



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 46/41

An Ordinance to make provision for the maintenance of reserve stocks of rice by dealers, estates, employers of labour and Government contractors, and for such purpose to supplement the provisions of the Essential Commodities Reserves Ordinance, No. 5 of 1939 : and for other matters connected with or incidental to the purposes aforesaid.

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**An Ordinance to make provision for the maintenance of reserve stocks of rice by dealers, estates, employers of labour and Government contractors, and for such purpose to supplement the provisions of the Essential Commodities Reserves Ordinance, No. 5 of 1939 : and for other matters connected with or incidental to the purposes aforesaid.**

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

Short title and operation.

1. This Ordinance may be cited as the Rice Reserves Ordinance, No. of 1941, and shall be in operation in every such area (hereinafter referred to as a "proclaimed area") as may for the time being be specified by the Governor by Proclamation published in the *Gazette* to be an area in which the provisions of this Ordinance shall apply.

Application of Ordinance to establishments, estates, employers and contractors.

2. For the purposes of this Ordinance—

"establishment to which this Ordinance applies" means any establishment, situated in a proclaimed area, at which the average amount of rice used or consumed each month for the supply of meals is equal to or greater than ten bushels ;

"estate to which this Ordinance applies" means any land, situated in a proclaimed area, of which ten or more acres are actually cultivated and on which not less than forty persons are usually resident, whether or not such persons are actually employed on the land in any capacity, and includes an estate as defined in section 3 of the Estate Labour (Indian) Ordinance ;

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"employer to whom this Ordinance applies" means an employer, (not being the manager of an establishment to which this Ordinance applies or the proprietor of an estate to which this Ordinance applies), who supplies rice or is under any contract or obligation to supply rice whether cooked or uncooked, at any place or premises in a proclaimed area to persons employed by him, and who, for the purposes of such supply, uses on an average each month a quantity of rice equal to or greater than ten bushels ;

"contractor to whom this Ordinance applies" means any person who, at any time after the provisions of this Ordinance come into operation in a proclaimed area, enters into a contract for the supply and delivery, in that area, of rice, whether cooked or uncooked, to any hospital or establishment maintained by the Government, or to any of His Majesty's prisons, or for any of His Majesty's forces

Meaning of "prescribed date".

3. (1) Upon the publication in the *Gazette* of a Proclamation under section 1 in respect of any area, the Controller shall, by notice published in accordance with the provisions of sub-section (2), specify, in relation to that area, a date on or before which returns shall be made under section 4 (1) or section 5 (1), as the case may be, by managers of estates, employers, contractors, and proprietors of estates, and for the purposes of the application of any of the provisions of section 4 or section 5 in the case of that area, any reference in any such provision to "the prescribed date" shall be deemed to be a reference to the date so specified by the Controller.

(2) Every notice under sub-section (1) shall be published in the *Gazette* and in at least one English, one Sinhalese, and one Tamil newspaper

Duty of managers, employers, &c., to furnish returns.

4. (1) On or before the prescribed date—

(a) the manager of every establishment to which this Ordinance applies ;

(b) every employer to whom this Ordinance applies, and

(c) every contractor to whom this Ordinance applies,

shall furnish to the Government Agent a return containing such particulars as the Government Agent may require for the purposes of this Ordinance.

(2) Every person who, on any date subsequent to the prescribed date, becomes the manager of an establishment to which this Ordinance applies or an employer to whom this Ordinance applies or a contractor to whom this Ordinance applies, shall, within ten days of that date, furnish to the Government Agent a return containing such particulars as the Government Agent may require for the purposes of this Ordinance.

(3) Every return under sub-section (1) or sub-section (2) shall be made on such form as may be provided by the Government Agent for the purpose.

Duty of proprietors of estates to furnish returns.

5. (1) On or before the prescribed date, the proprietor of every estate to which this Ordinance applies shall furnish to the Controller or to such other officer of Government as may be specified by the Controller by notification published

in the *Gazette*, a return containing such particulars as the Controller may require for the purposes of this Ordinance.

(2) Every person who, on any date subsequent to the prescribed date, becomes the proprietor of an estate to which this Ordinance applies, shall, within ten days of that date, furnish to the Controller or to such other officer as may have been specified by notification under sub-section (1) a return containing such particulars as the Controller may require for the purposes of this Ordinance.

