



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

No. 8,521 — THURSDAY, OCTOBER 5, 1939.

Published by Authority.

PART II.—LEGAL.

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

PASSED ORDINANCES.

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

No. 45 of 1939.

L. D.—O 74/39

**An Ordinance to amend the Bank of Ceylon Ordinance,
No. 53 of 1938.**

A. CALDECOTT.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Bank of Ceylon (Amendment) Ordinance, No. 45 of 1939. Short title.

2 The First Schedule to the Bank of Ceylon Ordinance, No. 53 of 1938, is hereby amended by the substitution, for paragraph (g) of section 3 of that Schedule, of the following paragraph :— Amendment of
First Schedule
to Ordinance
No. 53 of 1938.

“(g) No bill of exchange, promissory note or similar negotiable or transferable document shall be discounted, negotiated or dealt with by the bank, or accepted by the

bank as collateral security for any advances, except in accordance with such conditions as may from time to time be determined by resolution of the Board.”

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

E. W. KANNANGARA,
Clerk of the Council.

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

E. R. SUDBURY,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—CF 27/39 M. L. A. 562

An Ordinance to provide for the control of the supply and the conservation of the stocks of petrol in Ceylon.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title and date of operation.

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

Duration of Ordinance.

2 This Ordinance shall continue in force until such date as the Governor may, by Proclamation published in the Gazette, appoint as the date on which the Ordinance shall cease to be in force.

Appointment of officers.

3 The Governor may appoint—

- (a) any person, by name or by office, to be or to act as Petrol Controller for the purposes of this Ordinance ;
- (b) such other officers and servants as may be necessary for the purpose of carrying out or giving effect to the provisions of this Ordinance.

Restriction on purchase of petrol.

4 On and after such date as the Governor may fix by order published in the Gazette, no person other than a vendor shall purchase or obtain any petrol—

- (a) unless he is an approved consumer and is the holder of a permit issued by the Controller under this Ordinance ; or
- (b) unless an order authorising the sale or supply of a specified quantity of petrol to him by a supplier has been issued by the Controller.

Application for approval as consumer.

5 (1) Every application for the approval of a person as a consumer of petrol shall be made to the Controller and shall set out—

- (a) a description of the vehicle, vessel, aircraft, plant or machinery for which the petrol is required, and in the case of a vehicle, the registered number, make and horse-power thereof ;
- (b) the purpose for which such vehicle, vessel, aircraft, plant or machinery is intended to be employed ;
- (c) the monthly average quantity of petrol purchased by the applicant during the twelve months immediately preceding the date on which the application is made ; and
- (d) the estimated monthly average quantity of petrol required by the applicant after such date, and the description of the petrol so required.

(2) Every applicant who desires to take delivery of any petrol otherwise than in the tank of a vehicle, vessel or aircraft shall specify in his application the manner in which he proposes to take delivery of the petrol and his reasons for requiring delivery in such manner.

(3) The Controller may provide forms of application for the purposes of this section and where such forms are provided, application shall be made in the form so provided.

6 (1) The Controller may refuse to approve any person as a consumer of petrol of any description if, having regard—

Refusal of approval as a consumer.

- (a) to the stocks of such petrol in Ceylon ;
- (b) to the necessity for conserving such stocks for use for public purposes ; and the maintenance of essential services ; and
- (c) to the purposes for which that person proposes to use such petrol,

the Controller is satisfied that that person should not be authorised to obtain supplies of such petrol.

(2) Where the Controller refuses to register any person as a consumer of petrol—

- (a) the Controller shall give notice of such refusal by letter sent by post to that person at the address specified by him in his application ;
- (b) that person may, before the expiry of a period of seven days from the date of the receipt of the notice and on payment of a fee of one rupee, appeal to the Minister against such refusal.

(3) The decision of the Minister on any appeal preferred under sub-section (2) shall, subject to the provisions of section 9, be final.

7 (1) Upon the approval of a person as a consumer of petrol of any description, the Controller may from time to time in his discretion determine the quantity of such petrol which that person may be authorised to obtain during any month, and may issue to him one or more permits to which shall be attached such number of coupons as may be necessary to enable him to obtain that quantity of such petrol during that month.

Issue of permits to approved consumers.

(2) No appeal shall lie against any determination of the Controller under sub-section (1) :

Provided, however, that nothing herein contained shall be deemed to prejudice or affect the power of the Controller to vary any such determination at any time.

(3) No permit issued under sub-section (1), and no coupon attached to any such permit, shall be valid except during the month in respect of which the permit is issued.

