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**CEYLON GOVERNMENT  
GAZETTE**

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**THE EMERGENCY POWERS (DEFENCE) ACT, 1939.**

DEFENCE Regulations made by the Governor by virtue of the powers vested in him by section I 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. H. DAVIES,  
Secretary to the Governor.

Colombo, October 19, 1939.

# THE DEFENCE (MISCELLANEOUS) REGULATIONS.

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**SCHEDULE.**

# THE DEFENCE (MISCELLANEOUS) REGULATIONS.

## Part I.

### *Preliminary.*

1. These regulations may be cited as the Defence (Miscellaneous) Regulations and shall come into operation on the date of their publication in the *Gazette*.

Citation and date of coming into operation.

2. (1) In these regulations, unless the context otherwise requires—

Interpretation.

“ aircraft ” has the same meaning as in any Order in Council for the time being in force under Part I. of the Air Navigation Acts, 1920 to 1938, as adapted, modified and extended to Ceylon by the Colonial Air Navigation (Application of Acts) Orders, 1937 and 1938;

“ ammunition ” means ammunition for any firearm, and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not;

“ defence regulation ” means a regulation made under 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;

“ Dominion ” means a Dominion within the meaning of the Statute of Westminster, 1931, of the Imperial Parliament and includes any territory administered by His Majesty's Government in such a Dominion;

“ Dominion ship or aircraft ” means a British ship or aircraft registered in any Dominion other than Newfoundland, or in British India, Burma or Southern Rhodesia, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, and “ Dominion ship ” and “ Dominion aircraft ” shall be construed accordingly;

“ enemy ” means the enemy in any war in which His Majesty may be engaged;

“ enemy alien ” means a person who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty;

“ essential services ” means such services as may for the time being be declared by order of the Governor to be of public utility or to be essential for the prosecution of the war or essential to the life of the community;

“ explosive ” has the same meaning as in the Explosives Ordinance;

Cap. 140.

“ His Majesty's forces ” or “ the forces of His Majesty ” includes the Ceylon Defence Force and the Ceylon Naval Volunteer Force;

“ land ” includes land covered with water and parts of houses or buildings;

“ local authority ” includes a Municipal Council, an Urban District Council, a Local Board, a Sanitary Board and a Village Committee;

“ paragraph ” means a paragraph of the regulation in which that expression occurs;

“ photographs ” includes any photographic plates, photographic films or other sensitised articles which have been exposed in a camera, whether they have been developed or not;

“ port ” includes any dock, harbour, pier, quay, wharf or similar place;

Cap. 146.

“ postal article ”, has the same meaning as in the Post Office Ordinance;

“ requisitioning ” with its grammatical variations and cognate expressions means, in relation to any property, requiring the property to be placed at the disposal of the requisitioning authority;

“ seaplane ” includes a flying boat and any other aircraft designed to manoeuvre on the water;

“ senior officer of police ” means a police officer of or above the rank of Inspector;

“ servant of His Majesty ” means any member of His Majesty’s forces or any other person in the service of the Imperial Government or of the Government of Ceylon;

Cap. 260.

Cap. 262.

“ ship ” and “ vessel ” have the same meanings as in the Merchant Shipping Ordinance and in the Masters Attendant Ordinance respectively, but shall not include a ship or vessel belonging to His Majesty;

“ telegram ” means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;

“ the war ” means any war in which His Majesty may be engaged;

“ United-Kingdom ship or aircraft ” means a ship or aircraft registered in the United Kingdom, and includes any ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty’s Government in the United Kingdom;

“ war offence ” means—

- (a) treason, in so far as it consists in adhering to the King’s enemies, giving them aid and comfort;
- (b) an offence of trading with the enemy;
- (c) an offence under any of the provisions of the Official Secrets Acts, 1911 and 1920, or any corresponding law in force in Ceylon;
- (d) an offence against any of these regulations;
- (e) an offence against any Order in Council or order made under Part I. or section 7 of the Air Navigation Acts, 1920 and 1936;
- (f) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any offences specified in paragraph (a) to (e) of this definition;

“ wireless transmitting apparatus ” means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and “ wireless receiving apparatus ” means apparatus for receiving communications or information made or given by the said means.

(2) Any person entrusted or vested by or under any defence regulation with any duty, power or authority shall be deemed to be a public servant within the meaning of the Penal Code.

Cap. 15.

(3) Any reference in these regulations to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(4) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(5) The Interpretation Ordinance shall apply to the interpretation of these regulations, and of any orders or rules made thereunder, as it applies to the interpretation of an Ordinance.

Cap. 2.

(6) Any reference in any document to the Defence Regulations or to any specified Defence Regulation shall, unless the contrary intention appears, be construed as a reference to that one of these regulations which is so specified, as amended by any subsequent regulations made under 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.

(7) Where, under any defence regulation, any person has power to authorise other persons to act under that regulation, the power may be exercised so as to confer the authority either on particular persons or on a specified class of persons.

3. (1) The competent authority shall be the person appointed by the Governor in writing for the purposes of all or any of the regulations in which that expression occurs, and any person so appointed is in these regulations referred to as the competent authority.

Competent authority.

(2) The appointment of any person as a competent authority for the purposes of any defence regulation may be made generally for the whole Island or for any area or place specified in the writing by which such person is appointed, and may be limited to such of those purposes as may be specified in that writing.

(3) Where the holder of a designated office has been appointed to be the competent authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

4. (1) Where in any defence regulation any officer or person is not expressly designated as the authorised officer for the purposes of that regulation, the expression "authorised officer" means any senior officer of police and also the following persons:—

Authorised officer.

(a) for the purposes of regulations 24, 25, 26, 29, 46 and 47, a person holding a commission in any of His Majesty's forces; and

(b) for the purposes of regulations 6 and 31, an officer of Customs.

(2) The Governor may, by notification published in the *Gazette*, appoint any person by name or by office to be an authorised officer for the purposes of any defence regulation either in addition to or in lieu of—

(a) the person who is mentioned in that regulation as the authorised officer for the purposes thereof; or

(b) the person who is an authorised officer for the purposes of that regulation by virtue of the provisions of paragraph (1).

**Part II.**

*Control of Communications and Safeguarding of Information.*

Appointment of  
censor and  
censorship.

5. (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 against 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.

Postal  
communications.

6. (1) The Governor may make provision by order for securing that postal articles 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 articles, direct that no postal article 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 exemption 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);
- (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), 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 female shall be searched in pursuance of this paragraph except by a female.

(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) 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 if development) as may be reasonably necessary for enabling the authorised officer to ascertain whether or not it has been so exposed.



Wireless  
telegraphy,  
&c.

7. (1) The Governor may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control—

- (a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus;
- (b) any such wireless receiving apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus or which appears to the Governor to be readily adaptable for purpose of being so used :

Cap. 147.

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the Telegraph Ordinance, authorising the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of an apparatus in respect of which such a licence was then in force.

(2) In any proceedings arising out of a contravention of paragraph (1) it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the objects in respect of which the proceedings are taken and that the application was still pending at that date.

(3) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus and for empowering persons and officers to take such steps as appear to them necessary, and to take specific steps, to secure compliance with the order and, if a contravention of the order has occurred, to enable proceedings in respect of the contravention to be effectually taken; and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall be guilty of an offence against this regulation :

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order:

Cap. 147.

(4) Notwithstanding anything in the Telegraph Ordinance, the Governor in his discretion may refuse to grant a licence under the said Ordinance and may revoke at any time a licence granted under that Ordinance.

8. (1) From the time of the entry of any merchant ship, whether British or foreign, within the limits of any port in Ceylon, until the departure of the ship beyond the limits of such port, no person on board the ship shall operate or cause or permit any other person to operate any wireless apparatus installed on the ship, whether for the transmission or the reception of telegraphic messages.

(2) Upon the arrival of any merchant ship, whether British or foreign, at any port in Ceylon, it shall be lawful for the authorised officer to seal up and render inaccessible each of the offices, rooms, cabins or other parts of the ship in which any wireless apparatus is installed.

(3) After the sealing up of any part of a merchant ship under paragraph (2) no person shall, while the ship remains within the limits of the port, tamper with the seal or do or attempt to do any act which is likely to provide access to any wireless apparatus on the ship.

