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EXTRAORDINARY

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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 :—

C.S.O.—CF. 1441A/35.

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 1946.

Short title.

2. Section 13 of the Defence Force Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended by the insertion, immediately after sub-section (4), of the following new sub-sections :—

Amendment of
section 13 of
Chapter 258.

"(4A) Any officer or soldier belonging to any Defence Force Corps or portion thereof so called out may, at any time during the period of such service, be placed on compulsory leave by order, made by the Officer Commanding the Troops or any other officer authorised by him in writing in that behalf, and published in such manner as the Officer Commanding the Troops may deem adequate.

(4B) Notwithstanding anything in section 14 or in section 15, any officer or soldier of a Defence Force Corps who is placed on compulsory leave as hereinbefore provided shall not be entitled to any pay or allowance or any other benefit under section 14 or to any relief for his wife or family under section 15 in respect of the period of such leave.

(4C) Any officer or soldier of the Defence Force who has been placed on compulsory leave as hereinbefore provided may at any time be recalled from such leave by notice served or published in such manner as the Officer Commanding the Troops may deem adequate; and upon the service or publication of such notice, the compulsory leave of such officer or soldier shall be determined and he shall be bound to attend in person on such date and at such place as may be specified in the notice and to perform such service as may be required under sub-section (2)."

3. Section 14 of the principal Ordinance is hereby amended by the addition, at the end thereof, of the following Proviso :—

Amendment of
Section 14 of
the principal
Ordinance.

"Provided that in the case of any officers or soldiers of any such Corps who are employees of any Department of the Government of Ceylon, the pay and allowances may, if the Governor thinks fit, be at such rates as he may in his discretion determine."

4. The amendments made by sections 2 and 3 of this Ordinance shall for all purposes be deemed to have taken effect on the twenty-fourth day of February, One thousand Nine hundred and forty-six.

Retrospective
effect of
amendments
made by this
Ordinance.

5. Every notice whereby any member of any Defence Force Corps was placed on compulsory leave under any law in force prior to the twenty-fourth day of February, One thousand Nine hundred and forty-six, being a notice in force on the day immediately preceding that day, shall be deemed on and after the aforesaid twenty-fourth day of February to be an order made under the provisions of the principal Ordinance as amended by this Ordinance.

Savings.

Objects and Reasons.

Immediately after the outbreak of the recent war, various units of the Defence Force Corps were called out under section 13 of the Defence Force Ordinance, but it was soon discovered that the services of all of them would not be necessary. To enable personnel to revert to their civil occupations but at the same time to ensure that they would be available for service at short notice, they were placed on compulsory leave under the powers conferred by Defence Regulations specially enacted in that behalf. With the expiry of the Emergency Powers (Defence) Acts on 24th February, those Defence Regulations will also cease to be in force. But the arrangement made in 1939 has to be continued. In order to enable this to be done, it is proposed in this Bill to amend the Defence Force Ordinance, so as to make it possible to place members of such Corps on compulsory leave without pay. (Clause 2).

2. When the Post and Telegraph Signals Corps was established, it was found necessary to draw a distinction between members of the Corps who were employed in the Post and Telegraph Department and were receiving pay in that Department, and those members who were not so employed. The purpose of this distinction was to secure that the ordinary rates of pay under the Defence Force Ordinance should be applicable only to those members of the Corps who were not already in receipt of pay from the civil Government. The pay of the other class of members was specially determined by the Governor under the Defence Regulations. These Defence Regulations will cease to be in force on 24th February, and provision has therefore to be made to enable the Governor to prescribe special rates of pay in the case of this class of members. The necessary amendment to section 14 of the Defence Force Ordinance is set out in Clause 3 of the Bill.

Colombo, February 19th, 1946. ROBERT H. DRAYTON,
Chief Secretary.

MINUTE.

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

L. D.—O. 8/46.

C.S.O.—CF. D. 327/39.

An Ordinance to provide for the further suspension of the Defence Contribution Ordinance (Chapter 294).

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

Short title.
and duration.

1. This Ordinance may be cited as the Defence Contribution (Suspension) Ordinance, No. of 1946, and shall continue in force until such date as the Governor may appoint by Proclamation published in the *Gazette*.

Suspension
of Chapter 294.

2. The operation of the Defence Contribution Ordinance shall be suspended during the continuance in force of this Ordinance.

Objects and Reasons.

Under the Defence Contribution Ordinance (Chapter 294) a sum equivalent to 9½ per centum of the Ceylon revenue falls to be appropriated yearly to the Imperial Government as a contribution to the defence of the Island. Since 1942 the operation of the Ordinance has been suspended by defence regulation and the amount of the Ceylon contribution settled by arrangement with the Imperial Government. The defence regulation will cease to be in force with the expiry of the Emergency Powers (Defence) Acts.

It is necessary that the amount of the Ceylon contribution should for some further time continue to be determined by arrangement between the two Governments, and the object of this Bill is to provide for the further suspension of the Ordinance until such time as may be fixed by the Governor by Proclamation.

Colombo, 18th February, 1946. ROBERT H. DRAYTON,
Chief Secretary.