



# ලංකා රජයේ ගැසට් පත්‍රය

අති විශේෂ

## THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

අංක 11,625 — 1958 දෙසැම්බර් 27 වැනි සෙනසුරාදා — 27.12.1958

No. 11,625 — SATURDAY, DECEMBER 27, 1958

(Published by Authority)

### PART I: SECTION (I)—GENERAL

#### Government Notifications

##### THE PUBLIC SECURITY ORDINANCE, No. 25 OF 1947

REGULATIONS made by the Governor-General under section 5 of the Public Security Ordinance, No. 25 of 1947 (as amended by Act No. 22 of 1949 and Act No. 34 of 1953), upon the recommendation of the Prime Minister.

Governor-General's Office,  
Colombo, December 27, 1958.

O. E. GOONETILLEKE,  
Governor-General.

#### Regulations

1. These regulations may be cited as the Emergency (Miscellaneous Provisions and Powers) Regulations. Short title.
2. (1) In any emergency regulation, unless any other definition is expressly provided therein or unless the context otherwise requires—  
“ emergency regulation ” means any of these regulations or any other regulation made under the Public Security Ordinance, No. 25 of 1947 ;  
“ essential service ” means any service which is declared by order of the Governor-General to be of public utility or to be essential for the public safety or to the life of the community ;  
“ explosive ” has the same meaning as in the Explosives Act, No. 21 of 1956 ;  
“ land ” includes land covered with water and parts of houses or buildings.  
(2) The Interpretation Ordinance shall apply to the interpretation of an emergency regulation, and of any orders or rules made thereunder, as it applies to the interpretation of an Ordinance.  
(3) Any reference in any document to any emergency regulation shall, unless the contrary intention appears, be construed as a reference to that regulation, as amended by any subsequent regulations made under the Public Security Ordinance, No. 25 of 1947.
3. (1) The appointment of any person as a competent authority for the purposes of any emergency regulation may be made generally for the whole Island or for any area or place specified in the writing by which such person is appointed, and may be limited to such of those purposes as may be specified in that writing : Competent authority.  
Provided that nothing in the preceding provisions of this paragraph shall be deemed to preclude the appointment of two or more persons to be competent authorities for any of the purposes of any such regulation or for any specified area or place.  
(2) Where the holder of a designated office has been appointed to be the competent authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.
4. If any person— False statements.
  - (a) in answer to any request made in pursuance of any emergency regulation or any order made under any such regulation, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or
  - (b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by any emergency regulation or by order under any emergency regulation to make,he shall be guilty of an offence.

Search warrants.

5. (1) If a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any offence under any emergency regulation has been or is being committed and that evidence of the commission of the offence or act is to be found at any premises specified in the information, or in any vehicle or vessel so specified, he may grant a search warrant authorising any police officer or any member of the Ceylon Army, Royal Ceylon Navy or Royal Ceylon Air Force, together with any other person named in the warrant and any other police officers or members of the Ceylon Army, Royal Ceylon Navy or Royal Ceylon Air Force, to enter the premises specified in the information, or, as the case may be, any premises upon which the vehicle or vessel so specified may be, at any time within one month from the date of the warrant and to search the premises, or, as the case may be, the vehicle or vessel.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle or vessel may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle or vessel, as the case may be, and may seize any article, found in the premises or in the vehicle or vessel, which he has reasonable ground for believing to be evidence of the commission of any such offence or act as aforesaid.

(3) No female shall, in pursuance of any warrant issued under this regulation, be searched except by a female.

Power to obtain information or examine article.

6. (1) Without prejudice to any special provisions contained in these regulations, any person shall, on being requested so to do by or on behalf of a competent authority appointed by the Prime Minister, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the authority or person making the request considers it necessary or expedient to obtain or examine in the interests of the public safety or the maintenance of public order, or for the purposes of any emergency regulation; and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this regulation, he shall be guilty of an offence.

(2) A prosecution in respect of an offence under this regulation shall not be instituted except by, or with the written sanction of, the Attorney-General.

(3) In this regulation, "article" includes any book, account or document.

Licences, permits, &c.