(4) Where access to any part of a ship sealed up under paragraph (2) is necessary for the purpose of carrying out any work of maintenance or repairs to the wireless apparatus—

(a) the master of the ship shall notify the authorised officer of the intention to carry out such work, and if that officer is satisfied that such work is essential, the seals shall be removed by him for such length of time as may reasonably be necessary for carrying out the work; and

(b) the master of the ship shall in like manner forthwith notify the authorised officer of the completion of the work, and that officer shall without delay reseal such part of the ship.

(5) In the event of any message being transmitted or received in contravention of paragraph (1), by means of the wireless apparatus on any ship, between the removal and the reaffixing of the seals by the authorised officer under paragraph (4), the master of the ship shall be deemed to have aided and abetted such contravention unless he proves that the message was transmitted or received without his knowledge, consent or connivance and that he had taken all reasonable steps to prevent any such contravention.

(6) In lieu of or in addition to the sealing up, under paragraph (2), of each of the offices, rooms, cabins or other parts in which any wireless apparatus is installed in any foreign merchant ship arriving within the limits of any port in Ceylon, it shall be lawful for the authorised officer—

(a) to direct that all aerial wires on such ship be forthwith disconnected from the wireless apparatus, and that the ends of such wires be left suspended from the main rigging or in any other position clear of the part of the ship where the wireless apparatus is installed, or

(b) where such ship is or is suspected to be of enemy nationality, to direct that the aerial wires be completely disconnected from the wireless apparatus and taken down from the masts; and

(c) where any directions issued by him under sub-paragraph (a) or sub-paragraph (b) are not complied with forthwith or to his satisfaction to cause any officer

or person acting under his orders to take down the aerial wires completely and to dismantle the wireless equipment of such ship.

(7) For the purposes of this regulation, the authorised officer at any port in Ceylon shall be the Detaining Officer appointed by the Governor to deal with shipping in that port upon the occurrence of an emergency or the outbreak of war, or any officer acting on the instructions of such Detaining Officer.

Temporary possession of telecommunication apparatus.

9. An authorised officer may, on behalf of the Government, take temporary possession of any telegraph or telephone or any wireless receiving or transmitting apparatus established, maintained or worked by any person or body of persons in Ceylon.

Interference with telegraphic communications.

10. No person shall knowingly—

- (a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or
- (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Provided that the preceding provisions of this regulation shall not apply to anything done by, or with the permission or under the direction of, any officer of His Majesty's forces or a public servant acting in the course of his duty as such.

Signalling to foreign vessels or aircraft.

11. No person shall, except with permission granted by or on behalf of the competent authority, make any signal (whether visually or by means of sound or otherwise) to any foreign vessel or foreign aircraft:

Provided that the preceding provisions of this regulation shall not restrict the making of any signal by any servant of His Majesty acting in the course of his duty as such, or the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a power at war with His Majesty.

Signalling apparatus.

12. (1) Subject to any exemptions for which provision may be made by order of the Governor, no person shall, except with permission granted by a competent authority, have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to the defence of the Island:

Provided that the preceding provisions of this regulation shall not restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, and (without prejudice to regulation 7) shall not apply—

- (a) in relation to any wireless transmitting apparatus, or
- (b) in relation to any apparatus forming part of the equipment of a vessel or aircraft, being an apparatus which is required by law to be carried therein.

(2) In any proceedings arising out of a contravention of this regulation, it shall be a defence for the defendant to prove that, at the date of the contravention, application had been made by him (for the first time) for the necessary permission in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

13. (1) Subject to the provisions of this regulation, no person shall, except with permission granted by the Governor, knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside Ceylon—

Means of secret communication.

- (a) any instructions for utilizing any means of secretly conveying, receiving or recording information,
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) shall, if requested by or on behalf of a competent authority so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of a competent authority so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1).

(5) In this regulation, the expression "instructions for utilizing any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) shall not apply—

(a) to the possession of—

- (i) any code or cipher the use of which is approved by the Governor, or
- (ii) any document conveying or recording information by means of such code or cipher, being a document which specifies, in clear, the code or cipher used, or

(b) to the use, in accordance with conditions imposed by the Governor, of any such code or cipher as is mentioned in sub-paragraph (a) of this paragraph,

and shall not restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such.

14. Subject to the provisions of this regulation; no person shall—

General provisions for safeguarding information.

- (1) obtain,
- (2) record, communicate to any other person or publish, or
- (3) have in his possession any document containing, or other record whatsoever of,

any information being, or purporting to be, information with respect to any of the following matters, that is to say:—

- (a) the number, description, armament, equipment, disposition, movement or condition of any forces, vessels or aircraft of His Majesty or an allied power;
- (b) any operations or projected operations of any forces, vessels or aircraft of His Majesty or an allied power;

- (c) any measures for the defence or fortification of any place on behalf of His Majesty or an allied power;
- (d) the number, description or location of any prisoners of war;
- (e) munitions of war;
- (f) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy:

Provided that this regulation shall not apply to anything done by any servant of His Majesty or a public servant acting in the course of his duty as such, or to anything done for the purpose of the performance of a contract with His Majesty; and a person shall not be guilty of an offence against this regulation in respect of anything done by him if he proves that it was done under any authority or permission granted by or on behalf of His Majesty, or that the doing of that thing was not likely to prejudice the defence of the Island or the efficient prosecution of the war.

Communication  
with enemy  
agents.

15. No person shall communicate or associate with any other person, having reasonable cause to believe that that other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to public safety or to the defence of the Island.

Inventions and  
designs.

16. (1) Where, either before or after the date on which this regulation is published in the *Gazette*, an application has been made to the Registrar of Patents or the Registrar-General for the grant of a patent or the registration of a design, the Governor, if satisfied that it is expedient in the interests of the defence of the Island or the efficient prosecution of the war so to do, may require the Registrar of Patents or the Registrar-General to omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by the Governor, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Governor, if it appears to him to be necessary or expedient in the interests of the defence of the Island or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown (whether by virtue of the Patents Ordinance or the Designs Ordinance, or otherwise), the Governor may authorise the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of the defence of the Island or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative.

Cap. 123.  
Cap. 124.

### Part III.

#### *Public Order and Safety.*

17. No person shall—

(1) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of the forces of His Majesty or an allied power or the carrying on of their work by persons engaged in the performance of essential services, or

Interference  
with His  
Majesty's  
forces, &c.

(2) do, in relation to any person whom he knows to be a member of the forces of His Majesty or an allied power or to be a person so engaged, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged.

18. (1) No person shall—

Misleading acts  
and misrepresentation.

(a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force or fire brigade, or in the service, or on behalf, of an undertaking engaged in the performance of essential services, or

(b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty for any particular purpose, or

(c) do any act whereby there are communicated, or are likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of the Island or the securing of the public safety, or

(d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorised by or on behalf of the Governor or the Admiralty, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do

any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or

- (e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of the Island or the securing of the public safety :

Provided that the provisions of sub-paragraph (a) of this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) In this regulation, the expression " defence signal " means any signal authorised by or on behalf of the Governor or the Admiralty to be used for any purpose connected with the defence of the Island or the securing of public safety.

Causing  
disaffection.

19. (1) No person shall—

- (a) endeavour to cause disaffection among any persons engaged (whether in Ceylon or elsewhere) in His Majesty's service, or in the performance of essential services, or to induce any person to do or omit to do anything in breach of his duty as a person so engaged, or
- (b) with intent to contravene, or to aid, abet, counsel or procure a contravention of sub-paragraph (a) of this paragraph, have in possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2) A prosecution for an offence against this regulation shall not be instituted except with the sanction of the Attorney-General.

(3) The Attorney-General may, in sanctioning the prosecution of any person for an offence against this regulation, direct that such person shall be summarily tried for such offence; and, where any such direction is given by the Attorney-General, a Magistrate shall try that person summarily for that offence.

Propaganda.

20. (1) No person shall—

- (a) endeavour, whether orally or otherwise, to influence public opinion (whether in Ceylon or elsewhere) in a manner likely to be prejudicial to the defence of the Island or the efficient prosecution of the war, or
- (b) do any act, or have any article in his possession, with a view to making, or facilitating the making of, any such endeavour.

