



# THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,250 — THURSDAY, MARCH 23, 1944.

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## PART I.—GENERAL.

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

### GOVERNMENT NOTIFICATIONS.

L. D.—CF.

#### 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, 23rd 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 as follows:—

(1) in regulation 43 B—

(a) by the omission of paragraph (4);

(b) by the insertion, immediately after paragraph (4A), of the following new paragraphs:—

“(4B) The Governor may appoint any person by name or by office to be an Essential Work Officer for the purposes of any specified essential work or class or description of essential work or for all essential work generally.

“(4C) Any directions given by the Governor or by a competent authority under this regulation may, in accordance with the general or special instructions of the Governor or the competent authority, as the case may be, be communicated to the person or persons to whom the directions apply by an Essential Work Officer; and every direction so communicated shall be deemed for the purposes of paragraph (2) to be a direction duly given by the Governor or the competent authority, as the case may be.”;

(c) by the insertion, immediately after paragraph (7), of the following new paragraphs:—

“(8) Every person who fails or neglects to comply with any direction or requirement or contravenes any prohibition or other provision contained in any order made under paragraph (5) or paragraph (6) shall be guilty of an offence against this regulation.

“(9) No prosecution shall be instituted in respect of any offence against this regulation except by, or with the sanction of, the competent authority where such authority has been appointed for the purposes of the essential work in connexion with which the offence has been committed, or the Controller of Labour where no such competent authority has been appointed.”;

and

(2) in regulation 43c, by the insertion, immediately after paragraph (4), of the following new paragraphs:—

“(5) Every person who fails or neglects to comply with any direction or requirement, or contravenes any prohibition or other provision, contained in any order made under paragraph (1), shall be guilty of an offence against this regulation.

(6) No prosecution shall be instituted in respect of any offence against this regulation except by, or with the sanction of, the Controller of Labour, or by, or with the sanction of, the Chairman of the Colombo Port Commission in cases where he is authorised to act in lieu of the Controller of Labour by the Defence (Port of Colombo) (Trade Disputes) Regulations, 1943, or any other law.”

L. D.—CF. 23/41.

#### THE DEFENCE (MISCELLANEOUS) REGULATIONS.

##### Directions under Regulation 43B.

BY virtue of the powers vested in me by regulation 43B of the Defence (Miscellaneous) Regulations, I, Andrew Caldecott, Governor of Ceylon, do hereby amend the directions under that regulation published in *Gazette* No. 8,820 of November 1941, by substituting therein, for all the words “do hereby direct” to “that nature or description”

following:—

“do hereby direct—

(a) that every person who has heretofore been which or mainly engaged or employed in the for performance of any services of any nature description in, or in connexion with, or incidental to, such essential work, shall continue to perform services of that nature or description; and

(b) that every person who, in the course of any one month hereafter, is, on not less than fourteen working days, engaged in or employed by any person for the performance of any services of any such nature or description, shall, with effect from the first day of the next succeeding month, continue to perform services of that nature or description.”

Colombo, 23 March, 1944.

A. CALDECOTT,  
Governor.

L. D.—CF. 23/41.

#### THE DEFENCE (MISCELLANEOUS) REGULATIONS.

##### Appointment of Competent Authority.

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 the Chairman of the Colombo Port Commission to be a competent authority under paragraph (4A) of regulation 43B of those Regulations, for the purpose of giving directions under paragraphs (1) and (3) of that regulation to persons employed or engaged in the performance of any service of any nature or description in, or in connexion with, or incidental to, the essential work specified in the First Schedule to the Directions issued by me under the aforesaid regulation 43B and published in *Gazette* No. 8,820 of November 29, 1941.

Colombo, 23 March, 1944.

A. CALDECOTT,  
Governor.

L. D.—CF. 26/39.

#### THE DEFENCE (CONTROL OF EXPORTS) REGULATIONS.

ORDER made by the Governor under regulation 3 (2) of the Defence (Control of Exports) Regulations.