(3) Every return under sub-section (1) or sub-section (2) shall be made on such form as may be provided by the Controller for the purpose.

6. (1) The Government Agent may, by notice, require any employer, or the manager of any establishment, or any person who in his opinion is a contractor to whom this Ordinance applies, to furnish to him in such form as he may provide and before such date as he may specify, such particulars as he may require for the purposes of this Ordinance, and upon receipt of any such notice, it shall be the duty of the person to whom the form is sent to return such form duly completed before the date so specified.

Power to require particulars to be furnished.

(2) The Controller, or any officer specified in a notification under section 5 (1), may, by notice, require the proprietor of any estate to furnish to him, in such form as he may provide and before such date as he may specify, such particulars as he may require for the purposes of this Ordinance; and upon receipt of any such notice, it shall be the duty of the person to whom the form is sent to return such form duly completed to the Controller or to such officer before the date so specified.

7. (1) Subject to the provisions of sub-section (4), no person shall, on or after such date as the Governor may fix in respect of any proclaimed area by notification published in the *Gazette*, carry on business as a dealer in rice in that proclaimed area, unless he has been registered as a dealer under this Ordinance.

Registration of dealers

(2) Every application for the registration of a person as a dealer in rice shall be made to the Government Agent in such form as the Government Agent may provide for the purpose.

(3) The Government Agent shall, upon the registration of any person as a dealer in rice, issue to that person a certificate authorising him to carry on the business of a dealer.

(4) The Governor may, in any notification under sub-section (1), or by subsequent notification, declare that no registration under sub-section (1) shall be required in the case of persons carrying on business as dealers in any such part of a proclaimed area as may be specified in the notification; and nothing in the preceding provisions of this section or in section 8 shall apply in the case of any person by reason only of the fact that he carries on business as a dealer in any such specified part of a proclaimed area.

8. (1) Subject to the provisions of section 10, the Government Agent may, by Order served on any person who—

Orders requiring reserves to be kept

(a) is a registered dealer;

(b) is the manager of an establishment to which this Ordinance applies,

(c) is an employer to whom this Ordinance applies; or

(d) is a contractor to whom this Ordinance applies,

direct that person to keep reserves of rice during such periods, in such quantities, and at such place or places, as may be specified in the Order.

(2) An Order under sub-section (1) requiring a registered dealer to keep reserves of rice may be made by entry in, or endorsement upon, the certificate issued to that dealer under section 7.

(3) The Controller, or any officer specified in any notification under section 5 (1), may, by Order served on any person who is the proprietor of an estate to which this Ordinance applies, direct that person to keep reserves of rice during such periods, in such quantities and at such place or places as may be specified in the Order.

(4) Upon the service on any person of any Order made under the preceding provisions of this section, that person shall keep reserves of rice in accordance with the directions contained in the Order.

9. Any Order made under section 8 may at any time be altered, varied or rescinded by the authority by whom such Order was made.

Alteration and rescission of Orders.

10. Where the Controller is satisfied that a registered dealer is for the time being registered as an importer of rice under the Essential Commodities Reserves Ordinance, No 5 of 1939, the Controller may, in his discretion and to such extent as he may deem expedient, exempt that dealer from the operation of section 8 of this Ordinance; and, in any such case, the powers conferred by section 8 on the