A prosecution in respect of a contravention of this paragraph shall not be instituted except with the sanction of the Attorney-General.

The Attorney-General may, in sanctioning the prosecution of any person for a contravention of this paragraph, direct that such person shall be summarily tried for such offence; and, where any such direction is given by the Attorney-General, a Magistrate shall try that person summarily for that offence.

(2) The Governor may make provision by order for preventing or restricting the publication in Ceylon of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication thereof, would or might be prejudicial

to the defence of the Island or the efficient prosecution of the war; and an order under this paragraph may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order (including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in the order).

(3) Where any person is convicted of an offence against this regulation by reason of his having published a newspaper, the Governor may by order direct that, during such period as may be specified in the order, that person shall not publish any newspaper in Ceylon.

(4) In this regulation—

- (a) the expression " public opinion " includes the opinion of any section of the public;
- (b) the expression " cinematograph film " includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;
- (c) the expression " publication " means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds in connection with the exhibition of the film as aforesaid; and
- (d) the expression " newspaper " includes any journal magazine or other periodical publication.

21. (1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in His Majesty's service or in the performance of essential services or to impair the usefulness of any work, structure or premises used or intended to be used as aforesaid.

Sabotage.

The preceding provisions of this paragraph shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as they apply in relation to the doing of any act by a person.

(2) Any person who contravenes paragraph (1) of this regulation shall be guilty of an offence and shall be liable, on conviction, to imprisonment of either description for a term not exceeding fourteen years, or to a fine not exceeding seven thousand five hundred rupees, or to both such imprisonment and such fine.

22. No person shall do any act which is calculated or is likely to impede, delay or restrict any measures taken by or under the authority of the Government for securing or regulating the supply or distribution of food, water, fuel, power for lighting, or other necessaries, or for maintaining the means of transport or locomotion or for securing the public safety or protecting the normal life of the community in any other respect.

Interference with essential services.

23. If, with intent to assist the enemy, any person does any act which is likely to assist the enemy or to prejudice the public safety, the defence of the Island or the efficient prosecution of the war, then, without prejudice to the law relating to treason, he shall be guilty of an offence against this regulation and shall, on conviction, be liable to imprisonment for life.

Acts done with intent to assist the enemy.



Stopping of  
ships and  
aircraft.

24. (1) A competent authority may, if it appears to him to be necessary in the interests of the defence of the Island so to do, give, with respect to any particular ship or aircraft at a port or place in Ceylon, directions that the ship or aircraft shall not leave the port or place until permitted to do so by such authority or person as may be specified in the directions; and if any ship or aircraft leaves or attempts to leave any port or place in contravention of any such directions as aforesaid, the master of the ship or the pilot of the aircraft, as the case may be, shall be guilty of an offence against this regulation:

Provided that any directions given under this paragraph shall cease to have effect twenty-four hours after the time at which they are given, unless in the meantime they have been confirmed by the Governor.

(2) An authorised officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this regulation with respect to the ship or aircraft or, where an offence against this regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

Protected places.

25. (1) If, as respects any premises, it appears to the Governor to be necessary or expedient, in the interests of the defence of the Island or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purposes of these regulations; and so long as the order is in force, no person shall, subject to any exemption for which provision may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Any premises, in relation to which an order made under this regulation is in force, are hereafter referred to as "a protected place".

(2) Where, in pursuance of this regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Governor or by the authority or person granting the permission; and an authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this regulation, or, while in such a place, fails to comply with any direction given under this regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorised officer or any person authorised in that behalf by the occupier of the premises.

Protected areas.

26. (1) Without prejudice to any other defence regulation, the Governor, if satisfied with respect to any area that it is necessary or expedient, in the interests of the defence of the Island or the efficient prosecution of the war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of these regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being either an enemy alien or a

person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this regulation is in force is hereafter referred to as " a protected area ".

(2) If any person is in a protected area in contravention of this regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of an authorised officer.

27. Without prejudice to any other defence regulation the Governor may, as respects—

(a) any protected place or protected area, or

(b) any place in relation to which it appears to the Governor to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions of war,

make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these regulations; and a rule made in relation to any place by virtue of sub-paragraph (b) of this regulation may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

28. (1) No person shall—

(a) trespass on—

(i) any premises used, or appropriated for use, in His Majesty's service, or

(ii) any premises used for the purposes of a railway, dock or shipyard, or

(b) unlawfully enter or board any vehicles, vessel or aircraft used or appropriated for use in His Majesty's service;

any if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by the appropriate person from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or the defence of the Island,—

(a) be in, or in the vicinity of,—

(i) any premises, vehicle, vessel or aircraft used, or appropriated for use, in His Majesty's service, or

(ii) any premises used or appropriated for the purpose of the performance of essential services, or

(b) be in the vicinity of a protected place;

and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel, aircraft or place concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or the defence of the Island.

Controlled areas.

Trespassing and loitering.

(3) No person loitering in the vicinity of a protected place or of any such premises, vehicle, vessel or aircraft as are or is mentioned in sub-paragraph (a) of the last preceding paragraph shall continue to loiter in that vicinity after being requested by the appropriate person to leave it; and any person trespassing in any such premises aforesaid may be removed therefrom by the appropriate person.

(4) In this regulation, the expression " the appropriate person " means—

- (a) any person acting on behalf of His Majesty, or
- (b) any police officer, or
- (c) the person occupying the premises or being in charge of the vehicle, vessel or aircraft, as the case may be, or any person authorised by him.

#### Part IV.

##### *Control of Navigation, Traffic and Transport.*

General control  
of navigation.

29. (1) The Governor may by order make provision as to the places in or to which vessels may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels within the harbours and territorial waters of Ceylon, and any order made under this regulation is hereafter referred to as a " navigation order ".

(2) If, in the case of any vessel, a navigation order is contravened or not complied with, the master of the vessel shall be guilty of an offence against this regulation.

(3) An authorised officer may, in relation to any vessel, take such steps, and use such force, as may appear to that officer to be reasonably necessary for securing compliance with any order under this regulation relating to the vessel, or, where contravention of this regulation has occurred in the case of the vessel, for enabling proceedings in respect of the offence to be effectually taken.

(4) The preceding provisions of this regulation shall apply in relation to seaplanes on the surface of the water as those provisions apply in relation to vessels, and seaplanes taking off from, or alighting on, the water shall be deemed, for the purposes of this regulation, to be on the surface of the water while in contact therewith.

Control of traffic  
at ports.

30. (1) Without prejudice to any navigation order, the Governor, if it appears to him to be necessary or expedient so to do in the interests of public safety, the defence of the Island or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may make provision by order—

- (a) for prohibiting or restricting the shipping or unshipping of articles or persons, or any specified class of articles or persons, at any port in Ceylon;
- (b) generally for regulating, facilitating or expediting the traffic at any such port; and an order under this regulation may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) The reference in the preceding provisions of this regulation to shipping or unshipping shall be construed as including a reference to embarking or putting on board of seaplanes or disembarking or unloading from seaplanes.

31. An authorised officer may, if it appears to him to be necessary for the purpose of preventing or avoiding any undue congestion of traffic at any port or railway premises, cause to be removed from the port or premises, and to be kept at such place in Ceylon as he thinks proper, any goods at the port or on the premises which are not removed therefrom with reasonable despatch by or on behalf of the consignee.

Congestion of traffic at ports and on railways.

32. (1) No restriction imposed by or under any Ordinance in relation to any port in Ceylon shall apply—

Handling and conveyance of ammunition, &c, in ports.

(a) to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of His Majesty or under instructions given by the Governor, or

(b) to the conveyance of ammunition, explosives or inflammable substances in any vessel for purposes of the defence of the Island or the efficient prosecution of the war;

but the Governor may, by order, make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances as aforesaid in any such area.

(2) Any reference in this regulation to shipping or to unshipping shall be construed as including a reference to putting on board seaplanes or to unloading from seaplanes, as the case may be.

## Part V.

### *Essential Supplies and Work.*

33. (1) Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this regulation may, for any purpose connected with the defence of the Island, the prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, do any work on any land, or place anything in, on or over any land.