(4) Where the Controller is satisfied that petrol should be delivered to any approved consumer otherwise than in the tank of a vehicle, vessel or aircraft, he may by entry made in any one or more of the permits issued to that consumer, authorise the delivery, otherwise than in the tank of a vehicle, vessel, or aircraft, of petrol purchased or obtained under that permit.

(5) No permit shall authorise any person to purchase or obtain petrol at any place other than a retail depot :

Provided, however, that the Controller may in any case issue to an approved consumer a special permit authorising him to purchase or obtain petrol direct from a supplier.

8 (1) No approved consumer shall—

- (a) sell or transfer to any other person any permit issued to that consumer or any coupon attached to any such permit ; or
- (b) deliver any such permit or coupon to any other person except for the purpose of enabling that person to purchase or obtain petrol for the use of that consumer ; or
- (c) deliver any such coupon to any vendor except for the purpose of obtaining petrol from that vendor ; or
- (d) sell or deliver to any other person any petrol purchased or obtained under the authority of a permit issued to that consumer.

Prohibition of sale or transfer of permits and of petrol by approved consumers.

(2) Notwithstanding anything in sub-section (1) (d) to the contrary, no person shall be deemed to have contravened the provisions of that sub-section by reason only of the sale or delivery of any quantity of petrol not exceeding one gallon if he proves to the satisfaction of the court that—

- (a) the petrol was delivered into the tank of a vehicle belonging to an approved consumer in order to enable that vehicle to be driven to the nearest retail depot for the purpose of replenishing the tank of the vehicle ; and

(b) the quantity of petrol, if any, which was in that tank immediately prior to the time of such delivery was not sufficient to enable the vehicle to be driven to the nearest retail depot.

Revocation
of approval.

9 (1) Where any person has been approved as a consumer of petrol of any description, the Controller may revoke such approval—

(a) if he is satisfied that that person has contravened any of the provisions of this Ordinance, or has made in any application or return made thereunder any statement which he knows to be false ;

(b) if, having regard—

- (i.) to the stocks of such petrol in Ceylon ;
- (ii.) to the necessity of conserving such stocks for use for public purposes and the maintenance of essential services ; and
- (iii.) to the purposes for which such petrol is used by that person,

the Controller is satisfied that that person should not be authorised to obtain supplies of such petrol.

(2) Where the approval of any person as a consumer of petrol is revoked by the Controller under sub-section (1)—

(a) the Controller shall give notice of such revocation by letter sent by post to that person at the address specified by him in his application for approval as a customer ;

(b) that person may, before the expiry of a period of seven days from the date of the receipt of the notice and on payment of a fee of one rupee, appeal to the Minister against such revocation.

(3) The decision of the Minister on any appeal preferred under sub-section (2) shall be final.

Restrictions
as to sale
by vendors.

10 On and after the date fixed by order under section 4—

(1) no vendor shall sell or deliver any quantity of petrol of any description to any person—

(a) unless a valid permit issued under this Ordinance is produced to the vendor by or on behalf of that person ; and

(b) unless a coupon authorising the delivery of that quantity of such petrol is removed from the permit in the presence of the vendor and surrendered to him ;

(2) no vendor shall cause or permit any petrol sold or delivered at a retail depot to be poured or discharged into any receptacle other than the tank of a vehicle, vessel or aircraft :

Provided, however, that nothing in this paragraph shall be deemed to prohibit the delivery of petrol in any other manner in any case where the permit under which the petrol is purchased or obtained authorises delivery otherwise than in such tank, or where petrol is supplied under the authority of a special permit referred to in section 19 (2).

Duties of
vendor
upon sale.

11 On and after the date fixed by order under section 4—

(a) every vendor shall, from time to time, in accordance with such directions as the Controller may issue, transmit to the supplier from whom petrol is obtained by that vendor all coupons surrendered to him under section 10, and every special permit surrendered to him under section 19 (2) ;

(b) every vendor shall, upon the sale or delivery of any petrol to any person make or cause to be made an entry, substantially in the form set out in the Schedule to this Ordinance, in respect of such sale or delivery in a register kept for the purpose, which shall be made available for inspection at any time by the Controller or by an authorised officer ;

Provided, however, that nothing in this paragraph shall be deemed to require any such entry to be made in any register during any period if the Governor has, by order published in the Gazette, declared that the provisions of this paragraph shall not apply during that period.

