

No. 6 of 1890.

An Ordinance to consolidate the Laws relating to Her Majesty's Revenue from Salt.

WHEREAS it is expedient to consolidate and amend the laws now in force in this island for the protection of Her Majesty's revenue derived from salt: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited as "The Salt Ordinance, 1890."

Short title.

2 There shall be repealed as from the commencement of this Ordinance the Ordinances mentioned in the schedule A hereunto annexed. Provided that the repeal shall not affect—

Repealing clause.

- (a) The past operation of any enactment hereby repealed, nor any thing duly done or suffered under any enactment hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; nor
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor
- (d) Any legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid.

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Where any unrepealed Ordinance incorporates or refers to any provisions of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

Interpretation clause.

3 In this Ordinance, unless the context otherwise requires—

“Vessel” shall mean anything employed to contain salt or for the carriage or conveyance of salt whether by land or water.

“Adulterated” shall mean mixed, whether mechanically or otherwise, with any substance not forming part of the composition of the salt when issued from the Government store.

“Abet” shall have the meaning given to it in “The Ceylon Penal Code.”

Collection and manufacture of salt.

4 It shall not be lawful for any person to collect or attempt to collect salt naturally formed, or to manufacture or attempt to manufacture salt by any process whatsoever, except on account of Government and under the written license of the government agent of the province or assistant government agent of the district in which it shall be collected or manufactured.

Possession of salt in districts enumerated in schedules. Restriction as to quality.

5 It shall not be lawful for any person (unless duly authorized by license as hereinafter provided) to possess salt in any greater quantity than three quarts in the districts enumerated in schedule B hereunto annexed. Provided that the possession of any salt whatever in the said districts enumerated in schedule B hereunto annexed, of a description different from that issued from the Government stores for sale within the limits of the village, district, or province in which such salt shall be found, shall be unlawful, unless the person possessing the same shall duly account for the difference.

Government agent may grant licenses for possession or retail of salt.

6 (1) In any of the aforesaid districts the government agent of the province in which any such district is situated or the assistant government agent of the district may grant licenses for the possession or sale by retail of salt purchased from Government stores within any such district.

(2) The license to be granted to any person for the possession of salt shall define the purposes for which the salt is required, the quantity allowed to be possessed, the Government store from which the salt has been or is to be purchased, and the period during which it is to be in force. Provided that such period shall in no case exceed six months from the date of such license.

Retailers may grant licenses.

7 Persons licensed to sell salt by retail may grant licenses in their respective districts for the possession of salt purchased from themselves in quantities not exceeding twenty-four quarts, and for a period not exceeding fourteen days.

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8 It shall not be lawful for any person to bury or conceal in any quantity whatever any salt illegally collected, manufactured, or possessed, or which shall not be satisfactorily accounted for; and the occupier of any house or premises in which shall be found any salt, or any earth or sand or water impregnated with salt, which he is unable satisfactorily to account for, shall be guilty of an offence, and be liable to such punishment as is provided for by section 16.

Concealment of salt.

9 If any person shall be found in the immediate vicinity of any salt pan or salt leway under suspicious circumstances, it shall be lawful for any person to bring him before the police court, which shall thereupon investigate the matter of suspicion alleged against him, and if he shall fail to give a satisfactory account of himself, and there shall, in the opinion of the court, be reasonable ground to believe that he was in the immediate vicinity of such salt pan or leway with intent to collect or remove salt there formed, collected, or deposited, the court shall require him to give such security for his good conduct as it shall deem fit, and in default of such security shall sentence him to imprisonment, simple or rigorous, for a period not exceeding six months.

Persons found in the vicinity of a salt pan.

10 It shall not be lawful for any person in any district other than those enumerated in schedule B hereunto annexed to possess, sell, dispose of, or remove any salt whatever, unless such salt be of the same kind and description as the salt manufactured or collected in some part or parts of this island on account of Government.

Possession, removal, or sale of salt other than salt collected or manufactured by Government illegal.

11 The removal of salt in any quantity exceeding three quarts in the districts in which the possession of three quarts is hereinbefore allowed, at one time from or to any place within the island, and the export or import thereof by sea, except under the permit of some government agent or assistant government agent, or of a licensed retailer, to the extent of twenty-four quarts, shall be unlawful, and such permit shall specify the date thereof, the quantity of salt to be removed, the name of the person removing, the place from and to which, the conveyance by which, and the period within which it is to be removed, which period shall not exceed, in the case of a permit granted by a government agent or assistant government agent, three calendar months, or of a permit of a licensed retail dealer fourteen days. Provided always that it shall be lawful by permit of any collector of customs to ship salt specified in such permit on board any vessel for the use of the crew, the same having been originally purchased from the Government salt store or licensed salt retailer according to the general provisions of this Ordinance.

Removal of salt.

12 It shall be unlawful for any person to sell salt within the districts enumerated in schedule B annexed to this Ordinance in any quantity whatsoever, except on account or by license of the government agent of the province or the assistant government agent of the district within which such salt is sold.

Sale.

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Retailer to affix notice to place of sale.