Power to do work on land.

(2) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of public safety, the defence of the Island, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person other than a servant of His Majesty acting in the course of his duty as such shall, except with permission granted by or on behalf of a competent authority, remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this regulation.

(4) For the purpose of this regulation, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land, the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in pursuance of this regulation.

34. (1) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of public safety, the defence of the Island, the efficient prosecution of the war, or for maintaining supplies and services essential to the life

Occupation and use of land.

of the community, may take possession of any land, and may give such directions as appear to the competent authority to be necessary or expedient in connection with the taking of possession of that land.

(2) While any land is in the possession of a competent authority by virtue of this regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any Ordinance or other instrument or otherwise), be used by, or under the authority of, the competent authority for such purpose, and in such manner, as that authority thinks expedient in the interests of the public safety, the defence of the Island or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community; and the competent authority, so far as appears to it to be necessary or expedient in connection with the taking of possession or use of the land in pursuance of this paragraph—

- (a) may do, or authorise persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest, and
- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(3) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him in connection with the execution of this regulation) as may be so specified.

(4) For the purposes of this regulation—

“ competent authority ” means a person appointed in that behalf by the Governor; and

“ land ” includes any building or part of a building situated thereon.

Use of land for purposes of His Majesty's forces.

35. Without prejudice to any other defence regulation the Governor may by order authorise, subject to any restrictions and conditions imposed by the order the use of any land specified therein for military purposes, for air force purposes or for any of the purposes of His Majesty's navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the Governor to be necessary or expedient for the purposes thereof, provide—

- (a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and
- (b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

Entry and inspection of land.

36. Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this regulation—

- (a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any defence regulation;

- (b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land; and
- (c) may, for any purpose connected with the defence of the Island; the prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

37. Subject as hereinafter provided, the Governor, if it appears to him to be necessary or expedient so to do in the interests of public safety, the defence of the Island or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide for the requisitioning of—

Requisitioning  
of property  
other than land.

- (a) any property other than land situated in Ceylon;
- (b) any article on board any vessel or aircraft for the time being within Ceylon or the territorial waters thereof; and
- (c) any ship or aircraft registered in Ceylon, wherever it may be;

and may give such directions as appear to him to be necessary or expedient in connection with the requisition:

Provided that the preceding provisions of this regulation shall not authorise the requisitioning of anything on board a United Kingdom or Dominion ship or aircraft.

(2) Where the Governor requisitions or causes to be requisitioned any property (including a ship or aircraft) under this regulation, he may use or deal with, or authorise the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of public safety, the defence of the Island or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Governor, if it appears to him to be necessary for the effectual exercise of his powers under paragraph (1) of this regulation so to do, may, by order made as respects the whole of Ceylon or any part thereof—

- (a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in any area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;
- (b) require the owner or occupier of any premises in any such area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) An order under this regulation may authorise any person, or any class of persons, to perform such functions in connection with the requisitioning, and may contain such directions, as appear to the Governor to be necessary or expedient.

Commandeering  
of vehicles,  
animals and  
other property.

**38.** (1) In any case where immediate action appears to the Governor to be necessary for the purposes of the defence of the Island or the maintenance of the public safety, he may, by Order published in the *Gazette*, empower the Officer Commanding the Troops, or any officer authorised thereto in writing by the Officer Commanding the Troops, to seize any vehicle or animal or any property other than land and to take possession thereof for the use of the Government in connection with the defence of the Island or the maintenance of the public safety.

(2) The Officer Commanding the Troops or officer authorised by him may, for the purpose of seizing any vehicle or animal or other property in pursuance of any order made under paragraph (1), enter with all such servants and other assistance as may be necessary and, if need be, by force, upon or into any premises or building in which the vehicle or animal or other property may for the time being be or is suspected to be kept.

(3) Full particulars, including the name and address the owner or the person for the time being having possession and control, of each vehicle or animal or each item of other property seized in pursuance of any order made under paragraph (1), shall be recorded at the time of the seizure by the officer making the seizure.

(4) No action or prosecution shall be instituted or maintained against any officer in respect of any act done by him in pursuance or supposed pursuance of any order made by the Governor under paragraph (1), and the necessity for, or the validity of, any such order shall not be called in question or subject to review in any court of law.

Power to require  
storing, cooling,  
and other  
services.

**39.** The Governor may require any person who carries on business of storing, cooling, transporting or distributing goods of any description to afford similar services in relation to the storage, cooling, transport or distribution of goods for the purpose of any of His Majesty's forces.

Power to require  
water and  
power  
services.

**40.** The Governor may require any company, authority or person supplying or authorised to supply water, light, heat or power, to supply water, light, heat or power to any building, premises or camp belonging to or used for the purpose of any of His Majesty's forces and to carry out such work and render such services in connection with such supply as may be directed by the Governor.

Compensation  
for property  
requisitioned,  
&c.

**41.** (1) The Governor may by Order regulate the payment of compensation and the basis on which compensation is to be ascertained in respect of any property, article, ship or aircraft which has been requisitioned for temporary use under regulation 37, or any vehicle, animal or property which has been commandeered for temporary use under regulation 38.

(2) Subject to any Order made by the Governor under the preceding paragraph, any claim arising out of work done on any land, or the taking of possession or use of any land by a competent authority, or arising out of the requisitioning of any property, article, ship, or aircraft or the commandeering of any vehicle, animal or property in pursuance of these regulations and any claim for work done or services rendered under any of these regulations, shall, as soon as possible after the happening of the event giving rise to the claim, be made to the competent authority or

other person by whom or under whose authority such work was done or land was occupied or used or requisition was made or vehicle, animal or property was commandeered or to whom such work or service was rendered.

(3) The compensation or remuneration, if any, payable in respect of any such claim shall be such amount as is agreed upon by the claimant and the competent authority or other person as aforesaid; or, in default of agreement, such amount, if any, as may be awarded by a Board appointed as hereinafter provided.

(4) For the purpose of determining the amount of any remuneration or compensation payable in any case in which such amount is not agreed upon by the claimant and the competent authority or other person as aforesaid, the Governor shall appoint a Board or Boards having jurisdiction in such districts or areas as the Governor may determine. Each Board shall consist of five persons, one of whom shall be a District Judge, who shall be the Chairman of the Board, two shall be officers in the services of the Government or in His Majesty's Naval, Military or Air Service, and the other two shall be persons not holding any office of emolument under the Crown.

(5) A Board, in determining the amount of any compensation or remuneration payable under the preceding provisions of this regulation, shall not make any addition on account of the compulsory nature of the act for which the compensation or remuneration is awarded.

(6) No compensation shall be paid or awarded to the owner or occupier of any land by reason only that entrance has been made upon such land by a person or persons in exercise of any power or authority under these regulations or by reason that land has been temporarily occupied by any of His Majesty's regular or volunteer Naval, Military or Air Forces, acting in the course of their duty as such, but when timber has been cut or damage has been done to buildings, growing crops or fruit trees, compensation shall be payable to the owner of such timber, buildings, crops or fruit trees.

(7) All questions referred to a Board shall, in case of a difference of opinion, be decided by the votes of the majority of the members and their decision shall be final and shall not be subject to review or called in question in any court of law.

(8) The quorum of a Board shall be three, but, subject thereto, a Board may act notwithstanding any vacancy in its number.

(9) A Board constituted under this regulation shall have and may exercise all the powers of a District Court exercising civil jurisdiction in relation to the summoning and the enforcement of the attendance of witnesses, the production of documents, the administering of oaths or affirmations and the examination of witnesses.

**42.** In the event of any outbreak of fire the person having control of the operations for the extinction of the fire, and any person authorised by the Governor to act under this regulation, may take or authorise the taking of such steps, and give such directions, as appear to that person to be necessary for preventing the spread of the fire; and the steps which may be so taken include entering upon the land and the destruction or removal of anything in, on or over any land.

Measures for dealing with outbreak of fire.



Control of  
lights and  
sounds.

