3 The Governor may, by Order published in the Gazette, declare that any scheduled commodity shall be an essential commodity for the purposes of this Ordinance, if he is satisfied that such commodity would be essential for the vital needs of the community in the event of war or other public emergency.

Essential commodities.

Provision of stocks and reserves of essential commodities.

4 Adequate stocks and reserves of essential commodities shall be provided and maintained for the supply of the needs of the community in the event of war or other public emergency; and it shall be the duty of the Director to make all such arrangements and to take all such steps as may be necessary to secure that such stocks and reserves shall be available in any such contingency.

Purchase of essential commodities by Government.

5 The Director is hereby authorised, in consultation with the Financial Secretary, and with the approval of the Minister, to make all such arrangements as may be necessary for the purchase of such quantities of any essential commodity as may be required in Ceylon at any time. Such purchases may be made either within or outside Ceylon as the Director in his discretion may decide; and payment therefor shall be made out of such moneys as may be provided for the purpose.

Registration of importers and stores.

6 (1) The Director shall keep a register of importers of every essential commodity.

(2) Where any scheduled commodity has been declared to be an essential commodity by Order under section 3, the Director shall cause to be published in the Gazette and in at least two newspapers circulating in Ceylon a notice requiring all importers of that commodity to register themselves and the premises at which their stocks are kept, before a date specified in such notice.

(3) Every application for registration shall be made to the Director in the prescribed form. No charge shall be made for the registration of any importer or of the premises (hereinafter referred to as the "registered store") at which he keeps his stocks of the essential commodity which he imports.

(4) The Director may by order refuse to register any person who applies for registration as an importer and shall in such order state the reasons for such refusal. An appeal shall lie to the Minister from any such refusal and the decision of the Minister upon such appeal shall be final.

(5) Regulations may be made for the registration of importers and the premises where their stocks are kept in cases to which the provisions of this section do not apply.

Permits to import essential commodities.

7 (1) The Director shall, upon the registration of any person as an importer of an essential commodity, issue to that person a permit to import that commodity. Every such permit shall be in force for the period specified therein.

(2) For the purpose of securing the provision of adequate stocks and reserves of any essential commodity, the Director may insert in any permit issued to any importer in respect of that commodity a condition that the importer—

(a) shall import a specified quantity of that commodity within a specified period; and

(b) shall, at all times after a date specified in the permit, keep at his registered store a specified reserve of that commodity.

(3) The date and the quantities referred to in sub-section (2) may be specified by the Director in his discretion.

(4) The Director may also require as a condition precedent to the grant of a permit, that any importer shall furnish such security as the Director may approve to secure the due observance of the conditions on which the permit was issued.

(5) Regulations may be made for the issue of permits to import essential commodities in cases to which the provisions of this section do not apply.

Permit necessary to authorise importation.

8 No person shall, on or after the date specified in the notice published under section 6 (2) in respect of any essential commodity, import any quantity of that commodity unless he is the holder of a permit issued under this Ordinance authorising the importation of that commodity.

Holder of permit to comply with conditions.

9 An importer to whom any permit has been issued under this Ordinance, authorising the importation of any essential commodity subject to conditions inserted in such permit, shall import within the time specified therein a quantity of that commodity which shall not be less than the quantity specified in the permit, and shall at all times after the date specified in the permit, while that permit is in force, keep at his registered store the specified reserve of that commodity:

Provided that no person shall be deemed to have acted in contravention of the provisions of this section if his failure to comply therewith is proved to be attributable to causes beyond his control.

Books, registers, &c.

10 Every registered importer of any essential commodity shall keep and maintain such books or registers as may be prescribed and shall enter or cause to be entered therein the prescribed particulars with respect to his business as an

importer of that commodity. Every such book or register shall be made available for inspection by the Director or any person authorised by him.

11 The Director may at any time by order cancel the registration and the permit of any importer who has contravened any provision of this Ordinance or of any regulation. An appeal shall lie to the Minister against any order of cancellation made by the Registrar; and the decision of the Minister upon any such appeal shall be final.

Cancellation of registration and permits.

12 (1) The Financial Secretary is hereby authorised to guarantee on behalf of the Government the repayment of any moneys advanced or to be advanced by any approved bank to any registered importer, whether by way of loan, overdraft or otherwise, if the Financial Secretary is satisfied, on the recommendation of the Director, that such moneys have been or will be so advanced for the purpose of enabling that importer to acquire and maintain such augmented stocks of any essential commodity as he may be required to hold as a reserve under or for the purposes of this Ordinance.

