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DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 346/34

An Ordinance to provide for the regulation and control of the prices of commodities.

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 Control of Prices Ordinance, No. of 1939. Short title.

2 (1) The Governor may appoint—

(a) any person, by name or by office, to be or to act as Controller of Prices ; and

(b) such number of Deputy and Assistant Controllers of Prices as he may consider necessary for the purposes of this Ordinance.

Appointment of officers.

(2) The act of appointment of any Deputy or Assistant Controller of Prices shall specify whether he is appointed as such for Ceylon or for any part thereof.

The area for which a Deputy or an Assistant Controller is appointed is hereinafter referred to as " the area of his appointment ".

(3) Every Deputy or Assistant Controller of Prices may, subject to the general direction and control of the Controller, exercise within the area of his appointment all or any of the powers conferred by or under this Ordinance on the Controller.

Orders fixing prices and prescribing conditions of sale.

3 (1) If it appears to the Controller that there is, or is likely to arise, in any part of Ceylon, any shortage of any article or any unreasonable increase in the price of any article, the Controller may by Order—

- (a) fix the maximum price (both wholesale and retail) above which that article shall not be sold ; and
- (b) prescribe the conditions of the sale of that article, including conditions as to the time and place of the sale and the quantity and quality of the article to be sold.

(2) An Order may be limited in operation to any particular place or area in Ceylon and in duration for any specified time or period :

Provided that no Order made by a Deputy or an Assistant Controller of Prices shall be operative outside the area of his appointment.

(3) Every Order shall come into operation when such Order is made and signed by the Controller.

(4) After an Order has been signed by the Controller, public notice thereof shall forthwith be given—

- (a) by beat of tom-tom at such public places within the area in which the Order is to be in operation as the Controller may direct, and by causing a copy of the Order and a translation thereof in Sinhalese and Tamil to be affixed and exhibited in a conspicuous position in every Kachcheri, District Court, Magistrate's Court and police station situated in that area ; or
- (b) by publication of the Order in the Gazette ; or
- (c) in such other manner as may be prescribed.

(5) Every Order shall, as soon as may be after the date on which it comes into operation, be placed before the Executive Committee for consideration and the Executive Committee may thereupon approve or rescind the Order.

(6) Where an Order is rescinded by the Executive Committee under sub-section (5), notice of such rescission shall be published in the Gazette and the Order shall be deemed to be rescinded with effect from the date of such publication but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder.

(7) Where an Order has been approved by the Executive Committee under sub-section (5), that Order shall, as soon as may be after the date of such approval, be submitted to the Board of Ministers ; and the Board may confirm or rescind the Order, or vary the Order in such manner as the Board may deem expedient.

(8) Where any Order is varied by the Board of Ministers under sub-section (7), the Order as so varied shall be published in the Gazette and shall come into operation upon such publication, in substitution for the Order made under sub-section (1), but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder.

(9) Where any Order is rescinded by the Board of Ministers under sub-section (7), notice of such rescission shall be published in the Gazette and the Order shall be deemed to be rescinded with effect from the date of such publication, but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder.

(10) Every Order which is confirmed or varied by the Board of Ministers shall be brought before the State Council by the Minister by a motion that such Order be approved, and, if so approved, shall be presented to the Governor for ratification.

(11) Any Order which the State Council refuses to approve or which the Governor refuses to ratify shall be deemed to be rescinded, but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder. The date on which an Order shall be deemed to be rescinded under this sub-section shall be the date on which the State Council refuses to approve or the Governor refuses to ratify the Order ; and such date shall be notified in the Gazette.

(12) Where an Order has been approved by the State Council and ratified by the Governor, notification of such approval and ratification shall be published in the Gazette ; and, upon such notification, the Order shall be deemed to be as valid and effectual as though it were herein enacted.

4 (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) 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) the returns and information to be furnished for the purposes of this Ordinance ;
- (b) the appointment, constitution and functions of a general advisory board and one or more local advisory boards for the purpose of advising the Controller as to the prices at which and the conditions subject to which any article may be sold ;
- (c) the power to summon and examine witnesses or informants, to administer oaths, to require the production of, or to impound, documents, and to search and inspect premises ;
- (d) the seizure, sale or destruction of articles sold in contravention of any Order, and the disposal of forfeited articles ;
- (e) the prevention, during the operation of any Order under section 3 fixing the price of any article, of the hoarding of such articles ;
- (f) the modes, other than the modes prescribed in section 3(4), in which public notice may be given of Orders made under this Ordinance ;
- (g) any other matters incidental or consequential to any of the matters hereinbefore mentioned, or which may be necessary for the purpose of securing compliance with any Order which may be made under section 3.

(3) No regulation made by the Executive Committee shall have effect unless it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(4) Every regulation made by the Executive Committee shall, upon the publication of the notification of the approval and ratification of that regulation, be as valid and effectual as though it were herein enacted.

5 Any person who acts in contravention of any Order or regulation made under this Ordinance shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment, and in the case of such offence being continued or repeated after such conviction, to an additional fine not exceeding five hundred rupees for each day on which such offence is continued or repeated, or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment ; and the court may order the forfeiture of the article in respect of which the offence was committed. Penalty for breach of Order or regulation.

6 The provisions of this Ordinance or of any Order or regulation shall have no application to any article imported, purchased or stored by or on behalf of the Naval, Military, Air Force or Civil Authorities for the use of His Majesty's Forces or the Civil Administration. Application of Ordinance.

7 In this Ordinance, unless the context otherwise requires— Interpretation.

“ article ” means any article of food, drink or merchandise ;

“ Controller ” means the Controller of Prices, appointed under section 2 ;

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

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

“ Order ” means an Order made under section 3.

Objects and Reasons.

A Bill to provide for the regulation and control of the prices of commodities was passed by the State Council towards the end of 1937. That Bill was reserved for Royal Assent. A despatch was received from the Secretary of State who expressed the opinion that he did not feel able to advise His Majesty to assent to the Bill in the form in which it had been passed by the State Council. He was, however, prepared to give the matter further consideration if the Bill was amended, *inter alia*, so as to require submission to the Board of Ministers of Orders made under the powers conferred by the Bill.

2. After consideration of the views expressed by the Secretary of State, it was decided that it would be preferable to introduce a new Bill under which emergency Orders fixing prices will be referred to the Board of Ministers before they are submitted to the State Council for approval. Administrative machinery will be provided for by regulations made by the Executive Committee in accordance with the usual procedure for the enactment of subsidiary legislation. The power to make regulations will enable subsidiary legislation of a general character to be made in advance of the actual emergency which calls for the promulgation of an Order regulating the prices at which specified commodities may be sold.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, April 3, 1939.