43. (1) The Governor may by Order provide—

- (a) for prohibiting or regulating the display of lights of any such description as may be specified in the order;
- (b) for securing that, in such circumstances as may be specified in the order, indication of the position of such premises and places, and warning of the presence of such vehicles or vessels, as may be specified in the order shall be given by means of such lights as may be prescribed by the order, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed and used;
- (c) for prohibiting or regulating the use of roads by particular class of traffic, so far as appears to the Governor to be necessary for avoiding danger consequent on compliance with any provisions of an order under this regulation which relate to the lighting of roads or of vehicles on roads;
- (d) for preventing or minimising the emission of flames, sparks or glare or the making of noise, so far as appears to the Governor to be necessary for the purpose of preventing either the conveyance of information useful to an enemy or interference with measures taken for the defence of the Island or in the interests of the public safety.

Any such order may be made so as to apply either throughout Ceylon or to any area or premises therein, may make different provision as respects different classes of premises, vehicles or vessels, may provide for exempting any premises, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purpose of the order.

(2) If any order made under this regulation is contravened or not complied with in the case of any premises, vehicle or vessel, any senior officer of police or any member of His Majesty's forces may enter the premises or board the vehicle or vessel and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the order, and (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall be guilty of an offence against this regulation:

Provided that, in any proceedings which, by virtue of this paragraph are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

(3) An authorised officer may cause any whistle, siren or other apparatus for making sound which is situated in any premises to be used in such manner as the authorised officer may determine to be appropriate for indicating the imminence or occurrence of hostile attack or the cessation of danger therefrom.

**Part VI.**

*Enemy Aliens.*

Internment of  
enemy aliens.

44. (1) (a) The Governor may direct an authorised officer to arrest any enemy alien who is found in Ceylon and to hand over such enemy alien to the custody of the Commandant of an Internment Camp, there to be detained subject to the further orders of the Governor.

(b) Any direction under paragraph (1) may be issued either generally or specially in the circumstances of any particular case.

(c) Any enemy alien who is detained in an Internment Camp may at any time be released therefrom on the order of the Governor, either unconditionally or subject to such conditions as the Governor may impose either generally or in the circumstances of any particular case.

(2) (a) Any enemy alien may, as a condition for his exemption from the liability to arrest or detention under paragraph (1) or for his release from detention under paragraph (3), be required by the Governor to execute a bond in such of the forms set out hereunder as may be appropriate to the case and containing such terms, covenants and conditions as may be approved by the Governor either generally or in the special circumstances of any particular case.

(b) An enemy alien who executes a bond when required so to do by the Governor shall be exempt from liability to arrest or detention under paragraph (1); and if any such enemy alien is under arrest or is detained in an Internment Camp at the time of the execution of the bond, he shall forthwith be released.

(c) Any such bond may be executed before any Magistrate, Justice of the Peace or the Commandant of an Internment Camp and shall be exempt from stamp duty.

(d) Where any bond has been executed as hereinbefore provided, it shall be presumed for all purposes that any terms, covenants and conditions inserted therein have been duly approved by the Governor.

(e) Nothing in this paragraph shall be deemed to be in derogation of the Governor's power to cancel the permission granted to any person to execute a security bond as aforesaid.

(3) (a) The Governor may, at any time, if he is satisfied that any of the terms, covenants and conditions approved by him have not been fulfilled, performed or carried out, or that a breach has been committed in respect of any of them, by the person by whom any such bond has been executed declare the bond to be forfeited.

(b) Any Magistrate's Court shall upon the receipt of a certificate under the hand of the Chief Secretary to the effect that the Governor has declared any such bond to be forfeited, recover the amount specified in the bond from the person by whom the bond was executed or the surety, if any, in like manner as though it were a fine imposed by the Court and notwithstanding that the amount to be recovered may be in excess of such fine as the Magistrate is authorised to impose in the exercise of his ordinary powers or jurisdiction.

(c) Notwithstanding anything in any other law to the contrary, the amount specified in any bond which is declared by the Governor to be forfeited may be recovered as a fine from both the principal and the surety simultaneously; and no surety shall in respect of any such bond plead or be entitled to any benefit available to sureties under any other law.

(4) Upon the cancellation of the permission granted to any person to execute a security bond, or upon the forfeiture under

the preceding paragraph of the bond executed by any person, it shall be lawful for the authorised officer to arrest such person forthwith and to hand him over to the custody of the Commandant of an Internment Camp, there to be detained subject to the further orders of the Governor.

(5) Any enemy alien who fails to execute such bond within such time as may be specified by the Governor may be arrested at sight by an authorised officer without any further order or warrant or direction in that behalf, and may be handed over to the custody of the Commandant of an Internment Camp, there to be detained subject to the further orders of the Governor.

(6) The authorised officer may, at the time of the arrest of any person under this regulation or at any time thereafter search any house or premises occupied or used whether wholly or in part by such person at the time of the arrest as a residence or for any other purpose whatsoever, and may take possession of any written or printed matter or any article or other personal property of any kind whatsoever which appears to the authorised officer to be intended or to be capable of being adapted for use for giving information or assistance to the enemy or for spreading disaffection or any seditious or subversive propaganda among His Majesty's subjects or for hampering or prejudicing in any manner any measures adopted for securing the defence of the Island or the efficient prosecution of the war.

(7) For the purposes of this regulation—

“ authorised officer ” means the Inspector-General of Police or any officer of police, not below the rank of Sub-Inspector, acting under the instructions of the Inspector-General;

“ enemy alien ” means a person who, not being either a British subject or a British-protected person, is known or is reasonably suspected to possess the nationality of a State at war His Majesty;

“ Internment Camp ” means a place appointed or approved by the Governor for the detention of enemy aliens.

(8) The preceding provisions of this regulation shall apply to any person released from any Internment Camp prior to the date on which these regulations come into operation and any bond executed prior to that date by any person in either of the forms hereinbefore prescribed; and, for the purpose of the application of the preceding provisions of this regulation, any such bond so executed by any such person shall be deemed to be a bond executed under those provisions.

#### FORM A (PERSONAL BOND).

I, \_\_\_\_\_ of \_\_\_\_\_ being a person possessing the nationality of a country at war with His Majesty KING GEORGE VI., and having been granted permission by the Governor to execute a bond under the Defence Regulations relating to the Internment of Enemy Aliens, do hereby bind myself to pay unto His Majesty King George VI., His heirs and successors the sum of Rupees \_\_\_\_\_.

Now the condition of this bond is that if I observe, fulfil and perform and carry out each and every one of the terms, covenants and conditions set out in the Schedule hereto marked

“ A ”, then this bond shall be null and void, but otherwise the same shall be and remain of full force and virtue.

\_\_\_\_\_  
Signature.

Signed before me

this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

\_\_\_\_\_  
Magistrate/Justice of the Peace/  
Commandant, Internment Camp.

*Schedule A.*

(Here insert the terms, covenant and conditions approved by the Governor.)

FORM B (BOND WITH SURETY.)

Whereas I, \_\_\_\_\_ of \_\_\_\_\_ being a person possessing the nationality of a country at war with His Majesty KING GEORGE VI., have been granted permission by the Governor to execute a bond under the Defence Regulations relating to the Internment of Enemy Aliens:

Know Ye therefore that I, the said \_\_\_\_\_ as Principal, and I, \_\_\_\_\_ of \_\_\_\_\_ as Surety, do hereby bind ourselves jointly and severally to pay unto His Majesty KING GEORGE VI., His heirs and successors the sum of rupees \_\_\_\_\_.

Now the condition of this bond is that if I, the said \_\_\_\_\_ observe, fulfil and perform and carry out each and every one of the terms, covenants and conditions set out in the Schedule hereto marked “ A ”, then this bond shall be null and void, but otherwise the same shall be and remain of full force and virtue.

\_\_\_\_\_  
Signature of Principal.

\_\_\_\_\_  
Signature of Surety.

Signed before me

on this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

\_\_\_\_\_  
Magistrate/Justice of the Peace/  
Commandant, Internment Camp.

*Schedule A.*

(Here insert the terms, covenant and conditions approved by the Governor.)

45. (1) No person shall sell or supply to any enemy alien who is detained in an Internment Camp any article or substance of whatsoever kind which is intended or is capable or being adapted for use for the purpose of causing damage to person or property or creating disaffection in the Camp, or establishing communications with persons outside the Camp, or assisting the enemy, or escaping from the Camp.