7. (1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purposes of any emergency regulation shall, on demand made in that behalf by any police officer, by any member of the Ceylon Army, Royal Ceylon Navy or Royal Ceylon Air Force, or by any officer authorised by the Prime Minister to act under this regulation, produce the permit, licence or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any emergency regulation, or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence.

(3) Any licence, permit or permission granted for the purposes of any emergency regulation may be revoked at any time by the authority or person empowered to grant it.

Service of notices.

8. Without prejudice to any special provisions contained in any emergency regulation, a notice to be served on any person for the purpose of any emergency regulation may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Revocation and variation of orders, &c.

9. Any power conferred by any emergency regulation to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Powers of the Governor-General.

10. Save as otherwise expressly provided, the powers conferred by any emergency regulation shall be in addition to, and not in derogation of, any other rights or powers vested in the Governor-General, or conferred by law on any other authority or person.

Power of arrest.

11. Any police officer or any member of the Ceylon Army, Royal Ceylon Navy or Royal Ceylon Air Force may arrest without warrant any person who is committing or has committed or whom he has reasonable ground for suspecting to be committing or to have committed an offence under any emergency regulation.

Prohibition of processions and meetings.

12. (1) The Prime Minister, if satisfied, with respect to any area in Ceylon, that the holding of public processions or public meetings or of any class of such processions or meetings in that area would be likely to cause a disturbance of public order or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of such processions or meetings or processions or meetings of that class, as the case may be, subject to such exemptions as may be made by that order or by any subsequent order made under this regulation.

(2) The Prime Minister may give directions prohibiting the holding of any procession or meeting as to which he is satisfied that the holding thereof would be likely to cause a disturbance of public order or to promote disaffection.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order or directions made or given under this regulation.

Maintenance of essential services.

13. (1) Every person who, on the day immediately preceding the date on which these regulations come into force, was engaged or employed, or who, after that day, is engaged or employed, on any work in connection with any essential service shall be guilty of an offence if he fails or refuses to attend at his usual place of work or employment or at such other place as may from time to time be designated by his employer or a person acting under the authority of his employer, or if he fails or refuses to perform any work which he is directed by his employer or a person acting under the authority of his employer to perform.

(2) In a prosecution of any person for an offence under paragraph (1) of this regulation, it shall be a defence for him to prove that he was prevented from attending at his place of work or employment owing to illness or owing to the fact that transport facilities were not available for him to travel to such place.

14. Any person who—

Obstruction of essential services

(a) by violence to person or property, or by spoken or written threat, intimidation or insult of any kind to whomsoever addressed, or by molestation of any description, or in any other manner whatsoever—

(i) impedes, obstructs, delays or restricts the carrying on of any essential service, or

(ii) compels, incites, induces or encourages any other person employed in or in connection with the carrying on of any essential service to surrender or depart from his employment (whether or not such other person does so surrender or depart in consequence), or

(iii) prevents any other person from offering or accepting employment in or in connection with the carrying on of any essential service, or

(b) by any physical act, or by any speech or writing, incites, induces or encourages any other person to commit any act specified in paragraph (a) of this regulation (whether or not such other person commits in consequence any act so specified),

shall be guilty of an offence.

15. (1) The Prime Minister may, as respects any area in Ceylon, by order direct that, subject to such exemptions as may be made by that order or by any subsequent order made under this regulation, no person in that area shall, between such hours as may be specified in the order, be on any public road, railway, public park, public recreation ground or other public ground or the seashore except under the authority of a written permit granted by such person as may be specified in the order.

Curfew.

(2) In paragraph (1) of this regulation, “public road” includes any roadway over a public bridge, any pavement, drain, embankment or ditch belonging or appertaining to a public road.

(3) The offence of contravening an order made under this regulation shall be a bailable offence notwithstanding anything to the contrary in regulation 37.

(4) Where a person accused of the offence of contravening an order made under this regulation is ordered by the court to be released on bail or on his executing a bond without sureties for his appearance in court, the amount of the bail bond or of the bond without sureties shall not exceed five hundred rupees.