12 Every person, other than a vendor or supplier, who on the appointed date has in his possession, otherwise than in the tank of a vehicle, vessel or aircraft, any quantity of petrol in excess of ten gallons, shall, before the expiry of a period of five days from that date, furnish to the Controller a return specifying the quantity of petrol which is in his possession; and the Controller may, notwithstanding that that person is approved under this Ordinance as a consumer of petrol, refuse to issue any permit to him in respect of the period during which the quantity so specified will, in the opinion of the Controller, be sufficient for the purposes for which petrol is required by that person.

Returns by persons other than vendors.

13 (1) Every vendor shall furnish to the Controller such returns and other information as the Controller may from time to time require relating to the quantity of petrol in his possession and to the sale or delivery of petrol to approved consumers and other persons.

Returns, &c. by vendors and suppliers.

(2) Every supplier—

- (a) shall, before the expiry of a period of five days from the appointed date, furnish to the Controller a statement setting out the name of every vendor to whom petrol is sold or delivered by the supplier for the purpose of sale otherwise than at a service station, and the address of the depot at which petrol is sold by that vendor;
- (b) shall furnish to the Controller such returns and other information as the Controller may require relating to the stocks of petrol in his possession or under his control or expected to arrive in Ceylon, and to the sale or delivery of petrol to vendors and other persons.

14 On and after the date fixed by order under section 4—

- (1) no supplier shall sell or deliver any petrol to any vendor except in accordance with such directions as the Controller may from time to time issue in regard to the quantity of such petrol which may be sold or delivered to that vendor and the time at which such delivery may be made;
- (2) no supplier shall supply any petrol to any vendor during any period if the Controller has by order under his hand prohibited the supply of such petrol to that vendor during that period;
- (3) no supplier shall sell or deliver any quantity of petrol of any description to any person other than a vendor except upon production and surrender, by or on behalf of that person, of a special permit or of an order authorising that person to purchase or obtain that quantity of such petrol direct from a supplier.

Restrictions as to sale, &c. of petrol by suppliers.

15 It shall be lawful for any authorised officer—

- (a) to search any premises, vehicle, vessel or aircraft in which any petrol is stored or suspected to be stored, for the purpose of ascertaining the quantity of petrol stored therein;
- (b) to inspect and test any measuring instrument at any retail depot for the purpose of ascertaining whether the instrument is false.

Powers of search, &c.

16 (1) Any person who acts in contravention of any provision of this Ordinance shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand five hundred rupees or to imprisonment of either description for a period not exceeding six months, or to both such fine and such imprisonment.

Offences and penalties.

(2) Any person who—

- (a) resists or obstructs the Controller or any authorised officer in the exercise of the powers conferred by this Ordinance; or
- (b) fails or refuses to furnish any return required to be furnished by him under this Ordinance or makes in any such return any statement which he knows to be false,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding three months, or to both such fine and such imprisonment.

(3) Any person who acts in contravention of any regulation made under this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees

(4) (a) Where any measuring instrument kept or maintained at any retail depot is found at any time upon inspection under section 15 to be false, the person for the time being in charge of the retail depot shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding three months, or to both such fine and imprisonment.

(b) For the purposes of paragraph (a), a measuring instrument shall be deemed to be false if it does not deliver correctly within such limits of error as may be prescribed by regulation.

Restrictions
as to actions
against
suppliers
or vendors.

17 No civil action shall be instituted or maintained against any supplier or vendor for any act done or omitted to be done by that supplier or vendor, if such act was done or omitted to be done, as the case may be, for the purpose of complying with any of the provisions of this Ordinance.

Application
of Ordinance
No. 39 of 1939.

18 For the avoidance of doubts, it is hereby declared that petrol is an article of merchandise within the meaning of section 7 of the Control of Prices Ordinance, No. 39 of 1939.

Supplies for
His Majesty's
Forces.

19 (1) (a) The Controller may from time to time by order under his hand authorise any supplier or vendor to sell or deliver during any period any quantity of petrol not exceeding such maximum quantity as may be specified in the order for the use of any of His Majesty's Forces.

(b) Nothing in this Ordinance shall apply in relation to the times at which, or the manner in which, or the persons to whom, petrol is sold or delivered by any supplier or vendor under the authority of an order under paragraph (a).

(2) Notwithstanding anything contained in this Ordinance it shall be lawful for any vendor to sell or deliver any quantity of petrol to any member of His Majesty's Forces or to the person in charge of any vehicle, vessel or aircraft which is for the time being used in the service of His Majesty's Forces, upon surrender by such member or person of a special permit issued by the Controller authorising the supply of that quantity of petrol for the use of His Majesty's Forces.

