



THE  
**CEYLON GOVERNMENT**  
**GAZETTE**

EXTRAORDINARY.

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*Published by Authority.*

**PART II.—LEGAL.**

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

**DRAFT ORDINANCES.**

**MINUTE.**

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

**An Ordinance to make amendments in certain Ordinances of this Island.**

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 Statute Law Revision Ordinance, No. of 1939.

2. The Ordinances specified in the first column of the Schedule are hereby amended in the manner specified in the second column of that Schedule.

3. This Ordinance shall have effect as if it had come into operation on the thirtieth day of June, nineteen hundred and thirty-eight.

Short title.

Amendment of certain Ordinances.

Ordinance to have effect from 30th June, 1938.

**SCHEDULE.**

First Column.	Second Column.
Ordinance No. 5 of 1939.	(a) In section 1 for the words "every such offender, being convicted thereof shall be deemed guilty of a misdemeanor and punished accordingly" there shall be substituted the words "he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine".

First Column.	Second Column.
Ordinance No. 17 of 1869.	<p>(b) After section 8 there shall be inserted the following section :—</p> <p>“ 9. (1) A Magistrate shall have power to try summarily any person who commits a breach of any of the provisions of this Ordinance and to impose the full penalties prescribed by this Ordinance, anything in the provisions of the Criminal Procedure Code to the contrary notwithstanding.</p> <p>(2) All penalties and forfeitures, payable under this Ordinance may be recovered as if they were fines imposed by a Magistrate’s Court.”</p>
Ordinance No. 2 of 1911	<p>In section 65 for the words “ and every person who shall wilfully destroy or embezzle any goods duly warehoused, shall be deemed guilty of a misdemeanor, and shall upon conviction suffer the punishment by law inflicted in cases of misdemeanor ; but if such person shall be an officer of customs not acting in the due execution of his duty, and shall be prosecuted to conviction by the importer, consignor, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occasioned by such waste, spoil, or embezzlement shall ”, there shall be substituted the words “ and every person who shall wilfully destroy or commit criminal breach of trust of any goods duly warehoused, shall be deemed guilty of an offence, and shall upon conviction be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ; but if such person be an officer of customs not acting in the due execution of his duty, and shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occasioned by such waste, spoil, or criminal breach of trust shall.”.</p>
Ordinance No. 5 of 1891	<p>In section 4 for the words “ and Secretary of the Planters’ Association of Ceylon, the Rural Member of the Legislative Council ” there shall be substituted the words “ the Deputy Chairman, and Secretary of the Planters’ Association of Ceylon ”.</p>
Ordinance No. 5 of 1891	<p>(a) In section 1 for the words “ the Assistant Controller of Revenue or such other public officer of similar standing as the Governor may be pleased to appoint instead of him ” there shall be substituted the words “ such public officer as the Governor may be pleased to appoint.”.</p>
Ordinance No. 5 of 1891	<p>(b) In paragraph (a) of subsection (1) of section 3 for the words “ The officer for the time being lawfully acting as Assistant Controller of Revenue, or such other public officer of similar standing as the Governor may be pleased to appoint instead of him ” there shall be substituted the words “ such public officer as the Governor may be pleased to appoint ”.</p>
Ordinance No. 5 of 1891	<p>(c) In subsection (1) of section 5 for the words “ The officer for the time being lawfully acting as Assistant Controller of Revenue, or such other public officer of similar standing as the Governor may be pleased to appoint instead of him,” there shall be substituted the words “ Such public officer as the Governor may be pleased to appoint.”.</p>
Ordinance No. 17 of 1852	<p>In section 2 for the words “ to the Secretary of the proper District Court, to be by him registered and preserved in the District Court in like manner as notarial deeds of a similar description ; and all persons interested in any such deed shall be entitled, on furnishing the proper stamp, to demand a copy or extract of such deed, certified as correct by the said secretary, for which copy or extract a fee of four shillings shall be</p>

First Column.	Second Column.
	paid to the said secretary, who shall pay the same into the public treasury." there shall be substituted the words "to the Registrar of Lands in accordance with section 4 of the Registration of Documents Ordinance to be by him registered and preserved in the Land Registry in like manner as notarial deeds of a similar description ; and all persons interested in any such deed shall be entitled, on furnishing the proper stamp, to demand a copy or extract of such deed, certified as correct by the said Registrar of Lands, for which copy or extract a fee of two rupees shall be paid to the said Registrar of Lands who shall pay the same into the Treasury."
Ordinance No. 11 of 1842.	In section 4 for the words "Colonial Secretary" there shall be substituted the words "Registrar-General".
Ordinance No. 7 of 1853.	In section 155 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Attorney-General".
The Ceylon Savings Bank Ordinance, 1859.	In section 9 for the words "The Treasurer of the Colony" there shall be substituted the words "The Financial Assistant and Accountant of the Treasury".
Ordinance No. 13 of 1864.	In section 8 for the word "Treasurer" there shall be substituted the words "Director of Medical and Sanitary Services".
Ordinance No. 4 of 1865.	(a) In section 5 for the word "Treasurer" where it first occurs and where it occurs for the third time there shall be substituted the words "Deputy Financial Secretary". (b) In subsection (1) of section 18 for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary". (c) In subsection (2) of section 18 for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary".
Ordinance No. 17 of 1869.	(a) In section 15 for the words "Treasurer or the Sub-accountants" there shall be substituted the words "Deputy Financial Secretary". (b) In section 119 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary".
Ordinance No. 1 of 1873.	In section 17 for the words "Colonial Secretary" there shall be substituted the words "Director of Medical and Sanitary Services".
Ordinance No. 3 of 1880.	For the word "Treasurer" wherever it occurs in the Ordinance there shall be substituted the words "Financial Secretary".
The Ceylon Paper Currency Ordinance, 1884.	(a) In section 3 for the words "Colonial Secretary" there shall be substituted the words "Financial Secretary". (b) In section 3 for the word "Treasurer" there shall be substituted the words "Deputy Chief Secretary". (c) In section 3 for the words "Auditor-General" there shall be substituted the words "Commissioner of Stamps". (d) In subsection (1) of section 24 for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary". (e) In subsection (2) of section 24 for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary".
The Youthful Offenders Ordinance, 1886.	(a) In section 45 for the words "the Colonial Secretary, or of an Assistant Colonial Secretary" there shall be substituted the words "The Director of Education". (b) In section 47 for the words "the Colonial Secretary or any Assistant Colonial Secretary" there shall be substituted the words "the Director of Education".

