

Prædial Products.

No. 4 of 1891.

An Ordinance to empower Police Magistrates to inflict Whipping for theft of Prædial Products.

Preamble.

WHEREAS it is expedient to make special provision for the punishment of the theft of prædial products in this colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Commencement.

1 This Ordinance shall come into operation only in such provinces and revenue districts, and at such time or respective times, as the Governor in Executive Council shall from time to time or at any time appoint by Proclamation in the *Government Gazette*.

Powers of such Governor in Executive Council.

2 It shall be lawful for the Governor in Executive Council, by Proclamation in the *Government Gazette*—

- (a) To revoke any Proclamation issued under section 1, and upon such revocation this Ordinance shall cease to have any effect in the province or district described in such revoked Proclamation; or
- (b) To re-issue any Proclamation so revoked as aforesaid or any part thereof.

Appointment of special magistrates.

3 For the purposes of this Ordinance it shall be lawful for the Governor to appoint to any province or district brought within the operation of this Ordinance one or more police magistrates, anything in "The Courts Ordinance, 1889," or "The Criminal Procedure Code, 1883," to the contrary notwithstanding.

Powers of such magistrates.

4 Every such magistrate shall have and exercise within the province or district to which he is appointed—

- (a) Power to hear, try, determine, and dispose of, subject to the proviso contained in section 89 of "The Courts Ordinance, 1889," all prosecutions triable summarily by a police court for the offence of theft of prædial products under sections 367 and 368 of "The Ceylon Penal Code," which at the date of the coming into operation of this Ordinance may be pending, or which may thereafter be instituted in any police court within such province or district, and in respect of which prosecutions any police magistrate appointed under "The Courts Ordinance, 1889," may or may not have heard part of the evidence;
- (b) All the jurisdictions and powers in respect of such prosecutions which a police magistrate appointed under "The Courts Ordinance, 1889," by law has and may exercise within his own division:

- (c) Power to pass sentence of whipping in addition to or in lieu of such other punishment or punishments as police courts may lawfully inflict on any person above the age of sixteen years who may be convicted of the said offence. Provided that the whipping under any such sentence shall in no case exceed twenty lashes, and shall be carried out in the manner prescribed by sections 55 and 56 of "The Ceylon Penal Code."

21st September, 1891.
