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# THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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## PART II.—LEGAL.

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

### PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

#### No. 33 of 1946.

L. D.—O. 31/44.

613/1/37 (SB/FSO)

An Ordinance to amend the Stamp Ordinance.

Chapter 189.  
(Vol. IV.,  
p. 684.)

J. C. HOWARD.

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 Stamp (Amendment) Ordinance, No. 33 of 1946.

Short title.

2. Part I of Schedule A to the Stamp Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

Amendment of  
Part I of  
Schedule A to  
Chapter 189.

(1) in item 9—

- (a) by the omission of paragraph (1) ;
- (b) by the omission of the words "except that of a notary or pharmacist" occurring in paragraph (2) of that item ; and
- (c) by the renumbering of paragraph (2), amended as aforesaid, as item 9 ;

(2) in item 10, by the substitution, for the words and figures "item 9 (1) or item 9 (2)" of the word and figure "item 9" ;

(3) in item 14, by the substitution, for paragraph (a) of the Exemptions set out under that item, of the following new paragraph :—

"(a) All cheques drawn, by any person in the service of the Imperial Government, in the execution of his duties ;"

and

(4) in item 49—

- (a) in paragraph (h) of the Exemptions set out under that item, by the substitution, for the words "his office.", of the words "his office ;", and
- (b) by the insertion, immediately after paragraph (h) of the Exemptions set out under that item, of the following new paragraph :—

"(i) receipts or discharges given in the execution of his duties by the Consul or the Vice-Consul or by any other person acting on behalf of the Consul or the Vice-Consul of the United States of America."

3. (1) The amendment made in Part I of Schedule A to the principal Ordinance by paragraph (1) of section 2 of this Ordinance shall be deemed for all purposes to have had effect on the thirty-first day of March, 1939.

Retrospective effect.

(2) The amendment made in Part I of Schedule A to the principal Ordinance by paragraph (4) (b) of section 2 of this Ordinance shall be deemed for all purposes to have had effect on the date on which the principal Ordinance came into operation.

Passed in Council the Sixth day of August, One thousand Nine hundred and Forty-six.

D. C. R. GUNAWARDANA,  
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government, the Twenty-second day of August, One thousand Nine hundred and Forty-six.

C. H. HARTWELL,  
Secretary to the Governor.

#### DRAFT ORDINANCES.

#### MINUTE.

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

L. D.—O. 6/46

An Ordinance to provide for the establishment, management and control of an Agricultural Corps and for other matters connected therewith or incidental thereto.

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

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|--|---|
| Short title.   | 1. This Ordinance may be cited as the Agricultural Corps Ordinance, No. of 1946.  |
| Establishment of the Agricultural Corps.<br>Constitution of the Corps. | 2. There shall be established a body to be called and known as the Agricultural Corps.<br>3. The Corps shall consist of—<br>(a) a Supervising Staff, and<br>(b) officers and men not exceeding such numbers as the Governor may from time to time determine.  |
| Supervising Staff.   | 4. The Supervising Staff shall consist of a Commissioner and such number of Assistant Commissioners and Accountant Officers as the Governor may from time to time determine.  |
| Appointment of members of the Supervising Staff.                       | 5. Every appointment to the Supervising Staff shall be made by the Governor.<br>(2) Every member of the Supervising Staff shall be deemed to be a public servant for all purposes and shall be paid such salary out of the general revenue as the Governor may determine.   |
| Functions of members of the Supervising Staff.                         | 6. (1) Subject to the general direction and control of the Minister, the Commissioner shall be responsible for the administration and management of the Corps.<br>(2) The Assistant Commissioners and Accountant Officers shall exercise, perform or discharge such powers, duties or functions as may, subject to any direction of the Minister, be assigned to them by the Commissioner.  |
| Units of the Corps to consist of officers and other ranks.             | 7. (1) The Corps shall consist of such number of units as the Commissioner may from time to time determine.<br>(2) Every unit shall consist of officers and other ranks of the several grades specified in the Schedule to this Ordinance, the strength of each such grade not exceeding such number as may be prescribed.<br>(3) The power to appoint the officers and to select and enrol other ranks of each unit shall, subject to such regulations as may be made in that behalf, be vested in the Commissioner. |
| Members of Units to receive pay, uniform, badges and rations of food.  | 8. Every member of a unit shall be entitled to receive the prescribed pay and allowances and the prescribed uniforms, badges and rations of food. All such payments and the cost of the uniforms, badges and rations of food shall be met out of funds provided for the purpose by the State Council.   |
| Duties of a member of a unit.  | 9. It shall be the duty of every member of a unit to perform such duties and discharge such functions as may be prescribed by regulation or be assigned to him by or under the authority of the Commissioner in any case where no such regulation has been made.  |

