

PARLIAMENT OF CEYLON

5th Session 1952



Co-operative Societies (Special Provisions) Act, No. 17 of 1952

Date of Assent : March 21, 1952

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L. D.—O. 57/51

AN ACT TO MAKE SPECIAL PROVISION WITH RESPECT TO THE APPLICATION OF SECTION 45 OF THE CO-OPERATIVE SOCIETIES ORDINANCE AND TO AMEND SECTION 54 OF THAT ORDINANCE.

[Date of Assent: March 21, 1952.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Co-operative Societies (Special Provisions) Act, No. 17 of 1952.

Short title.

2. (1) Section 45 of the Co-operative Societies Ordinance (hereinafter referred to as "the principal enactment") shall apply in the case of every dispute of any description referred to in that section as amended by Act No. 21 of 1949 notwithstanding that the dispute may have arisen prior to the date on which that Act came into operation:

Application of section 45 of Chapter 107.

Provided, however, that where any matter which, by reason only of the preceding provisions of this sub-section, constitutes a dispute to which the aforesaid section 45 applies, is a matter in issue in any action which at the date of the commencement of this Act is pending in any court of competent jurisdiction, nothing in the preceding provisions of this sub-section shall prevent or be held or construed to prevent the hearing and determination by the court of the said matter in issue or to affect the validity or operation of the order or decree made or entered in the action.

(2) Every reference of a dispute of any description mentioned in section 45 of the principal enactment, as amended by Act No. 21 of 1949, which may heretofore have been made in purported pursuance of the provisions of that section as so amended shall be and be deemed to have been as valid and effectual as though sub-section (1) of this section had been in force at the time the reference was made; and the provisions of sub-sections (2) to (5) of the aforesaid section 45 shall apply and be deemed to have applied accordingly.

Provided, however, that in any case where any court of competent jurisdiction has prior to the date of the commencement of this Act made order or entered judgment holding that any dispute was not duly

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referred, or that any matter in issue in the action did not constitute a dispute which could have been duly referred, for decision under the aforesaid section 45, nothing in the preceding provisions of this sub-section shall be construed to affect the validity of the order or decree made or entered in that case, or to authorise or enable the said matter in issue to be referred for decision under that section.

Amendment of
section 54
of the
principal
enactment

3. (1) Section 54 of the principal enactment is hereby amended, by the substitution, for the definition of "officer", of the following new definition:—

"officer" includes every person who is the chairman, secretary, treasurer or manager of a society or a member of the Committee of a society, and any other person who is empowered by the rules or by-laws of a society to give directions in regard to the business of the society.

(2) The principal enactment shall have and be deemed always to have had effect as though the definition of "officer" inserted in section 54 thereof by sub-section (1) of this section had been inserted therein on the date of the commencement of that enactment.