By His Excellency's command,

H. A. C. DOBBS,  
Acting Secretary to the Governor.  
Colombo, March 21st, 1944.

## Order.

The Order of Exemptions from the requirements as to a licence under regulation 3. (2) of the Defence (Control of Exports) Regulations, published in *Gazette Extraordinary* No. 9,062 of January 6, 1943, as amended by any subsequent Order is hereby further amended, in paragraph (d), by the addition, at the end of that paragraph, of the following :—

“ fresh coconuts, with or without husks ;”.

L. D.—C.F. 1/43.

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

THE DEFENCE (CONTROL OF TEXTILES) (No. 4) REGULATIONS, 1944.

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, 16th March, 1944.

## Regulations.

1. These Regulations may be cited as the Defence (Control of Textiles) (No. 4) Regulations, 1944.

2. The Defence (Control of Textiles) (No. 1) Regulations, 1943, published in *Gazette Extraordinary* No. 9,102 of March 22, 1943, as amended by any subsequent defence regulation, are hereby further amended as follows :—

(1) in Regulation 2 of those Regulations—

(a) by the substitution, for the proviso to the definition of “ landed cost ”, of the following proviso :—

“ provided that—

(a) where the landed cost of any imported textile so computed is in excess of the prescribed maximum landed cost (if any) of such textile, the excess shall not be taken into account for the purposes of these Regulations ;

(b) where the price paid for the purchase of any imported textile in the country of origin is in excess of the prescribed maximum purchase price (if any) of such textile, the excess shall not be taken into account in the computation of the landed cost of such textile ; and

(c) where any sum forming part of the commission paid or payable to a commission agent in respect of any order for any textiles accrues to any dealer who imports such textiles into Ceylon, or where any dealer who directly imports any textiles into Ceylon receives any sum as a return commission or hidden commission in respect of such textiles, such sum shall not be taken into account in the computation of the landed cost of the textiles imported by such dealer ;” ;

(b) by the insertion, immediately after the definition of “ non-scheduled textile ”, of the following new definitions :—

“ prescribed maximum landed cost ” means the maximum landed cost prescribed under Regulation 7A ;

“ prescribed maximum purchase price ” means the maximum purchase price prescribed under Regulation 7A ;” ;

(2) by the insertion, immediately after Regulation 7 of those Regulations, of the following new Regulation :—

“ 7A. *Prescribed maximum for importer's purchase price or landed cost.*—(1) The Controller may, by general or special order, prescribe—

(a) the maximum purchase price payable in the country of origin for any regulated textile or class of regulated textiles intended to be imported into Ceylon by any dealer in Ceylon, such price being determined by the addition of a specified percentage or amount to the wholesale marked price of such textile or class of textiles in the country of origin, or to any controlled, or maximum, or ceiling price fixed for such textile or class of textiles under any law in force in that country, or determined in any other manner which has received the prior approval of the Minister for Labour, Industry and Commerce ; or

(b) the maximum landed cost at which any regulated textile or class of regulated textiles may be imported into Ceylon by any dealer, such cost being determined by the addition of a specified percentage or amount to the wholesale market price of such textile or class of textiles in the country of origin, or to any controlled, or maximum or ceiling price fixed for such textile or class of textiles under any law in force in that country, or determined in any other manner which has received the prior approval of that Minister.

(2) Where in respect of any regulated textile or class of regulated textiles there is a prescribed maximum purchase price or a prescribed maximum landed cost, no dealer shall import into Ceylon such textile or class of textiles—

(a) purchased in the country of origin at a price exceeding such maximum purchase price, or

(b) at a landed cost exceeding such maximum landed cost.” ;

(3) by the insertion, immediately after Regulation 13 of those Regulations, of the following new Regulation :—

“ 13A. *Restriction as to importation of textiles.*—No person shall import any regulated textiles into Ceylon, unless he has actually imported any regulated textiles into Ceylon at any time during the months of October, November, and December, 1942, or during the first week of the month of January, 1943.” ;

(4) by the insertion immediately after Regulation 14 of those Regulations, of the following new Regulation :—

