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PART I.—GENERAL.

GOVERNMENT NOTIFICATIONS.

THE CEYLON (STATE COUNCIL) AMENDMENT ORDER IN COUNCIL, 1939.

THE following Order of His Majesty in Council is published for general information.

Governor's Office,
Colombo, August 11, 1939.

By His Excellency's command,

E. R. SUDBURY,
Secretary to the Governor.

At the Court at Buckingham Palace, the 25th day of July, 1939.

Present

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS it is provided in Article 4 of the Ceylon (State Council) Order in Council, 1931 (hereinafter referred to as "the principal Order"), that the expression "Persons holding public office under the Crown in the Island" and cognate expressions shall not include any officer or soldier of a Defence Force formed under the Defence Force Ordinance, 1910, or under any Ordinance amending or repealing that Ordinance:

And whereas it is expedient to amend Article 4 of the principal Order by substituting other provision for that contained in paragraph (c) of clause (1) of that Article, and by providing that the expression "Persons holding public office under the Crown in the Island" and cognate expressions shall not include any officer or other member of the Ceylon Defence Force, or the Ceylon Naval Volunteer Force raised and maintained in Ceylon under the Naval Volunteer Ordinance, No. 1 of 1937, or the Ceylon Royal Naval Volunteer Reserve constituted under the Ceylon Royal Naval Volunteer Reserve (General Service) Ordinance, No. 44 of 1938, or of any other force, corps, or reserve raised under any Ordinance for the time being in force in the said Island:

And whereas by Article 9 of the principal Order it is provided, *inter alia*, that no person who holds any public office under the Crown in the said Island shall be capable of being elected or appointed as a member of the State Council constituted under the principal Order or of sitting or voting therein as an elected or nominated member:

And whereas by Article 11 of the principal Order it is provided that a person who sits or votes in the Council knowing or having reasonable grounds for knowing that he is disqualified for so sitting or voting shall be liable to the penalty prescribed in that Article :

And whereas by Article 15 of the principal Order it is provided that the seat in the State Council of an elected or nominated member shall become vacant if he shall become incapable of sitting or voting as a member by reason of any of the provisions of Article 9 :

And whereas a member of the State Council who is also an officer or other member of the Ceylon Naval Volunteer Force or the Ceylon Royal Naval Volunteer Reserve may be subject to the disqualifications set out in Article 9 and may be liable to the penalty provided in Article 11 ; and whereas the seat of any such member may become vacant by reason of the provisions of Article 15 of the principal Order :

And whereas it is expedient to indemnify and relieve any such member from such penal consequences as he may have incurred or suffered under Article 11 by sitting or voting in the State Council as a member thereof at any time between the nineteenth day of November, 1937 (being the date on which the Naval Volunteer Ordinance, No. 1 of 1937, came into operation), and the date of the coming into operation of this Order, and to declare that the seat of any such member shall not at any such time have become vacant by reason of the provisions of Article 15 of the principal Order :

And whereas by Article 98 of the principal Order His Majesty reserved to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to revoke, alter or amend the said Order as to Him or Them should seem fit :

And whereas by Article 72 of the principal Order His Majesty has reserved to Himself, His Heirs and Successors with the advice of His or Their Privy Council, to make from time to time such laws as may appear necessary for the peace, order, and good government of the Island as fully and effectually as if the said Order had not been made :

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the Ceylon (State Council) Amendment Order in Council, 1939. It shall be published in the *Ceylon Government Gazette* and shall come into operation on the date of such publication.

2. Article 4 of the principal Order is hereby amended in clause (1) of that Article by the substitution, for paragraph (c), of the following new paragraph :—

“(c) Any officer or other member of a Defence Force Corps or Reserve, or of the Ceylon Naval Volunteer Force, or of the Ceylon Royal Naval Volunteer Reserve, or of any other force, corps or reserve raised, established, formed or maintained under any Ordinance for the time being in force in the Island ;”.

3. Notwithstanding anything in the principal Order, an elected or nominated member of the State Council of Ceylon shall not be deemed to have become incapable of sitting or voting as a member of the Council at any time between the nineteenth day of November, 1937, and the date of the coming into operation of this Order, and the seat in the State Council of any such member shall not be deemed to have become vacant at any such time, by reason only of the fact that at any time between the aforesaid dates any such member was, or had become, or had been enrolled as, an officer or other member of the Ceylon Naval Volunteer Force raised and maintained in Ceylon under the Naval Volunteer Ordinance, No. 1 of 1937, or as an officer or other member of the Ceylon Royal Naval Volunteer Reserve constituted under the Ceylon Royal Naval Volunteer Reserve (General Service) Ordinance, No. 44 of 1938.

4. No action, prosecution or legal proceeding whatsoever under the provisions of Article 11 of the principal Order, or otherwise, shall be brought, instituted or maintained—

- (a) for the recovery of any penalty incurred, or alleged to have been incurred, under the said Article, whether for the amount prescribed therein, or not ; or
- (b) for the recovery of any damages, the enforcement of any forfeiture or penal consequences or the declaration of any vacancy, disqualification or incapacity—

against any member of the Ceylon State Council for or on account of or in respect of his having sat or voted in the Council as an elected or nominated member thereof at any time between the nineteenth day of November, 1937, and the date of the coming into operation of this Order after he was disqualified or was alleged to have been disqualified for so sitting or voting or after his seat became vacant or was alleged to have become vacant by reason of the fact that at any time between the aforesaid dates he was, or had become, or had been enrolled as, an officer or other member of the Ceylon Naval Volunteer Force raised and maintained in Ceylon under the Naval Volunteer Ordinance, No. 1 of 1937, or as an officer or other member of the Ceylon Royal Naval Volunteer Reserve constituted under the Ceylon Royal Naval Volunteer Reserve (General Service) Ordinance, No. 44 of 1938 ; and if any such action, prosecution or legal proceeding has been, or shall hereafter be, brought or instituted, it shall be dismissed and made void, subject to such order as to costs as the Court may think fit to make.

5. His Majesty hereby reserves to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to revoke, alter or amend this Order, as to Him or Them shall seem fit.

RUPERT B. HOWORTH.