First Column.	Second Column.
Ordinance No. 4 of 1887.	In section 9 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary".
The Civil Procedure Code, 1889.	(a) In the explanation to section 466 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary". (b) In section 469 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary".
Ordinance No. 22 of 1889.	In section 1 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary".
The Public Officers' Security Ordinance, 1890.	(a) In paragraph (a) of subsection (1) of section 2 for the words "Colonial Treasurer" and "Treasurer" respectively there shall be substituted the words "Deputy Financial Secretary". (b) In section 2A for the words "Colonial Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary". (c) In subsection (1) of section 4 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary". (d) In subsection (1) of section 4 for the words "Auditor-General" there shall be substituted the words "Deputy Financial Secretary". (e) In section 5 for the word "Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary". (f) In sections 5, 6 and 10 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Deputy Financial Secretary".
Ordinance No. 21 of 1890.	In section 4 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary".
Ordinance No. 24 of 1890.	In subsection (1) of section 10 for the words "Colonial Secretary or by an Assistant Colonial Secretary" there shall be substituted the words "Inspector-General of Prisons".
The Building Societies' Ordinance, 1891.	In section 3 for the words "Registrar for the time being of the Supreme Court" there shall be substituted the words "Registrar-General".
The Ceylon Inscribed Rupee Stock Ordinance, 1892.	(a) In sections 2, 4, 5 and 19 for the word "Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary". (b) In section 6 for the words "Auditor-General" there shall be substituted the words "Deputy Chief Secretary".
The Small Towns Sanitary Ordinance, 1892.	In section 6 for the words "Colonial Secretary" there shall be substituted the words "Commissioner of Local Government".
The Ceylon Evidence Ordinance, 1895.	In subsection (1) of section 78 for the words "Colonial Secretary or an Assistant Colonial Secretary" there shall be substituted the words "Chief Secretary, or an Assistant Chief Secretary".
The Municipal Councils Amendment Ordinance, 1896.	In paragraph (v) of section 36, in section 45, in paragraph (5) of section 50, and section 59 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Director of Medical and Sanitary Services".
The Widows' and Orphans' Pension Fund Ordinance, 1898.	(a) In section 3 for the words "Colonial Treasurer" there shall be substituted the word "Treasury". (b) In subsection (3) for section 5, in section 7, in subsections (2) and (3) of section 9 and in section 19 for the word "Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary".
The Criminal Procedure Code, 1898.	(a) In paragraph (f) (3) of section 309 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary".

First Column.	Second Column.
The Antiquities Ordinance, 1900.	(b) In subsection (2) of section 369 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary". (c) In subsection (2) of section 374 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary".
The Lepers Ordinance, 1901.	(a) In subsection (2) of section 8 for the words "Colonial Secretary" there shall be substituted the words "Archæological Commissioner". (b) In section 19 for the words "Colonial Secretary" there shall be substituted the words "Archæological Commissioner".
The Estate Roads Ordinance, 1902.	(a) In section 7 for the words "Colonial Secretary" there shall be substituted the words "Minister of Health". (b) In section 8 for the words "Colonial Secretary" there shall be substituted the words "Minister of Health".
The Patents Ordinance, 1906.	(a) In section 10 for the words "Colonial Secretary" there shall be substituted the words "Executive Committee of Local Administration". (b) In section 36 for the word "Treasurer" there shall be substituted the words "Financial Secretary".
The Notaries Ordinance, 1907.	(a) In subsection (2) of section 30 for the words "Colonial Secretary" there shall be substituted the words "Registrar of Patents". (b) In section 48 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary". (c) In section 49 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary".
The Vagrancy Ordinance, 1907.	(a) In subsection (1) of section 21 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary". (b) In subsection (2) of section 23 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary".
The Destitute Immigrants Regulation Ordinance, 1907.	(a) In subsection (1) of section 8 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary". (b) In the Schedule for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary".
The Ceylon Post Office Ordinance, 1908.	(a) In section 4 for the words "Colonial Treasurer" there shall be substituted the words "Financial Secretary". (b) In subsection (2) of section 13 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary". (c) In paragraph (b) of section 14 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary".
The Ceylon Telegraph Ordinance, 1908.	In subsection (2) of section 27 for the words "Colonial Secretary" there shall be substituted the words "Inspector-General of Police".
The Game Protection Ordinance, 1909.	In subsection (2) of section 5 for the words "Colonial Secretary" there shall be substituted the words "Inspector-General of Police".
The Stamp Ordinance, 1909.	In subsection (1) of section 16 for the words "Colonial Secretary" there shall be substituted the words "Marine Biologist".
The Stamp Ordinance, 1909.	In the list of exemptions to item 47 of Part I of Schedule B for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary".

First Column.	Second Column.
The Contagious Diseases (Animals) Ordinance, 1909.	In subsection (2) of section 6 for the words "Colonial Secretary" there shall be substituted the words "Government Veterinary Surgeon".
The Municipal Councils Ordinance, 1910.	(a) In section 56 for the words "Colonial Treasurer" wherever they occur there shall be substituted the words "Deputy Financial Secretary". (b) In section 83 for the words "Colonial Secretary" there shall be substituted the words "Commissioner of Local Government". (c) In section 152 for the words "Colonial Secretary" there shall be substituted the words "Commissioner of Local Government".
The Defence Force Ordinance, 1910.	In section 27 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary".
The Elephant Kraal Regulation Ordinance, No. 1 of 1912.	In sections 3 and 6 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Minister for Agriculture and Lands".
The Housing and Town Improvement Ordinance, No. 19 of 1915.	In subsection (4) of section 80 for the words "Colonial Secretary" there shall be substituted the words "Commissioner of Local Government".
The Riot Damages Ordinance, No. 23 of 1915.	(a) In subsection (2) of section 11 and subsection (2) of section 38 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Financial Secretary". (b) In subsection (1) of section 26 and subsection (2) of section 31 for the word "Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary".
The Local Loans and Development Ordinance, No. 22 of 1916.	In subsection (3) of section 2 for the words "Treasurer of the Colony" there shall be substituted the words "Deputy Financial Secretary".
The Firearms Ordinance, No. 33 of 1916.	In paragraph (i) of subsection (2) of section 22 for the words "Colonial Secretary" there shall be substituted the words "Inspector-General of Police". In section 46 for the words "Colonial Secretary" there shall be substituted the words "Inspector-General of Police".
The Emigration Ordinance, No. 22 of 1917.	(a) In subsections (1) and (2) of section 3, and in subsection (3) of section 5 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary". (b) In forms A and B of the Schedule for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary".
The Education Ordinance, No. 1 of 1920.	(a) In subsection (1) of section 21 for the words "Colonial Secretary" there shall be substituted the words "Director of Education". (b) In subsections (1) and (2) of section 28 and subsection (1) of section 34 for the word "Director" wherever it occurs there shall be substituted the words "Executive Committee of Education".
The Public Trustee Ordinance, No. 1 of 1922.	(a) In section 36 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary". (b) In section 39 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary". (c) In subsection (2) of section 40 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary".
The British Soldiers' and Sailors' Institute of Colombo (Incorporation) Ordinance, No. 19 of 1922.	In section 7 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary".
The Labour Ordinance, No. 1 of 1923.	(a) In sections 2 and 3 for the words "Controller of Indian Immigrant Labour" wherever they occur there shall be substituted the words "Controller of Labour".