(3) Nothing in this Ordinance shall apply to the possession of petrol by or on behalf of any of His Majesty's Forces, or to the use of any such petrol for the purposes of His Majesty's Forces.

(4) In this section, " His Majesty's Forces " includes—

(a) any of His Majesty's regular Naval, Military or Air Forces ; and

Cap. 258.

(b) any Corps, or portion thereof, of the Ceylon Defence Force constituted under the Defence Force Ordinance, while that Corps or portion thereof is on active service within the meaning of that Ordinance ; and

Cap. 254.

(c) the Ceylon Naval Volunteer Force or any portion thereof, constituted under the Naval Volunteer Ordinance, while that Force or portion thereof is on actual service within the meaning of that Ordinance and the regulations made thereunder.

Regulations.

20 (1) The Executive Committee of Local Administration may make all such regulations as may be necessary for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) Every regulation shall be published in the Gazette and shall come into operation upon such publication.

(3) Every regulation shall be brought before the State Council within a period of one month from the date of the publication of that regulation under sub-section (2), or, if no meeting of the State Council is held within that period, at the first meeting of the State Council after the expiry of that period, by a motion that such regulation be approved, and, if so approved, shall be submitted to the Governor for ratification.

(4) Any regulation which the State Council refuses to approve or which the Governor refuses to ratify shall be deemed to be rescinded, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation. The date on which a regulation shall be deemed to be rescinded shall be the date on which the State

Council refuses to approve or the date on which the Governor refuses to ratify the regulation, as the case may be. Notification of such date shall be published in the Gazette.

(5) Any regulation which is approved by the State Council and ratified by the Governor shall be deemed to be as valid and effectual as if it were herein enacted. Notification of such approval and ratification shall be published in the Gazette.

21 In this Ordinance, unless the context otherwise requires— Interpretation.

- “appointed date” means the date appointed by Proclamation under section 1 ;
- “approved consumer” means a person approved as a consumer of petrol under this Ordinance ;
- “authorised officer” means any police officer not below the rank of Inspector and includes any other person acting under the written authority of the Controller ;
- “Controller” means the person for the time being appointed under section 3 to be or to act as Petrol Controller ;
- “measuring instrument” includes any vessel, pump or other device used or maintained for the measurement of petrol for sale ;
- “Minister” means the Minister for Local Administration ;
- “permit” means a permit issued by the Controller under this Ordinance ;
- “petrol” means petroleum motor spirit, and includes automotive gas oil and petroleum spirit commonly known as aviation spirit ;
- “plant or machinery” includes any lamp, stove or other device used for the purpose of lighting or cooking ;
- “regulation” means a regulation made under section 20 by the Executive Committee of Local Administration ;
- “retail depot” means a service station, and includes any other premises at which petrol is sold by a vendor ;
- “service station” has the same meaning as in the Petroleum Service Station Rules, 1937, published in Gazette No. 8,275 of March 5, 1937 ;
- “supplier” means any company, firm or individual having possession of petrol wholly or mainly for the purpose of the sale or supply thereof to vendors ;
- “vendor” means any person to whom petrol is sold or delivered by a supplier for the purposes of sale by retail, and includes the person for the time being in charge of any retail depot.

22 The provisions of this Ordinance shall be in addition to and not in substitution or derogation of the provisions of the Petroleum Ordinance. Savings.
Cap. 141.

SCHEDULE.

Section 11.

Form of entry in vendor's register.

Date	Quantity supplied.	Permit No.	Registered No. of Vehicle.

Objects and Reasons.

The object of this Bill is to introduce legislation providing for the control of the supply and the conservation of the stocks of petrol in Ceylon.

2. On and after a date to be fixed by the Governor, no person will be allowed to purchase petrol unless he has been approved as a consumer of petrol, or unless he obtains an order authorising him to obtain petrol direct from a supplier.

The Petrol Controller will be given the power to refuse to approve any person as a consumer of petrol, but an appeal will lie to the Minister for Local Administration against any refusal and the Minister's decision will be final. Upon approval of a person as a consumer of petrol, the Controller will, from time to time, issue permits authorising that person to purchase petrol. The purchases may be made at any retail depot upon the surrender of coupons detached from a permit. (Clauses 6 and 7).

3. It will be unlawful for any approved consumer to sell or transfer any permit or coupon issued to him or to sell or deliver to any other person any petrol purchased or obtained under the authority of a permit. It will not, however, be an offence to deliver a quantity of petrol not exceeding one gallon in order to enable a vehicle to be driven to the nearest retail depot for the purpose of replenishing its tank. (Clause 8).

