



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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PART II.—LEGAL.

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

DRAFT ORDINANCES.

MINUTE.

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

L. D—O 51/40

**An Ordinance to amend the Defence Force Ordinance.**

Cap 258  
Vol VI, p 66

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 Defence Force (Amendment) Ordinance, No. of 1941.

Short title

2. Section 27 of the Defence Force Ordinance is hereby amended as follows:—

Amendment of  
section 27 of  
Chapter 258

- (1) by the substitution, for the words "to pay to the Commanding Officer of every Defence Force Corps for the purposes of the Corps", of the words "to pay to the Commandant for regimental purposes";
- (2) by the substitution, for the words "annual returns of a corps," of the words "annual returns of the several corps";
- (3) by the substitution, for words "certified by the Commanding Officer", of the words "certified by the respective Commanding Officers of such corps";
- (4) by the substitution, for the words "fixed by the Governor", where those words occur collectively for the second time, of the words "fixed by the Governor,"; and

(5) by the addition, at the end of that section, of the following —

' In this section, "regimental purposes" means the allocation or grant of money to a corps or to a detachment for general or incidental expenses or for recreational training; and includes any purpose certified by the Commandant to be a regimental purpose '

*Objects and Reasons*

Section 27 of the Defence Force Ordinance (Chapter 258) provides, *inter alia*, for the payment of capitation grants to the several corps of the Ceylon Defence Force through the respective Commanding Officers of the Corps

2. The purpose of this Bill is to amend the law so as to enable the capitation grants to be paid in the first instance to the Commandant of the Defence Force who will allocate the moneys received among the several corps. This system will ensure effective supervision of the funds of the Force and will simplify the keeping of accounts and the audit of such accounts.

3 This amendment of the law was contemplated when changes were effected in the details of the sub-heads under Head 9 (Ceylon Defence Force) in the Estimates for the current financial year.

Colombo, August 13, 1941

G. S. WODEMAN,  
Chief Secretary

MINUTE.

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

L. D.—O 55/40

Cap. 36  
(Vol I.,  
P. 663)

**An Ordinance to amend the Betting on Horse-racing Ordinance.**

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 Betting on Horse-racing (Amendment) Ordinance, No. of 1941.

Amendment of  
section 3 of  
Chapter 36

2. Section 3 of the Betting on Horse-racing Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows —

(1) in sub-section (1) of that section—

(a) by the substitution for the words "on the day on which the race is run," of the words "after the prescribed hour on the day on which the race is run,";

(b) by the substitution for the words "within an enclosure, room or place" of the words "within a room or place"; and

(2) by the addition at the end of that section of the following new sub-section —

' (4) For the purposes of sub-section (1), "prescribed hour", when used in relation to a bet made on a horse-race run or proposed to be run at any race-meeting held on a registered race-course on any day, means one hour before the time fixed for the commencement of the first horse-race proposed to be run at that race-meeting on that day

Amendment of  
section 6 of the  
principal  
Ordinance

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

(1) by the substitution, for all the words from "of his intention" to the end of the section, of the following :—

' of his intention, in writing, at least seven days prior to that race-meeting and shall specify the number of totalisators to be worked at that race-meeting and the particular enclosure of such race-course in which each such totalisator is to be worked. The certificate-holder shall set apart in each enclosure of such race-course one or more special rooms or places for each totalisator which he intends to work in that enclosure. '

(2) by re-numbering the section as so amended as section 6 (1),

(3) by the insertion, at the end of that section, of the two following sub-sections, which shall have effect as sub-sections (2) and (3), respectively, of that section :—

" (2) Where at any race-meeting held on any race-course on any day, several enclosures are provided and different rates of fees are charged for

admission to the several enclosures, no bet shall be made or accepted on any totalisator in any such enclosure except—

- (a) in a room or place set apart in that enclosure under sub-section (1) for the purpose of that totalisator; and
- (b) by or from a person who holds a ticket of admission issued to him by the certificate-holder entitling him to enter that enclosure on that day.