16. (1) No person shall—

(a) endeavour to cause disaffection among persons engaged in Her Majesty's Service, or to induce any person to do or omit to do anything in breach of his duty as a person so engaged, or

Prevention of disaffection.

(b) with intent to contravene, or to aid, abet, or counsel a contravention of sub-paragraph (a), have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2) A prosecution for a contravention of this regulation shall not be instituted except by, or with the written sanction of, the Attorney-General.

17. (1) Any person who by words, whether spoken or written, or by signs or visible representations, or by conduct, or by any other act—

Sedition and incitement.

(a) brings or attempts to bring the Sovereign or the Government into hatred or contempt, or excites or incites or attempts to excite or incite feelings of disaffection to, or hatred or contempt of, the Sovereign or the Government ; or

(b) brings or attempts to bring the Constitution of Ceylon or the administration of justice into hatred or contempt, or excites or incites or attempts to excite or incite feelings of hatred or contempt of the Constitution of Ceylon or the administration of justice ; or

(c) excites or incites or attempts to excite or incite the inhabitants of Ceylon or any section, class or group of them to procure, otherwise than by lawful means, the alteration of any matter by law established ; or

(d) raises or creates or attempts to raise or create discontent or disaffection among the inhabitants of Ceylon or any section, class or group of them ; or

(e) promotes or fosters or attempts to promote or foster feelings of hatred or hostility between different sections, classes or groups of the inhabitants of Ceylon ; or

(f) excites or incites or attempts to excite or incite the inhabitants of Ceylon or any section, class or group of them to the use of any form of physical force or violence, breaches of the peace, disobedience of the law or obstruction of the execution of the law for the purpose thereby of inducing or compelling Parliament or the Government to alter any matter by law established or to do or forbear from doing any act or thing ; or

(g) assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of or the show or threat of physical force, or attempts so to overawe the Governor-General, or any member of the Senate or the House of Representatives, or any public servant, intending thereby to induce or compel him to exercise or forbear to exercise any of his lawful powers or functions,

shall be guilty of an offence and punished with rigorous imprisonment which may extend to twenty years and shall also be liable to a fine.

(2) A prosecution for an offence under this regulation shall not be instituted except by, or with the written sanction of, the Attorney-General.

Arson, looting and trespass.

18. (1) Any person who—

- (a) does, with fire or any combustible matter or any explosive or corrosive substance or with any missile, weapon or instrument of any description, any act which causes the destruction of or damage to property, whether movable or immovable, or any such change in any such property as destroys or diminishes its value or utility, whether it be property of the Government or any local authority or any individual or body of persons ; or
- (b) commits theft of any article in any premises which have been left vacant or unprotected ; or
- (c) commits any offence under any of the sections 427 to 446 of the Penal Code or illegally removes or attempts to remove any goods or articles from any premises ; or
- (d) is a member of an unlawful assembly as defined in section 138 of the Penal Code the object of which assembly is to do any act referred to in any of the preceding sub-paragraphs,

shall be guilty of an offence and, notwithstanding anything in the Penal Code or in these regulations, shall, on conviction thereof before the Supreme Court, be liable to suffer death or imprisonment of either description for life.

(2) Section 96 of the Penal Code (which relates to the right of private defence of property and prescribes the circumstances in which death or other harm can be caused to a wrongdoer in the exercise of such right) shall have effect as though there were added at the end of that section the following :—

“Fifthly.—Any offence under regulation 18 of the Emergency (Miscellaneous Provisions and Powers) Regulations.”

(3) A prosecution for any offence under this regulation shall not be instituted except by, or with the written sanction of, the Attorney-General or Solicitor-General or a Deputy Solicitor-General or any Crown Counsel authorised in that behalf by the Attorney-General ; and such sanction may be granted by any such officer as aforesaid if he is satisfied that the offence was committed in furtherance of, or in connection with or in course of, civil disturbance prevailing at or about the time of its commission.

Supervision of suspected persons.

19. (1) The Prime Minister, if satisfied, with respect to any particular person, that with a view to preventing that person from acting in any manner prejudicial to the public safety or to the maintenance of public order, it is necessary so to do, may make an order for all or any of the following purposes :—

- (a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in Ceylon as may be so specified ;
- (b) for requiring him to notify his movements in such manner, at such times, and to such authority or person, as may be specified in the order.