Government guarantee of bank advances to importers.

(2) In this section, "approved bank" means a bank approved by the Financial Secretary.

(3) The Financial Secretary shall, in his discretion, decide whether or not any guarantee under sub-section (1) should be given in any case; and his decision shall be final.

13 The Director or any person authorised by him may at any reasonable time during the day enter any granary, warehouse, shop, store or other premises in which stocks or reserves of any essential commodity are kept or required under this Ordinance to be kept, and may make such examination therein as he may deem necessary.

Powers of entry and examination.

14 The Director may, by notice served on any trader or importer concerned with any scheduled commodity or essential commodity, require him to make periodical and other returns at such times and containing such particulars as may be specified in the notice, as to the stocks of the commodity from time to time held by him and as to the facilities available for storing and for utilising stocks of the commodity.

Power to obtain information.

15 (1) Any person who acts in contravention of the provisions of section 8 or section 9 shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding two thousand rupees or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.

Offences and penalties.

(2) The court which convicts any person of the offence of having imported any quantity of an essential commodity in contravention of the provisions of section 9 may, in addition to any other punishment which it may impose for that offence, order that the whole or any part of such quantity shall be forfeited to His Majesty.

(3) The court which convicts any registered importer of the offence of contravening the provisions of section 9 may, in addition to any other punishment which it may impose for that offence, make order cancelling the registration of that importer and the permit issued to him.

(4) Any person who—

- (a) fails or refuses to furnish any return required to be furnished under this Ordinance; or
- (b) makes in any return or other document furnished under this Ordinance any statement which is false in any material particular; or
- (c) resists or obstructs the Director or any other person in the exercise of the powers conferred or in the discharge of the duties imposed on the Director or such other person by or under this Ordinance,

shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

16 (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters:—

- (a) all matters stated or required in this Ordinance to be prescribed;
- (b) the matters referred to in sections 6 (5) and 7 (5);
- (c) the letting, occupation and use, for the storage of stocks or reserves of essential commodities, of any granary, warehouse or other premises belonging to the Crown;

- (d) the storage of stocks or reserves of essential commodities in private premises ;
- (e) the sale or disposal of stocks or reserves of essential commodities purchased by the Director, or of any quantity of an essential commodity forfeited to His Majesty under this Ordinance ;
- (f) the issue and form of permits to import essential commodities, the conditions to be attached thereto and the period for which such permits shall be in force ;
- (g) appeals to the Minister under this Ordinance, the time within which such appeals must be preferred and the fees to be paid for such appeals ;
- (h) the registration of importers of essential commodities and of the stores of such importers ;
- (i) the form of books and registers to be kept by registered importers, the particulars to be entered therein, and the forms of all returns and declarations required to be made for the purposes of this Ordinance ;
- (j) all matters incidental to or connected with the matters specifically referred to in this sub-section.

(3) Every regulation made by the Executive Committee shall be published in the Gazette and shall come into operation upon such publication.

(4) Every regulation made by the Executive Committee shall, as soon as may be after the publication thereof, be brought before the State Council by a motion that such regulation be approved, and, if so approved, shall be submitted to the Governor for ratification.

(5) Any regulation which the State Council refuses to approve or which the Governor refuses to ratify shall be deemed to be rescinded with effect from the date of such refusal, but without prejudice to the validity of anything previously done thereunder. Notification of the date of such refusal shall be published in the Gazette.

(6) Every regulation which has been approved by the State Council and ratified by the Governor shall, upon notification in the Gazette of such approval and ratification, be as valid and effectual as though it were herein enacted.

Appointment
of officers.

17 (1) The Governor may appoint any number of persons, by name or by office, to be Deputy Directors or Assistant Directors for the purposes of this Ordinance.

(2) The Director may authorise any Deputy or Assistant Director to exercise and perform any power or duty conferred or imposed upon the Director by or under this Ordinance.

Interpretation.

