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PART II.—LEGAL.

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

PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

No. 39 of 1939.

[Assented to by His Majesty the King : See Proclamation dated September 1, 1939, published in Government Gazette No. 8,484 of September 1, 1939.]

L. D.—O 346/34

An Ordinance to provide for the regulation and control of the prices of commodities.

A. CALDECOTT.

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 Control of Prices Ordinance, No. 39 of 1939.

Short title.

2 (1) The Governor may appoint—

Appointment of officers.

- (a) any person, by name or by office, to be or to act as Controller of Prices ; and
(b) such number of Deputy and Assistant Controllers of Prices as he may consider necessary for the purposes of this Ordinance.

(2) The act of appointment of any Deputy or Assistant Controller of Prices shall specify whether he is appointed as such for Ceylon or for any part thereof.

The area for which a Deputy or an Assistant Controller is appointed is hereinafter referred to as " the area of his appointment ".

Orders fixing prices and prescribing conditions of sale.

(3) Every Deputy or Assistant Controller of Prices may, subject to the general direction and control of the Controller, exercise within the area of his appointment all or any of the powers conferred by or under this Ordinance on the Controller.

3 (1) If it appears to the Controller that there is, or is likely to arise, in any part of Ceylon, any shortage of any article or any unreasonable increase in the price of any article, the Controller may by Order—

- (a) fix the maximum price (both wholesale and retail) above which that article shall not be sold ; and
- (b) prescribe the conditions of the sale of that article, including conditions as to the time and place of the sale and the quantity and quality of the article to be sold.

(2) An Order may be limited in operation to any particular place or area in Ceylon and in duration for any specified time or period :

Provided that no Order made by a Deputy or an Assistant Controller of Prices shall be operative outside the area of his appointment.

(3) Every Order shall come into operation when such Order is made and signed by the Controller.

(4) After an Order has been signed by the Controller, public notice thereof shall forthwith be given—

- (a) by beat of tom-tom at such public places within the area in which the Order is to be in operation as the Controller may direct, and by causing a copy of the Order and a translation thereof in Sinhalese and Tamil to be affixed and exhibited in a conspicuous position in every Kachcheri, District Court, Magistrate's Court and police station situated in that area ; or
- (b) by publication of the Order in the Gazette ; or
- (c) in such other manner as may be prescribed by regulations made under section 4.

(5) Every Order shall, as soon as may be after the date on which it comes into operation, be placed before the Executive Committee for consideration and the Executive Committee may thereupon approve or rescind the Order.

(6) Where an Order is rescinded by the Executive Committee under sub-section (5), notice of such rescission shall be published in the Gazette and the Order shall be deemed to be rescinded with effect from the date of such publication but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder.

(7) Where an Order has been approved by the Executive Committee under sub-section (5), that Order shall, as soon as may be after the date of such approval, be submitted to the Board of Ministers ; and the Board may confirm or rescind the Order, or vary the Order in such manner as the Board may deem expedient.

(8) Where any Order is varied by the Board of Ministers under sub-section (7), the Order as so varied shall be published in the Gazette and shall come into operation upon such publication, in substitution for the Order made under sub-section (1), but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder.

(9) Where any Order is rescinded by the Board of Ministers under sub-section (7), notice of such rescission shall be published in the Gazette and the Order shall be deemed to be rescinded with effect from the date of such publication, but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder.

(10) Every Order which is confirmed or varied by the Board of Ministers shall be brought before the State Council by the Minister by a motion that such Order be approved, and, if so approved, shall be presented to the Governor for ratification.

(11) Any Order which the State Council refuses to approve or which the Governor refuses to ratify shall be deemed to be rescinded, but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder. The date on which an Order shall be deemed to be rescinded under this sub-section shall be the date on which the State Council refuses to approve or the Governor refuses to ratify the Order ; and such date shall be notified in the Gazette.

(12) Where an Order has been approved by the State Council and ratified by the Governor, notification of such approval and ratification shall be published in the Gazette ; and, upon such notification, the Order shall be deemed to be as valid and effectual as though it were herein enacted.