(2) If any person is in any area in contravention of an order made under this regulation, or fails to leave any area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that area by any officer of police or by any other person authorised in that behalf by the Prime Minister.

Offensive weapons and offensive substances.

20. (1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has in his possession or under his control any offensive weapon or any offensive substance shall be guilty of an offence.

(2) A police officer, a member of the Ceylon Army of a rank not below that of Sergeant, a member of the Royal Ceylon Navy of a rank not below that of Petty Officer, or a member of the Royal Ceylon Air Force of a rank not below that of Sergeant, may remove any offensive weapon or any offensive substance which is in the possession or under the control of any person whom he has reasonable cause to believe to be committing an offence under this regulation.

(3) In this regulation—

“offensive substance” means any inflammable, corrosive or volatile substance ; and  
 “offensive weapon” means a bomb or grenade or any other device or contrivance made or intended for a use or purpose similar to that of a bomb or grenade, or any article capable of being used for causing injury to the person.

(4) Notwithstanding anything in the Firearms Ordinance, any person who is convicted of an offence against that Ordinance by reason of the contravention of the provisions of section 22 of that Ordinance relating to the custody, or possession or use of unlicensed guns shall be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.

21. No person shall publish any rumour or false statement which is likely to cause public alarm.

Publication of rumours and false statements.

22. (1) No person shall, in any public place, make a speech which is likely to cause a breach of the public peace.

Speeches in public places.

(2) In this regulation, "public place" means any highway, public park or garden, sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which for the time being the public have or are permitted to have access, whether on payment or otherwise.

23. (1) No person shall, without the permission of the Inspector-General of Police or of any police officer authorised in that behalf by the Inspector-General of Police, affix in any place visible to the public or distribute among the public any posters, handbills or leaflets.

Distribution of leaflets, &c.

(2) In any proceedings in respect of an offence alleged to have been committed by a person under paragraph (1) of this regulation, a certificate signed by the Inspector-General of Police and stating that such person had no permission of the Inspector-General of Police, or of any Police officer authorised in that behalf by the Inspector-General of Police, to affix in any place visible to the public or distribute among the public any posters, handbills or leaflets, shall be admissible in evidence without proof of the signature of the Inspector-General of Police and shall be *prima facie* evidence of the facts stated in such certificate.

24. No person shall, without lawful authority, cause any obstruction or damage to any public road, bridge or culvert, or to any railway.

Obstruction or damage of roads, railways, &c.

25. (1) No person shall attend at or near a house or place where any other person resides or works or carries on business or happens to be, in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace.

Prevention of intimidation, &c.

(2) In this regulation, the expression "intimidate" means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property, and the expression "injury" includes injury to a person in respect of his business, occupation, employment or other source of income, and includes any actionable wrong.

26. No person shall, without lawful authority,—

Climbing telegraph posts, &c.

- (a) climb any post or other contrivance erected or installed for carrying, suspending or supporting any wire used for the purpose of the telegraph or telephone services of Ceylon or for the purpose of distributing electrical energy, or
- (b) dig in or near any place underneath which any cable or wire used for any such purpose is laid.

27. (1) The Inspector-General of Police may, with a view to ensuring the public safety and the maintenance of public order, cause any gun or explosive in the possession of any person to be removed and kept in such custody as he may determine.

Guns and explosives.

(2) During the continuance in force of this regulation—

- (a) no Government Agent or Assistant Government Agent shall be a licensing authority for the purposes of the Firearms Ordinance, and the licensing authority for the purposes of that Ordinance shall be the Permanent Secretary; and
- (b) no Government Agent, Additional Government Agent, Assistant Government Agent or Additional Assistant Government Agent, and no public officer authorised in writing in that behalf under section 6 of the Explosives Act, No. 21 of 1956, by any such Agent, shall be a licensing authority for the purposes of that Act, and the licensing authority for the purposes of that Act shall be the Permanent Secretary;

Provided that the provisions of sub-paragraph (a) of this paragraph shall not be deemed to prevent the Permanent Secretary as licensing authority under the Firearms Ordinance from appointing any Government Agent or Assistant Government Agent as his delegate under section 49 of that Ordinance.