(3) In this section, "enclosure" when used in relation to any race-course, means any enclosure within that race-course to which members of the public are admitted on payment of a fee", and

- (4) in the marginal note to that section, by the substitution for the words "Information to the prescribed officer of totalisators" of the word "Totalisators".

4. Section 10 of the principal Ordinance is hereby amended by the substitution, for all the words from "unless some other penalty" to the end of the section, of the following —

Amendment of section 10 of the principal Ordinance.

on conviction after summary trial before a Magistrate, be liable—

- (a) for a first offence, to a fine not exceeding one thousand rupees or, in default of payment of such fine, to imprisonment of either description for a term not exceeding one year, and
- (b) for a second or subsequent offence, to a fine not exceeding two thousand rupees or to imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment".

5. The following new section is hereby inserted immediately after section 10 of the principal Ordinance and shall have effect as section 10A of that Ordinance —

Insertion of new section 10A in the principal Ordinance.

10A Where, upon the conviction of any person for receiving or negotiating a bet on a horse-race in contravention of the provisions of section 3 (3), the Magistrate is satisfied that any money, security for money, book, document, article or thing produced before the court—

Forfeiture by court of money, &c., used in connexion with offences

- (a) was found on that person or in or upon the place or premises where such bet was received or negotiated, and
- (b) was paid, received or used, or intended to be paid, received or used, in connexion with the receipt or negotiation of any bet on a horse-race other than a taxable bet,

the Magistrate may order that such money, security for money, book, document, article or thing be forfeited to the Crown and may give such directions for the disposal of such money, security for money, book, document, article or thing as he may deem fit.

6. The following new section is hereby inserted immediately after section 14 of the principal Ordinance and shall have effect as section 14A of that Ordinance —

Insertion of new section 14A in the principal Ordinance

14A No person, being the owner, lessor, lessee or occupier of any premises or place whatsoever or the agent of such owner, lessor, lessee or occupier, shall—

Prohibition against owner, &c., permitting use of premises for receipts of bets other than taxable bets

- (a) let the whole or any part of such premises or place, knowing or having reason to believe that the whole or any part of such premises or place is to be used for the purpose of receiving any bet on a horse-race other than a taxable bet, or
- (b) use, or knowingly permit the use of, the whole or any part of such premises or place for the purpose aforesaid

7. Section 15 of the principal Ordinance is hereby amended in sub-section (2) of that section—

Amendment of section 15 (2) of the principal Ordinance.

- (a) by the substitution for the words "the prescribed officer" of the words "a police officer of or above the rank of Sub-Inspector",
- (b) by the omission of the words "either by himself or by some person deputed in writing by him for that purpose,"

#### *Objects and Reasons.*

1. The object of this Bill is to give effect to certain recommendations for the amendment of the Betting on Horse-racing Ordinance (Chapter 36) made in the Report of a Sub-Committee of the Executive Committee of Home Affairs (Sessional Paper IX of 1936). The opportunity has been

taken to effect in the principal Ordinance certain other amendments which experience in the administration of the Ordinance has proved to be desirable or necessary

2. Clauses 2 and 3 of the Bill give effect to the Committee's recommendation that "on-the-course betting" should be permitted to continue subject to two restrictions —

- (1) that bets should not be accepted from persons who do not hold the necessary tickets of admission to the particular enclosure of the race-course where the particular system of betting is operated, and
- (2) that bets should not be accepted earlier than one hour before the time fixed for the first race of the day.

3. Clause 4 empowers a Magistrate to impose an enhanced sentence on a second or subsequent conviction for an offence under the Ordinance

Clause 5 provides that a Magistrate may, on the conviction of any person for the offence of making or negotiating a non-taxable bet, declare to be forfeited to the Crown any money, or any document or article produced before the Court which, in the opinion of the Magistrate, was paid, received or used in connexion with the offence

Clause 6 penalises the owner or other person in occupation of any premises who knowingly lets the premises, or uses or permits the use of the premises, for the purpose of the receipt of non-taxable bets

D B JAYATILAKA,  
Minister for Home Affairs.

