



THE
CEYLON GOVERNMENT
GAZETTE
 EXTRAORDINARY.

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PART I.—GENERAL.

(Separate paging is given to each Part in order that it may be filed separately.)

GOVERNMENT NOTIFICATIONS.

L. D./B 20/38

THE FOOD CONTROL ORDINANCE.

Order.

BY virtue of the powers in me vested by section 4 (1) of the Food Control Ordinance (Chapter 132), I, George Claude Stanley Corea, Minister for Labour, Industry and Commerce, do by this Order—

- (1) prescribe the prices specified in columns 2 and 3 of the Schedule hereto to be respectively, the maximum wholesale price per hundred eggs and the maximum retail price per egg above which eggs of the description and grade specified in the corresponding entries in column 1 of that Schedule shall not be sold by wholesale or by retail, as the case may be, in any part of the Island ;
- (2) direct that for the purposes of this Order—
 - (a) any sale of any number of eggs for the purpose of re-sale shall be deemed to be a sale by wholesale ;
 - (b) any sale of any number of eggs for the purpose of consumption or use shall be deemed to be a sale by retail ; and
 - (c) “ egg ” means an egg of the female of the domestic fowl.

Colombo, September 4, 1939.

G. C. S. COREA,
 Minister for Labour, Industry and Commerce.

Column 1. <i>Description and Grade.</i>	SCHEDULE.		Column 2. <i>Maximum wholesale price per 100 eggs.</i>	Column 3. <i>Maximum retail price per egg.</i>
		Rs. c.	Rs. c.	Rs. c.
<i>A.—Graded Eggs.—</i>				
1. Special Grade, <i>i.e.</i> , not less than 2 oz. in weight	..	8 0	..	0 10
2. Grade 1, <i>i.e.</i> , over 1½ oz. and under 2 oz. in weight	..	7 0	..	0 10
3. Grade 2, <i>i.e.</i> , over 1½ oz. and under 1½ oz. in weight	..	6 50	..	0 8
4. Grade 3, <i>i.e.</i> , under 1½ oz. in weight	..	5 50	..	0 6
<i>B.—Ungraded Eggs, i.e., of unspecified weight</i>	..	5 50	..	0 6½

THE FOOD CONTROL ORDINANCE.

Order.

BY virtue of the powers vested in me by section 4 (1) (a) of the Food Control Ordinance (Chapter 132), I, George Claude Stanley Corea, Minister for Labour, Industry and Commerce, do by this Order prohibit the transport or removal from the Matale District of paddy grown in the said District or of rice made from such paddy, except under the authority of a permit issued by the Deputy Food Controller for the Matale District.

Colombo, September 4, 1939.

G. C. S. COREA,
 Minister for Labour, Industry and Commerce.

THE following Act of the Imperial Parliament which applies to Ceylon, is hereby published for general information.

By His Excellency's command,
E. R. SUDBURY,
Secretary to the Governor.

Colombo, September 4, 1939.

A.D. 1939.

An Act to impose restrictions on certain transactions in respect of ships and aircraft and parts of aircraft; and for purposes connected with the matter aforesaid.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5

Restriction on transfer and mortgage of ships.

1.—(1) It shall be unlawful, except under the sanction of the Board of Trade,—

(a) to transfer any ship to which this Act applies or any share in such a ship, or

(b) to mortgage any such ship or any share there- 10
in or to transfer a mortgage of any such ship or share;

and if any person purports to effect any transfer or mortgage which is unlawful by virtue of this subsection, then, in addition to the transfer or mortgage 15
being void, he shall be guilty of an offence.

57 & 58 Vict.
c. 60.

(2) Any ship or share in a ship which has been the subject of any transaction unlawful by virtue of this section shall be subject to forfeiture; and accordingly section seventy-six of the Merchant Shipping Act, 20
1894, as amended by any subsequent enactment (which section prescribes the procedure for the forfeiture of ships) shall apply in relation to ships which have become subject to forfeiture under this section, as it applies in relation to ships which have become subject 25
to forfeiture under Part I of that Act.