“ 14A. *Restriction as to place of dealer's business.*—No person shall carry on business as a dealer on any premises without the approval of the Controller, unless that person was carrying on such business on those premises during the first week of the month of January, 1943 :

Provided that any premises specified in a licence issued under these Regulations shall be deemed to have been approved by the Controller for the purposes of this Regulation.” ;

(5) in Regulation 17 of those Regulations—

(a) by the substitution, in paragraph (1) of that Regulation, for the words and figure “ of Regulation 18 ”, of the words and figures “ of Regulations 14A and 18 ” ; and

(b) by the substitution, in paragraph (2) of that Regulation, for the words “ to import regulated textiles ” occurring in clause (b) of that paragraph, of the following :—

“ where the importation of regulated textiles by that person is not prohibited by Regulation 13A, to import such textiles ” ;

(6) in Regulation 23 of those Regulations, by the addition, at the end paragraph (10) of that Regulation, of the following :—

“ Any regulated textiles imported into Ceylon in contravention of the provisions of this paragraph shall, for the purposes of the application of the

Cap. 185. Customs Ordinance, be deemed to be goods the importation of which is prohibited by Ordinance.” ;

(7) in Regulation 24 of those Regulations, by the insertion, immediately after paragraph (2) of that Regulation, of the following new paragraph :—

“ (2A) For any of the purposes mentioned in paragraph (1) of this Regulation, the Controller may, by such order as is referred to in that paragraph, direct that any regulated textiles imported or stocked by any licensed dealer or licensed dealers to whom the order applies shall be sold or supplied in specified proportions by wholesale-in-bulk, wholesale, or retail, to any other specified dealer or to dealers of any specified class or to dealers carrying on business in any specified area.” ;

(8) in Regulation 25 of those Regulations, by the insertion, immediately after paragraph (2) of that Regulation, of the following new paragraph :—

“ (2A) The court by which any person is convicted of an offence under this Regulation may order that any regulated textile in respect of which the offence was committed shall be forfeited to His Majesty.” ;

and

(9) in Regulation 38 of those Regulations, by the substitution, for paragraph (1) of that Regulation, of the following paragraph :—

“ (1) Subject to the general directions of the Controller—

(a) any power or function conferred upon or assigned to the Controller by any of the provisions of these Regulations may be exercised or discharged by any Deputy Controller of Textiles, and

(b) any such power or function other than any power or function under Regulation 25 (3) or Regulation 36 may be exercised or discharged by any Assistant Controller of Textiles or by any other officer authorised in writing in that behalf by the Controller.”

L. D.—B: 29/42.

THE WAR DAMAGE (BUSINESS AND PERSONAL MOVABLES)  
ORDINANCE, No. 9 OF 1942.

REGULATION made by the Executive Committee of Labour, Industry and Commerce under section 25 of the War Damage (Business and Personal Movable) Ordinance, No. 9 of 1942, approved by the State Council, and ratified by the Governor by virtue of the powers vested in him by that section.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, March 12, 1944.

*Regulation.*

The War Damage (Personal Movable) Insurance Regulations, 1942, published in *Gazette Extraordinary* No. 8,907 of April 9, 1942, are hereby amended as follows:—

(1) by the substitution, for regulation 4, of the following regulation:—

“ 4. Every person insuring personal movables against war damage in accordance with the Scheme shall apply for the insurance, under a single policy, of all his personal movables insurable under the Ordinance and situated within Ceylon at the time of the application, at their full value if such value does not exceed the sum of Rs. 150,000, and at that sum if such value exceeds that sum ”.

(2) in the second Schedule, under the heading “ Limitations and Conditions ”—

(a) by the substitution in paragraph (2), for the words “ exceeds ten thousand rupees ”, of the words “ exceeds one hundred and fifty thousand rupees.”

