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THE GAZETTE OF THE REPUBLIC OF SRI LANKA (CEYLON)

EXTRAORDINARY

අංක 243/18—1976 දෙසැම්බර් 17 වැනි සිකුරාදා—1976.12.17

No. 243/18—FRIDAY, DECEMBER 17, 1976

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PART I: SECTION (I)—GENERAL

Government Notifications

P. O. No. W. 68(70)/76.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under section 5 of the Public Security Ordinance, upon the recommendation of the Prime Minister.

W. GOPALLAWA,
President.

President's Office,
Colombo, December 17, 1976.

Regulations

1. These regulations may be cited as the Emergency (Payment of Compensation for Requisitioned Property or Undertakings) Regulations.
2. Where any property or undertaking has been or is requisitioned in pursuance or supposed pursuance of any emergency regulation at any time before or after these regulations come into force, any person affected by such requisitioning may make an application in writing to the Minister setting out his claim for compensation within such period as may be prescribed by the Minister by Notification published in the *Gazette*.
3. For the purpose of determining the compensation payable, the Minister may make or cause to be made all such inquiries as he may consider necessary.
4. The Minister may refer any matter which appears to him to be complex or difficult or necessary for the determination of compensation to a Board appointed by him and consisting of not less than three members.
5. The Minister shall appoint one of the members of the Board to be the Chairman of the Board.
6. For the purpose of considering any matter referred to it, the Board shall have the power to make all such inquiries and hear all such evidence as the Board may consider necessary.
7. The Board shall after considering any matter referred to it submit its opinion to the Minister.
8. Where the Minister is satisfied that there is sufficient proof of any claim for compensation, he shall, subject to such considerations as appear to him to be necessary or expedient in the interest of public security and the preservation of public order and the suppression of mutiny, riot or civil commotion or for the maintenance of supplies and services essential to the life of the community, as far as possible, repair the loss or damage caused to the claimant by reason of the requisitioning in respect of which compensation is claimed.
9. There shall be deducted from the compensation payable all such amounts paid or payable by the Government by way of remuneration, taxes, duties or other liabilities in respect of the requisitioned property or undertaking and such other further expenses as may have been incurred in the maintenance of such property or undertaking.
10. Where the Minister decides to pay compensation in respect of any requisitioned property or undertaking he shall make an order specifying the particulars relating to such requisitioning the name and address of the claimant and the amount payable by way of compensation.

11. No person shall have any right against the Republic of Sri Lanka for compensation or damages in respect of the requisitioning of any property or undertaking in pursuance or supposed pursuance of any emergency regulation otherwise than as provided for in these regulations and any action, proceeding or matter including any claim for compensation or damages in respect of such property or undertaking, whether pending or not, shall be determined accordingly.

12. The provisions of these regulations shall not apply where any other emergency regulation provides for payment of compensation or empowers any authority to requisition any property and to give directions as appear to him to be necessary or expedient in connection with the requisitioning of such property.

13. In these regulations—

“ emergency regulation ” means any regulation made under the Public Security Ordinance ;

“ Minister ” means the Minister of Finance or any other Minister designated by the Minister of Finance for the purpose of these regulations ;

“ person affected by any requisitioning ” means a person having a proprietary right in the requisitioned property or undertaking absolutely for himself or in trust for any other person or for charitable, religious or other purposes ;

“ undertaking ” includes any trade, business or industry whether it is a going concern or not.