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EXTRAORDINARY.

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PART II.—LEGAL.

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

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 36/36

An Ordinance to amend 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 :—

1 This Ordinance may be cited as the Penal Code (Amendment) Ordinance, No. of 1939, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

Short title and date of operation.

2 The heading of Chapter XVIII. of the Penal Code (Chapter 15), (hereinafter referred to as "the principal Ordinance"), is hereby repealed and the following is substituted therefor :—

Substitution of new heading to Chapter XVIII. of the Penal Code. Vol. I., p. 191.

" OF OFFENCES RELATING TO DOCUMENTS, PROPERTY-MARKS, CURRENCY NOTES AND BANK NOTES."

3 The following sub-heading and sections shall be inserted immediately after section 478 of the principal Ordinance and shall have effect as sections 478A, 478B, 478C and 478D of that Ordinance :—

Insertion of new sections 478A, 478B, 478C, and 478D in the principal Ordinance.

Currency Notes and Bank Notes.

478A. (1) Whoever forges or counterfeits, or knowingly performs any part of the process of forging or counterfeiting, any currency note or bank note shall be punished with imprisonment of either description for a term which may extend to twenty years and shall also be liable to fine.

Counterfeiting currency notes or bank notes.

(2) For the purposes of this section and of sections 478B, 478C, and 478D—

- (a) "bank note" means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any state or sovereign power and intended to be used as equivalent to, or as a substitute for, money;
- (b) "currency note" means a currency note issued under the Paper Currency Ordinance (Chapter 291) or any Ordinance in operation for the time being relating to the issue of paper currency in Ceylon and includes any note of a similar character, by whatever name called, issued by or on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland or any part of His Majesty's dominions outside Ceylon or any foreign state.

Using as genuine forged or counterfeit currency notes or bank notes.

478B. Whoever sells to, or buys or receives from any other person or otherwise traffics in or uses as genuine, any forged or counterfeit currency note or bank note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with imprisonment of either description for a term which may extend to twenty years and shall also be liable to fine.

Possession of forged or counterfeit currency notes or bank notes.

478C. Whoever has in his possession any forged or counterfeit currency note or bank note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine, or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to twenty years or with fine or with both.

Making, or possessing instrument or materials for forging or counterfeiting currency notes or bank notes.

478D. Whoever makes, or performs any part of the process of making, or buys or sells, or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency note or bank note, shall be punished with imprisonment of either description for a term which may extend to twenty years and shall also be liable to fine.

Objects and Reasons.

Offences relating to Ceylon currency notes are now punishable under the Paper Currency Ordinance (Chapter 291), but similar provision in regard to currency notes or bank notes issued by the authority of any foreign government has not been made and therefore our law does not satisfy the requirements of the International Convention for the suppression of counterfeit currency.

The object of this Bill is to bring our law into conformity with the terms of the Convention above mentioned by providing that offences relating to currency notes and bank notes issued under the authority of any foreign government shall be punishable equally with offences relating to domestic currency notes.

No provision is made in this Bill for repealing the corresponding provisions of the Paper Currency Ordinance (Chapter 291) as the Currency Bill which will be introduced in the State Council shortly will repeal the Paper Currency Ordinance in its entirety.

Colombo, August 17, 1939.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

L. D.—O 36/36

An Ordinance to amend 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 and date of operation.

1 This Ordinance may be cited as the Criminal Procedure Code (Amendment) Ordinance, No. of 1939 and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

2 The First Schedule to the Criminal Procedure Code (Chapter 16), (hereinafter referred to as "the principal Ordinance"), is hereby amended by the addition of the following immediately after section 478 and the entries relating thereto :—

Amendment of the First Schedule to Chapter 16.
Vol. I., p. 327.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court is triable.

Currency Notes and Bank Notes.

478A	Counterfeiting currency notes or bank notes	May arrest without warrant	Warrant	Not bail-able	Not com-pound-able	Imprisonment of either description for twenty years, and fine	
478B	Using as genuine forged or counterfeit currency notes or bank notes	Same ..	Same ..	Same ..	Same ..	Same	
478C	Possession of forged or counterfeit currency notes or bank notes	Same ..	Same ..	Same ..	Same ..	Imprisonment of either description for twenty years, or fine, or both	
478D	Making, or possessing instrument or materials for forging or counterfeiting currency notes or bank notes	Same ..	Same ..	Same ..	Same ..	Imprisonment of either description for twenty years, and fine	

Objects and Reasons.

It is proposed to amend the Penal Code (Chapter 15) by the addition of four new sections which will have effect as sections 478A, 478B, 478C, and 478D. The object of this Bill is to make consequential amendments to the First Schedule of the Criminal Procedure Code (Chapter 16).

Colombo, August 17, 1939.

J. C. HOWARD,
Legal Secretary.