



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.—CF 22/38

N 111/39

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:—

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| 1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance, No. of 1942. | Short title |
| 2. Section 3 of the Defence Force Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended, in the definition of "the Officer Commanding the Troops", by the substitution for the words "on active service," of the words "active service within the meaning of the Army Act,". | Amendment of section 3 of Chapter 258. |
| 3. Sections 6 and 7 of the principal Ordinance are hereby amended by the substitution, for the words "on active service," wherever those words occur collectively in either of those sections, of the words "called out under section 13,". | Amendment of sections 6 and 7 of the principal Ordinance |
| 4. Section 8 of the principal Ordinance is hereby amended as follows:— | Amendment of section 8 of the principal Ordinance. |
| (a) by the substitution for the words "In the event of the absence from the Island of the Officer Commanding, the Governor may request the Officer Commanding the Troops" of the words "In the event of the | |

absence from the Island of the Officer Commanding the Troops, the Governor may request the officer for the time being commanding the troops in the Island"; and

(b) by the substitution, for the words "General or other Officer Commanding," of the words "Officer Commanding the Troops."

Amendment of section 9 of the principal Ordinance.

5. Section 9 of the principal Ordinance is hereby amended by the substitution, for the words "The General or other Officer Commanding the Troops", of the words "The Officer Commanding the Troops".

Amendment of section 13 of the principal Ordinance.

6. Section 13 of the principal Ordinance is hereby amended as follows:—

(a) in sub-section (1), by the substitution for the words "portion thereof for active service." of the words "portion thereof";

(b) in sub-section (3), by the omission of all the words from "Every such officer" to the words "on active service."; and

(c) by the omission of the words "for active service" occurring in the marginal note to that section.

Amendment of sections 14 and 16 of the principal Ordinance.

7. Sections 14 and 16 of the principal Ordinance are hereby amended by the substitution for the words "on active service", wherever those words occur collectively in either of those sections, of the words "under section 13".

Amendment of section 15 of the principal Ordinance.

8. Section 15 of the principal Ordinance is hereby amended as follows:—

(a) by the substitution, for the words "on such active service as aforesaid leave families", of the words "under section 13 leave families unable to support themselves"; and

(b) by the substitution, for the words "on active service", of the words "on service".

Amendment of section 17 of the principal Ordinance.

9. Section 17 of the principal Ordinance is hereby amended as follows:—

(a) by the substitution, for the words "on active service as aforesaid", of the words "on service when called out under section 13"; and

(b) by the substitution, for the words "such active service", wherever those words occur collectively in that section, of the words "such service".

Amendment of section 18 of the principal Ordinance.

10. Section 18 of the principal Ordinance is hereby amended by the substitution for the words "on active service," of the words "on service when called out under section 13,".

Amendment of section 19 of the principal Ordinance.

11. Section 19 of the principal Ordinance is hereby amended as follows:—

(a) in sub-section (1), by the substitution, for the words "the following provisions", of the words "or when they are called out under section 13 but are not on active service within the meaning of the Army Act, the following provisions"; and

(b) in sub-section (2)—

(i) by the substitution, for the words "with part of His Majesty's Regular Forces," of the words "within the meaning of the Army Act,";

(ii) by the substitution, for the words "officers and soldiers", of the words "officers, soldiers, civilian employees and followers"; and

(iii) by the substitution, for the words "officers and men", of the words "officers, men, civilian employees and followers".

Objects and Reasons.

The only provision in the Defence Force Ordinance (Chapter 258) under which a Defence Force Corps is called out is contained in section 13 of that Ordinance which provides that, in cases of great national emergency and in the other circumstances specified in that section, the Governor may "call out any Defence Force Corps or portion thereof for active service". The calling out of a Defence Force Corps under section 13 does not automatically place that Corps on "active service" within the meaning of the Army Act, and the use of the expression "active service" in that section gives rise to difficulties of interpretation. In other Colonial legislation, local volunteer forces are "called out", and the expression "active service" is used in such legislation only when active service within the meaning of the Army Act is intended.