(3) The Permanent Secretary may order the seizure of any guns imported into, or exposed or kept for sale anywhere in, Ceylon by any dealer in guns who is licensed in that behalf under the Firearms Ordinance, and their removal to, and retention in, any such place as may be determined by the Permanent Secretary.

(4) No person shall conceal the arms to which an order issued by the Permanent Secretary under paragraph (3) of this regulation relates or do any other act with a view to prevent the execution of such order.

(5) The Permanent Secretary may order the seizure of any explosives which are imported into, or manufactured or exposed or kept for sale in, Ceylon by any person who is licensed in that behalf under the Explosives Act, No. 21 of 1956, or which are in the possession of any person who is licensed under that Act to carry on the business of a manufacturer of explosives, and their removal to, and retention in, any such place as may be determined by the Permanent Secretary.

(6) No person shall conceal the explosives to which an order issued by the Permanent Secretary under paragraph (5) of this regulation relates or do any other act with a view to prevent the execution of such order.

(7) Any person specified in that behalf in any order issued by the Permanent Secretary under paragraph (3) or paragraph (5) of this regulation may execute such order. For the purpose of executing such order, such person may be assisted by any other person or persons and may enter the premises or place specified in such order and open or break open any outer or inner door or window for the purpose of entering such premises or place, and any receptacle or repository wherein any guns or explosives are suspected by such person to be kept.

(8) During the continuance in force of this regulation, no licence issued under the Explosives Act, No. 21 of 1956, and authorising the carrying on of the business of a manufacturer of explosives shall be in force, and no person shall manufacture any explosives in Ceylon.

(9) Every person—

(a) who is a dealer in guns under the authority of a licence issued under the Firearms Ordinance, or

(b) who is an importer or a manufacturer, vendor or supplier of explosives under the authority of a licence issued under the Explosives Act, No. 21 of 1956, or

(c) who is the holder of a permit granted under the Explosives Act, No. 21 of 1956,

shall, within such time as may be specified by the Permanent Secretary, furnish to the Permanent Secretary such returns as the Permanent Secretary may from time to time require.

(10) During the continuance in force of this regulation—

(a) section 25 of the Firearms Ordinance and section 22 of the Explosives Act, No. 21 of 1956, shall not be in force, and

(b) section 10 of the Explosives Act, No. 21 of 1956, shall have effect as if—

(i) there were substituted, for all the words from “ safety cartridges ” to the end of that section, the words “ fireworks as does not exceed five pounds. ”, and

(ii) there were omitted the words “ safety cartridges and ” from the marginal note to that section.

(11) In this regulation—

“ explosives ” mean explosives within the meaning of the Explosives Act, No. 21 of 1956, but do not include fireworks ;

“ gun ” shall have the same meaning as in the Firearms Ordinance ; and

“ Permanent Secretary ” means the Permanent Secretary to the Ministry of Home Affairs.

Throwing missiles.

28. No person shall throw any thing or substance at any engine, tender, carriage or truck upon any railway, or any vehicle upon any public road, in such manner as to endanger the safety of any person who is in or upon such engine, tender, carriage, truck or vehicle.

Pointing of gun.

29. (1) No person shall, without lawful excuse, point at any other person any gun, whether loaded or unloaded.

(2) In this regulation, the expression “ gun ” has the same meaning as in the Firearms Ordinance.

Articles suspected to have been stolen.

30. (1) If any person is found, or is proved to have been, in possession or in charge of any article which is suspected to have been stolen, he shall, unless he gives a satisfactory account as to how he came by such article, be guilty of an offence.

(2) No prosecution for an offence under this regulation shall be instituted except by, or with the written sanction of, the Attorney-General.

Resistance or obstruction of persons in authority

31. No person shall resist or obstruct any other person in the exercise or discharge of any power or duty conferred or imposed on that other person by or under any emergency regulation.

