



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY

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PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to enable companies formed and registered in Ceylon to make contributions to war funds and war charities.

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 Companies (War Contributions) Ordinance, No. of 1941.

Short title.

2. (1) Notwithstanding anything in any written law or instrument, the memorandum of every company shall be deemed to include and since the third day of September, 1939, to have included among the objects of the company the making of contributions to any war fund ; and every company shall have power to ratify, allow and confirm any such contribution already made and to make or ratify any future contributions.

Power for companies to contribute to war funds.

(2) A company may resolve to make, or ratify the making of, a contribution to any war fund by an ordinary resolution passed at a general meeting of the company of which not less than seven days' prior notice shall have been given.

3. No president, chairman, director, secretary, treasurer, auditor or other officer of any company shall be or be held to be personally liable, either alone or jointly with others, to account for or to repay or otherwise be liable for or in respect of any contribution made prior to the commencement of this Ordinance by the company to any war fund.

Indemnity.

Interpretation.

4. (1) In this Ordinance, unless the context otherwise requires—

“company” and “memorandum” have, respectively, the same meaning as in the Companies Ordinance, No. 51 of 1938 ;

“war fund” means any fund, charity or organisation created, established or maintained for the efficient prosecution of any war in which His Majesty may be engaged or for any other purpose whatsoever relating to or connected with any such war.

(2) For the purposes of this Ordinance, contributions sent to His Majesty's Government in the United Kingdom for war purposes shall be deemed to be contributions to a war fund.

Objects and Reasons.

The object of this Bill is to enable companies formed and registered in Ceylon to contribute to war funds and war charities. Provision has already been made in the Local Authorities (War Contributions) Ordinance, No. 32 of 1940, to enable local authorities to make similar contributions.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, January 22, 1941.

MINUTE.

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

L. D.—O 7/38

An Ordinance to provide for the prevention and punishment of bribery and corruption of and by members of the State Council or of local authorities.

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 Public Bodies (Prevention of Corruption) Ordinance, No. of 1941.

Offer or giving of gratification to member of public body or to influence a member.

2. (1) Any person who corruptly gives, promises or offers to any member of a public body, whether for the benefit of such member or of another person, any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for such member doing or forbearing to do any official act, shall be guilty of an offence.

(2) Any person who corruptly gives, promises or offers to any other person, whether for the benefit of that person or of another person, any gift, loan, fee, reward or advantage whatsoever, as an inducement to or reward for influencing any member of a public body to do or forbear to do any official act, shall be guilty of an offence.

Taking of gratification by member of public body or to influence a member.

3. (1) Any member of a public body who corruptly solicits or receives or agrees to receive, for himself or for any other person, any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for such member doing or forbearing to do any official act, shall be guilty of an offence.

(2) Any person who corruptly solicits or receives or agrees to receive, for himself or for any other person, any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for influencing any member of a public body to do or forbear to do any official act, shall be guilty of an offence.

Penalties for and trial of offences under this Ordinance.

4. (1) Any person who commits any offence under this Ordinance shall, on conviction, be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment.

(2) The court which convicts any person of any offence under this Ordinance may, in addition to the penalties prescribed in sub-section (1), order as a further penalty, that the whole or any part of the amount or value of any gift, loan, fee or reward received by that person shall be recovered from him in the same manner as a fine imposed by the court ; and any sum so recovered shall be disposed of in such manner as the court may direct.

Cap. 16.

(3) Notwithstanding anything in the Criminal Procedure Code, a District Court shall have jurisdiction to try, on indictment, any offence under this Ordinance and to impose any penalty prescribed in the preceding provisions of this section.

Restriction on prosecutions.

5. No prosecution for any offence under this Ordinance shall be instituted except by or with the written sanction of the Attorney-General.

6. In this Ordinance, unless the context otherwise requires—

“advantage” includes—

- (a) any office or dignity, and any forbearance to demand any money or money's worth or valuable thing, and
- (b) any aid, vote, consent or influence, and
- (c) any promise or procurement of or agreement or endeavour to procure, or the holding out of any expectation of, any gift, loan, fee, reward, or advantage as hereinbefore defined ;

“official act”, when used with reference to any member of a public body, includes any act which that member is, by or under the provisions of any law for the time being in force relating to that public body, empowered, authorised, entitled or required to do or forbear to do in respect of any matter or transaction whatsoever, actual or proposed, in which the public body is concerned ;

“public body” means the State Council of Ceylon, or any Municipal Council, Urban Council, Local Board, Sanitary Board or Village Committee, and includes any standing or select or other committee of any such Council, Board or Committee ;

“State Council of Ceylon” includes the Board of Ministers and any executive, standing, select or other committee of the State Council.

