



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,127 — TUESDAY, JUNE 1, 1943.

Published by Authority.

PART 1.—GENERAL.

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

GOVERNMENT NOTIFICATIONS.

L. D.—CF. 98/42.

CF. D 778/10/41

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940.

DEFENCE Regulations made by the Governor by virtue of the powers vested in him by the Emergency Powers (Defence) Acts, 1939 and 1940, of the Imperial Parliament, as adapted, modified and extended to Ceylon by the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940.

By His Excellency's command,

H. A. C. DOBBS,

Acting Secretary to the Governor.

Colombo, June 1, 1943.

Regulations.

1. These Regulations may be cited as the Defence (Ceylon Railway Engineers Corps) Regulations.

2. (1) The Railway Unit of the Ceylon Engineers Corps of the Ceylon Defence Force shall, with effect from the date on which these Regulations are published in the *Gazette*, be deemed to be a separate Corps of the Ceylon Defence Force, duly formed under the Defence Force Ordinance (hereinafter referred to as "the Ordinance") and designated by the style of the Ceylon Railway Engineers Corps (hereinafter referred to as "the Corps").

(2) For the purposes of the internal administration and discipline of the Corps, the members thereof shall be deemed to be divided into the two following Categories:—

Category A, consisting of members who are not employees of the Railway Department ;
and

Category B, consisting of members who are employees of the Railway Department.

(3) The Corps may have a reserve of officers and other ranks, of such strength as may be approved by the Officer Commanding the Troops.

3. (1) In lieu of the Defence Force (Compulsory Leave) Regulations, the provisions of the next following paragraphs of this Regulation shall apply to members of the Corps.

(2) At any time during the period when the Corps or any portion thereof has been called out under section 13 of the Ordinance, the Officer Commanding the Troops may, by notice given or published in such manner as he may deem adequate, place on compulsory leave any member of the Corps or the portion thereof so called out, other than the Commanding Officer of the Corps.

(3) Any member of the Corps who is placed on compulsory leave as hereinbefore provided may, at any time during the period of such leave, be recalled from such leave by the Commanding Officer of the Corps by notice served or published in such manner as that Officer may deem adequate ; and upon the service or publication of such notice, the compulsory leave of that member shall be determined and that member shall be bound to attend in person on such date and at such place as may be specified in the notice and to perform such service as may be required under the orders of the Officer Commanding the Troops.

(4) No member of the Corps who has been placed on compulsory leave as hereinbefore provided shall be deemed to be exempt, by reason only that he is on such leave, from the duty to attend each such drill, parade, practice or other exercise as may, with the special or general approval of the Officer Commanding the Troops, be ordered or prescribed for the purposes of training and the maintenance of efficiency by the Commanding Officer of the Corps or by any officer authorised by the Commanding Officer, and to carry out all such orders, directions or instructions as may be issued to him in connexion therewith, or from the liability to punishment for the failure to attend such drill, parade, practice or exercise or to carry out such orders, directions or instructions.

4. Subject as hereinafter provided, all the provisions of the Ordinance (other than section 27) and the regulations made for the Defence Force under section 12 thereof shall apply to or in the case of members of the Corps :

Provided, however—

(a) that in the case of members of Category B, the provisions of sections 14, 15 and 16 of the Ordinance shall not apply ;

(b) that as respects the discipline of members of Category B when they are on compulsory leave—

- (i) the Public Service Regulations as well as military law shall be applicable ;
- (ii) the Commanding Officer of the Corps or any officer authorised by him shall have an absolute discretion to decide whether the Public Service Regulations or military law shall be applied for the purposes of the trial and punishment of any such member who is charged with any disciplinary offence ;
- (iii) where proceedings under the Public Service Regulations are taken against any member, he shall not have the option of a further trial by court martial ; and
- (c) that in connexion with the enforcement of such discipline—
- (i) where any such member is dealt with and punished for any disciplinary offence under the Public Service Regulations, any fine that may be imposed shall be recoverable only out of the civil salary or wages payable to such member as an employee of the Railway Department ;
- (ii) where any such member is dealt with and punished for any disciplinary offence under military law, any fine or forfeiture of pay that may be imposed or ordered shall be recoverable out of the aggregate of such civil salary or wages and the service pay of such member ; and
- (iii) where any such member is dealt with and punished under the Public Service Regulations with a reduction in grade or office in his civil employment, the Commanding Officer of the Corps shall have power to make such reduction in the rank of that member in the Corps as may appear to the Commanding Officer to be appropriate in all the circumstances of the case.

5. (1) Every member of Category B shall be entitled to such pay for his service in that capacity as may be determined by the Governor by Order made from time to time for the purposes of these Regulations.

(2) In any Order made under paragraph (1) of this Regulation, directions may be given by the Governor regarding the payment of the civil salary or wages and the allowances of members of Category B as employees of the Railway Department.

6. The power conferred on the Officer Commanding the Troops by section 12 of the Ordinance shall be deemed to include the power to make regulations containing wherever necessary separate provisions for members of Category A, members of Category B who are on compulsory leave, and members of Category B who are on full-time military duty.

7. (1) No member of Category B shall be permitted to resign or to retire from the Railway Department unless that member has—

- (a) if he is an officer, been permitted to resign his commission, or been placed on the reserve of the Corps ; or
- (b) if he is not an officer, obtained his discharge from the Corps or been placed on the reserve thereof.

(2) Where a member of Category B is dismissed or compelled to retire from the Railway Department, that member shall—

- (a) if he is an officer, be deprived of his commission ; or
- (b) if he is a warrant officer, be dismissed from the Corps ; or
- (c) if he is of any other rank, be discharged from the Corps.

8. Regulations 3, 4, 5, 6 and 7 shall have effect, notwithstanding anything contained in any other law.

9. In these Regulations—

“officer” has the same meaning as in the Ordinance ;

“Officer Commanding the Troops” has the same meaning as in the Ordinance ;

“Public Service Regulations” means the Regulations made by the Governor for the administration of the Public Service and published in *Gazette* No. 7,865 of June 30, 1931, as amended by subsequent regulations, and includes the General Orders and Financial Regulations of the Government of Ceylon and all departmental orders of the Railway Department, for the time being in force ;

“Railway Department” means the Railway Department of the Ceylon Government ;

“service pay” means such pay of members of Category B for their service in that capacity as may be determined by Order made under regulation 5 (1).

L. D.—CF. 108/42.

CF. D 778/10/41

BY HIS EXCELLENCY THE GOVERNOR.

A PROCLAMATION.

Seal.

A. CALDECOTT.

KNOW Ye that by virtue of the powers vested in me by section 13 of the Defence Force Ordinance (Chapter 258), I, Andrew Caldecott, Governor of Ceylon, do by this Proclamation call out, with effect from the date on which the Defence (Ceylon Railway Engineers Corps) Regulations are published in the *Gazette*, the Defence Force Corps designated by the style of the Ceylon Railway Engineers Corps by Regulation 2 of those Regulations.

By His Excellency's command,

H. A. C. DOBBS,

Colombo, June 1, 1943. Acting Secretary to the Governor.

GOD SAVE THE KING.