Restriction on transfer of registry of ships.

2. Notwithstanding anything in section fifty-three of the Merchant Shipping Act, 1894, an application made (whether before or after the commencement of this Act) for the transfer of the registry of a ship to 30
which this Act applies from any port at which the ship is registered for the time being, shall not be granted except with the approval of the Board of Trade.

Restriction on transactions in respect of aircraft and parts of aircraft.

3.—(1) It shall be unlawful, except under the sanction of the Secretary of State, to sell, transfer or 35
let on hire (whether under charter or otherwise), or to do anything involving the creation of a charge on,—

(a) any aircraft to which this Act applies, or

(b) any airframe, aero-engine or airscrew which is within any country or territory to which 40
this Act extends;

and if any person purports to effect any transaction which is unlawful by virtue of this section, then, in addition to the transaction being void, he shall be 45
guilty of an offence:

Provided that the provisions of this section restricting transactions in respect of airframes, aero-engines and airscrews shall not avoid, or render a person punishable in respect of, any transaction relating to an aircraft to which this Act does not apply, by reason only 50
that any airframe forming part of the aircraft, or any aero-engine or airscrew installed therein, is within a country or territory to which this Act extends.

(2) This section shall come into operation on such date as the Secretary of State may by order appoint.

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4.—(1) The ships to which this Act applies are—

Ships and aircraft to which this Act applies.

(a) all British ships, except ships registered—

- 5 (i) in a Dominion, or
(ii) in any territory administered by His Majesty's Government in a Dominion, or
(iii) In India or Burma; and

(b) all other ships being ships—

- 10 (i) which are registered in or licensed under the law of, any colony or British protectorate or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom,
15 or

- (ii) which, in pursuance of an Order in Council under section eighty-eight of the Merchant Shipping Act, 1894, are registered at any port within which His Majesty exercises jurisdiction in accordance with the Foreign Jurisdiction Act, 1890.

53 & 54 Viet. c. 37.

(2) The aircraft to which this Act applies are—

(a) all aircraft registered—

- 25 (i) in the United Kingdom,
(ii) in any of the Channel Islands or in the Isle of Man,
(iii) in Newfoundland or in any colony,
(iv) in any British protectorate, or
30 (v) in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom; and

- 35 (b) all other aircraft being aircraft which are within any of the countries and territories referred to in paragraph (a) of this subsection, and have at any time (whether before or after the commencement of this Act) been registered in any of the said countries and territories, and are not for the time being either registered—

- (i) in a Dominion, or
(ii) in any territory administered by His Majesty's Government in a Dominion,
45 or
(iii) in India, Burma or Southern Rhodesia,

or registered in a register of any foreign State.

- 50 The reference in paragraph (a) of this subsection to any colony shall be construed as a reference to any colony except Southern Rhodesia or a colony administered by His Majesty's Government in a Dominion.

5. Where a person convicted of an offence under
55 this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or an officer of the body corporate shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his knowledge or that
60 he exercised all due diligence to prevent the commission of the offence.

Offences by corporations.

A.D. 1939.

Penalties
and legal
proceedings.

6.—(1) Any person guilty of an offence under this Act shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or to both such imprisonment and a fine, or 5
- (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine. 10

(2) Proceedings against any person for the purposes of this Act may be taken before the court having jurisdiction in the place where that person is for the time being.

(3) Any summary proceedings which may be taken against a person for an offence under this Act committed by him outside the countries and territories to which this Act extends may, notwithstanding any limitation imposed by law on the time for taking proceedings, be commenced in any competent court within six months from the date on which he first sets foot within the jurisdiction of that court after the commission of the offence. 20

(4) In any proceedings a document purporting to state that a sanction or approval has been given under this Act, and to be signed on behalf of the Secretary of State or the Board of Trade, as the case may be, or by a person who is empowered by this Act to do anything which may be done thereunder by the Board, shall be evidence of the facts stated in the document. 30

Incidental
provisions as
to sanctions
and
approvals.

