



# THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,646 — WEDNESDAY, JANUARY 1, 1947.

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.—O. 48/46.

#### An Ordinance to amend the Thoroughfares 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 Thoroughfares (Amendment) Ordinance, No. of 1946.

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Vol. IV.,  
page 3.

Short title.

2. Section 62A of the Thoroughfares Ordinance (hereinafter referred to as the "principal Ordinance"), is hereby amended as follows :—

Amendment of  
section 62A  
of Chapter  
148.

(1) in sub-section (1) thereof by the substitution, for the words "to erect any building", of the words "except under the authority of a licence granted by the District Committee of the district, to erect any building";

(2) in sub-section (2) thereof—

(a) by the re-lettering of paragraph (a) as paragraph (aa) and by the substitution therein, for the words "No licence", of the words "No licence for the re-erection of, or for any addition to, any building, boundary wall or gateway";

(b) by the insertion, immediately before the re-lettered paragraph (aa), of the following new paragraph :—

"(a) No licence for the erection of any building, boundary wall or gateway shall be granted under sub-section (1) by the Chairman of any District Committee unless he is satisfied that the foregoing prohibition against the erection of any building, wall or gateway within the building limit will cause serious hardship to the owner of the land on which such building, wall or gateway is to be erected, and unless the written consent of the Director of Public Works to the grant of the licence is obtained. The Director shall not give such consent unless he is satisfied, having regard to the width of the road, the visibility available for traffic and the proper upkeep of the road, that the enforcement of the aforesaid prohibition is not for the time being essential.";

(c) by the re-lettering of paragraph (b) as paragraph (bb) and by the substitution therein, for all the words from "shall be the value thereof"

to the end of the paragraph, of the words "shall be determined in accordance with the provisions of section 62D";

(d) by the insertion, immediately before the re-lettered paragraph (bb) of the following new paragraph:—

"(b) It shall be a condition of any licence granted by the Chairman of a District Committee under sub-section (1) for the erection of any building, boundary wall or gateway within the building limit, that no compensation shall be payable—

(i) in respect of such building, wall or gateway or part thereof within such limit if possession for the public use is taken at any time under section 7 of this Ordinance of the land on which such building, wall or gateway is situated, or if such land is acquired under the Land Acquisition Ordinance, or

(ii) after the severance or removal of such building, wall or gateway or part thereof within such limit, in respect of any improvement or adaptation of the remaining part of such building, wall or gateway for any purpose whatsoever."

Cap. 203.

(3) in sub-section (3) thereof by the substitution, in paragraph (a), for the words "shall be entered", of the words "and the value thereof shall be entered".

Amendment of section 62c of the principal Ordinance.

3. Section 62c of the principal Ordinance is hereby amended as follows:—

(1) by the renumbering of that section as sub-section (1) of section 62c; and

(2) by the addition, immediately after the re-numbered sub-section (1), of the following new sub-section:—

"(2) Without prejudice to the provisions of sub-section (1), the Chairman of the District Committee may by order in writing served on any person who has contravened any of the provisions of section 62A, require such person to demolish or remove or as the case may be, to restore to its original condition, the building, boundary wall or gateway in respect of which the contravention was committed, within such time as may be specified in the order, and if such person fails to comply with the requirements of the order within the time specified therein, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty rupees and to a further fine not exceeding fifty rupees for each day during which he suffers or allows such building, wall or gateway to remain in contravention of such order. No order shall be made under this sub-section except with the written consent of the Director of Public Works."

Replacement of section 62D of the principal Ordinance.

Compensation in respect of land developed by buildings.  
Cap. 203.

4. Section 62D of the principal Ordinance is hereby repealed and the following new section is substituted therefor:—

62D. Where any building, boundary wall or gateway which has been re-erected or added to under the authority of a licence under section 62A is situated on any portion of land of which possession for the public use is taken under section 7 of this Ordinance, or which is acquired under the Land Acquisition Ordinance, the determination of the compensation payable in such case shall, notwithstanding anything to the contrary in that Ordinance, be subject to the following provisions:—

