



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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No. 8,459 — THURSDAY, JUNE 22, 1939.

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*Published by Authority.*

PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

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

**An Ordinance to amend the Public Works Loan (1937) Ordinance.**

Cap. 285.  
Vol. VI., p. 270.

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 Public Works Loan (1937) Amendment Ordinance, No. of 1939.

Short title.

2 Section 11 of the Public Works Loan (1937) Ordinance is hereby amended as follows :—

Amendment of section 11 of Chapter 285.

- (1) by the re-numbering of that section as section 11 (1) ;
- (2) in paragraph (b) of re-numbered section 11 (1), by the substitution for all the words from “ any Ordinance hereafter to be enacted ” to “ His Majesty),” at the end of that paragraph, of the following :—

“ the Registered Stock and Securities Ordinance and held by any person who is not resident in Ceylon,” ;

Cap. 289.

(3) by the addition immediately after re-numbered section 11 (1) of the following new sub-section which shall have effect as sub-section (2) of section 11 :—

“(2) In this section, “person” and “resident” have, respectively, the same meaning as in the Income Tax Ordinance.”

Cap. 188.

*Objects and Reasons.*

1. Section 11 of the Public Works Loan (1937) Ordinance (Chapter 285) exempts from income tax the interest payable upon any stock, promissory notes or bonds issued under the Registered Stock and Securities Ordinance (Chapter 289) and held by any Dominion or Colonial Government.

2. The object of this Bill is to extend the exemption from tax to all persons (including Governments) who are not resident in Ceylon so as to induce such persons to invest their capital in loans issued in Ceylon under the Registered Stock and Securities Ordinance

H. J. HUXHAM,  
Financial Secretary.

Financial Secretary's Office,  
Colombo, June 19, 1939.

MINUTE.

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

L. D.—Q. 36/36

**An Ordinance to amend certain provisions of the Criminal Procedure Code (Chapter 16).**

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  
the First  
Schedule to  
Chapter 16.  
[Volume I.,  
page 327.]

2 The First Schedule to the Criminal Procedure Code (Chapter 16), is hereby amended as follows :—

- (a) by the substitution for the words “the King's coin” in the entries in the second column of that Schedule against sections 227, 229, 233, 240 and 242, of the words “current coin”;
- (b) by the substitution for the words “King's coin” in the entries in the second column of that Schedule against sections 230, 235, 238, 244 and 246 of the words “current coin”;
- (c) by the substitution for the words “Possessing any imitation of an Indian currency note” in the entry in the second column of that Schedule against section 468, of the words “Possession of any imitation of any currency note, bank note or coin”.

*Objects and Reasons.*

It is proposed to amend certain provisions of the Penal Code in order to make our legislation conform to the rules of the International Convention for the Suppression of Counterfeiting Currency.

2. The object of this Bill is to make the necessary consequential amendments to the First Schedule to the Criminal Procedure Code (Chapter 16).

Colombo, June 3, 1939.

J. C. HOWARD,  
Legal Secretary.

## MINUTE.

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

L. D.—O 74/38

**An Ordinance to amend the Essential Commodities Reserves Ordinance, No. 5 of 1939.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Essential Commodities Reserves (Amendment) Ordinance, No. of 1939.

Short title.

2 Section 11 of the Essential Commodities Reserves Ordinance, No. 5 of 1939, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution for the word "Registrar" of the word "Director".

Amendment of section 11 of Ordinance No. 5 of 1939.

3 Section 14 of the principal Ordinance is hereby amended in sub-section (2) thereof by the substitution, for the words "in contravention of the provisions of section 9", of the words "in contravention of the provisions of section 8".

Amendment of section 14 of the principal Ordinance.

*Objects and Reasons.*

The object of Clause 2 of this Bill is to amend section 11 of the Essential Commodities Reserves Ordinance, No. 5 of 1939, by substituting the word "Director" for the word "Registrar" which was inserted in the Ordinance by error.