Internment  
Camps.

(2) No person shall—

(a) visit any enemy alien who is detained in an Internment Camp; or

(b) enter an Internment Camp for any other purpose; or

(c) bring or introduce any article or substance whatsoever into an Internment Camp, unless he has first obtained on each occasion the express permission of the Commandant of the Camp or any officer authorised by him to grant such permission:

Provided that such express permission to enter an Internment Camp shall not be required in the case of any tradesman or any agent or servant of a tradesman who is the holder of a permit under the hand of the Commandant and complies in all respects with such conditions and requirements as may be set out in the permit.

(3) No person shall bring or introduce into an Internment Camp any letter or other written, typewritten or printed matter of any kind, or any packet, parcel, box or case containing any article, in such manner as to preclude the examination of the contents thereof by the Commandant of the Camp or any officer authorised by him in that behalf.

(4) The Commandant of an Internment Camp may—

(a) require any person seeking admission into the Camp, whether for visiting an enemy subject or for any other purpose, to furnish particulars as to name, address and antecedents and proof of *bona fides*;

(b) where he has reasonable ground for suspicion, search or cause such person to be searched as a condition for the grant of permission to enter the Camp; and

(c) where he is not satisfied as to the *bona fides* of such person, or such person does not submit to a search, deny such person permission to enter the Camp.

(5) No female shall be searched for the purpose of this regulation except by a female.

(6) No person shall assist or attempt or conspire to assist any enemy alien detained in an Internment Camp to escape therefrom.

## Part VII.

### General.

Licences,  
permits, &c.

46. (1) Any person claiming to be the holder of any permit, licence, certificate or written permission granted or issued for the purposes of any of these regulations shall, on demand made in that behalf by any police officer or by any authorised officer, produce the permit, licence, certificate or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence, certificate or written permission granted or issued for the purposes of any of these regulations, or makes or has in his possession any document so closely resembling such a permit, licence, certificate or permission as to be calculated to deceive, he shall be guilty of an offence against this regulation.

(3) Any licence, permit or permission granted for the purposes of any of these regulations may be revoked at any time by the authority or person empowered to grant it.

Affixing of  
notices.

47. Any authorised officer may, for any purpose connected with the defence of the Island, the efficient prosecution of the war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any

premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by the preceding provisions of this regulation, enter any premises at any time; and where any authorised officer affixes a notice, or causes a notice to be displayed, in pursuance of this regulation, no person other than an authorised officer shall remove, alter, deface or obliterate the notice.

48. A provision made in, or a direction or determination made or given in pursuance of, any defence regulation or any order under any such regulation, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of person is, or consists of or comprises, a body or bodies constituted by or under an Ordinance; and any such body to whom any functions are entrusted under or by virtue of any defence regulation shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from that regulation, is imposed by any Ordinance or other instrument determining the functions of that body..

Entrusting of functions to statutory bodies.

49. (1) If a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorising any senior officer of police or any commissioned officer in His Majesty's forces, together with any other persons named in the warrant and any other police officers or members of His Majesty's forces, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid.

Power to enter and search premises.

(2) If, with respect to any premises, any officer of police of a rank not lower than that of Assistant Superintendent, or any person authorised by the Governor to act under this paragraph, has reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at those premises, and is satisfied—

(a) that it is essential in the public interest that the premises should be searched for the purpose of obtaining that evidence, and

(b) that the evidence is not likely to be found at the premises unless they are searched forthwith,

the said officer or person may, by a written order under his hand, confer the like powers of search and seizure in relation to the premises as might be conferred under paragraph (1) of this regulation by the warrant of a Magistrate.

(3) No female shall, in pursuance of a warrant issued under this regulation, be searched except by a female.

50. Without prejudice to any special provisions contained in these regulations, any person shall, on being requested by a competent authority so to do, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the competent authority considers it necessary or expedient to obtain or examine for the purposes of any defence regulation.

Power to obtain information.

In this regulation, " article " includes any book, account or document.

Powers of arrest

51. Any senior officer of police, any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Governor to act under this regulation may arrest without warrant any person whom he has reasonable ground for suspecting to have committed a war offence.

Offences and penalties.

52. (1) If any person contravenes or fails to comply with any defence regulation, or any order or rule made or any direction given or requirement imposed under any defence regulation, he shall be guilty of an offence against that regulation.

(2) Where in any defence regulation express provision is made for the trial or punishment of an offence against that regulation, such offence shall be tried or punished as provided in that regulation.

(3) Where in any defence regulation no express provision is made for the trial or punishment of an offence against that regulation, any person guilty of an offence against that regulation shall—

(a) 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

(b) 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.

Offences by corporations.

53. Where a person convicted of an offence against any of these regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or 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 he exercised all due diligence to prevent the commission of the said offence.

Attempts to commit offences, and assisting offenders.

54. (1) Any person who attempts to commit, or does any act preparatory to the commission of, any offence against any of these regulations, shall be deemed to be guilty of an offence against that regulation.

(2) No person, knowing or having reasonable cause to believe that any other person is guilty of an offence against any of these regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that other person for the said offence.

Legal proceedings.

55. (1) Save as otherwise expressly provided, proceedings in respect of an offence alleged to have been committed by a person against any of these regulations may be taken before the Magistrate's Court having jurisdiction in the place where that person is for the time being.

(2) Where in any defence regulation it is provided that any person guilty of any offence referred to in that regulation shall be liable to any specified penalty on conviction before the Supreme Court or before a District Court or to any other specified penalty on conviction after summary trial before a Magistrate, then, in the absence of express provision as to the circumstances in which that person is to be tried summarily for that offence, it shall be lawful for the Magistrate, before whom a prosecution is instituted against that person for that offence, to decide whether

he will try such person summarily or take non-summary proceedings in respect of that offence; and such decision may be made by the Magistrate notwithstanding anything in the Criminal Procedure Code:

Provided that nothing herein contained shall affect or prejudice any right or power of the Attorney-General under that Code.

Cap. 16.

56. Where any work is done in the exercise of powers conferred by any defence regulation, then, if and so far as the work was work which, apart from the provisions of any defence regulation, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown; and upon the production before any Magistrate of a certificate under the hand of an authorised officer to the effect that any sum specified in that certificate is due from any person named therein as a debt to the Crown under the preceding provisions of this regulation, such Magistrate shall recover that sum from that person as though it were a fine imposed by him on that person notwithstanding that such sum may be in excess of such fine as a Magistrate is authorised to impose in the exercise of his ordinary powers or jurisdiction.

Recovery of expenses.

57. Any power conferred by any defence regulation to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules

Revocation and variation of orders, &c.

58. Save as otherwise expressly provided, the powers conferred by any defence regulation 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.

59. The defence regulations specified in the Schedule hereto are hereby rescinded.

Repeals

60. The rescission of any defence regulation specified in the Schedule shall not affect or prejudice any appointment or order made, direction given, instrument issued or act done under that regulation, but such appointment, order, direction, instrument or act shall, if in force on the date on which these regulations come into operation, be deemed to be made, given, issued or done under the corresponding provisions of these regulations and shall have effect accordingly.

Savings.

SCHEDULE.

1. The defence regulation relating to the general control of navigation published in *Gazette Extraordinary*, No. 8,479 of August 29, 1939.

2. The Defence (Censorship) Regulations, published in *Gazette Extraordinary*, No. 8,482 of September 1, 1939.

3. The Defence (Commandeering of Property) Regulation, published in *Gazette Extraordinary*, No. 8,485 of September 1, 1939.

4. The Defence (Internment of Enemy Aliens) Regulation, published in *Gazette Extraordinary*, No. 8,490 of September 3, 1939.

5. The Defence (Internment Camps) Regulation, published in *Gazette Extraordinary*, No. 8,490 of September 3, 1939.

6. The Defence (Occupation and Use of Lands) Regulation, published in *Gazette Extraordinary*, No. 8,490 of September 3, 1939.

7. The Defence (Wireless Apparatus on Merchant Ships) Regulation, published in *Gazette Extraordinary*, No. 8,490 of September 3, 1939.