First Column.	Second Column.
The Colonial Treasury Bills Ordinance, No. 8 of 1923.	(b) In subsection (4) of section 9 for the words " Colonial Secretary " there shall be substituted the words " Controller of Labour ".
The Flood Protection Ordinance, No. 4 of 1924.	In sections 2, 6 and 7 for the words " Colonial Treasurer " wherever they occur there shall be substituted the words " Deputy Financial Secretary ".
The Disabled Ceylon Men's Fund Ordinance, No. 1 of 1925.	(a) In subsection (5) of section 5 and subsection (3) of section 15 for the words " Colonial Secretary " wherever they occur there shall be substituted the words " Executive Committee of Agriculture and Lands ".
The Tea Research Ordinance, 1925.	(b) In subsection (1) of section 5 for the words " Colonial Secretary " there shall be substituted the words " Director of Irrigation ".
The Bills of Exchange Ordinance, 1927.	(c) In subsection (4) of section 5 for the words " lodge with the Director or at the office of the Colonial Secretary in Colombo " there shall be substituted the words " lodge at the office of the Director in Colombo ".
The Indian Labour Ordinance, No. 27 of 1927.	(d) In subsection (3) of section 11 for the words " Colonial Treasurer " there shall be substituted the words " Deputy Financial Secretary ".
The Coconut Research Ordinance.	In subsections (1), (3), (4) and (5) of section 2 for the words " Colonial Treasurer " wherever they occur there shall be substituted the words " Deputy Financial Secretary ".
The Rubber Research Ordinance, 1930.	In paragraph (a) of subsection (1) of section 5 for the words " The Colonial Treasurer, or if the Colonial Treasurer is unable to be present at any meeting of the Board, the Assistant Colonial Treasurer " there shall be substituted the words " The Financial Secretary, or if the Financial Secretary is unable to be present at any meeting of the Board, the Deputy Financial Secretary ".
The Ceylon State Mortgage Bank Ordinance, 1931.	In section 83 for the words " Colonial Treasurer " there shall be substituted the words " Deputy Financial Secretary ".
The Coconut Research Ordinance.	(a) In sections 2 and 22 for the words " Controller of Indian Immigrant Labour " wherever they occur there shall be substituted the words " Controller of Labour ".
The Rubber Research Ordinance, 1930.	(b) In subsection (3) of section 5 for the words " Colonial Secretary " there shall be substituted the words " Controller of Labour ".
The Coconut Research Ordinance.	In paragraph (a) of subsection (1) of section 3, in subsections (1) and (2) of section 5, and in paragraph (b) of subsection (1) of section 6 for the words " Colonial Treasurer " wherever they occur there shall be substituted the words " Financial Secretary ".
The Rubber Research Ordinance, 1930.	(a) In paragraph (a) of subsection (1) of section 3 for the words " Colonial Treasurer " there shall be substituted the words " Financial Secretary ".
The Ceylon State Mortgage Bank Ordinance, 1931.	(b) In rule 6 of the Schedule for the words " Colonial Secretary " there shall be substituted the words " Executive Committee of Agriculture and Lands ".
The Ceylon State Mortgage Bank Ordinance, 1931.	In sections 72, 74 and 73 for the words " Colonial Treasurer " wherever they occur there shall be substituted the words " Financial Secretary ".

*Objects and Reasons.*

The alterations specified in the second column of the Schedule to this Bill have been made in the Ordinances specified in the first column of that Schedule by the Commissioner appointed by section 2 of the Revised Edition of the Legislative Enactments Ordinance, No. 19 of 1937. These alterations are necessary to bring the legislative enactments specified in the said Schedule into conformity with conditions obtaining in this Island on 30th June, 1938.

The object of this Bill is to remove any doubts as to the validity of the alterations effected by the Commissioner.

The Legal Secretary's Office,  
Colombo, February 22, 1939.

J. C. HOWARD,  
Legal Secretary.

## MINUTE.

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

	L. D.—O 46/38
No. 16 of 1865.	<b>An Ordinance further to amend the Police Ordinance, 1865.</b>
	BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—
Short title.	<b>1</b> This Ordinance may be cited as the Police Amendment Ordinance, No. of 1939.
Amendment of section 90 of Ordinance No. 16 of 1865.	<b>2</b> Section 90 of the Police Ordinance, 1865, is hereby amended by the substitution for the word " fireworks," of the words " fireworks, or release any fire balloon or other combustible or explosive contrivance or article which is likely to cause injury to person or property,".
	<i>Objects and Reasons.</i>
	The object of this amendment of the Police Ordinance, 1865, is to include in section 90 provision which will prohibit the release of fire balloons or other such contrivances, except under military regulation or under the authority of licences issued by a Magistrate or by the Police.
	D. B. JAYATILAKA, Minister of Home Affairs.
	Colombo, February 20, 1939.

## MINUTE.

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

	<b>An Ordinance to amend the Revised Edition of the Legislative Enactments Ordinance, No. 19 of 1937.</b>
	BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—
Short title.	<b>1</b> This Ordinance may be cited as the Revised Edition of the Legislative Enactments (Amendment) Ordinance, No. of 1939.
Amendment of section 10 of the Revised Edition of the Legislative Enactments Ordinance, No. 19 of 1937.	<b>2</b> Section 10 of the Revised Edition of the Legislative Enactments Ordinance, No. 19 of 1937, (hereinafter referred to as " the principal Ordinance " ), is hereby amended by the substitution of the following sub-section for sub-section (3) thereof :—
	" (3) From and after the date appointed in such proclamation the revised edition shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole authentic edition of the legislative enactments of this Island, so far as therein contained. "
Substitution of new section for section 11 of the principal Ordinance.	<b>3</b> Section 11 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—
Saving of existing subsidiary legislation, appointments and acts.	" 11. (1) All subsidiary legislation, all appointments and acts made or done under any legislative enactment included in the revised edition, and in force on the date appointed by the Governor under section 10, shall continue in force until otherwise provided ; and references in any such subsidiary legislation to the legislative enactment under which such subsidiary legislation is made, or to any other legislative enactment, shall, where necessary and practicable, be deemed to apply to the corresponding legislative enactment in the revised edition.
	(2) In sub-section (1) " subsidiary legislation " means rules, regulations and by-laws and shall include proclamations, letters patent, orders, notices, notifications, declarations, resolutions, forms, warrants, schemes and any other document whatsoever made under any legislative enactment. "
	<i>Objects and Reasons.</i>
	Sub-section (3) of section 10 repeals the last revised edition, and the Ordinances passed after the thirty-first day of December, 1923, and in force on the thirtieth day of June, 1938, being the date fixed by the Governor under section 2. It is felt that this repeal might be regarded as affecting appointments made and institutions set up under the repealed legislation. It is proposed therefore to substitute for sub-section (3) of section 10 a provision that will not lend itself to such a construction. As it seems desirable at the same time to extend the scope of section 11 of the Ordinance, clause 3 of the Bill provides for the substitution of a new provision therefor.
	J. C. HOWARD, Legal Secretary.
	Colombo, February 22, 1939.



