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GAZETTE

EXTRAORDINARY.

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PART II.—LEGAL.

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

PASSED ORDINANCES.

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

No. 64 of 1938.

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.

A. CALDECOTT.

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 Imperial Lighthouse Service Goods (Rebate of Customs Duty) Ordinance, No. 64 of 1938.

Short title.

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.

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

(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.

Validation of rebates of customs 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.

Interpretation.

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

“certifying officer” means any officer of the Imperial Lighthouse Service authorized 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.

Passed in Council the Fifteenth day of December, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,
Clerk of the Council.

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

E. R. SUDBURY,
Secretary to the Governor.

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

No. 67 of 1938.

L. D.—O 41/38

No. 15 of 1898 **An Ordinance to amend the Criminal Procedure Code, 1898.**

A. CALDECOTT.

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 Criminal Procedure Code (Amendment) Ordinance, No. 67 of 1938.

Amendment of section 3 (1) of Ordinance No. 15 of 1898.

2 Section 3 of the Criminal Procedure Code, 1898, (hereinafter referred to as “the principal Ordinance”), is hereby amended in sub-section (1) of that section by the insertion of the following immediately after the definition of “Registrar” :—

“Fiscal” “Fiscal” includes any person authorised either generally or specially by the Fiscal to exercise, perform or discharge any power, duty or function of the Fiscal under this Code.’

3 Section 309 of the principal Ordinance is hereby amended in paragraph (f) (1) of that section by the substitution for the words "the Fiscal or his deputy," of the words "the Fiscal,".

Amendment of section 309(f)(1) of the principal Ordinance.

4 The following new section is hereby inserted immediately after section 407 of the principal Ordinance, and shall have effect as section 407A of that Ordinance :—

Insertion of new section 407A in the principal Ordinance.

407A. Where, for the purpose of proving any statement made by a deceased person, the Magistrate by whom the statement was recorded and the person, if any, by whom it was interpreted are examined in the course of an inquiry into any offence, the deposition of such Magistrate or of such person, taken and attested by any other Magistrate in the presence of the accused, may be given in evidence at the trial of the accused, although the deponent is not called as a witness :

Depositions of Magistrates and Interpreters receivable in evidence in certain cases.

Provided that—

- (1) where the Magistrate who commits the accused for trial is of opinion that it is necessary or expedient, or where either party in the case requests, that any such deponent should be present to give evidence at the trial, such deponent shall be summoned as a witness for the purpose of giving evidence in the same manner as the other witnesses for the prosecution ; and
- (2) nothing in this section shall affect or be deemed to affect the power of the court of trial to summon and examine such deponent as a witness at any time.

Passed in Council the Fifteenth day of December, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,
Clerk of the Council.

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

E. R. SUDBURY,
Secretary to the Governor.

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

No. 68 of 1938.

L. D.—O 24/38

An Ordinance to amend the British Courts Probates (Re-sealing) Ordinance, No. 3 of 1937.

A. CALDECOTT.

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 British Courts Probates (Re-sealing) (Amendment) Ordinance, No. 68 of 1938.

Short title.

2 Section 4 of the British Courts Probates (Re-sealing) Ordinance, No. 3 of 1937, is hereby amended in paragraph (a) by the substitution for the word "paid" of the words "paid or secured".

Amendment of section 4 of Ordinance No. 3 of 1937.

Passed in Council the Fifteenth day of December, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,
Clerk of the Council.

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

E. R. SUDBURY,
Secretary to the Governor.