



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

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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:—

L. D.—O 107/38

An Ordinance to validate the grant by the Ceylon State Mortgage Bank of loans of sums below two thousand five hundred rupees.

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 Ceylon State Mortgage Bank (Validation of Loans) Ordinance, No. of 1939.

Short title.

2 Notwithstanding anything in section 53 (1) (a) of the Ceylon State Mortgage Bank Ordinance, No. 16 of 1931, no loan heretofore granted under that Ordinance by the Ceylon State Mortgage Bank shall be deemed to have been granted in contravention of the provisions of that Ordinance by reason only of the fact that the loan was less than the sum of two thousand five hundred rupees.

Loans of less than Rs. 2,500 to be deemed to have been properly made.

Objects and Reasons.

Section 53 of the Ceylon State Mortgage Bank Ordinance, No. 16 of 1931, as amended by Ordinance No. 24 of 1938, enables the Bank to grant additional loans on the security of

property already mortgaged to the Bank; the amendment was made retrospective in effect in order to regularize the additional loans which had been granted by the Bank before the amendment of the section.

It has now been found that certain of these additional loans were of amounts below the minimum prescribed by section 53 (1) (a), and the question whether the loans were properly made is therefore not entirely free from doubt. The object of this Bill is to declare that no loan heretofore granted shall be deemed to have been improperly made by reason only of the fact that the amount of the loan was less than the prescribed minimum.

Financial Secretary's Office,
Colombo, March 15, 1939.

H. J. HUXHAM,
Financial Secretary.

MINUTE.

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

	L. D.—CF 22/38
No. 15 of 1898.	An Ordinance to amend the Criminal Procedure Code, 1898.
	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. of 1939.
Amendment of section 100 of Ordinance No. 15 of 1898.	2 Section 100 of the Criminal Procedure Code, 1898, (hereinafter referred to as "the principal Ordinance") is hereby amended by the substitution, for all the words from "in Her Majesty's army" to "acting as such", of the words— "of His Majesty's Regular Forces or an officer or soldier of the Defence Force acting as such".
Amendment of section 102 of the principal Ordinance.	3 Section 102 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for all the words from "commissioned" to "provisions of any law", of the words— "officer or non-commissioned officer in command of any soldiers of His Majesty's Regular Forces or of any soldiers of the Defence Force".
Amendment of section 103 of the principal Ordinance.	4 Section 103 of the principal Ordinance is hereby amended by the substitution, for the words "Her Majesty's army", of the words "His Majesty's Regular Forces".
Amendment of section 104 of the principal Ordinance.	5 Section 104 of the principal Ordinance is hereby amended as follows :— (1) by the substitution for the words "or any military officer, peace officer, soldier, or soldiers of the Defence Force", of the words— "or any peace officer or any officer or soldier of His Majesty's Regular Forces or of the Defence Force"; (2) in paragraph (d), by the substitution, for the words, "No inferior officer or soldier or soldier of the Defence Force", of the words— "No officer or soldier of His Majesty's Regular Forces or of the Defence Force".
Insertion of new section 104A in the principal Ordinance.	6 The following new section is hereby inserted immediately after section 104, and shall have effect as section 104A of the principal Ordinance—
Interpretation.	104A. In this Chapter— "Defence Force" means the Defence Force formed or maintained in Ceylon under the provisions of the Defence Force Ordinance, 1910 ; "His Majesty's Regular Forces" has the same meaning as in the Army Act of the Imperial Parliament.

Objects and Reasons.

The object of this Bill is to amend some of the provisions of Chapter VIII. of the Criminal Procedure Code which deals with the dispersal of unlawful assemblies by the use of civil and military force.

2. Section 100 of the Code refers to an "*officer or soldier* in His Majesty's army or a *soldier* of the Defence Force". The amendment proposed in Clause 2 is to substitute the phrase "His Majesty's regular forces" for "His Majesty's army" as the former phrase is defined in the Army Act to which reference is made in new section 104A (Clause 6) and in section 435 of the Code. The opportunity has been taken to insert a reference to an *officer* of the Defence Force in view of the specific reference to an army officer in the existing section.

3. Section 102 of the Code authorises the use of soldiers of the Defence Force for the dispersal of unlawful assemblies by military force "if the Governor so direct in writing". It would be difficult for a Magistrate, &c., to obtain an *ad hoc* direction when an emergency occurs, and the retention of the words is unnecessary if the direction is to be general in its terms and application. Clause 3 accordingly provides for the omission of the words quoted and for the insertion in section 102 of amendments similar to those proposed to be inserted in section 100.

4. The amendments dealt with in Clauses 4 and 5 are consequential on those to which reference has already been made, while Clause 6 inserts at the end of Chapter VIII a new section 104A explaining the phrases 'Defence Force' and 'His Majesty's Regular Forces'.

J. C. HOWARD,
Legal Secretary.

Chambers,
Hulftsdorp, Colombo, March 14, 1939.

MINUTE.

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

L. D.—CF 22/38

N 52/39

An Ordinance to amend the Defence Force Ordinance, 1910.

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 Defence Force Amendment Ordinance, No. of 1939. Short title.

2 Section 19 of the Defence Force Ordinance, 1910, is hereby amended by the substitution, for sub-section (2) thereof, of the following new sub-section :— Amendment of section 19 of Ordinance No. 8 of 1910.

"(2) At all times when an officer or soldier of the Defence Force is deemed under section 13 (3) to be on active service, whether within or beyond the limits of the Colony, the provisions of the Army Act and of any other Act for the time being amending that Act shall apply to such officer or soldier in like manner as they apply to the officers and soldiers of His Majesty's Regular Forces."

Objects and Reasons.

Sub-section (2) of section 19 of the Defence Force Ordinance, 1910, declares that when the Defence Force or any part of that Force is on active service with any part of His Majesty's Regular Forces, the provisions of the Imperial Army Act which are for the time being in force shall apply to the officers and soldiers of the Defence Force or the part of it which has been called out for active service. The section as it now stands does not deal with the case where the Defence Force or a part of it is on active service as a separate unit; and as it is advisable to make provision for such a case, it is proposed in this Bill to replace sub-section (2) by a new sub-section which will make the Army Act applicable as soon as the Defence Force or any part of it is called out for active service.

Colombo, March 11, 1939.

M. M. WEDDERBURN,
Chief Secretary.

MINUTE.

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

L.D.—O 91/38

Cap. 16.
Vol. I., p. 327.

An Ordinance to amend the Criminal Procedure Code.

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. of 1939.

Amendment of
section 435 of
Chapter 16.

2 The Criminal Procedure Code is hereby amended in sub-section (1) of section 435 of that Code as follows :—

- (1) by the substitution for the words “ and the Army Act, or any similar law ”, of the words “ and military law or any similar law ”;
- (2) by the substitution for the words “ under the Army Act, section 41,”, of the words “ under military law ”; and
- (3) by the addition at the end of that sub-section of the following :—

In this sub-section, the expression “ military law ” includes the Army Act, the Naval Discipline Act and the Air Force Act, and the expression “ persons subject to military law ” includes all persons subject to any one of the said Acts.

Objects and Reasons.

The object of this Bill is to amend the provisions of section 435 of the Criminal Procedure Code by extending the application of that section to persons subject to the Naval Discipline Act and the Air Force Act.

Colombo, March 9, 1939.

J. C. HOWARD,
Legal Secretary.