## MINUTE.

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

M. L. A.—H 185/L. D.—O 13/37

**An Ordinance relating to the relief of the poor.**

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 Poor Law Ordinance, No. of 1939, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

Short title and date of operation.

**PART I.**

*Preliminary.*

2 The powers conferred by this Ordinance upon any Municipal Council, District Council, Local Board, Sanitary Board or Village Committee, shall be in addition to, and not in derogation of, any powers of any such local authority under any other Ordinance :

Powers under Ordinance to be additional to powers conferred by other Ordinances.

Provided that in any case in which any provision of this Ordinance is in conflict with any provision of any such other Ordinance, the provision of this Ordinance shall prevail.

**PART II.**

*Municipalities, District Councils, and Local Boards.*

3 (1) This part of this Ordinance shall apply—

- (a) within the administrative limits of any Municipal Council ;
- (b) within the administrative limits of any District Council or of any Local Board in which it shall be declared from time to time to be in force by the Governor by Proclamation published in the Gazette.

Application of Part II.

(2) Any such Municipal Council, District Council, or Local Board to which this Part of this Ordinance applies shall be called and known as an urban local authority and is so referred to in this Ordinance.

4 (1) It shall be the duty of an urban local authority—

- (a) to provide such relief as may be necessary for persons of either sex unable to support themselves owing to physical or mental infirmity or incapacity and in need of relief ;
- (b) to provide such relief as may be necessary for the use of, and to assist, orphans or children below a prescribed age of poor parents who are not able to keep and maintain their children in obtaining educational facilities and industrial training and to erect and maintain school buildings and orphanages for this purpose ;
- (c) to establish and maintain institutions for the treatment of poor persons ;
- (d) to make contributions in aid of any voluntary agencies which appear to render useful aid in the administration of the relief of the poor, of orphans and the children of poor persons, within the administrative limits of the urban local authority and which appear to receive support from the public, provided such agencies agree to register all cases assisted with the Registrar to be appointed by the urban local authority and to allow inspection of their accounts and methods of administration by the urban local authority or its officers ;
- (e) to appoint officers to investigate applications for assistance and to administer relief and to delegate to such officers the provision of relief in cases of sudden and urgent necessity ;
- (f) to recover from the recipient of relief or from prescribed relatives of such recipient who are possessed of sufficient means, the whole or part of the amount expended on his or her relief ;
- (g) to do and execute all other things concerning the matters aforesaid as to the urban local authority may seem convenient.

Duty of Urban local authority with respect to poor persons.

(2) The duties of the urban local authority under this section shall apply to all persons of either sex within its administrative limits.

Power of urban local authority to use its funds to carry out duties under this Ordinance.

5 (1) The purposes for which an urban local authority may expend the funds at its disposal under any Ordinance regulating its powers and duties (including any sum which may, at any time, be voted by the State Council for the purposes of this Ordinance on the recommendation of the Executive Committee of Labour, Industry and Commerce) shall include the fulfilment of the duties of such urban local authority prescribed by this Part of this Ordinance, and the urban local authority may for the purposes of this Ordinance levy a special rate on all property assessed for the purpose of rates over and above the rates imposed by virtue of any other Ordinance, and all the relevant provisions of such other Ordinance, including the provisions for collecting rates, shall apply to such special rate in the same manner and for the same purpose as if they had been inserted herein.

(2) Where the State Council has at any time attached conditions to the vote of any sum to any urban local authority for the purposes of this Ordinance, such conditions shall, on the acceptance of such sum by that local authority, be deemed to be incorporated in the poor law scheme of that local authority and shall have effect accordingly.

Borrowing powers of urban local authority.

6 (1) It shall be lawful for an urban local authority to borrow such sum or sums of money as may be necessary for carrying out any work of a permanent character undertaken under the provisions of this Ordinance and for the acquisition of any lands or buildings required for the purposes of or in connexion with any such work on such terms or conditions as may be approved by the Governor.

(2) Any purpose for which an urban local authority may lawfully borrow any sum of money under sub-section (1) shall be deemed to be a purpose for which that local authority is authorised to borrow money by the written law under which that local authority is constituted; and, subject as aforesaid, the provisions of that written law relating to the borrowing of money, the limitation of borrowing powers, the security to be granted for loans, the form of such security and other incidental matters and procedure shall apply accordingly.

Acquisition of land or building.

No. 3 of 1876.

7 Any private land or building which may be required by an urban local authority for the purposes of this Ordinance may be acquired by the Crown for such purposes under the provisions of "The Land Acquisition Ordinance, 1876" or of any other Ordinance for the time being in force providing for the acquisition of private land or buildings for public purposes. When the urban local authority has paid the compensation awarded, the Governor may vest such land in the urban local authority under the hand of the prescribed officer to the effect that the same has been made over to the urban local authority and any such land or building, when no longer required for the purposes of this Ordinance, may be dealt with by the urban local authority as any other land or building vested in it.

Accounts and audit.

8 Separate accounts shall be kept by the urban local authority of their receipts and expenditure in respect of the functions discharged by such local authority under this Ordinance, and those accounts shall be made up and audited in like manner and subject to the same provisions as in the case of a Municipality, District Council or Local Board, respectively; and the enactments relating to the audit of the accounts of a Municipality, District Council or Local Board, as the case may be, and to all matters incidental thereto and consequential thereon, including penal provisions, if any, shall apply to such accounts.

Poor law scheme.

9 (1) For the purpose of discharging the duties prescribed in this Part of this Ordinance, the urban local authority shall each year, when preparing the annual budget or at any other time, prepare and approve of a poor law scheme and shall vote and provide from time to time, whenever necessary, a sum sufficient from the funds at its disposal (in addition to any sum which may be voted by the State Council for the purpose) to defray the cost which will be incurred in carrying out the poor law scheme.

