



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

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PART I.—GENERAL.

GOVERNMENT NOTIFICATIONS.

No. CF. 1391/34.

Notification of the Suspension of Telecommunication Services throughout the Empire.

1. His Majesty's Government find themselves under the necessity of availing themselves of the power reserved under Article 27 of the International Telecommunication Convention to suspend all radio-telephony services without exception and to suspend the transmission of all other telecommunications to and from or in transit through the United Kingdom and to and from or in transit through all British Possessions and all British Protectorates whatsoever save and except such communications as are on the service of any British Government and such telegrams as both originate outside and are addressed to places outside the British Empire. (For radio telegrams to or from aircraft and ships at sea, see paragraph 3 below.)

2. The transmission of such telegrams and radiotelegrams originating in and/or addressed to places in the British Empire as Foreign Governments or the public choose to send will, however, be permitted as an act of grace provided that such telegrams and radiotelegrams are written in plain English or French and on the understanding that they are accepted at the sender's risk, and subject to censorship by the British authorities; that is, they may be stopped, delayed, or otherwise dealt with in all respects at the discretion of those authorities, and without notice to the senders; and that no claims in respect of them, whether for the reimbursement of the sums paid for transmission or otherwise will be considered by His Majesty's Government in any circumstances whatever. Such telegrams and radiotelegrams will not be admitted as urgent. It is, moreover, essential that they should bear the sender's name at the end of the text, otherwise, they are liable to be stopped until the name is notified by paid telegram. Registered abbreviated addresses will not be accepted either as addresses or as names of senders.

3. Radio Telegrams to or from aircraft and ships at sea, which both originate outside and are addressed to places outside the British Empire, will be admitted in transit under the same conditions as telegrams and radiotelegrams originating in and/or addressed to places in the British Empire.

Chief Secretary's Office.
Colombo, September 1, 1939.

THE EMERGENCY POWERS (DEFENCE) ACT, 1939.

DEFENCE REGULATIONS made by the Governor by virtue of the powers vested in him by section 1 of the Emergency Powers (Defence) Act, 1939, of the Imperial Parliament, as adapted, modified and extended to Ceylon by the Emergency Powers (Colonial Defence) Order in Council, 1939.

By His Excellency's command,

E. R. SUDBURY,
Secretary to the Governor.

September 1, 1939.

No. CF. D. 306/38.

REGULATION 1.

Appointment of
censor and
censorship.

(1) The Governor may appoint a censor of postal and telegraphic communications, and such number of assistant and deputy assistant censors as he may think fit. The word "censor" in this regulation includes any assistant censor so appointed.

(2) The Governor may by warrant under his hand authorise the Postmaster-General and the person in charge of each cable and radio station in Ceylon to detain and produce to the censor all postal articles and telegrams coming into their possession either for transmission or delivery.

(3) The censor, or any person authorised by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any postal article or telegrams of any description whatsoever which may be in course of, or intended for, transmission to, from, or through Ceylon.

(4) For the purpose of ensuring that urgent correspondence is dealt with expeditiously by the censor and transmitted or delivered with the least possible delay, the Governor may make or authorise the Postmaster-General to make an order from time to time prescribing the conditions on which such expeditious disposal and delivery of urgent correspondence may be secured by any person, including a condition as to the payment of a special fee, of such amount as may be prescribed in the order, in addition to the postage and any other charges that may be payable in respect of each postal article forming part of such correspondence.

(5) Any person who without lawful authority transmits any telegram with any apparatus of any description installed in Ceylon or on any vessel or aircraft within the territorial waters thereof shall, unless such telegram has first been passed for transmission by the censor, be guilty of an offence against this regulation.

(6) Any person employed in the office of the Censor or otherwise engaged in censorship duties who, without the permission of the Censor, discloses any information obtained by him while so employed or engaged, to any person to whom he is not authorised to make such disclosure for the purposes of his official duties, shall be guilty of an offence.

(7) The Censor may in his discretion accept such sum as he may consider reasonable as a penalty in composition of any offence under this regulation; and where payment of such penalty is accepted by the Censor in respect of any such offence, no prosecution shall be instituted or maintained in respect of that offence against the person from whom payment is so accepted.

REGULATION 2.

Postal
communications.

(1) The Governor may make provision by order for securing that postal packets of any such description as may be specified in the order shall not be despatched by post from Ceylon to destinations outside Ceylon, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal packets, direct that no postal packet of that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order.

(2) The Governor may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from Ceylon to any destination outside Ceylon otherwise than by post, or conveyed into Ceylon otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to embark on any vessel or aircraft at any place in Ceylon for the purpose of leaving Ceylon, or lands from any vessel or aircraft at any place on coming to Ceylon, (which person is hereafter in this paragraph referred to as "the traveller") shall, if requested so to do by an authorised officer,—

- (a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this regulation;
- (b) produce any such article as aforesaid which he has with him;

and an authorised officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this regulation, and, if the authorised officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the authorised officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no woman shall be searched in pursuance of this paragraph except by a woman.

(4) Where, at any place in Ceylon, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person embarking thereat on a vessel or aircraft for the purpose of leaving Ceylon or landing thereat from a vessel or aircraft on coming to Ceylon, the provisions of paragraph (3) of this regulation shall apply in relation to the person so found, as they apply in relation to a person about to embark on a vessel or aircraft for the purpose of leaving Ceylon; and where any person is on any occasion found travelling in Ceylon to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to embark on a vessel or aircraft for the purpose of leaving Ceylon.

Where there is declared or produced to the authorised officer in compliance with this regulation, or discovered by the authorised officer in circumstances in which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take, such steps (including subsection of the article to the process of development) as may be reasonably necessary for enabling the authorised officer to ascertain whether or not it has been so exposed.

REGULATION 3.

If any person contravenes or fails to comply with any of these regulations, or any order or rule made or any direction given or requirement imposed under any of these regulations, he shall be guilty of an offence against that regulation and, subject to any special provisions contained in these regulations, shall—

Penalties.

- (1) on conviction after summary trial before a Magistrate, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one thousand five hundred rupees, or to both such imprisonment and such fine, or
- (2) on conviction before a District Court, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding seven thousand five hundred rupees, or to both such imprisonment and such fine.

REGULATION 4.

Save as otherwise expressly provided, the powers conferred by these regulations shall be in addition to and not in derogation of any other rights or powers vested in the Governor, or conferred by law on any other authority or person.

Powers of Governor.

REGULATION 5.

Nothing in these regulations shall affect the liability of any person to trial and punishment for any offence otherwise than in accordance with these regulations:

Liability for offences.

Provided that no person shall be punished twice for the same act or omission.

REGULATION 6.

These regulations may be cited as the Defence (Censorship) Regulations.

APPOINTMENTS, &c., BY THE GOVERNOR.

No. 445 of 1939.

CFD. 404/31

HIS EXCELLENCY THE GOVERNOR has been pleased to make the following appointments for the purpose of the Defence Regulations:—

Mr. W. D. GODSALL to be Censor.

Mr. I. F. WILSON, Mr. J. E. JACKSON, Mr. M. L. D. CASPERSZ, Mr. C. B. P. PERERA, Mr. T. S. S. SYDENHAM CLARKE, Mr. L. PIYASENA, Mr. N. NAGENTHIRAM, Mr. C. J. DE SARAM, Mr. J. H. O. PAULUSZ, Mr. H. T. DE S. ALWIS, Mr. W. R. WATSON to be Assistant Censors.

By His Excellency's command,

M. M. WEDDERBURN,
Chief Secretary.

Chief Secretary's Office,
Colombo, September 1, 1939.