2. Section 14 (2) of the principal Ordinance provides for the forfeiture of any quantity of an essential commodity in a case where a person is convicted of the offence of having imported that quantity in contravention of the provisions of section 9 of the Ordinance. The offence to which section 14 (2) was intended to apply is an offence under section 8 which prohibits importation of an essential commodity except under the authority of a permit. The object of Clause 3 of this Bill is to correct the error which is attributable to the fact that a Clause was omitted from the original draft of the Bill in which existing section 8 appeared as Clause 9.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.  
Colombo, June 10, 1939.

## MINUTE.

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

L. D.—O 72/38

**An Ordinance to amend certain provisions of the Post Office Ordinance.**

Chapter 146,  
Volume III.  
page 717.

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 Post Office Amendment Ordinance, No. of 1939.

Short title.

2 Section 3 of the Post Office Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

Amendment of section 3 of Chapter 146.

(1) in sub-section (1)—

(i) by the omission of paragraphs (a), (b) and (c) set out therein, and the insertion of the following new paragraphs (a) to (f) therein :—

- (a) any letter entrusted to or carried or delivered by a friend or other private agent of the sender or of the receiver, without payment or promise of any fee or reward for the collection or acceptance or the carriage or delivery thereof ;
- (b) any letter entrusted to or carried or delivered by a paid agent or messenger who is specially and solely employed for the purposes of the sender or receiver and is not a person generally engaged or open to engagement by members of the public for collecting and delivering letters for fee or reward ;
- (c) any letter which relates solely to a consignment of goods and which is sent and intended to be delivered with such consignment without payment or promise of any fee or reward over and above the fee or reward payable for the carriage and delivery of such consignment ;

- (d) any letter containing trade announcements, circulars, printed extracts from newspapers or advertisements, which is not addressed to any person by name and is one of a number of letters distributed to members of the public without reference to any list of names or addresses;
- (e) any letter carried by any person other than an officer of the post office either to a post office or letter box for the purpose of posting or from a post office for delivery to the addressee;
- (f) any letter which is not transmissible by post under any written law for the time being in force;

(ii) by the repeal of the proviso to that sub-section; and  
 (2) by the repeal of sub-section (2) thereof, and the insertion of the following new sub-section as sub-section (2) therein—

“(2) Nothing contained in sub-section (1) shall be deemed to authorise any person to make a collection of letters of the description set out in paragraphs (a), (b) and (c) of that sub-section for the purpose of sending or despatching such letters otherwise than by post.”

Insertion of new section 4A in the principal Ordinance.

Definitions for purposes of sections 3 and 4.

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

4A. For the purposes of sections 3 and 4, unless the context otherwise requires, “letter” includes a post-card, a letter-card, commercial papers and any communication written or printed or otherwise recorded on any material of any description whatsoever.

Amendment of section 67 of the principal Ordinance.

4 Section 67 of the principal Ordinance is hereby amended in paragraph (d) set out therein, by the substitution for the words “letters excepted from the exclusive privilege aforesaid”, of the words “such letters as are referred to in paragraphs (a), (b) and (c) of sub-section (1) of section 3”.

*Objects and Reasons.*

Section 3 of the Post Office Ordinance (Chapter 146, Volume III., page 717), in declaring that it is the exclusive privilege of the Government to collect, convey, transmit and deliver letters as defined in that section, enumerates certain exceptions in terms which are not quite clear. The object of this Bill is to amend the section by the substitution of a new and clearer statement of these exceptions, (Clause 2), and to make consequential amendments in two other sections of the Ordinance (Clauses 3 and 4).

J. L. KOTELAWALA,

Minister for Communications and Works.

Colombo, June 9, 1939.

MINUTE.

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

L. D.—O 36/36

**An Ordinance to amend certain provisions of the Penal Code (Chapter 15).**

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 Penal Code (Amendment) Ordinance, No. of 1939.

Repeal of section 225 of Chapter 15 and substitution of new section therefor. (Volume I., page 191.)

2 Section 225 of the Penal Code (Chapter 15), (hereinafter referred to as “the principal Ordinance”) is hereby repealed and the following section is substituted therefor :—

Meaning of coin and current coin.