(2) Such sum or sums of money as may be voted or provided by an urban local authority, including any sum placed at its disposal by the State Council for the purpose, shall be spent by such urban local authority or under its direction in carrying the poor law scheme so prepared and approved into execution, subject to the provisions of this Ordinance and any rules prescribed thereunder.

## 10 The poor law scheme—

Delegation.

- (a) shall provide for the delegation by the urban local authority to a committee (hereinafter referred to as the Public Assistance Committee) with or without any conditions or limitations as the urban local authority thinks fit, of all the functions conferred or imposed upon or vested in it by this Ordinance except the power of voting or providing or borrowing money or levying a rate or acquiring lands or appointing officers or keeping and auditing accounts ; and
- (b) may provide for the discharge, on behalf of and subject to the general direction and control of the Public Assistance Committee, of any of the functions of that Committee by a sub-committee (hereinafter referred to as local sub-committee) to be appointed for a defined area within the administrative limits of the urban local authority, within that defined area.

## 11 The poor law scheme shall provide for—

Appointment of officers.

- (a) the appointment of such paid officers as may be necessary to investigate applications for assistance and administer relief and the delegation to such officers of the provision of relief in cases of sudden and urgent necessity ; and
- (b) in particular, the appointment of a Registrar who shall register in a prescribed book full particulars of all cases assisted by the urban local authority and by voluntary agencies who agree to co-operate in such registration.

12 (1) The Public Assistance Committee shall be composed of the prescribed number of members for the prescribed period.

Public Assistance Committee.

(2) One-half of the Committee shall consist of members of the urban local authority nominated by such local authority and the other half of persons of either sex (not being members of the urban local authority) nominated by the Governor.

(3) The Public Assistance Committee shall elect a chairman who shall preside at its meetings and a vice-chairman, and shall, subject to such rules as may be prescribed, exercise, perform and discharge such functions as may be delegated to it by the urban local authority.

13 (1) Where the poor law scheme provides for the appointment of local sub-committees the administrative limits of the urban local authority shall be divided into such areas as may be specified in the poor law scheme, and for every such area there shall be a local sub-committee.

Local sub-committees.

(2) Every local sub-committee shall be constituted in such manner as may be provided for in the poor law scheme and shall consist of the number of members fixed in the poor law scheme for the prescribed period, provided the member or members of the urban local authority for the ward or wards or electoral division or divisions falling wholly or partly within the area shall be included in such local sub-committee.

(3) Each local sub-committee shall elect a chairman who shall preside at its meeting and a vice-chairman, and shall, subject to such rules as may be prescribed, exercise, perform and discharge such functions as may be delegated to it by the poor law scheme under the general direction and control of the Public Assistance Committee.

## PART III.

*Sanitary Boards and Village Committees.*

14 (1) This Part of this Ordinance shall apply within a chief headman's division in which it shall be declared from time to time to be in force by the Governor by Proclamation published in the Gazette :

Application of Part III.

Provided, however, that this Part of this Ordinance shall not apply within the administrative limits or part thereof, if any, included in such chief headman's division, of any Municipal Council, District Council or Local Board, in which Part II. of this Ordinance is in force, and such administrative limits or part, if any, shall be deemed to be excluded from such chief headman's division for the purposes of this Part of this Ordinance.

(2) All Sanitary Boards and Village Committees within any area so proclaimed to which this Part of this Ordinance applies acting jointly shall be called and known as a rural local authority and are so referred to in this Ordinance.

Duty of rural local authority in respect to poor persons.

15 (1) Each Sanitary Board and each Village Committee shall be a unit of the rural local authority, and it shall be the duty of the rural local authority and of each such unit—

- (a) to provide such relief as may be necessary for persons unable to support themselves owing to physical or mental infirmity or incapacity and in need of relief;
- (b) to provide such relief as may be necessary for the use of, and to assist, orphans or children below a prescribed age of poor parents who are not able to keep and maintain their children in obtaining educational facilities and industrial training and to erect and maintain school buildings and orphanages for this purpose;
- (c) to establish and maintain institutions for the treatment of poor persons;
- (d) to make contributions to aid of any voluntary agencies which appear to render useful aid in the administration of relief of the poor, of orphans and the children of poor persons, within the administrative limits of such rural local authority or such unit and which appear to receive support from the public, provided that such agencies agree to register all cases assisted with the Registrar to be appointed as hereinafter provided and to allow inspection of their accounts and methods of administration by the prescribed officers;
- (e) to do and exercise all other things concerning the matters aforesaid as to the rural local authority or each unit of the rural local authority may seem fit.

(2) The duties of the rural local authority or each unit of the rural local authority under this section shall apply to all persons of either sex within its administrative limits.

Delegation of functions of rural local authority.

16 All the functions by this Ordinance conferred or imposed upon, or vested in, the rural local authority and each unit of the rural local authority shall stand referred to and be delegated to a joint committee (as hereinafter constituted and known as the rural local committee) except the power of voting or providing or borrowing money or levying a rate or acquiring lands.

Composition of rural local committee.

17 (1) A rural local committee shall be composed—

- (a) as to one-half thereof, of the chairman of each Sanitary Board and of each Village Committee within the chief headman's division proclaimed under section 14, and two members from each such Sanitary Board and Village Committee nominated by such Board or Committee; and
- (b) as to the other half, of such inhabitants within the said chief headman's division as the Executive Committee shall nominate.

(2) The members of the rural local committee shall hold office for the prescribed period and shall elect a chairman, who shall preside at its meetings, and a vice-chairman and shall, subject to such rules as may be prescribed, exercise, perform and discharge the functions delegated to such committee under the preceding section.

Poor law schemes.

18 For the purpose of performing and discharging the functions prescribed under section 16 of this Ordinance, the rural local committee shall each year within the prescribed time prepare and approve a poor law scheme which shall set forth the probable cost which will be incurred in carrying out that scheme.

Contributions for carrying out the poor law scheme.

19 (1) Each unit of the rural local authority shall from time to time contribute such prescribed proportionate amount from the funds at its disposal as will be sufficient to enable it to discharge its functions under this Ordinance as set forth in the poor law scheme, with such modifications in the scheme as may be made from time to time in the prescribed manner.

(2) All such sums contributed by each unit (in addition to any sum which may be voted by the State Council for the purpose on the recommendation of the Executive Committee of Labour, Industry and Commerce) shall form a central fund, and it shall be the duty of the rural local committee to administer such central fund as hereinafter provided.

Appointment of officers, &c.