10. The Governor may by Order published in the *Gazette*—
- (a) disband the Corps, or
  - (b) reduce the numbers of the Corps.
- Disbanding of the Corps or reduction of the numbers of the Corps.  
Resignation of members of units.
11. Except with the special permission of the Commissioner, no member of a unit shall be entitled to resign from the Corps unless he has given, not less than one month before the date on which he desires to resign, notice in writing to the Commissioner of his intention to resign.
12. (1) The Commissioner may, after giving to any member such notice as may be prescribed, discharge that member from the Corps in any case where—
- (a) effect has to be given to any Order of the Governor whereby the numbers of the Corps are reduced ;  
or
  - (b) the Commissioner is satisfied that the member has become unfit for services by reason of ill-health or any physical disability.
- Discharge or dismissal of members.
- (2) The Commissioner may dismiss any member from the Corps, after an inquiry in accordance with the provisions of the Public Service Regulations applicable to public officers of the same class or grade as that member or in receipt of a salary equal to the pay of that member, if in the opinion of the Commissioner or the person so authorised—
- (a) that member—
    - (i) fails to discharge his duties satisfactorily, or
    - (ii) acts or conducts himself in a manner likely to be detrimental to good order or discipline in the Corps ; or
  - (b) it is not desirable that that member should continue to be a member of the Corps.
13. Every member of a unit who—
- (a) neglects or refuses to obey any order or direction given or issued to him by or under the authority of the Commissioner for the purposes of this Ordinance or any regulation made thereunder ;
  - (b) causes or creates any disorder within the Corps ;
  - (c) deserts service in the Corps ; or
  - (d) on leaving the Corps fails or refuses to return the uniforms and badges issued to him,
- Offences and penalties.
- shall be guilty of an offence, and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.
14. (1) The Commissioner may, with the approval of the Minister, make such standing orders as he may deem necessary for the administration and management of, and for the maintenance of discipline within, the Corps.
- Power of Commissioner to make standing Orders and inflict punishments.
- (2) Where any member of a unit contravenes a standing order made by the Commissioner for the maintenance of discipline within the Corps, the Commissioner, or any person authorised by him in writing, may direct that the pay of that member for a period not exceeding seven days commencing on the day of the sentence shall be forfeited.
15. (1) The Executive Committee of Agriculture and Lands may make regulations for carrying out or giving effect to the principles and provisions of this Ordinance.
- Regulations.
- (2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) such regulations may—
- (a) provide for any matter which is in this Ordinance stated or required to be prescribed ;
  - (b) prescribe the conditions relating to the appointment, enlistment, service and discharge of the members of a unit ;
  - (c) prescribe the functions and duties of such members ;
  - (d) prescribe the conditions relating to the grant of leave to such members ;
  - (e) prescribe the kinds of uniforms and badges to be worn by the Supervising Staff, and the officers and members of the units, and provide for the use, care and return of such uniforms or badges.

(3) Every regulation made under sub-section (1) shall be published in the *Gazette*, and shall come into operation upon such publication,

(4) Every regulation made under sub-section (1) shall be brought before the State Council within a period of one month from the date of publication of that regulation under sub-section (3), or if no meeting of the State Council is held within that period, at the first meeting of the State Council after the expiry of that period by a motion that such regulation shall be approved, and, if so approved, shall be submitted to the Governor for ratification.

(5) Any regulation which the State Council refuses to approve or which the Governor refuses to ratify shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall so be deemed to be rescinded shall be the date on which the State Council refuses to approve or the date on which the Governor refuses to ratify the regulation, as the case may be.

**Interpretation.**

16. In this Ordinance, unless the context otherwise requires—

“Commissioner” means the Commissioner for the time being in charge of the Agricultural Corps ;

“Corps” means the Agricultural Corps established under section 2 ;

“Minister” means the Minister for Agriculture and Lands ;

“Unit” means a unit of the Corps.

**Transitional provisions.**

17. (1) The Agricultural Corps established under the provisions of the Defence Agricultural Corps Regulations, 1945, shall be deemed to have been established under the provisions of this Ordinance in like manner as if this Ordinance was in force on the date on which the Corps was established.