Colombo, August 21, 1941

### MINUTE.

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

L D — O 3/39

Chapter 37.  
(Vol I,  
p. 668).

#### An Ordinance to amend the Lotteries Ordinance.

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 Lotteries (Amendment) Ordinance, No. of 1941

Amendment of section 2 of Chapter 37.

2. Section 2 of the Lotteries Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution for the words "All lotteries and all undertakings in the nature of lotteries," of the words "All unlicensed lotteries,"

Amendment of section 3 of the principal Ordinance.

3. Section 3 of the principal Ordinance is hereby amended—

- (1) by the substitution for the words "in any such lottery, or undertaking in the nature of a lottery," of the words "in any unlicensed lottery";
- (2) by the substitution for the words "from any such lottery or undertaking," of the words "from any unlicensed lottery"; and
- (3) by the substitution for the words "an offence, and be liable on conviction thereof to a fine of fifty rupees" of the words "an offence"

Amendment of section 4 of the principal Ordinance.

4. Section 4 of the principal Ordinance is hereby amended by the substitution, for all the words from "in any lottery," to the end of the section, of the words "in any unlicensed lottery promoted or conducted in the Island or in any lottery promoted or conducted outside the Island, every such person shall be guilty of an offence."

Amendment of section 5 of the principal Ordinance.

5. Section 5 of the principal Ordinance is hereby amended—

- (1) by the substitution for the words "in any such lottery, or undertaking in the nature of a lottery," of the words "in any unlicensed lottery,"; and
- (2) by the substitution for the words "an offence, and be liable on conviction thereof to a fine of fifty rupees." of the words "an offence"

Replacement of section 6 of the principal Ordinance

6. Section 6 of the principal Ordinance is hereby repealed and the following new section shall be substituted therefor:—

Keeping premises for purposes of lottery

6 If any person shall keep or use any premises or place or knowingly permit any premises or place to be kept or used, for any purpose connected with any unlicensed lottery promoted or conducted in the Island or any lottery promoted or conducted outside the Island, every such person shall be guilty of an offence.

7. The following new sections are hereby inserted immediately after new section 6 of the principal Ordinance and shall have effect as sections 6A, 6B, 6C, and 6D, respectively, of that Ordinance —

Insertion of new sections 6A, 6B, 6C and 6D in the principal Ordinance.

6A. (1) The Minister for Home Affairs may, in his discretion, issue to any person or body of persons a licence to promote or conduct a lottery as an incident of any entertainment

Licensing of lotteries incidental to certain entertainments.

(2) Every application for a licence under this section shall be made in such form as the Minister may prescribe for the purpose

(3) In this section, "entertainment" means any bazaar, sale of work, fete or other entertainment of a similar character, whether limited to one day or extending over two or more days

6B Every licence under section 6A shall be issued free of charge and shall be subject to the following conditions —

Conditions of licences issued under section 6A

(a) The whole proceeds of the entertainment in connexion with which the lottery is promoted or conducted (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connexion with the lottery, and

(ii) the expenses incurred in printing tickets in the lottery; and

(iii) such sum, if any, (not exceeding an amount which shall be specified in the licence) as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain

(b) None of the prizes in the lottery shall consist either wholly or in part of money

(c) The aggregate value of all the prizes offered in the lottery shall not exceed an amount which shall be specified in the licence

(d) Tickets in the lottery shall not be sold, or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment

(e) The facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment

6C Where any condition of any licence issued under section 6A to promote or conduct a lottery is broken, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the offence was committed without his knowledge

Breach of condition of licence issued under section 6A

6D (1) Where a Magistrate is satisfied by information on oath that there is reason to suspect that any offence under this Ordinance is being or has been committed in any place or premises, or that there is any document or thing directly or indirectly connected with any such offence in any place or premises, he may issue a search warrant authorising any person named therein to enter and search such place or premises at any time, with such assistance and using such force as may be necessary, and to search any person found in such place or premises and to seize and detain any document, money, instrument or thing found therein which he has reasonable ground to suppose is directly or indirectly connected with the commission of any offence under this Ordinance and, if he thinks fit, to arrest any person found in such premises or place, who he has reason to suspect is guilty of any such offence