20 The poor law scheme shall provide—

- (a) for the appointment of such paid officers as may be necessary to investigate applications for assistance and to administer relief and the delegation to such officers of the provision of relief in cases of sudden and urgent necessity;

- (b) for the recovery from the recipient of relief or from prescribed relatives of such recipient who are possessed of sufficient means either the whole or a part of the amount expended on his or her relief ;
- (c) for the appointment of a Registrar who shall register in a prescribed form full particulars of all cases assisted by the rural local committee and by voluntary agencies who agree to co-operate in such registration.

21 (1) The purposes for which any unit of a rural local authority may expend the funds at its disposal under any Ordinance regulating its powers and duties (including any sum which may be voted by the State Council for the purposes of this Ordinance on the recommendation of the Executive Committee of Labour, Industry and Commerce) shall include the fulfilment and performance of the functions of such unit prescribed by this Part of this Ordinance ; and such unit may, for the purposes of this Ordinance, levy a special rate on all property assessed for the purpose of rates over and above the rates imposed by virtue of any other Ordinance ; and all the relevant provisions of such other Ordinance, including the provisions for collecting rates, shall apply to such special rate in such manner and for the same purpose as if they had been inserted herein :

Provided, however, that a unit of a rural local authority shall not have the power to levy a special rate for the purposes of this Ordinance, unless the power to levy a rate has been conferred on it by any other Ordinance for the purposes of that Ordinance.

(2) Where the State Council has at any time attached conditions to the vote of any sum to any rural local committee for the purposes of this Ordinance, such conditions shall, on the acceptance of such sum by that committee, be deemed to be incorporated in the poor law scheme of that committee and shall have effect accordingly.

22 (1) It shall be lawful for a unit of a rural local authority to borrow such sum or sums of money as may be necessary for carrying out any work of a permanent character undertaken under the provisions of this Ordinance and for the acquisition of any lands or buildings required for the purpose of or in connexion with any such work on such terms or conditions as may be approved by the Governor.

(2) Any purpose for which a unit of a rural local authority may lawfully borrow any sum of money under sub-section (1) shall be deemed to be a purpose for which that unit is authorised to borrow money by the written law under which that unit is constituted ; and, subject as aforesaid, the provisions of that written law relating to the borrowing of money, the limitation of borrowing powers, the security to be granted for loans, the form of such security and other incidental matters and procedure shall apply accordingly.

23 Any private land or building which may be required by a unit of a rural local authority for the purposes of this Ordinance may be acquired by the Crown for such purposes under the provisions of the Land Acquisition Ordinance, 1876, or of any other Ordinance for the time being in force providing for the acquisition of private lands or buildings for public purposes. When the unit of the rural local authority has paid the compensation awarded, the Governor may vest such land in such unit under the hand of the prescribed officer to the effect that the same has been made over to such unit ; and any such land or building when no longer required for the purposes of this Ordinance may be dealt with by such unit as any other land or building vested in it.

24 Separate accounts shall be kept by the rural local committee of the receipts and expenditure in respect of functions discharged by such committee under this Ordinance, and those accounts shall be made up and audited by the Auditor-General or an officer authorised by him in the manner prescribed by rules under this Ordinance.

25 (1) The poor law scheme as finally approved shall be valid only when it has been confirmed by the Executive Committee and such confirmation has been notified by notification published in the Gazette.

(2) When a poor law scheme has been so confirmed and notified—

- (a) all the functions of the rural local authority and each unit thereof under this Ordinance shall stand referred to and be delegated to the rural local committee without any restrictions or conditions except the

Power of unit of rural local authority to use its funds to perform functions under this Ordinance.

Borrowing powers of a unit of rural local authority.

Acquisition of lands or buildings.

Audit of accounts.

Confirmation of poor law scheme.

power of voting and borrowing money or levying a rate or acquiring lands ; and the rural local authority and each unit thereof shall be deemed to have discharged all their functions under this Ordinance except the function of providing funds and voting money for the due execution of the poor law scheme ; and

- (b) it shall be the duty of the rural local committee to discharge all the functions of the rural local authority and each unit thereof under this Ordinance with reference to such poor law scheme throughout the administrative limits of the rural local authority and of each unit of the chief headman's division in which this Part of this Ordinance is in force ; and
- (c) the rural local committee shall have full power to give effect to the poor law scheme and to have control of the central fund referred to in sub-section (2) of section 19 and to spend from such fund subject to prescribed rules.

PART IV.

*General.*

Application of Part IV to areas under urban and rural local authorities.

26 This Part of this Ordinance shall apply within the administrative limits of an urban local authority in which Part II. of this Ordinance is in force and within a chief headman's division in which Part III. of this Ordinance is in force.

Duty of family to relieve and maintain poor persons.

27 (1) It shall be the duty of the father, grandfather, mother, grandmother, husband or child of a poor person or of an orphan if possessed of sufficient means, to relieve and maintain that person or orphan.

(2) The mother of an illegitimate child, so long as she is unmarried or a widow, shall be bound to maintain the child as part of her family until the child attains the age of sixteen :

Provided that, as respects any female child who is married under the age of sixteen, this sub-section shall not apply after the marriage.

(3) A man who marries a woman having a child (whether legitimate or illegitimate) at the time of the marriage shall be liable to maintain the child as part of his family, and shall be chargeable with all relief granted to, or on account of, the child until the child attains the age of sixteen or until the death of the mother of the child, and the child shall, for the purposes of this Ordinance, be deemed to be part of the husband's family accordingly.

(4) A married woman having separate property shall be subject—

- (a) to all such liability for the maintenance of her husband, children and grandchildren as her husband is by law subject to for the maintenance of herself, her children and grandchildren ;
- (b) to the same liability for the maintenance of her parent or parents as an unmarried woman :

Provided that nothing in this sub-section shall relieve her husband from any liability imposed on him by law to maintain her children and grandchildren.

Relief to wife or child treated as relief to husband or parent.

28 All relief given to or on account of a wife shall be considered as given to her husband, and all relief given to or on account of any child under the age of sixteen, not being a poor person, shall be considered as given to the father of the child or to the husband of the mother, or, if the mother of the child is unmarried or a widow, to the mother of the child, as the case may be :

Provided that—

- (a) nothing in this section shall discharge the father, grandfather, mother or grandmother of any child from liability to relieve and maintain the child in pursuance of the provisions of this Ordinance ; and
- (b) where the husband of a woman is beyond the seas, or in legal custody, or in confinement in an asylum as a lunatic or is living apart from her, all relief given to her or to her child shall, notwithstanding her coverture, be considered as given to her in the same manner and subject to the same conditions as if she were a widow, without prejudice however to the liability of her husband in respect of the relief.

Reimbursement from persons liable to maintain.

