



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 8,961 — FRIDAY, JULY 3, 1942.

Published by Authority.

PART I.—GENERAL.

GOVERNMENT NOTIFICATIONS.

L. D.—CF. 8B/42.

THE DEFENCE (MISCELLANEOUS) REGULATIONS.

Order.

ORDER made by the Governor under Regulation 43D of the Defence (Miscellaneous) Regulations.

By His Excellency's command,

C. H. HARTWELL,
Secretary to the Governor.

Colombo, July 3, 1942.

Order.

1. This Order may be cited as the Controlled Articles (Sugar) (No 2) Order, 1942.
2. Sugar is hereby declared to be a controlled article within the meaning of Regulation 43D of the Defence (Miscellaneous) Regulations for the purposes of the application of the provisions of that regulation to sugar.
3. In this Order—
 - “Colombo” means the area within the administrative limits of the Municipal Town of Colombo;
 - “Controller” means the person for the time being holding the office of Controller of Distribution of Imported Subsidiary Food-stuffs by virtue of appointment made by the Governor, and includes any person for the time being holding the office of Assistant to the Controller;
 - “Government Agent” includes an Additional Government Agent, an Assistant Government Agent and an Assistant Government Agent (Emergency);
 - “primary distributor” means any person who—
 - (a) purchases from the Controller, for the purpose of trade, sugar imported into Ceylon by the Government; or
 - (b) imports sugar into Ceylon for the purpose of trade,and is authorised by the Controller to be a primary distributor for the purposes of this Order;
 - “registered” means registered under this Order;
 - “retail trader” means any person who carries on the business of selling sugar by retail;
 - “wholesale dealer” means any person who carries on the business of selling sugar to retail traders, but does not include a primary distributor.
4. (1) No person shall carry on business as a wholesale dealer in sugar unless he is for the time being registered under this Order as a wholesale dealer.
 - (2) No person shall carry on business as a retail trader in sugar unless—
 - (a) he is for the time being registered under this Order as a retail trader; or
 - (b) he is a registered wholesale dealer who has been authorised under sub-paragraph (6) of this paragraph to sell sugar by retail.
 - (3) Every application for registration as a wholesale dealer or as a retail trader shall—
 - (a) be made to the Government Agent, or where the applicant carries on or proposes to carry on his business in Colombo, to the Controller;
 - (b) specify the premises at which the applicant carries on or proposes to carry on his business.
 - (4) The Controller or the Government Agent, as the case may be, may in his discretion determine whether or not any person is to be registered as a wholesale dealer or as a retail trader.
 - (5) The Controller or the Government Agent, as the case may be, shall issue to every person who is registered by him as a wholesale dealer or retail trader a certificate to the effect that such person has been so registered.
 - (6) Where any person has been registered as a wholesale dealer, the Controller or a Government Agent may, by writing under his hand, whether endorsed on the certificate of registration of that dealer or issued as a separate document—
 - (a) authorise that dealer to sell sugar by retail at any such shop or premises as may be specified in such writing; and
 - (b) specify the maximum quantity of sugar which may be sold by retail at such shop or premises during any period specified in such writing.
5. (1) The Controller may from time to time in his discretion grant to any registered wholesale dealer or registered retail trader carrying on business in Colombo a permit authorising him to purchase or obtain from a specified primary distributor a quantity of sugar not exceeding such quantity as may be specified in the permit:
Provided that the Controller may, if he considers it necessary or convenient, issue any such permit to any other person.
 - (2) Every permit granted under this paragraph shall be valid during the period of two weeks commencing on the date on which the permit is granted, or during such other period as the Controller may specify in that behalf in the permit.
6. (1) The Government Agent may from time to time in his discretion grant to any registered wholesale dealer carrying on business outside Colombo a permit authorising him to purchase or obtain from a specified primary distributor a quantity of sugar not exceeding such quantity as may be specified in the permit.
 - (2) Every permit granted under this paragraph shall be valid during the period of two weeks commencing on the date on which the permit is granted, or during such other period as the Government Agent may specify in that behalf in the permit.
7. (1) No primary distributor shall sell or supply any quantity of sugar to any person except upon surrender by that person of a valid permit granted by the Controller or a Government Agent authorising that person to purchase or obtain sugar from that distributor; and no such distributor shall upon the surrender of any such permit by any person sell or supply to that person any quantity of sugar exceeding the quantity specified in the permit.
 - (2) No person shall purchase or obtain sugar from a primary distributor except under the authority of a valid permit in that behalf granted under the preceding provisions of this Order.
8. (1) The Controller may from time to time in his discretion grant to any registered retail trader carrying on business in Colombo a permit authorising him to purchase or obtain from a wholesale dealer carrying on business in Colombo a quantity of sugar not exceeding such quantity as may be specified in the permit.

The Controller may, if he thinks fit, specify in any such permit the name of the wholesale dealer from whom sugar may be purchased or obtained under the authority of the permit; and in any such case the permit shall not be deemed for the purpose of sub-paragraph (3) of this paragraph to be a valid permit except for the purpose of authorising the sale or supply of sugar to the holder of the permit by the wholesale dealer whose name is so specified therein.