7. For the avoidance of doubt it is hereby declared that any sanction or approval under this Act may be given either generally or in relation to a particular case and any such sanction or approval may be given on such terms, and subject to such conditions, as may be determined by the Secretary of State or the Board of Trade. 35

Power to
impose
charges.

8.—(1) The Treasury may by order authorise the making of such charges as may be specified in the order in respect of the giving of any sanction under section one or section three of this Act; and any such order may be varied or revoked by a subsequent order of the Treasury.

(2) Any such order as aforesaid shall be laid before the Commons House of Parliament as soon as may be after it is made, but, notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, shall be deemed not to be a statutory rule to which that section applies. 45

56 & 57 Vict.
c. 66.

(3) Any such order as aforesaid imposing or increasing a charge shall cease to have effect on the expiration of the period of twenty-eight days beginning with the day on which the order is made, unless at some time before the expiration of that period it has been approved by a resolution of the Commons House of Parliament, without prejudice, however, to the validity of anything previously done under the order or to the making of a new order. 55

In reckoning any period of twenty-eight days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days. 60

(4) Without prejudice to the preceding provisions of this section, there may be charged in respect of the giving of any sanction under this Act, or in respect of the approving under this Act of any transfer of the registry of a ship, such fee, not exceeding five pounds, as the Secretary of State or the Board of Trade may with the approval of the Treasury determine.

A.D. 1939.

(5) All sums received by virtue of this section or of an order made thereunder shall be paid into the Exchequer of the United Kingdom.

9.—(1) The Secretary of State and the Board of Trade may respectively make arrangements whereby any sanction or approval which may be given under this Act by the Secretary of State or the Board is given on his or their behalf outside the United Kingdom by such persons, and at such places, as the Secretary of State or the Board may determine; and any sanction or approval given in pursuance of such arrangements shall be deemed for the purposes of this Act to be a sanction or approval given by the Secretary of State or the Board, as the case may be.

Exercise of powers of Secretary of State and Board of Trade.

(2) Anything required or authorised under this Act to be done by, to or before the Board of Trade may (without prejudice to any arrangements in force under the preceding subsection) be done by, to or before the President of the Board, any secretary, under-secretary or assistant-secretary of the Board or any person authorised in that behalf by the President.

10. The penal provisions of this Act shall apply to all persons in any country or territory to which this Act extends or on board any ship or aircraft to which this Act applies, and to all other persons being British subjects or British protected persons, except persons in any of the following countries and territories, that is to say,—

Extra-territorial operation of penal provisions of Act.

- (a) any Dominion,
- (b) any territory administered by His Majesty's Government in a Dominion,
- (c) India, Burma and Southern Rhodesia, and
- (d) any other country or territory being a country or territory under His Majesty's protection or suzerainty, and not being a country or territory to which this Act extends;

but nothing in this section shall be taken to restrict the operation of the provisions of this Act relating to the forfeiture of ships.

11.—(1) This Act extends to the following countries and territories, that is to say,—

Extent of Act.

- (a) the United Kingdom,
- (b) the Channel Islands and the Isle of Man,
- (c) Newfoundland, and any colony except Southern Rhodesia or a colony administered by His Majesty's Government in a Dominion,
- (d) any British protectorate, and
- (e) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom;

and also extends (in so far as His Majesty has jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction, and not being a country or territory administered by His Majesty's Government in a Dominion.

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(2) This Act shall, in its application to any country or territory outside the United Kingdom, have effect subject to such adaptations and modifications, if any, as may be prescribed by or under an Order of His Majesty in Council; and any such Order may be varied or revoked by a subsequent Order of His Majesty in Council. 5

Interpretation.

12. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :— 10

“ aircraft ” means any flying machine, glider or airship or any balloon (whether fixed or free);

“ Dominion ” means any Dominion within the meaning of the Statute of Westminster, 15 1931, except Newfoundland; and

“ ship ” has the same meaning as in the Merchant Shipping Act, 1894.

22 Geo. 5
c. 4.Short title
and duration
of Act.

13.—(1) This Act may be cited as the Ships and Aircraft (Transfer Restriction) Act, 1939. 20

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done. 25