29 (1) In any case in which a person in receipt of relief under this Ordinance is liable to be maintained or relieved by a member of his family by virtue of this Ordinance or of any prescribed rules, it shall be lawful for the urban local authority

or the rural local committee to recover from such latter person so much as will reimburse such authority or committee for the amount expended on the relief of that person during the period of six months before the institution of the proceedings for the recovery thereof.

(2) Any such sum may on application by the prescribed officer be recovered for the use of the urban local authority or the rural local committee from the person liable to pay such sum as if it were a fine imposed under this Ordinance by any Police or Municipal Magistrate having jurisdiction over the place where that person may for the time being be resident; and such amount may be recovered notwithstanding that it may exceed the amount of fine which a Police or Municipal Magistrate may in his ordinary jurisdiction impose.

(3) A certificate of chargeability in the prescribed form may be issued by an urban local authority or a rural local committee and every such certificate purporting to be signed by the prescribed officer shall, unless the contrary is shown, be sufficient evidence, of the truth of all statements contained therein, and shall, within the period of twenty-one days from the date of the certificate, be received in evidence accordingly by all courts of law and for all purposes without proof of the signature or of the official character of the person signing it.

30 (1) Where any person in receipt of relief under this Ordinance has in his possession or belonging to him any money or valuable security for money or jewellery or valuable movables, the urban local authority or the rural local committee of the administrative limits to which he is chargeable may take and appropriate or recover as a debt in the prescribed manner so much of the money or produce of the security jewellery or movables as will reimburse the urban local authority or the rural local committee for the amount expended in the relief of that person during the period of six months before the taking and appropriation or the institution of the proceedings for the recovery thereof, as the case may be.

Reimbursement  
of relief out of  
property of  
person relieved.

(2) In the event of the death of any person in receipt of relief having in his possession or belonging to him any money or property, the urban local authority or the rural local committee of the area in which he dies may reimburse themselves therefrom the expenses incurred in and about his burial, and in and about his maintenance at any time during the twelve months before his death.

(3) Every person who applies for relief under this Ordinance having at the time of application in his possession and under his immediate control any money or other property of which, on inquiry made by or on behalf of an urban local authority or a rural local committee, he does not make correct and complete disclosure, shall be guilty of an offence and shall be liable on summary conviction to be punished with imprisonment of either description for a period not exceeding six months or with a fine not exceeding one hundred rupees or both.

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

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make rules 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 management of the poor;
- (c) the government of institutions for the treatment of poor persons, of orphanages and schools, the preservation of order therein, the classification of persons to be relieved therein, the nature and amount of the relief to be given to and the labour, if any, to be exacted from, the persons relieved therein;
- (d) the guidance and control of urban and rural local authorities, Public Assistance Committees and local sub-committees and rural local committees, and their officers, so far as relates to the management and relief of the poor, of orphans and children of poor persons, and subject to the provisions of this Ordinance, the extent of their duties;
- (e) the making and entering into contracts in all matters relating to such management or relief or to any expenditure for the relief of the poor or orphans and children of poor persons;

- (f) the keeping, examining, auditing and allowing of accounts ;
- (g) the form and method and conditions subject to which contracts of service of officers and servants employed under this Ordinance may be entered into ;
- (h) the method of disposal of property acquired under this Ordinance when such property is no longer required for the purposes of this Ordinance ;
- (i) the composition and duration of office of Public Assistance Committees and local sub-committees and rural local committees ;
- (j) the procedure and regulation of meetings of Public Assistance Committees and local sub-committees and rural local committees ;
- (k) the giving of relief in cases of sudden and urgent necessity by relieving officers ;
- (l) the mode in which a contract for the lodging, boarding or maintenance or education of any poor person, or orphan or child of a poor person, may be entered into with the proprietor or manager of a private boarding-house or establishment or school or orphanage, the terms and duration of any such contract and the management and government of any such boarding-house, establishment, school or orphanage and the inspection and visitation of any such boarding-house, establishment, school or orphanage ;
- (m) the method of recovery of sums expended in relief of a poor person or of an orphan or of a child of a poor person from the property of such person or from his relative legally liable to maintain such poor person, orphan or child ;
- (n) the manner in which and conditions subject to which contributions may be made in aid of voluntary agencies.

(3) No rule made under this section shall have effect until it has been approved by the State Council and ratified by the Governor, nor until notification of such approval and ratification has been published in the Gazette.

(4) Every rule made by the Executive Committee shall, upon the publication of a notification of the approval and ratification of that rule as provided for in sub-section (3), be as valid and effectual as if it were herein enacted.

Penalty on persons disobeying, &c. rules.

32 If any person wilfully neglects or disobeys or contravenes any rule made under this Ordinance, he shall be guilty of an offence and shall be liable on summary conviction for the first offence to a fine not exceeding fifty rupees and for a second or subsequent offence to a fine not exceeding one hundred rupees nor less than fifty rupees.

Right of auditor to inspect.

33 (1) The auditor may at any time, inspect the accounts and books of account of any urban local authority or of a Public Assistance Committee or of a local sub-committee or of a rural local committee or of any officer concerned in the relief of the poor or of orphans or children of poor persons who is liable to account.

(2) If any member of an urban local authority or of a Public Assistance Committee or of a local sub-committee or of a rural local committee or any officer refuses to allow any such auditor when so authorised or required, to make the inspection or obstructs him in his inspection or conceals any such account or book for the purpose of preventing inspection thereof, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred rupees.

Every member and officer a public servant.

34 Every member of a Public Assistance Committee or a local sub-committee or of a rural local committee and every officer and servant appointed under this Ordinance shall be deemed to be a public servant within the meaning of the Ceylon Penal Code.

Relief not to be given save in accordance with Part II. or Part III.

35 (1) Save in accordance with the provisions of this Ordinance relating to cases of sudden or urgent necessity or of any rules made under this Ordinance relating to such cases, it shall not be lawful for any relieving officer or any other person concerned with the relief of the poor or the relief of orphans or of children of poor persons to give any relief under this Ordinance to any poor person or orphan or a child of a poor person except such as may be provided under Part II. or Part III. of this Ordinance.

(2) Any relieving officer or other person acting in contravention of this section shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred rupees.



36 (1) If any difficulty arises in connection with the application of this Ordinance to any urban or rural local authority or in bringing into operation any of the provisions of this Ordinance, the Governor may make such order for removing the difficulty as he may judge to be necessary for that purpose, and any such order may modify the provisions of this Ordinance so far as may appear to him necessary for carrying the order into effect.

Power to remove difficulties.

