



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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PART I.—GENERAL.

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GOVERNMENT NOTIFICATIONS.

L. D.—CF. 5/41/C. S. O. File No. C.F.D. 1188/42

NOTIFICATION.

BY virtue of the powers vested in me by regulation 3 of the Defence (Miscellaneous) Regulations, I, Andrew Caldecott, Governor of Ceylon, do hereby appoint—

- (1) the Deputy Representative of the Ministry of War Transport to be a competent authority for the purposes of regulations 32D (8) and 32J (4) of the aforesaid regulations; and
- (2) the Principal Collector of Customs to be a competent authority for the purposes of regulation 32J (2) of those regulations.

A. CALDECOTT,
Governor.

Colombo, 17th March, 1944.

L. D.—C.F. 13/44.

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

DEFENCE Regulation 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, 17th March, 1944.

Regulation.

The Defence (Miscellaneous) Regulations published in the *Supplement to Gazette* No. 8,533 of October 20, 1939, as amended by any subsequent Defence Regulation, are hereby further amended in regulation 21, as follows:—

- (1) in paragraph (1) of that regulation by the substitution, for the words "with intent", of the words "intending, or knowing or having reason to believe that such act is likely,"; and
- (2) in paragraph (2) of that regulation, by the substitution, for the words "and such fine.", of the words—

"and such fine, and shall in addition be liable to be punished with whipping in accordance with the provisions of the Corporal Punishment Ordinance.

Cap. 17.
Cap. 16.

The provisions of the Criminal Procedure Code shall, in respect of any sentence of whipping imposed under this paragraph, have effect as though, in section 316 of that Code, the proviso to sub-section (1) and sub-section (2) of that section were omitted."

L. D.—CF. 46/43.

THE DEFENCE (MISCELLANEOUS) REGULATIONS.

ORDER made by the Governor by virtue of the powers vested in him by Regulation 43B (6) of the Defence (Miscellaneous) Regulations.

By His Excellency's command,

H. A. C. DOBBS,
Acting Secretary to the Governor.

Colombo, 18th March, 1944.

295—J. N. A 3 5089-1,633 (3/44)

A 1

Order.

1. This Order may be cited as the Essential Work (Maintenance of Production) Order, 1943.

2. (1) The work specified in each of the items in column 2 of the Schedule hereto is hereby declared to be essential work within the meaning of paragraph (7) of Regulation 43B of the Defence (Miscellaneous) Regulations.

(2) The provisions of this Order shall apply, with effect from the date specified in column 1 of the Schedule hereto, to and in relation to every person who, in any undertaking engaged in the essential work specified in the corresponding item in column 2, is employed as a worker of the description set out in the corresponding item in column 3 of the Schedule.

In relation to each such worker, each of the officers specified in the corresponding item in column 4 of the Schedule shall be an Essential Work Officer for the purposes of this Order.

3. Where, at any time after the date of the publication of this Order in the *Gazette*, any work is declared to be essential work within the meaning of paragraph (7) of Regulation 43B of the Defence (Miscellaneous) Regulations, the Governor may, for the purpose of, applying the provisions of this Order to any workers employed in undertakings engaged in such essential work, by notification published in the *Gazette*, amend the Schedule to this Order by the addition, in the appropriate columns of that Schedule, of the particulars set out hereunder, and thereupon the provisions of this Order shall apply accordingly to and in relation to such workers:—

- (1) the date with effect from which this Order shall apply to such workers;
- (2) the description of such essential work;
- (3) the description of the workers to whom this Order shall apply; and
- (4) the officer or each officer, who, in relation to such workers, shall be an Essential Work Officer for the purposes of this Order.

4. (1) If any worker to whom this Order applies—

- (a) absents himself from work without reasonable excuse; or
- (b) is persistently late in presenting himself for work; or
- (c) refuses to work reasonable overtime or to work at the times when he is required to work; or
- (d) fails to comply with any lawful order given to him in relation to his work; or
- (e) persistently behaves at his work in such a manner as to impede effective production in the work carried on in the undertaking in which he is employed,

the person carrying on that undertaking (hereinafter referred to as "the employer"), may report in writing such matters to an Essential Work Officer giving such particulars as that Officer may require.

(2) The Essential Work Officer shall notify the worker who is the subject of the report, and shall give him an opportunity of making, within four days of the sending or the giving of the notification to him, such representations, either orally or in writing, as he may desire; and the Essential Work Officer, if he is satisfied of the truth of the matters so reported and that the worker is capable of performing his work, may give directions to that worker to perform his work. Any such directions may include such provisions as to the method or manner of work and the times at which and during which the worker shall present himself for and remain at work, as the Essential Work Officer thinks fit.