(b) by the substitution in paragraph (3)—

(1) for the words “ other than a motor vehicle,” of the words “ other than a refrigerator, or motor vehicle, ”; and

(11) for the words and figures “ shall not exceed Rs. 250 ”; of the words and figures “ shall not exceed Rs. 750 ”; and

(c) by the substitution in paragraph (4), for the words and figures “ shall not in the aggregate exceed Rs. 250 ”, of the words and figures “ shall not in the aggregate exceed Rs. 1,500 ”; and

(3) in the Third Schedule, under the heading “ Limitations and Conditions ”, by the substitution in paragraph (2), for the words “ other than a motor vehicles, ” of the words “ other than a refrigerator, or motor vehicle, ”.

*Order.*

The Order of Exemptions from the requirements as to a licence under regulation 3 (2) of the Defence (Control of Exports) Regulations, published in *Gazette Extraordinary* No. 9,062 of January 6, 1943, as amended by any subsequent Order is hereby further amended, in paragraph (d), by the addition, at the end of that paragraph, of the following :—

“ fresh coconuts, with or without husks ;”.

L. D.—C.F. 1/43.

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940.  
THE DEFENCE (CONTROL OF TEXTILES) (No. 4)  
REGULATIONS, 1944.

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, 16th March, 1944.

*Regulations.*

1. These Regulations may be cited as the Defence (Control of Textiles) (No. 4) Regulations, 1944.

2. The Defence (Control of Textiles) (No. 1) Regulations, 1943, published in *Gazette Extraordinary* No. 9,102 of March 22, 1943, as amended by any subsequent defence regulation, are hereby further amended as follows :—

(1) in Regulation 2 of those Regulations—

(a) by the substitution, for the proviso to the definition of “ landed cost ”, of the following proviso :—

“ provided that—

(a) where the landed cost of any imported textile so computed is in excess of the prescribed maximum landed cost (if any) of such textile, the excess shall not be taken into account for the purposes of these Regulations ;

(b) where the price paid for the purchase of any imported textile in the country of origin is in excess of the prescribed maximum purchase price (if any) of such textile, the excess shall not be taken into account in the computation

(b) the maximum landed cost at which any regulated textile or class of regulated textiles may be imported into Ceylon by any dealer, such cost being determined by the addition of a specified percentage or amount to the wholesale market price of such textile or class of textiles in the country of origin, or to any controlled, or maximum or ceiling price fixed for such textile or class of textiles under any law in force in that country, or determined in any other manner which has received the prior approval of that Minister.

(2) Where in respect of any regulated textile or class of regulated textiles there is a prescribed maximum purchase price or a prescribed maximum landed cost, no dealer shall import into Ceylon such textile or class of textiles—

(a) purchased in the country of origin at a price exceeding such maximum purchase price, or

(b) at a landed cost exceeding such maximum landed cost.” ;

(3) by the insertion, immediately after Regulation 13 of those Regulations, of the following new Regulation :—

“ 13A. *Restriction as to importation of textiles.*—No person shall import any regulated textiles into Ceylon, unless he has actually imported any regulated textiles into Ceylon at any time during the months of October, November, and December, 1942, or during the first week of the month of January, 1943.” ;

(4) by the insertion immediately after Regulation 14 of those Regulations, of the following new Regulation :—

“ 14A. *Restriction as to place of dealer's business.*—No person shall carry on business as a dealer on any premises without the approval of the Controller, unless that person was carrying on such business on those premises during the first week of the month of January, 1943 :

Provided that any premises specified in a licence issued under those Regulations shall be deemed to have been approved by the Controller for the purposes of this Regulation.” ;

(5) in Regulation 17 of those Regulations—

(a) by the substitution, in paragraph (1) of that Regulation, for the words and figure “ of Regulation 18,” of the words and figures “ of Regulations 14A and 18,” ; and

(b) by the substitution, in paragraph (2) of that Regulation, for the words “ to import regulated textiles ” occurring in clause (b) of that paragraph, of the following :—

“ where the importation of regulated textiles by that person is not prohibited by Regulation 13A, to import such textiles ” ;

(6) in Regulation 23 of those Regulations, by the addition, at the end paragraph (10) of that Regulation, of the following