Power of Controller to grant exemptions in the case of importers of rice

	Government Agent shall be exercised subject to any exemption which may have been granted by the Controller under this section
Cancellation of registration of dealer.	<p>11. (1) Where the Government Agent is satisfied that any registered dealer has contravened any provision of this Ordinance or of any regulation, the Government Agent may, by order, cancel the registration and the certificate of that dealer. An appeal shall lie to the Minister against any order of cancellation made under this section; and the decision of the Minister upon any such appeal shall be final.</p> <p>(2) Where any person who has been registered as a dealer under this Ordinance proposes to discontinue his business as a dealer in rice, he may make application to the Government Agent for the cancellation of his registration as a dealer, and the Government Agent may, upon surrender to him of the certificate of registration issued to that person under section 7, cancel the registration of that person as a dealer in rice and alter, vary or rescind any Order which may have been made under section 8 requiring that person to keep reserves of rice.</p>
Special regulations as to storage, &c.	<p>12. Regulations may be made exempting persons who are required under this Ordinance to keep reserves of rice or any specified class or description of such persons, from the operation of any provision of any other written law relating to the storage of rice and to the places at which and the manner in which rice shall be stored; and any such regulation shall have effect notwithstanding anything to the contrary in such other written law.</p>
Powers of entry and examination.	<p>13. The Controller, or any Government Agent, or any peace officer, or any authorised officer may at any reasonable time during the day enter any granary, warehouse, shop, store or other premises in which rice is kept, or in which reserves of rice are kept or required under this Ordinance to be kept, and may make such examination, of the stocks of rice and of the books and registers kept or maintained therein, as he may deem necessary for the purposes of this Ordinance or for the purpose of verifying any particulars furnished under this Ordinance.</p> <p>In this section, "examination" includes the weighing and measuring of rice.</p>
Books, registers, &c.	<p>14. The Controller may, by notification published in the <i>Gazette</i>, direct that all or any of the persons who are required by Order under this Ordinance to keep reserves of rice shall maintain such books or registers as may be specified in the notification. Every such book or register shall be made available for inspection at any time by the Controller, or by a Government Agent or by a peace officer, or by any authorised officer.</p>
Verification of returns and applications.	<p>15. Every return and every application made under or for the purposes of this Ordinance shall be verified by a declaration signed by the person making the return or application, as the case may be, to the effect that the statements and particulars contained therein are true and accurate. Every such declaration shall be free of stamp duty.</p>
Special provisions as to signatures on Orders, notices, &c.	<p>16. A facsimile of the signature of any officer of Government, if printed upon any Order, notice or other document made or issued for the purposes of this Ordinance, or if affixed to any such notice, Order or document by means of a rubber stamp or otherwise, shall, for the purposes of the application of the provisions of section 57 (7) of the Evidence Ordinance and for all other purposes, be deemed, until the contrary is proved, to be the signature of that officer.</p>
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Ordinance to be administered under general directions of the Controller.	<p>17. The Government Agent shall, in the exercise of his powers, the performance of his duties and the discharge of his functions under this Ordinance, be subject to the general direction and control of the Controller, and without prejudice to the preceding provisions of this section the Government Agent shall, in determining whether an Order should be issued under section 7 in respect of any person, in specifying the amount of any reserve to be kept by any person, and in deciding whether any Order should be altered, varied or rescinded under this Ordinance, have regard and give effect to all such instructions as may be issued to him in that behalf by the Controller.</p>
Offences and penalties.	<p>18. (1) Any person who—</p> <p>(a) acts in contravention of any provision of this Ordinance; or</p> <p>(b) fails to comply with any Order or requirement made under this Ordinance or with any directions given thereunder; or</p> <p>(c) fails or refuses duly to furnish any return or particulars required to be furnished by him under this Ordinance; or</p>

(d) makes in any return or other document furnished under this Ordinance any statement which is untrue or incorrect,

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

(2) The court which convicts any registered dealer of any offence under this Ordinance may, in addition to any other punishment which it may impose for that offence, make order cancelling the registration of that dealer and the certificate issued to him under this Ordinance.

19. (1) Notwithstanding anything in the Criminal Procedure Code—

(a) no prosecution shall be instituted against any person for any offence except by the Government Agent or with his written sanction,

(b) where the Government Agent has reasonable grounds for believing that any person has committed an offence, he may, if he thinks fit, compound such offence instead of instituting a prosecution against that person for that offence;

(c) where a prosecution has been instituted against any person for any offence, the Government Agent may, at any time before the Magistrate has recorded his verdict, compound that offence and withdraw the prosecution

(2) Where an offence is compounded under sub-section (1) the Government Agent may accept from the offender such sum of money as the Government Agent may deem appropriate for the composition of that offence; and any sum so accepted shall be credited to the general revenue of Ceylon

(3) For the purpose of the application of the preceding provisions of this section in the case of any offence committed or alleged to have been committed by the proprietor of an estate, every reference in those provisions to the Government Agent shall be deemed to be a reference to the Controller.

(4) Save as provided in sub-sections (1), (2) and (3), the provisions of the Criminal Procedure Code shall apply in respect of any offence or the prosecution of any person therefor

(5) In this section, "offence" means an offence under this Ordinance.

20. The Controller may, by notification published in the *Gazette*, appoint any person, by name or by office, to be an authorised officer for the purposes of this Ordinance

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

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

(a) appeals to the Minister under this Ordinance, the time within which such appeals must be preferred and the fees to be paid for such appeals,

(b) the matters referred to in section 12,

(c) the service of notices and Orders under this Ordinance,

(d) the issue of duplicates of certificates of registration and the fees to be paid therefor.