8. The Defence (Wireless Telegraphy) Regulation, published in *Gazette Extraordinary*, No. 8,490 of September 3, 1939.

9. The Defence (Protected Places and Areas) Regulations, published in *Gazette Extraordinary*, No. 8,502 of September 12, 1939.



APPENDIX I.

**The Emergency Powers (Defence) Act, 1939.**

2 & 3 GEO. 6. CH. 62.

ARRANGEMENT OF SECTIONS.

Section.

1. Defence Regulations.
2. Power to impose charges.
3. Extra-territorial operation of Defence Regulations.
4. Provisions as to colonies, &c.
5. Extra-territorial operation of defence legislation of certain Dominions, &c.
6. Hearing of proceedings in camera.
7. Proof of instruments.
8. Provisions as to certain Orders in Council.
9. Saving of prerogative powers.
10. Interpretation.
11. Duration of Act.
12. Short title.

CHAPTER 62.

An Act to confer on His Majesty certain powers which it is expedient that His Majesty should be enabled to exercise in the present emergency; and to make further provision for purposes connected with the defence of the realm.

[24th August 1939.]

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:—

Defence  
Regulations.

1. (1) Subject to the provisions of this section, His Majesty may by Order in Council make such Regulations (in this Act referred to as "Defence Regulations") as appear to him to be necessary or expedient for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, Defence Regulations may, so far as appears to His Majesty in Council to be necessary or expedient for any of the purposes mentioned in that subsection,—

(a) make provision for the apprehension, trial and punishment of persons offending against the Regulations, and for the detention of persons whose detention appears to the Secretary of State to be expedient in the interests of the public safety or the defence of the realm;

(b) authorise—

- (i) the taking of possession or control, on behalf of His Majesty, of any property or undertaking;
- (ii) the acquisition, on behalf of His Majesty, of any property other than land;

(c) authorise the entering and search of any premises; and

(d) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification.

(3) Defence Regulations may provide for empowering such authorities, persons or classes of persons as may be specified in the Regulations to make orders, rules and byelaws for any of the purposes for which such Regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to His Majesty in Council to be necessary or expedient for the purposes of the Regulations.

(4) A Defence Regulation, and any order, rule or byelaw duly made in pursuance of such a Regulation, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than his Act.

(5) Nothing in this section shall authorise the imposition of any form of compulsory naval, military or air force service or any form of industrial conscription, or the making of provision for the trial by courts martial of persons not being persons subject to the Naval Discipline Act, to military law or to the Air Force Act.

(6) In this section the expression "enactment" includes any enactment of the Parliament of Northern Ireland.

2. (1) The Treasury may by order provide for imposing and recovering, in connection with any scheme of control contained in or authorised by Defence Regulations, such charges as may be specified in the order; and any such order may be varied or revoked by a subsequent order of the Treasury.

Power to impose charges.

(2) Any charges recovered by virtue of such an order as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the order so directs, be paid into such public fund or account as may be specified in the order.

(3) 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.

56 & 57 Vict. c. 66.

(4) 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.

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.

(5) Without prejudice to the preceding provisions of this section, any Defence Regulations may provide—

(a) for charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the Regulations, such fee not exceeding five pounds as may be prescribed under the Regulations with the approval of the Treasury; and

(b) for imposing and recovering such charges as may be so prescribed in respect of any services which, in pursuance of such Regulations, are provided on behalf of His Majesty, or under arrangements made on behalf of His Majesty, other than services necessary for the performance of duties imposed by law upon the Crown;

and all sums received by way of such fees or charges as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the Treasury so direct, be paid into such public fund or account as they may determine.

Extra-territorial operation of Defence Regulations.

3. (1) Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, any Defence Regulation shall—

(a) in so far as they specifically impose prohibitions, restrictions or obligations in relation to ships, vessels or aircraft, or specifically authorise the doing of anything in relation to ships, vessels or aircraft, apply to all ships, vessels or aircraft in or over the United Kingdom and to all British ships or aircraft, not being Dominion ships or aircraft, wherever they may be; and

(b) in so far as they impose prohibitions, restrictions or obligations on persons, apply (subject to the preceding provisions of this subsection) to all persons in the United Kingdom and all persons on board, any British ship or aircraft, not being a Dominion ship or aircraft, and to all other persons being British subjects except persons in any of the following countries or territories, that is to say,—

- (i) A Dominion,
- (ii) India, Burma and Southern Rhodesia,
- (iii) any country or territory to which any provisions of this Act can be extended by Order in Council, and
- (iv) any other country or territory, being a country or territory under His Majesty's protection or suzerainty:

Provided that Defence Regulations may make provision whereby the owner, manager or character of any British ship or aircraft, being a person resident in the United Kingdom or a corporation incorporated under the law of any part of the United Kingdom, is subjected to restrictions in respect of the employment of persons in any foreign country or territory in connection with the management of the ship or aircraft.

(2) In this section the expression " Dominion ship or aircraft " means a British ship or aircraft registered in a Dominion, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom; and, for the purposes of subsection (1) of this section, any ship or aircraft registered in India, Burma or Southern Rhodesia, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, shall be treated as if it were a Dominion ship or aircraft.

(3) Subsection (1) of this section shall apply in relation to British protected persons, as that subsection applies in relation to British subjects.

Provisions as to colonies, &c.

4. (1) His Majesty may by Order in Council direct that the provisions of this Act other than this section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order,—

- (a) to the Isle of Man or any of the Channel Islands,
- (b) to Newfoundland or any colony,
- (c) to any British protectorate,

- (d) to 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
- (e) (to the extent of His Majesty's 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, in particular, but without prejudice to the generality of the preceding provisions of this section, such an Order in Council may direct that any such authority as may be specified in the Order shall be substituted for His Majesty in Council as the authority empowered to make Defence Regulations for the country or territory in respect of which the Order is made.

(2) His Majesty may by Order in Council make, or authorise the making of, provision whereby persons offending against any Defence Regulations may be apprehended, tried and punished in the United Kingdom, or any of the countries or territories specified in the preceding subsection, whether section one of this Act extends to that country or territory or not.

5. (1) If and so far as the provisions of any Act for purposes of defence passed by the Parliament of the Commonwealth of Australia or by the Parliament of the Dominion of New Zealand purport to have extra-territorial operation as respects—

Extra-territorial operation of defence legislation of certain Dominions, &c.

- (a) ships or aircraft registered in the said Commonwealth or Dominion, or
- (b) the employment of persons in relation to British ships or aircraft by owners, managers or charterers of such ships or aircraft who are persons resident in the said Commonwealth or Dominion or corporations incorporated under the law of the said Commonwealth or Dominion or any part thereof,

the said provisions shall be deemed to have such operation.

(2) No law made for purposes of defence by the Indian Legislature or the Federal Legislature of India or by the Legislature of Burma shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it makes provision whereby any owner, manager or charterer of a British ship or aircraft who is a person resident in India or Burma or a corporation incorporated under the law of India or Burma or any part thereof, is subjected to restrictions in respect of the employment of persons in relation to the ship or aircraft.

Nothing in this subsection shall be taken to prejudice the effect of section ninety-nine of the Government of India Act, 1935, or section thirty-three of the Government of Burma Act, 1935.

26 Geo. 5  
c. 2.  
26 Geo. 5  
c. 3.

(3) If and so far as the provisions of any law for purposes of defence made by the Legislature of Southern Rhodesia purport to have extra-territorial operation as respects—

- (a) aircraft registered in Southern Rhodesia, or
- (b) the employment of persons in relation to British aircraft by owners, managers or charterers of such aircraft who are persons resident in Southern Rhodesia or corporations incorporated under the law of Southern Rhodesia,

the said provisions shall be deemed to have such operation.

Hearing of proceedings in camera.

6. (1) If, as respects any proceedings before a court (whether instituted before or after the commencement of this Act), the court is satisfied that it is expedient, in the interests of the public safety or the defence of the realm so to do, the court—

(a) may give directions that, throughout, or during any part of, the proceedings, such persons or classes of persons as the court may determine shall be excluded;

(b) may give directions prohibiting or restricting the disclosure of information with respect to the proceedings.

The powers conferred by this subsection shall be in addition to, and not in derogation of, any other powers which a court may have to give such directions as aforesaid.