Delegation of Prime Minister's powers, duties and functions under Emergency Regulations.

32. Any power, duty or function conferred or imposed on the Prime Minister by any emergency regulation may be exercised or performed by any other Minister who is authorised in that behalf by the Prime Minister.

Penalties.

33. (1) If any person contravenes or fails to comply with any emergency regulation, or any order or rule made under any such regulation (other than an order made under paragraph (1) of regulation 15) or any direction given or requirement imposed under any such regulation, he shall be guilty of an offence, and, subject to any special provisions contained in such regulation, shall, on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not less than three months and not exceeding five years or to a fine not less than five hundred rupees and not exceeding five thousand rupees or to both such imprisonment and such fine.

(2) If any person contravenes an order made under paragraph (1) of regulation 15, he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not exceeding one month or to a fine not exceeding one hundred rupees or to both such imprisonment and fine.

(3) Where no punishment is prescribed in any emergency regulation for an offence under that regulation, a person guilty of such offence shall, on conviction after summary trial before a Magistrate, be liable to the same punishment as that specified in paragraph (1) of this regulation.

(4) Section 15B of the Criminal Procedure Code and section 6 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938, shall not apply to any person convicted of an offence under any emergency regulation.

34. (1) Any person who attempts to commit, or does any act preparatory to the commission of, any offence under any emergency regulation, shall be deemed to be guilty of an offence under that regulation.

Attempts to commit offences and assisting offenders.

(2) No person knowing or having reasonable cause to believe that any other person is guilty of an offence under any emergency regulation, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

35. Where an offence under any emergency regulation is committed by a body of persons, then—

Offences by bodies of persons.

- (a) if that body is a body corporate, every director of that body corporate, and
- (b) if that body is a firm, every partner of that firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

36. (1) Proceedings in respect of an offence alleged to have been committed by a person under any emergency regulation may be taken before the appropriate court in Ceylon having jurisdiction in the place where that person is for the time being.

Legal proceedings, sittings of courts, &c.

(2) Save as otherwise expressly provided, the provisions of the Criminal Procedure Code shall apply to and in relation to all proceedings in respect of an offence under any emergency regulation.

(3) The Attorney-General may decide in which court any offence shall be inquired into or tried. Such court shall be a court which would have jurisdiction to inquire into or try such offence if such offence had been committed within the local limits of the jurisdiction of such court.

(4) During the continuance in force of this regulation, section 43 of the Courts Ordinance which empowers the Attorney-General to transfer any inquiry into or trial of any criminal offence from any court or place to any other court or place shall have effect as if the proviso to that section were not in force.

(5) If the Minister of Justice deems it expedient so to do, he may by order published in the *Gazette* make provision for any of the following matters :—

- (a) The suspension or termination of the holding of the Criminal Sessions of the Supreme Court in any Province.
- (b) The transfer of all or any of the cases ready for trial at any such Criminal Sessions of the Supreme Court in any Province as are suspended to any Criminal Sessions of the Supreme Court held in any other Province.
- (c) The suspension of all or any of the District Courts, Magistrates' Courts and Rural Courts in any Province.
- (d) Other matters in respect of which provision is necessary to be made for the purpose of giving full force and effect to the order.

(6) An order made by the Minister of Justice under paragraph (5) of this regulation shall have the force of law notwithstanding anything in any other written law.

37. (1) Notwithstanding anything in any law and subject to the provisions of paragraphs (2) and (3) of this regulation, no court shall release on bail any person accused of any offence under Chapter VI, Chapter VII or Chapter VIII of the Penal Code, or any offence under any emergency regulation, unless the Attorney-General has consented in writing to the release of that person on bail, or a police officer of a rank not below that of Assistant Superintendent informs the court orally or in writing that he does not object to the release of that person on bail.

Bail.

(2) Where any person who is accused of an offence under any emergency regulation has been on remand for fourteen days or more, the court shall release him on bail or on his executing a bond without sureties for his appearance in court, and the amount of the bail bond or of the bond without sureties shall—

- (a) where that offence is under regulation 17 or regulation 18, be a reasonable amount not exceeding one thousand rupees, and
- (b) where that offence is under any other emergency regulation, be a reasonable amount not exceeding five hundred rupees.