4 (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Regulations.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters :—

- (a) the returns and information to be furnished for the purposes of this Ordinance ;
- (b) the appointment, constitution and functions of a general advisory board and one or more local advisory boards for the purpose of advising the Controller as to the prices at which and the conditions subject to which any article may be sold ;
- (c) the power to summon and examine witnesses or informants, to administer oaths, to require the production of, or to impound, documents, and to search and inspect premises ;
- (d) the seizure, sale or destruction of articles sold in contravention of any Order, and the disposal of forfeited articles ;
- (e) the prevention, during the operation of any Order under section 3 fixing the price of any article, of the hoarding of such articles ;
- (f) the modes, other than the modes prescribed in section 3 (4), in which public notice may be given of Orders made under this Ordinance ;
- (g) any other matters incidental or consequential to any of the matters hereinbefore mentioned, or which may be necessary for the purpose of securing compliance with any Order which may be made under section 3.

(3) No regulation made by the Executive Committee shall have effect unless it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(4) Every regulation made by the Executive Committee shall, upon the publication of the notification of the approval and ratification of that regulation, be as valid and effectual as though it were herein enacted.

5 Any person who acts in contravention of any Order or regulation made under this Ordinance shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment, and in the case of such offence being continued or repeated after such conviction, to an additional fine not exceeding five hundred rupees for each day on which such offence is continued or repeated, or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment ; and the court may order the forfeiture of the article in respect of which the offence was committed.

**Penalty for
breach of
Order or
regulation.**

6 The provisions of this Ordinance or of any Order or regulation shall have no application to any article imported, purchased or stored by or on behalf of the Naval, Military, Air Force or Civil Authorities for the use of His Majesty's Forces or the Civil Administration.

**Application of
Ordinance.**

7 In this Ordinance, unless the context otherwise requires—

Interpretation.

- “ article ” means any article of food, drink or merchandise ;
- “ Controller ” means the Controller of Prices, appointed under section 2 ;
- “ Executive Committee ” means the Executive Committee of Labour, Industry and Commerce ;
- “ Minister ” means the Minister for Labour, Industry and Commerce ;
- “ Order ” means an Order made under section 3.

Passed in Council the Nineteenth day of July, One thousand Nine hundred and Thirty-nine.

E. W. KANNANGARA,
Clerk of the Council.

Ordinance enacted by the Governor of Ceylon, with the advice
and consent of the State Council thereof.

No. 40 of 1939.

Cap. 132.
Vol. III.,
p. 595.

An Ordinance to amend the Food Control Ordinance.

A. CALDECOTT.

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 Food Control (Amendment) Ordinance, No. 40 of 1939.

Amendment of
section 4 of
Chapter 132.

2 Section 4 of the Food Control Ordinance (hereinafter referred to as " the principal Ordinance ") is hereby amended—

(1) by the re-numbering of sub-sections (7), (8) and (9) of that section as sub-sections (8), (9) and (10), respectively ;

(2) by the insertion immediately after sub-section (6) of the following new sub-section :—

(7) (a) The Minister may at any time with the consent of the Board of Ministers, by Order published in the Gazette (hereinafter referred to as an " Amending Order "), vary any Order previously made under sub-section (1). Every Amending Order shall come into operation on the date of its publication in the Gazette.

(b) Every Amending Order which is published in the Gazette shall be deemed to be an Order confirmed by the Board of Ministers under sub-section (3) ; and any Order under sub-section (1) which is varied by an Amending Order before it is confirmed by the Board of Ministers shall be deemed to have been confirmed as so varied.

(c) An Order made under sub-section (1) which is varied by any Amending Order shall continue in operation, as so varied, for the period during which it would have been in operation if it had not been so varied, and no longer.