(2) If any person contravenes any directions given by a Court under the preceding subsection, then, without prejudice to the law relating to contempt of court, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) The operation of subsection (4) of section eight of the Official Secrets Act, 1920, shall be suspended during the continuance in force of this Act.

10 & 11  
Geo. 5. c. 75.

Proof of instruments.

7. Every document purporting to be an instrument made or issued by any Minister or other authority or person in pursuance of any provision contained in, or having effect under, Defence Regulations, and to be signed by or on behalf of the said Minister, authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by that Minister, authority or person; and prima facie evidence of any such instrument as aforesaid may, in any legal proceedings (including arbitrations), be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Minister or other authority or person having power to make or issue the instrument.

Provisions as to certain Orders in Council.

8. (1) Every Order in Council containing Defence Regulations shall be laid before 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, such an Order shall be deemed not to be a statutory rule to which that section applies.

(2) If either House of Parliament, within the next twenty-eight days on which that House has sat after such an Order in Council as aforesaid is laid before it, resolves that the Order be annulled, the Order shall thereupon cease to have effect except as respects things previously done or omitted to be done, without prejudice, however, to the making of a new Order.

(3) Any power conferred by the preceding provisions of this Act to make an Order in Council shall be construed as including a power to vary or revoke the Order.

Saving of prerogative powers.

9. The powers conferred by or under this Act shall be in addition to, and not in derogation of, the powers exercisable by virtue of the prerogative of the Crown.

Interpretation.  
22 Geo. 5. c. 4.

10. (1) In this Act the expression "Dominion" means any Dominion within the meaning of the Statute of Westminster, 1931, except Newfoundland, and includes any territory administered by His Majesty's Government in such a Dominion.

(2) References in this Act to British aircraft shall be construed as references to aircraft registered in any part of His Majesty's dominions, in any British protectorate or 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 the Government of any part of His Majesty's dominions.

(3) For the avoidance of doubt it is hereby declared that any reference in this Act to Defence Regulations includes a reference to regulations made under any provision of this Act, as extended to any country or territory by an Order in Council under this Act, and that any reference in this Act to any country or territory includes a reference to the territorial waters, if any, adjacent to that country or territory.

11. (1) Subject to the provisions of this section, this Act shall continue in force for the period of one year beginning with the date of the passing of this Act, and shall then expire:

Duration of Act.

Provided that if at any time while this Act is in force, an address is presented to His Majesty by each House of Parliament praying that this Act should be continued in force for a further period of one year from the time at which it would otherwise expire, His Majesty may by Order in Council direct that this Act shall continue in force for that further period.

(2) Notwithstanding anything in the preceding sub-section, if His Majesty by Order in Council declares that the emergency that was the occasion of the passing of this Act has come to an end, this Act shall expire at the end of the day on which the Order is expressed to come into operation.

(3) The expiry of this Act shall not affect the operation thereof as respects things previously done or omitted to be done.

12. This Act may be cited as the Emergency Powers (Defence) Act, 1939.

Short Title.

## APPENDIX II.

### The Emergency Powers (Colonial Defence) Order in Council, 1939.

AT THE COURT AT BUCKINGHAM PALACE  
The 25th day of August, 1939

Present

THE KING'S MOST EXCELLENT MAJESTY

Lord President	Mr. Secretary Colville
Secretary: Sir Samuel Hoare	Mr. Ernest Brown

WHEREAS by subsection (1) of section four of the Emergency Powers (Defence) Act, 1939, it is provided that His Majesty may by Order in Council direct that the provisions of that Act other than that section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order—

- (a) to the Isle of Man or any of the Channel Islands,
- (b) to Newfoundland or any colony,
- (c) to any British protectorate,
- (d) to 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

- (e) (to the extent of His Majesty's jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction:

NOW, THEREFORE, His Majesty, in pursuance of subsection (1) of section four of the said Act, and of all other powers enabling Him in that behalf, 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 Emergency Powers (Colonial Defence) Order in Council, 1939.

2. (1) In this Order unless the context otherwise requires—

(a) the expression "territory" includes the territorial waters, if any, adjacent thereto, and any dependency thereof;

(b) the expression "Governor" in relation to any territory includes any person administering the Government of the territory, and, in the case of Zanzibar, means the British Resident or the person lawfully discharging his functions.

(2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The provisions of the Emergency Powers (Defence) Act, 1939, other than section four thereof (excepting the following provisions thereof, that is to say, sub-sections (3) and (4) of section two, section five, subsection (3) of section six, and sections eight, nine, eleven and twelve) shall, subject to the adaptations and modifications contained in the First Schedule to this Order, extend to the territories mentioned in the Second Schedule to this Order.

4. The powers conferred on the Governor of a territory by virtue of this Order shall be in addition to, and not in derogation of, any other powers possessed by the Governor.

*E. C. E. Leadbitter.*

#### FIRST SCHEDULE.

(a) The Governor shall be substituted for His Majesty in Council as the authority empowered to make Defence Regulations for the territory.

(b) In subsection (1) of section one "the territory" shall be substituted for "the realm".

(c) In paragraph (a) of subsection (2) of section one "the Governor" shall be substituted for "the Secretary of State".

(d) In subsection (3) of section one "the Governor" shall be substituted for "His Majesty in Council".

(e) In subsection (4) of section one the words "other than this Act", in both places where they occur, shall be omitted.

(f) In subsection (6) of section one for the words "includes any enactment of the Parliament of Northern Ireland" there shall be substituted the words "includes any Act of Parliament in its application to the territory other than the Emergency Powers (Defence) Act, 1939, any Order of His Majesty in Council in its application to the territory other than an Order made under the Emergency Powers (Defence) Act, 1939, and any Ordinance or other law in force in the territory".

(g) In subsection (1) of section two "the Governor" shall be substituted for "the Treasury" in both places where the words occur.

(h) In subsection (2) of section two "the general revenues of the territory" shall be substituted for "the Exchequer of the United Kingdom".

(i) In subsection (5) of section two for the words "such fee not exceeding five pounds as may be prescribed under the Regulations with the approval of the Treasury" there shall be substituted the words "such fee as may be prescribed by or under the Regulations", and for the words "shall be paid into the Exchequer of the United Kingdom or, if the Treasury so direct, be paid into such public fund or account as they may determine" there shall be substituted the words "shall be paid into the general revenues of the territory or, if the Governor so directs, be paid into such public fund or account as he may determine".

(j) In subsection (1) of section three "the territory" shall be substituted for "the United Kingdom" wherever those words occur, and in paragraph (b) of that subsection the words "the United Kingdom and" shall be inserted between the figure "(i)" and the words "a Dominion".

(k) In subsection (1) of section six "this Order" shall be substituted for "this Act", and "the territory" shall be substituted for "the realm".

(l) In section seven the references to a Minister shall be omitted.

(m) References to British ships shall be construed as including references to all ships registered in, or licensed under the law of, the territory.

## SECOND SCHEDULE.

Aden (Colony and Protectorate).	Leeward Islands :—
Bahamas.	Antigua.
Barbados.	Dominica.
Bermuda.	Montserrat.
British Guiana.	St. Christopher and Nevis.
British Honduras.	Virgin Islands.
British Solomon Islands Protec- torate.	Malta.
Ceylon.	Mauritius.
Cyprus.	Nigeria :—
Falkland Islands.	(a) Colony.
Fiji.	(b) Protectorate.
Gambia (Colony and Protectorate).	(c) Cameroons under British Mandate.
Gibraltar.	Northern Rhodesia.
Gilbert and Ellice Islands Colony.	Nyasaland Protectorate.
Gold Coast :	Palestine (excluding Trans- Jordan).
(a) Colony.	St. Helena and Ascension.
(b) Ashanti.	St. Lucia.
(c) Northern Territories.	St. Vincent.
(d) Togoland under British Mandate.	Seychelles.
Grenada.	Sierra Leone (Colony and Pro- tectorate).
Hong Kong.	Somaliland Protectorate.
Jamaica (including Turks and Caicos Islands and the Cayman Islands).	Straits Settlements.
Kenya (Colony and Protectorate).	Tanganyika Territory.
	Trinidad and Tobago.
	Uganda Protectorate.
	Zanzibar Protectorate.