



# THE CEYLON GOVERNMENT GAZETTE

## EXTRAORDINARY

No. 9,482 — WEDNESDAY, NOVEMBER 7, 1945.

Published by Authority.

### 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. 10/42

**An Ordinance to appoint a date for the expiry of the War Damage (Immovable Property) Ordinance, No. 62 of 1942, to prescribe the time or times at which value payments due under that Ordinance may be made, and to provide for the disposal of moneys standing to the credit of the War Damage Fund.**

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 War Damage Immovable Property (Discontinuance) Ordinance, No. of 1945.

Short title.

2. The War Damage (Immovable Property) Ordinance, No. 62 of 1942 (hereinafter referred to as "the principal Ordinance"), shall be deemed to have expired, and the "risk period" for the purposes of that Ordinance shall be deemed to have ended, on the thirtieth day of September, Nineteen hundred and Forty-five.

Date of expiry of Ordinance No. 62 of 1942.

3. (1) The moneys standing, to the credit of the War Damage Fund, or due and payable into that Fund, immediately prior to the expiry of the principal Ordinance shall, after the deduction of such amount as may in the opinion of the Commissioner be necessary for the making of value payments and for the administration of this Ordinance, be distributed by the Commissioner among those persons (hereinafter referred to as "contributors"), who made compulsory or voluntary contributions under section 23 of the principal Ordinance, in proportion to the amounts paid by them as instalments of their contributions:

Disposal of moneys standing to the credit of the War Damage Fund.

Provided that no payment under the preceding provisions of this sub-section shall be made—

- (a) to any person who has made default in the payment of any such instalment; or
- (b) to any person if the total amount due to him is less than five rupees; or
- (c) in respect of any property, to any person who has received or is entitled to receive a value payment under the principal Ordinance in respect of that property.

(2) For the purposes of sub-section (1), a person shall not be deemed to have made default in the payment of any instalment of his contribution if the non-payment of such instalment was due to the fact that he ceased by reason of the sale of the contributory property or otherwise to be entitled under section 23 of the principal Ordinance to pay contribution in respect of such property.

4. (1) Every person who claims to be entitled to receive any payment under section 3 shall make a written application in that behalf to the Commissioner before such date as may be specified by the Commissioner by notification published in the *Gazette* and in one or more newspapers circulating in Ceylon:

Payment of moneys to contributors and other persons entitled thereto.

Provided that the Commissioner may in his discretion entertain any application received by him not later than fourteen days after that date if he is satisfied that the delay in sending the application is due to a reasonable cause.

(2) No payment under section 3 shall be made—

- (a) to any person claiming as a contributor unless he shows to the satisfaction of the Commissioner that he was a contributor ;
- (b) to any person claiming as the executor of the last will, or the administrator of the estate, or as the heir-at-law or the next-of-kin, of a deceased contributor, unless he shows to the satisfaction of the Commissioner that he is lawfully entitled to receive such payment and that the deceased person was a contributor.

Payment of moneys into Court.

5. If the right to receive a payment under section 3 or a share of such a payment is claimed by two or more persons adversely to each other, or the Commissioner is unable to ascertain in whom such a right is vested, or if it appears to the Commissioner to be expedient for him so to do in order to safeguard the rights of persons beneficially interested in any such payment or share or for any other special reason, he may make payment thereof into the District Court, or if the amount thereof does not exceed three hundred rupees, into the Court of Requests, having jurisdiction over the area within which all or any of such persons are resident, and direct such persons to establish their several claims before such Court and obtain payment from such Court in accordance with its findings on such claims.

Discharge of obligations of Government and Commissioner.

6. A payment made to any person under section 3 or section 5 in respect of any property shall be, and shall operate for all purposes as, a complete discharge of the obligations of the Government and of the Commissioner to make payment under this Ordinance in respect of that property.

Savings of rights of persons where moneys are erroneously paid by Commissioner.

7. Nothing contained in this Ordinance shall affect or prejudice or be deemed to affect or prejudice the right of any person to recover from any other person any money erroneously paid under section 3 to such other person.

Expenses of administering this Ordinance.

8. The expenses of administering this Ordinance shall be met out of the amount deducted by the Commissioner, in pursuance of the provisions of section 3, from the moneys standing to the credit of the War Damage Fund.

Time limit for value payments due under principal Ordinance.

9. All value payments not made under the principal Ordinance shall be made by the Commissioner out of the War Damage Fund within six months from the date on which this Ordinance comes into operation.

Payment of unexpended balance into general revenue.

10. After all the payments under sections 3, 8 and 9 have been made, any balance remaining to the credit of the War Damage Fund shall be paid by the Commissioner into the general revenue.

Delivery of books, &c., by local authorities to Commissioner.

11. For the purpose of enabling the Commissioner to make the payments required by section 3, each of the following local authorities, namely, the Colombo Municipal Council and the Trincomalee Urban Council shall, forthwith after this Ordinance comes into operation, deliver to the Commissioner all such accounts, books and other documents in its possession or custody as relate to the compulsory contributions collected or recovered by the Council under the provisions of the principal Ordinance.

Interpretation.

12. In this Ordinance—

- “ Commissioner ” has the same meaning as in the principal Ordinance ;
- “ War Damage Fund ” means the Fund maintained by the Commissioner under section 41 of the principal Ordinance.

#### *Objects and Reasons.*

The Executive Committee of Labour, Industry and Commerce has decided that the operation of the War Damage (Immovable Property) Ordinance, No. 62 of 1942, should cease on September 30, 1945, and that the balance standing to the credit of the War Damage Fund on that date should be refunded *pro rata* to those persons who made contributions under that Ordinance. The Executive Committee has also decided that the cost of making such refunds should be met out of the moneys in the War Damage Fund. This Bill will give effect to those decisions.

2. As no date was prescribed under the principal Ordinance for making value payments, these payments still

remain to be made. It is accordingly proposed, in Clause 9, that these payments should be made within six months from the date on which the new law comes into force.

3. The compulsory contributions in respect of properties within the administrative limits of the Colombo Municipal Council and the Trincomalee Urban Council were recovered by those Councils. As the refunds are to be made by the Commissioner, it is proposed by Clause 11 to provide that those Councils should deliver to the Commissioner the books which were kept by them and which contain the particulars relating to such recoveries.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, October 31, 1945.

## MINUTE.

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

L. D.—O. 28/45.

M. H. A.—D. 904/44.

### **An Ordinance to amend the Pilgrimages Ordinance.**

Chapter 133.  
Vol. III.  
page 603.

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 Pilgrimages (Amendment) Ordinance, No. of 1945. Short title.

Amendment  
of section  
2 of Chapter  
133.

2. Section 2 of the Pilgrimages Ordinance is hereby amended by the addition, at the end thereof, of the following proviso :—

“ Provided that, in respect of any place to which pilgrimages are made frequently, the Governor may, in lieu of making such regulations in anticipation of any specified pilgrimage to that place, make such regulations declared by him to be applicable to every pilgrimage to that place.”

*Objects and Reasons.*

Owing to the words “ in anticipation of any pilgrimage proposed to be made ”, occurring in section 2 of the Pilgrimages Ordinance (Chapter 133), regulations under that section have to be enacted afresh for every pilgrimage made to any place. The recurrent enactment of regulations in respect of certain places to which pilgrimages are made frequently involves much labour and expense. It is therefore proposed to amend the Ordinance so as to create the power to make regulations which are applicable to all pilgrimages made to such places. The object of this Bill is to make that amendment.

A. MAHADEVA,

Colombo, 30th October, 1945. Minister for Home Affairs.