(d) Every Amending Order shall be brought before the State Council for approval in accordance with the provisions of sub-section (5) :

Provided, however, that where an Order made under sub-section (1) is varied by one or more Amending Orders before it is approved by the State Council under sub-section (5), the Order, when it is brought before the State Council for approval under that sub-section, shall have incorporated therein all variations effected by such Amending Order or Orders, and it shall not be necessary in any such case to bring any such Amending Order separately before the Council.

(e) The refusal of the State Council to approve any Amending Order which is separately brought before the Council for approval under sub-section (5) shall be deemed to be a rescission of that Amending Order, and the Order made under sub-section (1) shall, from the date of such rescission, continue in operation as though that Amending Order had not been made.

(f) The Minister may at any time with the consent of the Board of Ministers rescind any Order previously made under sub-section (1). Notification of the rescission of any such Order shall be published in the Gazette, and such Order shall be deemed to be rescinded upon the date of such publication.

Amendment
of section
6 of the
principal
Ordinance.

3 Section 6 of the principal Ordinance is hereby amended as follows :—

(1) by the re-numbering of that section as section 6 (1) ;

(2) by the addition of the following new sub-section which shall have effect as sub-section (2) of that section :—

“(2) (a) Where the maximum price above which any cattle, food, or article of food shall not be sold in any place or area is prescribed by Order under this Ordinance, any trader who at any time during the operation of that Order refuses or fails—

- (i) on demand made by any person for any number of such cattle or any quantity of such food or article of food, and
- (ii) on tender by that person of payment at such maximum price for the number of cattle or the quantity of such food or article of food so demanded,

to supply such number of cattle or such quantity of that food or article of food, as the case may be, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two thousand rupees or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment; and the Court may, in addition order the forfeiture of any cattle, food or article of food not exceeding the number or quantity, as the case may be, which the accused trader refused or failed to supply on the occasion in question.

(b) Where an Order is in operation for the allocation and rationing of supplies of any cattle, food, or article of food in any place, nothing in paragraph (a) shall be deemed to require or authorise any trader in that place to sell to any person any number of such cattle, or any quantity of such food, or article of food, otherwise than in accordance with any regulations for the time being in force, relating to the sale or delivery of such cattle, food, or article of food during the operation of that Order.

(c) In any prosecution for any offence under paragraph (a), it shall be a sufficient defence to prove that on the occasion in question—

- (i) the accused supplied a reasonable number of cattle or a reasonable quantity of the food, or article of food, or had not a sufficient number of cattle or quantity of such food, or article of food in his custody or under his control to supply the number or quantity demanded, in addition to the number or quantity required to satisfy all other contracts, then subsisting, under which he was obliged to supply any number of such cattle or any quantity of such food or article of food, and the ordinary requirements of his business; or
- (ii) the accused was a wholesale trader in such cattle, food, or article of food, and the person who demanded to be supplied was not a retail trader therein.

(d) For the purposes of this sub-section—

- (i) in determining what is a reasonable quantity, regard shall be had to all the circumstances of the case, including the question whether the person who demanded to be supplied was or was not, at the time of the demand, carrying on business as a retail trader in the cattle, or food, or article of food demanded by him, either alone or with other goods.
- (ii) “trader” means a person who has in his custody or under his control any cattle, or food, or article of food in which he usually trades;
- (iii) if any person carries on business of any class in connexion with which any cattle, or food, or articles of food are sold or supplied, or if he has been in the habit of selling or supplying such cattle, or food, or articles of food, he shall be deemed usually to trade in such cattle, food, or articles of food, as the case may be.

(e) The refusal or failure on the part of any trader to supply any cattle, food or article of food shall not be an offence under paragraph (a), unless—

- (i) an Order, prescribing the maximum price above which such cattle, food or article of food shall not be sold, is in operation in the place or area in which the business premises of that trader are situated ; and
- (ii) the demand and the tender of payment referred to in that paragraph are made at such premises."

Passed in Council the First day of September, One thousand Nine hundred and Thirty-nine.

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the First day of September, One thousand Nine hundred and Thirty-nine.

E. R. SUDBURY,
Secretary to the Governor.