(a) Where the whole of the building or of any boundary wall or gateway is situated within the building limit, the value assigned to the building, boundary wall or gateway as distinct from the land acquired shall be the value entered in the register under section 62A (3) or the market value of the building, boundary wall or gateway at the time of the acquisition, whichever is the less, and for the purpose aforesaid, such market value shall be the

difference between the market value of the building, boundary wall or gateway together with the land attached thereto, at the time of the acquisition, and the market value at that time of the land so attached as distinct from the building, boundary wall or gateway ;

- (b) where only a part of the building or of any boundary wall or gateway is situated within the building limit and the value entered in the register under section 62A (3) is the value of the entire building, boundary wall or gateway in accordance with sub-section (2) (a) of section 62E, the value assigned to that part of the building, boundary wall or gateway, as distinct from the land acquired, shall be the value so entered or the market value of the entire building, boundary wall or gateway at the time of the acquisition, whichever is the less, and for the purpose aforesaid, such market value shall be the difference between the market value of the entire building, boundary wall, or gateway together with the land attached thereto, at the time of the acquisition, and the market value at that time of the land so attached as distinct from the entire building, boundary wall or gateway ;
- (c) where only a part of the building or of any boundary wall or gateway is situated within the building limit and the value entered under section 62A (3) is the value of that part in accordance with sub-section (2) (b) of section 62E, the value assigned to that part of the building, boundary wall or gateway, as distinct from the land acquired, shall be the value so entered in the register or the value of the part of the building, boundary wall or gateway within the building limit at the time of the acquisition, whichever is the less, and for the purpose aforesaid, such value shall be the aggregate of—
- (i) the estimated cost of the severance and removal of that part of the building, boundary wall or gateway at that time ; and
- (ii) the estimated cost, in the case of a building, of adapting at that time the part of the building which will then remain to the purpose for which the building is used at that time, and in the case of a boundary wall or gateway, of completing at that time such additions or repairs as may be necessary ;
- (d) no compensation shall be allowed in respect of any building, wall or gateway erected, after the fifteenth day of February, 1943, within the building limit whether or not such erection was made under the authority of a licence under section 62A, or in respect of any re-erection or addition made or effected thereto in contravention of that section ;
- (e) the value assigned to the land as distinct from the buildings thereon shall be the market value of the land at the time of the acquisition.

5. Section 62E of the principal Ordinance is hereby amended as follows :—

- (1) in sub-sections (1) and (2) thereof, by the substitution, for the word and figures " section 62A (2) " of the words and figures " sub-sections (2) and (3) of section 62A " ;
- (2) by the addition, immediately after sub-section (2), of the following new sub-section .—

" (3) Every award or agreement made or entered into, as the case may be, under sub-section (1) in respect of the value of any building, boundary wall or gateway or part thereof, shall specify the particular paragraph or paragraphs of sub-section (2) in accordance with which the value aforesaid was fixed or determined. "

Amendment  
of section  
62E of the  
principal  
Ordinance.

*Objects and Reasons.*

Section 62A of the Thoroughfares Ordinance prohibits absolutely the erection of any building, boundary wall or gateway within a limit of twenty-five feet from the centre of any road in the charge of the Public Works Department. This prohibition has been found to operate harshly on owners of land abutting on roads which may not be widened for many years to come. It is therefore proposed to make

provision enabling the Chairman of a District Committee, acting with the consent of the Director of Public Works, to grant licences, which will be subject to certain conditions, for the erection of buildings, boundary walls and gateways within such limit. (Clause 2).

2. Section 62c of the principal Ordinance empowers a District Committee to demolish or remove any structure erected within the building limit in contravention of the provisions of section 62A. District Committees are not, however, bound to exercise this power and they have, in the past, been reluctant to order the demolition of such structures. It is accordingly proposed, by Clause 3, to take power to order the person contravening section 62A to remove the structure in question on pain of a penalty similar to that payable under section 61.

3. By Clauses 4 and 5 it is proposed to insert in the principal Ordinance provisions laying down the principles on which compensation is to be assessed in the event of the acquisition for public purposes of land situated within the building limit. These provisions are similar to those inserted in the Urban Councils Ordinance by sections 3 and 5 of the Urban Councils (Amendment) Ordinance, No. 31 of 1946.

J. L. KOTELAWALA,  
Minister for Communications and Works.  
Colomb, December 20, 1946.

### MINUTE.

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

L. D.—O. 50/46.

**An Ordinance to provide for the levy by way of export duty of a cess on cinnamon exported from Ceylon in order to defray certain losses incurred in the purchase of cinnamon by the Commissioner of Commodity Purchase.**

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

Short title  
and operation.