(2) Every permit granted under this paragraph shall be valid during the period of two weeks commencing on the date on which the permit is granted or during such other period as the Controller may specify in that behalf in the permit.

(3) Save as otherwise provided in paragraph 10, no wholesale dealer carrying on business in Colombo shall sell or supply any quantity of sugar to any person except upon surrender by that person of a valid permit granted under this paragraph authorising that person to purchase or obtain sugar, and no such wholesale dealer shall, upon the surrender of any such permit by any person, sell or supply to that person any quantity of sugar exceeding the quantity specified in that behalf in the permit.

9. Save as otherwise provided in paragraph 10, no wholesale dealer carrying on business outside Colombo shall sell or supply any sugar to any person unless that person produces to him for inspection at the time of such sale or supply a certificate under the hand of the Government Agent to the effect that such person is a registered retail trader.

10. Nothing in paragraph 8 or in paragraph 9 shall be deemed to prohibit or restrict the sale of sugar by retail at any shop or premises by any wholesale dealer, if that wholesale dealer has been authorised by writing under paragraph 4 (6) to sell sugar by retail at such shop or premises:

Provided that the total quantity of sugar which may be sold by retail at such shop or premises during any period shall not exceed the quantity specified in such writing to be the maximum quantity which may be sold by retail at such shop or premises during that period.

11. The Controller may in his discretion, if he considers it expedient so to do, by notification published in the *Gazette*, prescribe the maximum quantity of sugar which may be sold by retail to any individual on any one occasion; and no retail trader, or wholesale dealer who is authorised under this Order to sell sugar by retail, shall, at any time while any such notification is in force, sell or supply by retail to any individual on any one occasion any quantity of sugar exceeding the maximum quantity specified in such notification.

12. The powers conferred on a Government Agent by the preceding provisions of this Order shall be exercised, subject to such general or special directions as may be issued in that behalf by the Controller.

13. Every primary distributor shall, on every day in the period during which this Order is in force, transmit to the Controller—

- (a) a return setting out the total quantity of sugar sold, supplied or otherwise disposed of by him on the preceding day, and the quantity of sugar in his possession or under his control at the end of the preceding day;
- (b) the permits upon the surrender of which sugar was sold, supplied or otherwise disposed of by him on the preceding day.

14. Every registered wholesale dealer carrying on business in Colombo shall, on every day in the period during which this Order is in force, transmit to the Controller the permits upon the surrender of which sugar was sold, supplied or otherwise disposed of by him on the preceding day, together with a return setting out—

- (a) the total quantity of sugar sold, supplied or otherwise disposed of by him on the preceding day upon the surrender of such permits;
- (b) if he is authorised under paragraph 4 (6) to sell sugar by retail, the total quantity of sugar sold by retail on the preceding day; and
- (c) the quantity of sugar in his possession or under his control at the end of the preceding day.

15. (1) Every wholesale dealer carrying on business outside Colombo shall transmit every week to the Government Agent a return of his transactions in sugar during the period of seven days ending on Saturday in the preceding week, in which shall be set out—

- (a) the name of each retail trader to whom sugar was sold or supplied during the preceding week by such dealer, the number of the certificate of registration of each such trader, and the quantity of sugar so sold or supplied to him;
- (b) if such dealer is authorised under paragraph 4 (6) to sell sugar by retail, the total quantity of sugar sold by retail during the preceding week;
- (c) the quantity of sugar in his possession or under his control at the close of business at the end of the preceding week.

(2) The returns required by sub-paragraph (1) to be transmitted to the Government Agent in any week shall be transmitted on the Monday in such week.

16. Any primary distributor, registered wholesale dealer or registered retail trader shall if requested so to do by notice under the hand of the Controller or a Government Agent furnish to the Controller or the Government Agent, as the case may be, such returns or information relating to the business carried on by him as such primary distributor, dealer or trader as may be specified in the notice.

17. Any Police Officer of a rank not below that of sub-Inspector, or any other person acting under the written authority of the Controller or a Government Agent, may for the purpose of verifying any particulars set out in any return made under this Order by any person, enter and inspect any premises in which stocks of sugar are kept or suspected to be kept by that person.

18. Every return made under this Order shall be verified by a declaration, signed by the person making the return, to the effect that the particulars set out in such return are true and accurate. Every such declaration shall be free of stamp duty.

19. The Controlled Articles (Sugar) Order, published in *Gazette Extraordinary* No. 8,943 of June 9, 1942, is hereby rescinded:—

Provided, however, that—

- (a) every permit heretofore granted under the provisions of that Order shall, unless previously surrendered under those provisions, continue to be valid until the date specified in that behalf in such permit;
- (b) any person who was, immediately prior to the date of the publication of this Order in the *Gazette*, a licensed dealer within the meaning of the Order so rescinded, may sell or supply sugar upon surrender of any such valid permit notwithstanding that such person may not be a primary distributor or a registered wholesale dealer within the meaning of this Order.