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

(4) Every regulation shall, on the publication of the approval and ratification of that regulation under sub-section (3), be as valid and effectual as if it were herein enacted.

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

"authorised officer" means any person appointed to be an authorised officer under section 20;

"Controller" means the person for the time being holding the office of Food Controller under the Food Control Ordinance, and includes the person for the time being holding the office of Deputy Food Controller under that Ordinance;

"dealer" means a person who, by way of trade, carries on any business (whether wholesale or retail) of selling uncooked rice, and includes any person who so carries on any such business together with any other business;

Power to sanction prosecutions and to compound offences.

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Authorised officers

Regulations.

Interpretation.

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- “ establishment ” includes any institution, school, private hospital, club, hotel, resthouse, boarding-house, restaurant or eating-house at or from which meals are supplied ,
- “ estate ” means any land under cultivation ,
- “ Executive Committee ” means the Executive Committee of Labour, Industry and Commerce ,
- “ Government Agent ” includes an Assistant Government Agent ,
- “ His Majesty’s forces ” includes the Ceylon Defence Force and the Ceylon Naval Volunteer Force ,
- “ manager ”, in relation to an establishment, means the proprietor of the establishment, and includes the person for the time being in charge of the establishment ,
- “ Minister ” means the Minister for Labour, Industry and Commerce ,
- Cap. 16 “ peace officer ” has the same meaning as in the Criminal Procedure Code ;
- “ proprietor ”, in relation to an estate, includes the Superintendent or other person for the time being in charge of that estate ,
- “ regulation ” means a regulation made under this Ordinance
- Savings.  
Cap. 132 23. The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of the Food Control Ordinance, or the Essential Commodities Reserves Ordinance, No 5 of 1939.

*Objects and Reasons.*

Under the Essential Commodities Reserves Ordinance, No. 5 of 1939, importers of rice are required to keep as reserves stocks of rice which, in the aggregate, represent approximately a supply sufficient to meet the requirements of Ceylon for a period of six weeks

2. The purpose of this Bill is to increase the reserve stocks of rice in the Island by requiring estates, establishments, employers of labour, Government contractors and dealers in rice to maintain additional reserves. Under the designation of “ establishments ” are included hotels, boarding-houses, clubs, schools, resthouses and other institutions at or from which meals are supplied and at which the average amount of rice consumed exceeds ten bushels *per mensem*

3. The Ordinance will be brought into operation only in areas specified by Proclamation of the Governor. The proprietor of every estate, the Manager of every establishment, every employer of labour and every Government contractor in a proclaimed area will, in the first instance, have to furnish a return showing the amount of rice used or consumed, the place at which such rice is ordinarily kept or stored, and other necessary particulars. All returns will be furnished to the Government Agent except in the case of returns by estates which will be furnished to the Food Controller.

4. All dealers in proclaimed areas will be required to register themselves as dealers in rice, and dealers who have not been registered will, after a date to be fixed by the Governor, be prohibited from trading in rice in any such area. It is proposed that, if the rationing of rice becomes necessary, registered dealers will be authorised to act as distributors under the rationing scheme except in special areas like Colombo, where the distribution of rice will be undertaken by the Government or the local authority concerned. Power will therefore be taken to exempt dealers in any such special area from the requirements as to registration and consequently from the obligation to maintain reserves.

5 After the receipt of the returns referred to in paragraph 3 above and of applications for registrations from dealers, orders will be served, in cases where such action is deemed necessary, requiring reserves of rice to be kept by the persons to whom such orders are addressed. The present intention is that the general reserve of rice in the Island should be increased so as to represent a quantity sufficient to meet the requirements of Ceylon for a period of two months. It has been ascertained that some of the persons who will be affected by the new law already keep reserves voluntarily in their own interests. It is therefore considered that the burden of keeping reserves which now falls on the importers and on those who voluntarily keep such reserves should be imposed on others who ordinarily sell or supply rice or meals whether for profit or otherwise. In view of the obligation to keep reserves imposed on importers by the Essential Commodities Reserves Ordinance, No 5 of 1939, power will be taken to exempt such importers, in cases where such exemption appears to be equitable, from the incidence of the new law

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, November 24, 1941.