

No. 16 of 1893.

An Ordinance relating to the wearing and carrying of Knives.

WHEREAS the practice of wearing and carrying knives upon the person affords facilities for the infliction of dangerous wounds upon any sudden quarrel or provocation, and it has been established that a large proportion of the homicidal crime which has occurred in the island within recent years has been committed by the use of the knife: And whereas it is expedient, for the prevention of such crime, to restrict the practice aforesaid: 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 Prevention of Crime Ordinance, 1893;" and it shall come into operation in such provinces, districts, or places, and at such time as the Governor in Executive Council shall appoint by Proclamation in the *Government Gazette*. Provided that at least one month's notice of such time shall be given in the province, district, or place described in such Proclamation, in such manner as the Governor shall in each case determine.

Short title.

Commencement.

2 In this Ordinance, unless the context otherwise requires—

Definition.

"Knife" shall mean any knife with which a stabbing wound can be inflicted, but shall not include a knife which is commonly known as a penknife.

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Powers of the
Governor in
Executive
Council.

3 (1) 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, district, or place described in such revoked Proclamation ; or
- (b) To exempt from the operation of this Ordinance any portion or portions (to be defined) of any province, district, or place to which this Ordinance applies ; or
- (c) To exempt, with or without conditions, any person or class of persons carrying on, engaged in, or employed in any profession, trade, business, manufacture, or occupation, whether agricultural or otherwise, from the provisions of this Ordinance.

(2) The Governor in Executive Council may, by Proclamation in the *Government Gazette*, re-issue any Proclamation revoked under sub-section (a), or alter, modify, or revoke any exemptions made under sub-sections (b) or (c).

Offence.

4 From and after the coming into operation of this Ordinance in any province, district, or place, it shall not be lawful for any person therein to wear or carry upon his person a knife elsewhere than in a dwelling house or the curtilage thereof.

Provided always that this section shall not apply—

- (a) To any public servant as defined in section 19 of the Ceylon Penal Code ; or
- (b) To any person in the naval, military, or volunteer service of Her Majesty.

Penalty.

5 (1) Whoever, in contravention of the last preceding section, shall wear or carry upon his person a knife, shall be guilty of an offence, and shall, upon a first conviction be liable to a fine not exceeding ten rupees, and upon every subsequent conviction to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment not exceeding three months.

Forfeiture.

(2) The police magistrate who convicts the offender shall declare the knife in respect of which the offence has been committed to be forfeited, and shall cause such knife to be destroyed.

Share of fine to
informer.

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

Arrest of
offender and
seizure of knife
worn or carried.

6 It shall be lawful for every police officer or headman, and they are hereby required, to arrest with or without a warrant, any person committing an offence under this Ordinance, and to seize any knife which such person, in

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contravention of this Ordinance, shall be wearing or carrying upon his person, and to produce such person and knife before the nearest police magistrate to be dealt with according to law.

7 (1) If a person is convicted of a breach of section 4, the police magistrate may, in lieu of or in addition to any penalty which he may impose under this Ordinance, order the offender to execute a bond, with or without sureties, for a sum fixed with due regard to the circumstances of the case, and not being excessive, for keeping the peace during a period not exceeding six months.

Security to keep the peace.

Provided that where the offender is a minor the bond shall be executed only by his sureties.

Proviso.

Provided also that if the conviction is set aside, on appeal or otherwise, the bond so executed shall become void.

Proviso.

(2) The provisions of "The Criminal Procedure Code, 1883," relating to proceedings subsequent to an order to furnish security to keep the peace, and to the procedure on forfeiture of bonds, shall, *mutatis mutandis*, apply to every order made and every bond executed under this section.

Certain provisions of the Criminal Procedure Code to apply.

8 In any prosecution for a breach of section 4 it shall lie upon the defendant to prove that he is a person not incurring a penalty for such breach by virtue of the proviso to the said section, or by virtue of any exemption proclaimed under sub-section (c) of section 3.

Onus of proof.

9 In the case of a first offence against the provisions of this Ordinance, it shall be lawful for any village tribunal, within the limits of whose jurisdiction such offence is committed, to try the offender, and to exercise each and every of the powers which a police magistrate may in the like case exercise, anything in "The Village Communities' Ordinance, 1889," to the contrary notwithstanding.

Village tribunals may try cases of first offence.

Provided that in no case shall a village tribunal order any offender to execute a bond for keeping the peace.

Proviso.

10 From and after the passing of this Ordinance the Ordinance No. 19 of 1890, intituled "An Ordinance relating to the wearing and carrying of Knives," shall be and the same is hereby repealed.

Repeal of Ordinance No. 19 of 1890.

11 This Ordinance shall continue in force until the thirty-first day of December, One thousand Eight hundred and Ninety-seven, or, if the Legislative Council be then in session, until the end of such session.

Period of duration of Ordinance.

14th December, 1893.