13 Every licensed retail dealer shall affix in front of his shop, stall, or place of retail sale a board having printed or legibly written thereon the name of the licensed retail dealer and the words "licensed to sell salt," together with the price fixed under section 15, in the English, Sinhalese, and Tamil languages, and shall not sell any salt by retail without having such board affixed, or in any place other than that at which he is licensed to sell.

Sale of adulterated salt illegal.

14 It shall be unlawful for any storekeeper or other person selling salt on behalf of Government or any licensed retail dealer of salt to possess or sell adulterated salt.

Salt to be sold by weight.

15 Every storekeeper or other person selling salt on behalf of Government, and every licensed retailer of salt, shall be bound to sell and deliver salt by weight, and not by measure, at such price as may be fixed by Government from time to time.

Penalty for breaches of Ordinance.

16 Any person who shall collect or manufacture, or attempt to collect or manufacture, or possess, or sell, or dispose of, or remove, or land, or ship salt in any way contrary to the provisions of this Ordinance, or otherwise than in accordance with the license or permit on that behalf granted under this Ordinance, or who shall possess or sell adulterated salt, or bury or conceal any salt illegally collected, manufactured, or possessed; and the occupier of any house or premises in which shall be found any salt, or any earth or sand or water impregnated with salt which he is unable satisfactorily to account for; and any master or person in charge of any vessel who shall land or ship salt from or to any vessel without a permit, or (if the salt is for the use of the crew) without having obtained a permit from a collector of customs; and any person who shall abet any other person in the commission of any of the aforesaid acts, shall be guilty of an offence, and shall be liable on conviction to a fine at a rate not exceeding one rupee per quart or part of a quart of the salt in respect of which the offence is committed, and to a further fine, at the discretion of the magistrate, not exceeding one hundred rupees, and in default of payment to imprisonment, rigorous or simple, for any period not exceeding twelve months.

Confiscation of property.

17 And all salt in respect of which any offence shall be committed, and all vessels containing the same, or in which such salt shall be unlawfully collected, manufactured, possessed, removed, sold, or conveyed, together with any horse, bullock, or any other beast employed in the carriage or conveyance of such salt, and any machinery employed in the unlawful manufacture of salt, shall be confiscated.

Police court to have jurisdiction.

18 (1) Any offence against this Ordinance may be inquired into, tried, and determined by the police court of the district in which the offence was committed wholly or in part, and such court shall have jurisdiction to award the maximum punishment prescribed therefor, and to declare and adjudge any salt, vessel, machinery, or thing liable to be confiscated under section 17 of this Ordinance, forfeited, and to condemn

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the same whatever may be the amount or value thereof, anything in the Criminal Procedure Code to the contrary notwithstanding.

(2) The police court imposing a fine under this Ordinance may award to an informer any portion, not exceeding a moiety, thereof which may be actually recovered.

Informer's share.

19 It shall be lawful, and every police officer or headman is hereby required, to arrest any person whom he finds committing or attempting to commit any offence under this Ordinance, and to seize any salt or other thing declared by this Ordinance to be liable to be confiscated, and to produce the same forthwith before the police court.

Arrest and seizure.

20 In all cases requiring any search or seizure to be made without the delay which would be incurred by an application to the police court, any officer of the police or headman may, on information laid before him showing just grounds of suspicion, and that the object of search would probably be defeated by the delay of applying to the police magistrate, make such search or seizure without warrant. Provided always that such search or seizure, if in a dwelling house, shall be made or commenced between sunrise and sunset only, and that in such and all other cases of search or seizure the police officer shall report his proceedings and the result of his search or seizure to the nearest police magistrate without unnecessary delay, and any police officer failing to make such report shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees ; and if any police officer shall have wantonly, maliciously, or corruptly exercised any power or authority hereby vested in him, he shall, besides his liability in damages to the party injured, suffer such punishment as the court shall on conviction award.

Search or seizure without warrant.

21 It shall be lawful for the Governor from time to time, by Proclamation to be published in the *Government Gazette*, to exempt any part or parts of the island from all or any of the restrictions to which the same are subject under this Ordinance in regard to the sale, possession, removal, or manufacture of salt, and any such Proclamation to amend, alter, suspend, or revoke by any subsequent Proclamation to be issued and published in like manner.

Governor empowered to exempt any parts of the island from the restriction of the Ordinance.

22 Nothing in this Ordinance contained shall apply to any salt which is imported into this island, and on which customs duty shall have been duly paid.

Ordinance not to apply to imported salt.

SCHEDULE A.

No. 3 of 1836
No. 1 of 1838
No. 17 of 1840

No. 26 of 1852
No. 5 of 1856
No. 2 of 1864

SCHEDULE B.

- The judicial district of Chilaw north of the Deduru-oya.
- The judicial district of Puttalam.
- The judicial district of Mannár.
- The judicial district of Jaffna.
- The judicial district of Mullaittivu, excepting Tunukkay, Karunavalpattu south, and Melpattu north.
- The judicial district of Trincomalee.
- The judicial district of Batticaloa.
- The judicial district of Tangalla, excepting Walasmulla upper and lower, Marakada upper and lower, Wewugampalata, and Paranagampalata.

14th May, 1890.