Objects and Reasons.

The object of this Bill, which is modelled on the provisions of the Public Bodies Corrupt Practices Act, 1889, of the Imperial Parliament, is to penalise the offer of a bribe to a member of a public body, or the acceptance of a bribe by any such member, as a motive or reward for doing or forbearing to do any act in his capacity as a member of that public body. “Public body” is defined to include the State Council, any Municipal or Urban Council, and any Local Board, Sanitary Board or Village Committee.

Chambers, Hulftsdorp,
Colombo, January 22, 1941.

ROBERT H. DRAYTON,
Legal Secretary.

MINUTE.

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

An Ordinance to incorporate the Society known as the Moratuwa Social Service Society.

WHEREAS a Society called and known as the Moratuwa Social Service Society has heretofore been established for the purpose of rendering social service and promoting social service work in the town of Moratuwa, according to the Rules agreed to by its members :

And whereas the said Society has become seized and possessed of certain lands and buildings, with the appurtenances thereof, both movable and immovable, called and known as the Moratuwa Home for the Aged, and also a sum of money amounting to a total of Rs. 20,000, of which sum of money only the interest is to be utilized by the said Society for the use and maintenance of the said Home for the Aged only :

And whereas the above mentioned lands, buildings and money are to be held in perpetuity, for the use and maintenance of the said Home :

And whereas the said Society has applied to be incorporated and it will be for the public advantage to grant such application for incorporation.

Be it therefore 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 Moratuwa Social Service Society Incorporation Ordinance, No. of 1940. Short title.

2. From and after the date of the commencement of this Ordinance, the members for the time being of the Moratuwa Social Service Society (hereinafter referred to as the Society) and such and so many persons as shall after that date be members of the Society shall be and become a body corporate with perpetual succession under the name and style of “The Moratuwa Social Service Society” and by that name may sue and be sued in all courts. Incorporation.

- General objects. 3. The general objects for which the Society is constituted are the rendering of social service and the promotion of the social service work in the town of Moratuwa by the provision of facilities for the relief of poverty, distress, sickness, unemployment and illiteracy, and by the establishment and maintenance of homes for the aged and destitute and schools and by such other measures as may be necessary for the purposes of the Society.
- Rules. 4. (i.) It shall be lawful for the Society from time to time at any general meeting of the members and by the votes of at least two-thirds of the members present at such meeting to make rules for any of the following purposes :—
- (a) the admission, withdrawal or expulsion of members ;
 - (b) the powers, conduct, duties and functions of the various officers, agents and servants of the Society ;
 - (c) the procedure to be observed at meetings and in convening meetings and in the transaction of the business of the Society ;
 - (d) the administration and management of the property of the Society ;
 - (e) fixing the subscription payable by members and the collection of such subscription ;
 - (f) the imposition of penalties and forfeitures of breaches of the rules ; and
 - (g) generally the management of the affairs and the accomplishment of the objects of the Society.
- (ii.) All members of the Society shall at all times be subject to the rules for the time being of the Society.
- Alteration of rules. 5. No rule made by the Society at a general meeting shall be altered, amended or revoked except by the votes of at least two-thirds of the members present at any subsequent general meeting, provided that no such rule or regulation shall however be made to convert the property of the Home for the Aged or monies earmarked for the said Home for any other purpose.
- Power of corporation to hold property. 6. The Corporation shall be able and capable in law to receive and to hold property, both movable and immovable, which may be vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise ; and all such property shall be held by the Corporation for the purposes of this Ordinance and subject to the rules for the time being of the said Corporation with full power (subject to any trust attaching to such property and to the law regulating such trusts) to sell, mortgage, lease, exchange or otherwise dispose of the same.
- Vesting of property. 7. From and after the date of the commencement of this Ordinance all property of the Society, both movable and immovable, whether held in the name of the Society or in the name of any person or persons in trust for the Society, shall be and is hereby vested in the Corporation, and such property together with all after-acquired property both movable and immovable, and all subscriptions, donations, loans and other moneys received or to be received shall be held by the said Corporation for the purposes of this Ordinance and subject to the rules for the time being of the Society.
- Seal of Corporation. 8. (i.) It shall be competent for the Corporation to have and to use a seal and to change and alter its seal from time to time.
- (ii.) The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of three Members of the Board of Trustees, who shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.
- Saving of rights of the Crown. 9. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or of any body politic or corporate, or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

Objects and Reasons.

The object of this Bill is to incorporate the Moratuwa Social Service Society, so as to enable the Society more effectively to administer its affairs, and to hold and dispose of property, both movable and immovable, as a body corporate with perpetual succession.

W. A. DE SILVA, M.S.C.

Moratuwa.