(2) Every appointment made under the aforesaid Regulations, whether of the Commissioner, Assistant Commissioners, Accountant Officers, or members of the Corps holding office or serving on the date immediately preceding the date on which this Ordinance comes into operation, shall be deemed to have been made under the provisions of this Ordinance in like manner as if this Ordinance was in force on the date on which such appointment was made.

**Retrospective operation of Ordinance.**

18. This Ordinance shall be deemed to have come into operation on the twenty-fourth day of February, One thousand Nine hundred and forty-six.

*Schedule.*

The officers and other ranks constituting a unit shall be of the following grades :—

1. Officers—

Superintendent,  
Officer-in-Charge,  
Chief Inspector,  
Senior Inspector,  
Inspector.

2. Other ranks—

Overseer  
Sevaka.

*Objects and Reasons.*

The Agricultural Corps was constituted under the provisions of the Defence Agricultural Corps Regulations, 1945, which ceased to be in operation on the date on which the Emergency Powers (Colonial Defence) Orders in Council expired.

The object of this Bill is to provide legal authority for the continuance of the Corps. Provision is made in the Bill for the administration and control of the Corps, and for all connected and ancillary matters.

D. S. SENANAYAKE,  
Minister for Agriculture and Lands.

Colombo, August 15, 1946.

MINUTE.

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

M. H. A.—D. 284/44.  
L. D.—O. 19/44

**An Ordinance to amend the Orphanages Ordinance, No. 22 of 1941.**

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 Orphanages (Amendment) Ordinance, No. of 1946.

Short title.

2. Section 16 of the Orphanages Ordinance, No 22 of 1941, (hereinafter referred to as "the principal Ordinance") is hereby amended as follows :—

Amendment of section 16 of Ordinance No. 22 of 1941.

(1) in sub-section (1) of that section, by the substitution, for the words "the orphanage.", of the following—

"the orphanage and, where any other children are also maintained in the orphanage, a maintenance grant in respect of such of those children as are proved to have been admitted to the orphanage before the appointed date";

(2) in sub-section (2) of that section, by the substitution for paragraph (b) of that sub-section, of the following paragraph :—

"(b) fixing the amount to be paid as a maintenance grant in respect of each child or each class or description of children.";

and

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

"(4) For the purposes of this section, such of the deaf, dumb, or blind persons maintained in the school for the Deaf and Blind (whether on its original premises at Mount Lavinia or elsewhere) as are proved to have been admitted to that School before the appointed date shall, notwithstanding anything in section 19 (1), be deemed to be children until they attain the age of twenty-one years."

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- ..... 4. Ms. S. U. Wijethilake
- ..... 3. Ms. Senani Bandara
- ..... 2. Mr. M. S. U. Amarasinghe
- ..... 1. Mr. W. Sunil

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within which the office of a Government Agent is situated and every Additional Assistant Government Agent and

Amendment of  
section 19 (1) of  
the principal  
Ordinance.

3. Section 19 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, in the definition of "orphanage", for the word "solely", of the word "mainly."

*Objects and Reasons.*

Under Section 19 (1) of the Orphanages Ordinance, No. 22 of 1941, only institutions for the maintenance *solely* of orphans or deserted children are included in the category of orphanages. Consequently there is some doubt as to whether institutions which are for the maintenance not only of orphans or deserted children but also of other children can be treated as orphanages for the purposes of the Ordinance. Clause 3 of this Bill will remove this doubt by amending the definition of "orphanage" contained in the aforesaid section.

2. Besides orphans and deserted children, there will be other children maintained in institutions which in consequence of the foregoing amendment will be regarded as orphanages for the purpose of the Ordinance. But maintenance grants under the Ordinance cannot be paid in respect of such other children. It is proposed that power should be taken to pay maintenance grants in respect of such of those other children maintained in a registered orphanage as are proved to have been admitted to the orphanage before the date appointed under section 2 of the Ordinance. Effect will be given to this proposal by paragraphs (1) and (2) of Clause 2 of the Bill.

3. Maintenance grants are payable in respect of children only. A child is defined in the Ordinance as a person under the age of 18 years. It is considered necessary that, in regard to the payment of maintenance grants, the age limit should be extended to 21 years in the case of such of the deaf, dumb, or blind persons maintained in the School for the Deaf and Blind (whether on its original premises at Mount Lavinia or elsewhere) as are proved to have been admitted to that School before the date appointed under section 2 of the Ordinance. Provision will be made for this purpose by paragraph (3) of Clause 2 of the Bill.

Colombo, 19 August, 1946.

A. MAHADEVA,  
Minister for Home Affairs.