18 In this Ordinance, unless the context otherwise requires—

“ Director ” means the Director of Commerce and Industries ;

“ essential commodity ” means any scheduled commodity declared by the Governor under section 3 to be an essential commodity for the purposes of this Ordinance ;

“ Executive Committee ” means the Executive Committee of Labour, Industry and Commerce ;

“ food ” has the same meaning as in the Food Control Ordinance, No. 22 of 1937 ;

“ importer ” includes—

(a) any person who, within Ceylon, enters into a contract with any person outside Ceylon for the importation of any essential commodity into Ceylon ; and

(b) any person who under Ordinance No. 17 of 1869, delivers to the Collector as defined in that Ordinance a bill of entry in respect of the importation into Ceylon of any quantity of any essential commodity, or who (otherwise than as agent for an importer) takes or is entitled to take delivery of any quantity of any essential commodity imported into Ceylon in pursuance of any contract entered into by some other person ;

“ Minister ” means the “ Minister for Labour, Industry and Commerce ” ;

“ permit ” means a permit authorising the importation into Ceylon of any essential commodity ;

“ prescribed ” means prescribed by regulation ;

“ registered ” means registered under this Ordinance ;

“ regulation ” means a regulation made by the Executive Committee under section 16 ;

“scheduled commodity” means any commodity described or specified in the Schedule for the time being in force;

“trader”, when used with reference to any scheduled commodity or any essential commodity, means any person who for the purpose of any trade or business carried on by him (whether as producer, wholesale or retail dealer, warehouseman or merchant) holds from time to time a stock of that commodity.

19. The provisions of this Ordinance shall be in addition to and not in substitution or derogation of the provisions of the Food Control Ordinance, No. 22 of 1937, or of any other written law relating to the importation or storage of any essential commodity.

Savings.

SCHEDULE.

Commodities which may be declared to be Essential Commodities.

1. Any commodity which in the opinion of the Governor may be required as food and any raw material from which any such commodity can be produced.
2. Petroleum, petrol and any other product of petroleum.
3. Coal.

Objects and Reasons.

This Bill, which is similar in principle to legislation which recently received the consideration of the Imperial Parliament, makes provision for the maintenance of adequate stocks and reserves of essential commodities for the supply of the needs of the community in the event of war or other public emergency.

2. The Schedule to the Bill contains a description of commodities which may be declared to be essential commodities by Order of the Governor. After such an Order is made in respect of any commodity, no person will be allowed to import that commodity into Ceylon unless he has been registered as an importer and obtained from the Director of Commerce and Industries a permit authorising such importation. One of the conditions which may be attached to a permit is that the importer shall keep a specified quantity of the essential commodity in reserve so that there may be available a sufficiency of stocks of that commodity in times of war or other emergency. (Clauses 6 and 7).

3. In order to assist importers who are compelled to augment their stocks in order to maintain the reserves required under the new law, provision has been made to enable the Financial Secretary, on behalf of the Government, to guarantee advances made by banks to registered importers, whether by way of loan, or overdrafts, or otherwise. (Clause 12).

4. Power will be taken to authorise the Director to purchase stocks of essential commodities on Government account; and it is intended that this power should be exercised if it is found that the reserves maintained by ordinary dealers are likely to be insufficient to supply the needs of the people. (Clause 5).

5. The word “importer” has been specially defined so as to include within its ambit persons who, according to local usage in the trade, clear at the Customs premises on their own account consignments which are sent from abroad in pursuance of contracts entered into by persons other than those who take delivery of the goods on their arrival in Ceylon.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, September 27, 1938.

11

MINUTE.

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

M. L. A.—B 1609/L. D.—O 65/38

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

No. 18 of 1892.

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 Small Towns Sanitary (Amendment) Ordinance, No. of 1938.

Short title.

Amendment of
section 9F of
Ordinance
No. 18 of 1892.

2 The Small Towns Sanitary Ordinance, 1892, (hereinafter referred to as "the principal Ordinance"), is hereby amended in section 9F by the addition, at the end thereof, of the following :—

" Provided further that in sanctioning the conditions for the repayment of the said loan, the Governor may dispense with the requirements provided for in section 9I."

Amendment of
section 9I of
the principal
Ordinance.

3 Section 9I of the principal Ordinance is hereby amended, by the addition at the end thereof, of the following :—

" Provided, however, that the provisions of this section shall not apply where an order has been made by the Governor under the last proviso to section 9F dispensing with the requirements provided for in this section."

Objects and Reasons.

The object of this Bill is to amend the Small Towns Sanitary Ordinance, 1892, in order to enable the Governor, in sanctioning the conditions for the repayment of loans made by the Ceylon Government to any Sanitary Board, to provide for the total extinction of the debt on payment by the Board of fixed instalments for a definite number of years. As, in such cases, the sinking fund required by section 9I of the Ordinance will not be necessary, it is proposed to add a proviso to section 9F to the effect that the requirements of section 9I may in such cases be dispensed with, and a proviso with the like effect to section 9I of the Ordinance.

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

Colombo, September 15, 1938.