In this paragraph—

- (1) the expression “ emergency regulation ” includes any emergency regulation made and in force when Part II of the Public Security Ordinance, No. 25 of 1947, was in operation by virtue of the Proclamation made under section 2 of that Ordinance and published in *Gazette Extraordinary* No. 11,321 of May 27, 1958, or of the Proclamation made under that section and published in *Gazette Extraordinary* No. 11,369 of June 24, 1958, or of the Proclamation made under that section and published in *Gazette Extraordinary* No. 11,435 of July 24, 1958, or of the Proclamation made under that section and published in *Gazette Extraordinary* No. 11,481 of August 25, 1958, or of the Proclamation made under that section and published in *Gazette Extraordinary* No. 11,532 of September 27, 1958, or of the Proclamation made under that section and published in *Gazette Extraordinary* No. 11,565 of October 26, 1958, or of the Proclamation made under that section and published in *Gazette Extraordinary* No. 11,595 of November 26, 1958, and

(2) the expression " regulation 17 or regulation 18 " means regulation 17 or regulation 18 of these regulations or of the Emergency (Miscellaneous Provisions and Powers) Regulations published in *Gazette Extraordinary* No. 11,597 of November 27, 1958, or regulation 15 or regulation 16 of the Emergency (Miscellaneous Provisions and Powers) Regulations published in *Gazette Extraordinary* No. 11,534 of September 27, 1958, or of the Emergency (Miscellaneous Provisions and Powers) Regulations published in *Gazette Extraordinary* No. 11,567 of October 27, 1958, or regulation 20 or regulation 22 of the Emergency (Miscellaneous Provisions and Powers) Regulations published in *Gazette Extraordinary* No. 11,321 of May 27, 1958, or of the Emergency (Miscellaneous Provisions and Powers) Regulations published in *Gazette Extraordinary* No. 11,376 of June 27, 1958, or of the Emergency (Miscellaneous Provisions and Powers) Regulations published in *Gazette Extraordinary* No. 11,438 of July 27, 1958, or of the Emergency (Miscellaneous Provisions and Powers) Regulations published in *Gazette Extraordinary* No. 11,483 of August 27, 1958.

(3) Where any person accused of an offence under the Penal Code and on remand for not less than fourteen days is not released by the court on bail, he shall be admitted to bail by the court if the Attorney-General so directs.

Modifications  
of the Criminal  
Procedure Code.

38. (1) During the continuance in force of this regulation—

- (a) sections 99, 100, 101, 102 and 103 of the Criminal Procedure Code (which relate to the power to disperse unlawful assemblies) shall cease to be in force, and
- (b) any police officer of a rank not below that of Sergeant, any member of the Ceylon Army of a rank not below that of Sergeant, any member of the Royal Ceylon Navy of a rank not below that of Petty Officer, or any member of the Royal Ceylon Air Force of a rank not below that of Sergeant, may order any assembly of persons to disperse if, in the opinion of the officer giving the order, such assembly is likely to create a breach of the peace, and, upon such order being made, the members of such assembly shall disperse.

(2) If, upon being ordered to disperse by any officer empowered by this regulation to issue such order, any assembly does not disperse or conducts itself in such a manner as to show determination not to disperse, such officer may proceed to disperse such assembly by force, including armed force, and may, if necessary, cause the members of such assembly to be arrested and confined in order to disperse such assembly or in order that they may be punished according to law.

(3) During the continuance in force of this regulation, section 325 of the Criminal Procedure Code shall not apply to or in relation to any person who is charged with, or is convicted of, any offence under any emergency regulation.

Priority for  
proceedings  
in respect of  
offences under  
emergency  
regulations.

39. The proceedings in any court in respect of an offence alleged to have been committed by a person under any emergency regulation shall be taken up before any other business of that court unless special circumstances of urgency in such other business render it impossible to do so. Any adjournment of the trial of a person charged with any such offence shall not, except in special circumstances of urgency, be otherwise than from the day of adjournment to the immediately following day.