(3) Every worker to whom directions are issued by the Essential Work Officer under sub-paragraph (2) shall perform such services as are specified in the directions, and comply with the directions in every other respect, with due despatch and to the best of his ability.

5. (1) Without prejudice to any terms and conditions of employment more favourable to workers that may be provided for under the Essential Services (Avoidance of Strikes and Lockouts) Order, 1942, or any other written law, every employer shall, (except as otherwise provided in this Order), pay, in respect of every prescribed period to every worker employed by him a sum which is not less than the normal wage for the prescribed period, if the worker is during normal working hours—

- (a) capable of and available for work; and
- (b) willing to perform any services outside his usual occupation which in the circumstances he can reasonably be asked to perform during any period when work is not available for him in his usual occupation.

(2) (i) Where an employer is unable to provide work for a worker employed by him by reason of any circumstances over which he has no control, he may give to the worker not less than one month's notice of his intention to discontinue payment of the sum provided for by sub-paragraph (1) of this paragraph (hereinafter referred to as "a notice suspending the guaranteed wage"), and, where such a notice has been given, the employer shall, as soon as he is in a position to provide work for the worker, give to the worker a further notice specifying the day on which such work will be available (hereinafter referred to as "a notice that work is available").

(ii) Where a notice suspending the guaranteed wage has been given in accordance with the foregoing provisions of this sub-paragraph, the employer shall not be liable to make any payment to the worker under sub-paragraph (1) of this paragraph in respect of any day which occurs during the period beginning with the day after the expiration of the notice and ending with the day immediately preceding the day specified in the further notice that work is available (which period is hereinafter referred to as "the authorised suspense period").

(3) For the purposes of this paragraph—

"normal wage", in any case where a rate of wages is prescribed by or under any written law, means the wage calculated according to the rates so prescribed, and in every other case, means a wage calculated either—

- (i) by reference to the time rate applicable to the worker concerned and to the normal working hours during the prescribed period; or

(ii) where for any reason, the wage cannot be calculated in the manner provided for by the foregoing sub-paragraph (i), by reference to the time rate applicable to persons of the same grade or class who are employed in the same class of undertaking in the same district, as the worker concerned, and to the normal working hours of such persons during the prescribed period or, if there is no person so employed in the same district, to members of the same grade or class in the same class of employment in the same district;

"normal working hours", in relation to a day or to a week, means the number of hours, exclusive of overtime, ordinarily worked in the undertaking on that day or in that week by the grade or class of persons to which the worker concerned belongs;

"prescribed period", in relation to a worker paid on a time rate basis, means a day or a month, according as the period of his contract with his employer is a day or a month:

Provided, however, that in any case where a notice suspending the guaranteed wage has been given in accordance with the provisions of sub-paragraph (2) of this paragraph, the prescribed period shall not include any day which occurs during the authorised suspense period.

6. Every employer shall, when requested so to do by an Essential Work Officer—

(a) produce to that officer, or to any officer or person authorised by that officer, such books, records, accounts or other documents relating to the undertaking carried on by that employer, as the Essential Work Officer may deem necessary for the purposes of this Order to inspect; and

(b) permit the Essential Work Officer, or any officer or person authorised by that officer, to enter and inspect any premises used for or in connexion with the undertaking carried on by that employer, or any of the books, records, accounts or other documents aforesaid which may be kept in such premises.

Column 1.	Column 2.	Schedule.	Column 3.	Column 4.
Date of application of the Order.	Description of Essential Work.		Description of Workers to whom the Order applies.	Essential Work Officer.
1. The date on which this Order is published in the <i>Gazette</i> .	Collection and preparation of made tea for exportation.		Workers employed in— (a) carrying, loading and unloading tea, (b) blending, cutting, sifting and polishing of tea, and operations incidental thereto, (c) preparing packages of tea for shipment.	The Controller of Labour and each Deputy and Assistant Controller of Labour.
2. The date on which this Order is published in the <i>Gazette</i> .	Collection and preparation of manufactured rubber for exportation.		Workers employed in— (a) carrying, loading and unloading rubber, (b) cleaning and grading rubber, (c) packing rubber, (d) preparing rubber for shipment.	The Controller of Labour and each Deputy and Assistant Controller of Labour.