



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O. 50/43

An Ordinance to amend the Defence Force Ordinance.

Chapter 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:—

1. This Ordinance may be cited as the Defence Force Amendment Ordinance, No. of 1944.

Short title.

2. The Defence Force Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended, by the repeal of section 17, and the substitution therefor, of the following section:—

Replacement of
section 17 of
Chapter 258.

17. (1) Subject as hereinafter provided, a pension or gratuity may be awarded to—

Pensions and
gratuities to
officers and
soldiers or
their families
in event of
death, injury,
etc.

(a) any officer or soldier of the Defence Force who, having been called out under section 13 and being on service thereunder, sustains a disablement which is attributable to the conditions of such service and which, in the opinion of the Financial Secretary, results in the loss of not less than five per centum of his earning capacity: provided, however, that no pension shall be payable in respect of any period during which such officer or soldier is in receipt of any pay, or any pay and allowances, as the case may be, under section 14 of the Ordinance;

(b) any officer or soldier of the Defence Force who, while undergoing training or exercise with the Force, sustains a disablement which is attributable to the conditions of such training or exercise and which, in the opinion of the Financial Secretary, results in the loss of not less than five per centum of his earning capacity;

(c) the widow and family of any such officer or soldier who, while on such service or while undergoing such training or exercise, sustains or contracts any wound, injury, or disease which is attributable to the conditions of such service, training or exercise, and who dies within seven years of sustaining or contracting such wound, injury, or disease: provided, however, that no pension shall be payable in respect of any period during which such widow and family continue to receive any family allowances in respect of such officer or soldier.

(2) The rates at which and the conditions subject to which pensions or gratuities may be paid under sub-section (1), and the circumstances in which the payment of such pensions may be partially or wholly withheld, shall be such as the Governor may from time to time determine:

Provided, however, that in any case where the Governor is satisfied, having regard to the special circumstances of the case, that the rates so determined are inadequate, he

may direct that the pension or gratuity in that case shall be paid at such higher rates as may be fixed by him for the purpose.

(3) In this section, "family" means any dependent child or children, whether legitimate or illegitimate, any dependent step-child or step-children, and any dependent adopted child or adopted children, and in relation to any officer or soldier who leaves no widow, dependent child, dependent step-child, or dependent adopted child, includes any dependent parent, brother or sister of such officer or soldier.

(4) For the purposes of the application of paragraphs (a) and (c) of sub-section (1), to any case of disablement or death resulting from enemy action, an officer or soldier called out under section 13 shall be deemed to have been on service while he was absent from his unit on leave duly granted, but shall not be deemed to have been on service while he was on compulsory leave without pay and allowances under the provisions of any law for the time being in force in that behalf.

Insertion of
new section 17A
in the
principal
Ordinance.

Pensions and
gratuities to
civilian
employees
and followers
of the
Defence
Force or their
families in
the event of
death, injury,
etc.

3. The following new section is hereby inserted immediately after section 17 of the principal Ordinance, and shall have effect as section 17A of that Ordinance:—

17A. (1) Subject as hereinafter provided, a pension or gratuity may be awarded to—

- (a) any civilian employee or follower of the Defence Force who sustains a disablement which is attributable to the conditions of his employment and which, in the opinion of the Financial Secretary, results in the loss of not less than five per centum of his earning capacity;
- (b) the widow and family of any such civilian employee or follower who, in the course of his employment, sustains or contracts any wound, injury or disease which is attributable to the conditions of such employment, and who dies within seven years of sustaining or contracting such wound, injury or disease.

(2) The rates at which and the conditions subject to which pensions or gratuities may be paid under sub-section (1), and the circumstances in which the payment of such pensions may be partially or wholly withheld, shall be such as the Governor may from time to time determine:

Provided, however, that in any case where the Governor is satisfied, having regard to the special circumstances of the case, that the rates so determined are inadequate he may direct that the pension or gratuity in that case shall be paid at such higher rates as may be fixed by him for the purpose.

(3) A pension or gratuity under this section shall not be awarded to any civilian employee, or to the widow and family of any civilian employee, who is eligible for a pension or gratuity under the provisions of the Minutes on Pensions.

(4) In this section "family" means any dependent child or children whether legitimate or illegitimate, any dependent step-child or step-children and any dependent adopted child or adopted children, and in relation to any employee or follower who leaves no widow, dependent child, dependent step-child or dependent adopted child, includes any dependent parent, brother or sister of such employee or follower.

Retrospective
effect of
amendments
to the
principal
Ordinance.

4. The amendments made in the principal Ordinance by sections 2 and 3 of this Ordinance shall be deemed for all purposes to have had effect on the third day of September, nineteen hundred and thirty nine, without prejudice, however, to the validity of any pension or gratuity granted under the law for the time being in force between that day and the day on which this Ordinance comes into operation.

Objects and Reasons.

Section 17 of the Defence Force Ordinance, though it was substituted for the former section only in 1941 by Ordinance No. 16 of that year and was later amended by Ordinance No. 39 of 1943, is still found to be inadequate for all the cases that have arisen during the present war. It is, therefore, proposed in this Bill to replace the section by a new section which is more comprehensive (Clause 2). The opportunity is also being taken to make provision for grant of pensions and gratuities to the civilian employees and followers of the Defence Force or their families (Clause 3).

C. H. COLLINS,
Acting Chief Secretary.

Colombo, November 7, 1944.

MINUTE.

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

L. D.—O. 41/44.

An Ordinance to amend the Notaries Ordinance

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 Notaries (Amendment) Ordinance No. of 1944.

Cap. 91.
(Vol. III.,
page 33.)

Short title.

2. Section 12 of the Notaries Ordinance is hereby amended as follows :—

Amendment of
section 12 of
Chapter 91.

(1) by the renumbering of that section as sub-section (1) of that section ;

(2) in the renumbered sub-section (1), by the substitution in paragraph (b), for the words "in that behalf to the satisfaction of such District Judge ;", of the words "in that behalf, or by personal bond and the guarantee of any approved Guarantee Company or Association, to the satisfaction of such District Judge ;" ; and

(3) by the addition immediately after the renumbered sub-section (1), of the following new sub-section :—

"(2) In this section "approved Guarantee Company or Association" mean any public company or association which is accustomed as part of its regular business to guarantee the fidelity of any persons and which has, for the purposes of section 2 (1) (d) of the Public Officers (Security) Ordinance, been approved by the Governor."

Cap 251.

Objects and Reasons.

The object of this Bill is to amend section 12 of the Notaries Ordinance in such a manner as to enable notaries to give the required security under that section by means of a personal bond guaranteed by any guarantee company or association which has been approved by the Governor for the purposes of similar securities required to be given by certain public officers under the Public Officers (Security) Ordinance.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.
Colombo, November 1, 1944.