4. Clauses 10 and 11 contain provision which will prevent a vendor from selling petrol at a retail depot to any person unless a valid permit is produced and a coupon is surrendered to the vendor.

5. By Clause 14, power is taken to control the supply of petrol to vendors for the purposes of sale by retail.

6. Clause 19 contains special provision providing for the supply of petrol for the use of His Majesty's Forces. Orders will be issued to specified suppliers and vendors authorising them to supply petrol for the use of His Majesty's Forces, but the quantity so supplied will not be in excess of a specified maximum. Further, it will be lawful for any vendor to supply petrol upon the surrender, by any member of His Majesty's Forces or by the person in charge of the vehicle, vessel or aircraft which is for the time being used in the service of His Majesty's Forces, of a special permit issued in that behalf by the Controller.

7. Power is taken in Clause 20 for the Executive Committee of Local Administration to make all such regulations as may be necessary for the purpose of carrying out or giving effect to the principles and provisions of the new law.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, September 30, 1939.

MINUTE.

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

L. D.—O 78/39

**An Ordinance to amend the Payment of Fines
(Courts of Summary Jurisdiction) Ordinance,
No. 49 of 1938.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title.

1 This Ordinance may be cited as the Payment of Fines (Courts of Summary Jurisdiction) (Amendment) Ordinance, No. of 1939.

Replacement of section 6 of Ordinance No. 49 of 1938.

2 Section 6 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938, (hereinafter referred to as "the principal Ordinance"), is repealed and the following section is hereby substituted therefor :—

Detention in precincts of court in lieu of imprisonment.

6. A court of summary jurisdiction may, in any circumstances in which the court has, or if this Ordinance had not been enacted would have had, power to issue a warrant of commitment to prison in respect of the non-payment of a fine, in lieu of issuing such a warrant, order that the offender be detained in the precincts of the court until such hour on the day on which the order is made, not being later than 8 P.M., as the court may specify in the order.

Amendment of section 11 of the principal Ordinance.

3 Section 11 of the principal Ordinance is hereby amended as follows :—

- (1) by the omission of paragraph (c) thereof ;
- (2) by the re-lettering of paragraphs (d), (e) and (f) as paragraphs (c), (d) and (e), respectively ; and
- (3) in the re-lettered paragraph (e) thereof, by the substitution, for the words " court or in a Fiscal's cell under section 6.", of the words " court under section 6."

Repeal of Schedule to the principal Ordinance.

4 The Schedule to the principal Ordinance is hereby repealed.

Objects and Reasons.

The object of this Bill is to amend section 6 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938, by the omission from that section of the provisions which confer on a court of summary jurisdiction the power to order the detention of an offender in a Fiscal's cell. As a measure of economy, it has been decided that a court of summary jurisdiction should be empowered to order an offender to be detained in the precincts of the court until 8 P.M. on the day on which the order of detention is made, in lieu of directing his detention in a Fiscal's cell.

2. The amendment of section 11 of the Ordinance and the repeal of the Schedule to the Ordinance are of a consequential nature.

Colombo, October 4, 1939.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

L. D.— O 78/39

An Ordinance to amend the Criminal Procedure Code (Amendment) Ordinance, No. 47 of 1938.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Criminal Procedure Code (Further Amendment) Ordinance, No. of 1939.

Short title.

2 Section 2 of the Criminal Procedure Code (Amendment) Ordinance, No. 47 of 1938; (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution, in the new section 15B set out therein, for all the words from "order that the offender be detained" to the end of that new section, of the following :—

Amendment of section 2 of Ordinance No. 47 of 1938.

"order that the offender be detained in the precincts of the court until such hour on the day on which the order is made, not being later than 8 P.M., as the court may specify in the order."

3 Section 5 of the principal Ordinance is hereby repealed.

Repeal of section 5 of the principal Ordinance.

Objects and Reasons.

Section 2 of the Criminal Procedure Code (Amendment) Ordinance, No. 47 of 1938, which has not yet come into operation, provides for the insertion in the Code of a new section 15B under which a court will be enabled, in lieu of sentencing an offender to imprisonment, to order him to be detained in the precincts of the court or in a Fiscal's cell.

2. The new section 15B corresponds to section 6 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938, and a Bill to amend that Ordinance by the omission of the provisions relating to detention in a Fiscal's cell will be introduced simultaneously with this Bill.

3. The object of this Bill is to effect consequential amendments in Ordinance No. 47 of 1938.

Colombo, October 4, 1939.

J. C. HOWARD,
Legal Secretary.