1. (1) This Ordinance may be cited as the Cinnamon Exports (Levy of Cess) Ordinance, No. of 1946.

(2) This Ordinance shall cease to be in force on such date as may be appointed by the Governor by Proclamation published in the *Gazette*.

Power to make  
Orders imposing  
export duty  
on cinnamon.

2. (1) The Financial Secretary is hereby authorised, upon the recommendation of the Minister for Labour, Industry and Commerce, by Order published in the *Gazette* to impose an export duty on cinnamon exported from Ceylon at such rate not exceeding twenty cents per pound as may be specified in the Order.

Different rates of duty may be so imposed in respect of cinnamon of different grades.

(2) Every Order under sub-section (1) shall come into force on the date of its publication in the *Gazette* or on such later date as may be specified in the Order, and shall, subject to such amendments if any as may be made therein by any subsequent Order under that sub-section and save as otherwise provided in sub-section (3), continue in force until it is revoked by the Financial Secretary upon the recommendation of the Minister for Labour, Industry and Commerce.

(3) Every Order under sub-section (1) for the imposition of export duty shall, as soon as convenient after the publication thereof in the *Gazette*, be laid before the State Council; and any such Order shall cease to be in force on the expiration of a period of forty days from the date of such publication, unless at some time before the expiration of that period it has been approved by resolution of the State Council, but without prejudice to anything previously done or to any liability previously incurred thereunder or to the making of a new Order:

Provided, however, that nothing in the preceding provisions of this sub-section shall apply in the case of any Order reducing the rate of duty imposed by any previous Order.

Charge and  
levy of  
export duty.

3. (1) So long as an Order under section 2 is in force in respect of cinnamon of any grade, there shall be charged, levied and paid on all cinnamon of that grade exported from Ceylon an export duty at the appropriate rate specified in such Order.

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(2) Sub-section (1) of this section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

(3) Notwithstanding anything in sub-section (2) of this section, the proceeds of the export duty imposed under this Ordinance shall be paid over monthly by the Principal Collector of Customs to the Commissioner of Commodity Purchase into a special account maintained by the Commissioner for the purpose.

*Objects and Reasons.*

During the recent war a control scheme was in operation fixing the prices of various grades of cinnamon both for the producer in Ceylon and for the buyer overseas. It is now proposed that the market for cinnamon should once again be free but certain difficulties will have to be removed before the control is terminated. The rates payable to the producer under the control scheme for cinnamon chips and featherings are much higher than the rates which they now command in the overseas market. In order to alleviate the consequent hardship to the producers, a guarantee was given by the Government that featherings and chips delivered to shippers before specified dates would be taken over at the higher rates by the Commissioner of Commodity Purchase. In consequence of this guarantee the Commissioner has now to take over large quantities of featherings and chips for sale at a loss overseas.

2. It is expected that so soon as there is a free market for cinnamon, producers will be in a position to obtain a better price for quills in certain overseas countries than the corresponding price prevailing under the control scheme. The Executive Committee has accordingly decided that it would be equitable to impose an export cess on certain grades of cinnamon in order to defray the amount of the loss incurred in taking over the featherings and chips at uneconomic prices.

3. This Bill will make the necessary legal provision for the imposition of the cess. It is considered impracticable to adopt in this case the ordinary procedure of resolutions under the Customs Ordinance for the imposition of export duty, since it is anticipated that the rates of duty may have to be varied at short notice with fluctuations in the world market and since circumstances may justify the withdrawal of the cess also at short notice.

The Bill accordingly provides that subject to a maximum of twenty cents per pound, the rate of duty will be determined by an Order to be made by the Financial Secretary upon the recommendation of the Minister.

4. Since the procedure which is outlined above for the imposition of the export duty is of an unusual nature, provision is made in the Bill that Orders prescribing the rates of duty should be laid before the State Council and will cease to be in force unless they are approved by the State Council within forty days of the date of their publication in the *Gazette*.

5. The Bill includes provision for the payment of the proceeds of the duty by the Principal Collector of Customs to the Commissioner of Commodity Purchase.

RAJAH HEWAVITARNE,

Minister for Labour, Industry and Commerce.

Colombo, December 20, 1946.