(2) Every order made under this section shall come into operation upon the date specified therein in that behalf, but shall be laid before the State Council as soon as may be after it is made and shall cease to have effect upon the expiration of a period of three months from the date upon which it came into operation, unless at some time before the expiration of that period it has been approved by a resolution passed by the State Council :

Provided that, in reckoning any such period of three months as aforesaid, no account shall be taken of any time during which the State Council is adjourned for more than seven days or the time taken for the election of new members of the State Council.

37 (1) Any order or scheme made under this Ordinance may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the order or scheme.

Provisions as to orders and schemes.

(2) Any order or scheme made under this Ordinance may be altered or revoked by an order or scheme made in like manner and subject to the like provisions as the original order or scheme.

38 In this Ordinance, unless the context otherwise requires—

Interpretation.

“ appointment ”, “ appointing ”, with its grammatical variations and cognate expressions, includes the power to dismiss or discontinue ;

“ chief headman’s division ” means the area under the supervision of a ratemahatmaya, mudaliyar, adikar maniyakar, or vanniya of a division ;

“ District Council ” means an Urban District Council established under the Local Government Ordinance, No. 11 of 1920 ;

“ Executive Committee ” means the Executive Committee of Local Administration ;

“ functions ” includes powers and duties ;

“ officer ” includes any clergyman, priest, schoolmaster, duly qualified medical practitioner, treasurer, master or matron or warden of an institution or school or orphanage or any other person who is for the time being employed within the administrative limits of an urban or rural local authority or unit thereof in carrying this Ordinance into execution ;

“ orphan ” means a child below the prescribed age whose parents are dead or cannot be found, or one of whose parents is dead or cannot be found and who in the opinion of the poor relief authority is in need of relief under this Ordinance ;

“ poor ”, “ poor persons ”, with its grammatical variations and cognate expressions means persons of either sex unable to maintain themselves owing to physical or mental infirmity or incapacity and in need of relief ;

“ poor law scheme ” when used with reference to an urban local authority means the poor law scheme referred to in section 9 and when used with reference to a rural local committee means the poor law scheme referred to in section 18 ;

“ poor relief authority ” means an urban local authority or the Public Assistance Committee or a rural local committee ;

“ prescribed ” means prescribed by this Ordinance or by the rules made thereunder.

#### *Objects and Reasons.*

The object of the draft Bill is to give legal effect to the scheme for poor relief suggested in Part IV., Chapter VI., of Mr. Wedderburn’s Report on Poor Relief in Ceylon (Sessional Paper XX of 1934) as modified by a joint conference of the Executive Committees of Labour and Local Administration.

2. The Bill provides for the relief of persons who are unable to maintain themselves owing to physical or mental infirmity or incapacity and in need of relief, and their wives, and children under sixteen dependent on them. (Clauses 4

and 28). It also provides that relief be given in obtaining educational facilities and industrial training to orphans and children of poor parents (as defined above) in accordance with paragraph 19 of the Memorandum of the Chairman, Colombo Municipality of July 30, 1935. (Clause 4).

3. (a) The Bill makes provision for two classes of local authorities which will be under the duty of providing poor relief. Part II provides for one class and Part III for the second class.

(b) Under Part II, the Ordinance will apply in the first instance to the three Municipal Councils of Colombo, Kandy and Galle, and it can be later extended to Urban District Councils and Local Boards. Their duties will be delegated to a Public Assistance Committee.

(c) Under Part III, the local authority charged with the duty of providing poor relief will be composed of all the Sanitary Boards and Village Committees within a chief headman's division acting jointly, and each Sanitary Board and Village Committee will be a unit. But this duty will be delegated to a rural local committee as constituted in Clause 17.

4. (a) Under Part II, Public Assistance Committees are to consist of the number of members prescribed by rules, half the number being nominated by the local authority and the other half by the Governor on the advice of the Executive Committee of Local Administration (Clauses 10 and 12).

(b) Under Part III, rural local committees will consist as to one-half thereof of the Chairman of each Sanitary Board and each Village Committee and of two members from each Village Committee and of two members from each such body nominated by such body and as to the other half of persons nominated by the Executive Committee.

(c) The Executive Committee will of course follow the suggestion in the Sessional Paper (paragraph 164 (3)) that nominated members should include women members and that they should be persons with experience of work among the poor of the area.

5. (a) In the case of local authorities dealt with under Part II the cost of the poor relief will be met out of funds furnished and voted by each local authority and any sum that may be made over to the local authority by the Central Government. (Clauses 5 and 9).

(b) Power has been given to each local authority to levy a special rate, to borrow money and to acquire lands. (Clauses 5, 6 and 7).

(c) The Bill gives power to the local authority to draw up and prepare a poor relief scheme and the money voted will be spent in carrying out such scheme. (Clauses 9, 10, 11, &c.).

(d) The poor relief scheme will provide for the delegation by the local authority of all its executive functions to the Public Assistance Committee, which will carry out the scheme and spend the money voted in accordance with the scheme, subject to any conditions or restriction contained in the poor law scheme and subject further to such rules as may be made under the Ordinance for the general guidance and control of Public Assistance Committees (Clauses 10 and 12).

(e) The local authority will appoint all officers, keep accounts and audit the accounts and acquire lands. (Clauses 11, 8 and 7.)

6. Under Part III of this Ordinance, which will apply only to a chief headman's division, each Sanitary Board and each Village Committee will form a unit of the rural local authority. This rural local authority will only contribute money and all its functions will be delegated to the rural local committee including the control and spending of funds: hence the appointment of officers, the keeping of accounts and the auditing of accounts will be done by the rural local committee subject to rules made in that behalf under the Ordinance. The power to levy a special rate is only given to a unit of a rural local authority which has the power to levy a rate under any other Ordinance.

7. Part IV of the Ordinance gives power to the Executive Committee to make rules (Clause 31); declares the relatives liable to maintain a poor person and provides the machinery for the recovery of the moneys spent in the relief of a person from the property of the poor person (if he has any) or from his relatives liable to maintain him. (Clauses 27 to 30).

Part IV also makes the members of Public Assistance Committees, local sub-committees, rural local committees and the poor relief officers public servants within the meaning of the Ceylon Penal Code, and there is a general penal provision making the breach of a prescribed rule an offence.

8. An important point dealt with in the Bill is the provision for contributions by local authorities to voluntary agencies, which appear to render useful aid in the administration of poor relief within their administrative limits. By Clauses 4 (1) (d) and 15 (1) (d) and these contributions will depend on the support given by the public to such agencies and they will be conditional on the agencies agreeing to register all cases assisted with the Registrars to be appointed by the local authorities and on their allowing inspection of their accounts and methods of administration by the officers of the poor relief authorities.

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

Ministry of Local Administration,  
Colombo, February 23, 1939.