Search warrants

(2) Where any police officer has reason to suspect that any offence under this Ordinance is being or has been committed in any place or premises or that there is any document or thing directly or indirectly connected with any such offence in any place or premises, and that a search warrant cannot be obtained under sub-section (1) without giving the offender an opportunity of escaping or of concealing evidence of the offence, he may, after recording the grounds of his suspicion, exercise all or any of the powers which could have been conferred upon him by a search warrant issued under sub-section (1)

insertion of new sections 7A and 7B in the principal Ordinance

Penalty for offences under Ordinance

Forfeiture of money and disposal of productions before court

Addition of new section 10 to principal Ordinance

Interpretation

Amendments of written law

8. The following new sections are hereby inserted immediately after section 7 of the principal Ordinance and shall have effect as sections 7A and 7B, respectively, of that Ordinance:—

7A Every person who commits an offence under this Ordinance shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment

7B The court before which a person is convicted of any offence under this Ordinance in relation to any lottery shall order to be forfeited to the Crown any money produced before the court which is shown to the satisfaction of the court to represent the price of tickets or prize money or prizes in such lottery and shall order to be destroyed all documents (other than currency notes) produced before the court which are shown to the satisfaction of the court to relate to the promotion or conduct of such lottery

9. The following new section is hereby added at the end of the principal Ordinance and shall have effect as section 10 of that Ordinance —

10 In this Ordinance—

“lottery” includes any undertaking in the nature of a lottery,

“unlicensed lottery” means any lottery other than a lottery promoted or conducted under the authority of a licence issued under section 6A

10. The provisions of written law mentioned in the Schedule to this Ordinance are hereby amended or repealed to the extent specified in the third column of that Schedule.

#### SCHEDULE

I Chap- ter	II Short title	III. Extent of amendment or repeal
15	The Penal Code	Section 288 is repealed
16	The Criminal Procedure Code	(i) In paragraph (d) of section 147 (1), the words and figures “section 288 or” are repealed (ii.) In the First Schedule, the item relating to section 288 of the Penal Code is repealed.

#### Objects and Reasons.

Under the provisions of the Lotteries Ordinance (Chapter 37) all lotteries are unlawful in Ceylon and the purchase or sale within the Island of tickets in lotteries conducted abroad is prohibited. The provisions of the law have not for some time been strictly enforced and lotteries run by certain racing-clubs and those promoted in aid of charities have been permitted to continue

2 It has been decided that the provisions of the existing law should be strictly enforced, but that an exception should be made in favour of lotteries promoted as incidents of entertainments such as bazaars and sales of work. Such lotteries will, however, be permitted only where a licence is obtained from the Minister for Home Affairs and the conditions of the licence are strictly observed. The purpose of this Bill is to effect in the Lotteries Ordinance the amendments necessary to give effect to these decisions (new sections 6A, 6B and 6C inserted in the principal Ordinance by Clause 7). The new section 6D, dealing with the issue of search warrants, replaces the existing section 6 and will apply to the breach of a condition subject to which a lottery has been licensed as well as to offences in connexion with unlicensed lotteries.

3 The penalty for a breach of any provision of the law in regard to lotteries is increased by Clause 8, and that clause further enables a court, on conviction of an offender for an offence relating to a lottery, to order the forfeiture of money produced before the court which is proved to represent the price of tickets or prize money in the lottery.

The offence of keeping or using any premises for the purposes of a lottery (section 288 of the Penal Code) is re-enacted in the principal Ordinance (new section 6 inserted by Clause 6) and the necessary consequential amendments are effected by Clause 10

D B JAYATILAKA,  
Colombo, August 21, 1941 Minister for Home Affairs