2. The object of Clause 6 of this Bill is to amend section 13 of the principal Ordinance so as to remove from that section the reference to the calling out of a Defence Force Corps "for active service". Consequential amendments are made in Clauses 3, 6, 7, 8 (b), 9 and 10.

Section 19 of the principal Ordinance, which deals with the discipline of members of a Defence Force Corps, is so amended by Clause 11 as to make it clear that sub-section (1) of that section applies when the Corps has been called out under section 13, but is not on active service within the meaning of the Army Act, and that sub-section (2) applies when the Corps is on active service within the meaning of the Army Act. By Clause 11 (2) the Army Act is made to apply to officers, soldiers, civilian employees and followers of a Defence Force Corps when they are on active service, in like manner as it applies to officers, men, civilian employees and followers of His Majesty's Regular Forces.

By Clause 3, the only remaining reference in the principal Ordinance to "active service" is amended to mean active service within the meaning of the Army Act.

3. Clauses 4 and 5 amend sections 8 and 9, respectively, of the principal Ordinance so as to remove the confusion resulting from the use of the expressions "Officer Commanding the Troops" and "General or other Officer Commanding the Troops" in the Revised Edition of the Legislative Enactments.

Clause 8 (b) restores to section 15 of the principal Ordinance certain words which had been omitted from that section in the Revised Edition of the Legislative Enactments.

G. S. WODEMAN,
Chief Secretary.

Colombo, January 13, 1942.

MINUTE.

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

L. D.—O 45/41 M. L. A.—B 1775a

**An Ordinance to amend the Urban Councils Ordinance,
No. 61 of 1939.**

1941
Supplement,
Vol. II., p. 760.

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 Urban Councils (Amendment) Ordinance, No. of 1942.

Short title.

2. Section 2 of the Urban Councils Ordinance, No. 61 of 1939, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (1) by the addition, at the end of that sub-section, of the following :—

Amendment of
section 2 of
Ordinance
No. 61 of 1939.

"The Governor may, by the same or any subsequent Proclamation, assign a name and designation to the Urban Council to be constituted under this Ordinance for the town so declared."

3. Section 10 of the principal Ordinance is hereby amended in sub-section (3) as follows :—

Amendment of
section 10 of
the principal
Ordinance.

(1) by the substitution, for paragraph (a) of that sub-section, of the following new paragraph :—

"(a) in the case of a general election, be a date between the first day and the fifteenth day of November; and";

(2) by the omission of paragraph (b) of that sub-section;

and
(3) by the re-lettering of paragraph (c) of that sub-section as paragraph (b).

4. Section 13 of the principal Ordinance is hereby amended by the substitution, for all the words from "come into office," to the end of the section, of the words "come into office."

Amendment of
section 13 of
the principal
Ordinance.

5. Section 15 of the principal Ordinance is hereby amended as follows :—

Amendment of
section 15 of
the principal
Ordinance.

(1) by the substitution, for the words "At any time after the date or dates appointed for the completion", of the words "Upon the completion"; and

(2) by the omission therefrom of the words "assign to such Council a name and designation and".

Objects and Reasons.

Under section 15 of the Urban Councils Ordinance, No. 61 of 1939, a name and designation are assigned to an Urban Council only after the completion of the first general election.

As the division of the town into electoral divisions, the preparation of registers, and several other steps preliminary to an election have to be taken with reference to a specified Urban Council, it seems necessary that the Council should be assigned its name at a much earlier stage than after the completion of the elections. Clause 2 empowers the Governor to assign to an Urban Council its name and designation either at the time the administrative limits of the town are defined under section 2, or at any time thereafter. A consequential amendment is made in Clause 5.

2. Clauses 3 and 4 amend sections 10 (3) and 13, respectively, of the principal Ordinance so as to provide that, in the case of the first general election of the members of a new Urban Council, the dates for the nomination of candidates and for the holding of the poll shall be fixed by the Government Agent, as is done in the case of a general election of the members of an existing Urban Council.

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

Colombo, January 20, 1942.