“225. ‘coin’ is metal used as money stamped and issued by the authority of the government of any part of His Majesty’s dominions or by the authority of the government of any foreign country in order to be so used.

‘current coin’ means coin which is lawfully current in any part of His Majesty’s dominions or in any foreign country.

*Illustrations.*

- (a) Cowries are not coin.  
 (b) Lumps or bars of unstamped metal, though used as money, are not coin.  
 (c) Medals are not coin, inasmuch as they are not intended to be used as money.”

3 Sections 227, 229, and 230 of the principal Ordinance are hereby amended by the substitution for the words "the King's coin" in those sections wherever the words occur, of the words "current coin".

Amendment of sections 227, 229 and 230 of principal Ordinance.

4 Section 233 of the principal Ordinance is hereby amended by the substitution for the words "any counterfeit coin which he knows or has reason to believe to be a counterfeit of the King's coin," of the words "any counterfeit current coin, knowing or having reason to believe that the same is counterfeit,".

Amendment of section 233 of principal Ordinance.

5 Section 235 of the principal Ordinance is hereby amended by the substitution for the words "any counterfeit coin, which is a counterfeit of the King's coin, and which at the time he became possessed of it he knew to be a counterfeit of the King's coin," of the words "any counterfeit current coin, which at the time he became possessed of it he knew to be counterfeit,".

Amendment of section 235 of principal Ordinance.

6 Section 238 of the principal Ordinance is hereby amended by the substitution for the words "is in possession of counterfeit coin which is a counterfeit of the King's coin, having known at the time when he became possessed of it that it was counterfeit," of the words "is in possession of counterfeit current coin, having known at the time when he became possessed thereof that such coin was counterfeit,".

Amendment of section 238 of principal Ordinance.

7 Sections 240 and 242 of the principal Ordinance are hereby amended by the substitution for the words "any of the King's coin" wherever the words occur in those sections of the words "any current coin".

Amendment of sections 240 and 242 of principal Ordinance.

8 Section 246 of the principal Ordinance is hereby amended by the substitution for the words "King's coin" wherever the words occur in that section of the words "current coin".

Amendment of section 246 of principal Ordinance.

9 The marginal notes to sections 227, 233, 240 and 242 are hereby amended by the substitution for the words "the King's coin" wherever those words occur of the words "current coin".

Amendment of marginal notes to sections 227, 233, 240 and 242 of principal Ordinance.

10 The marginal notes to sections 229, 235, 238 and 246 are hereby amended by the substitution for the words "King's coin" wherever those words occur of the words "current coin".

Amendment of the marginal notes to sections 229, 235, 238 and 246 of principal Ordinance.

11 Section 468 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal of section 468 of principal Ordinance and substitution of new section therefor.

"468. (1) Whoever without lawful authority or excuse, the proof whereof shall lie on the person accused, shall have in his possession any imitation of any currency note, bank note or coin which is lawfully current in any part of His Majesty's dominions or in any foreign country shall be guilty of an offence, and shall be liable to imprisonment of either description for any period not exceeding two years, or to fine, or to both.

Possession of any imitation of any currency note, bank note or coin

(2) For the purposes of this section the expression—

'imitation' includes cotton, silk, or other woven goods impressed with designs in imitation of any currency note, bank note or coin lawfully current in His Majesty's dominions or in any foreign country."

#### *Objects and Reasons.*

In order that notice of accession to the International Convention for the Suppression of Counterfeiting Currency may be given on behalf of this country it is necessary that our legislation should conform to the rules contained in the Convention.

2. Article 5 of the Convention requires that the scale of punishments for offences relating to domestic currency should be the same as that for offences relating to foreign currency.

3. The object of clauses 1 to 10 (both inclusive) of the Bill is to remove the distinction that now exists between the scales of punishments for offences relating to British currency and foreign currency.

4. The object of clause 11 is to extend the scope of section 468 to imitations of all currency notes, bank notes and coins.

Colombo, June 3, 1939.

J. C. HOWARD,  
Legal Secretary.