

PARLIAMENT OF CEYLON

4th Session 1955-56



Revised Edition of the Legislative Enactments Act, No. 2 of 1956

Date of Assent : February 1, 1956

Printed on the Orders of Government

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L. D.—O. 31/55.

AN ACT TO PROVIDE FOR THE PREPARATION AND PUBLICATION OF A REVISED EDITION OF THE LEGISLATIVE ENACTMENTS OF CEYLON.

[Date of Assent: February 1, 1956]

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 Revised Edition of the Legislative Enactments Act, No. 2 of 1956.

Short title.

2. (1) The Honourable Hema Henry Basnayake, Acting Chief Justice, is hereby appointed a Commissioner for the purpose of preparing a new and revised edition of the legislative enactments of Ceylon in force on the thirty-first day of December, one thousand nine hundred and fifty-four, or such later date as the Governor-General may fix by proclamation published in the Gazette.

Appointment of Commissioner.

(2) In case the said Honourable Hema Henry Basnayake is unable from any cause fully to discharge his commission under this Act, the Governor-General may appoint some other fit and proper person to be a Commissioner in his stead.

(3) For the purposes of this section, any Act or Ordinance or part of any Act or Ordinance which has been passed on or after the first day of July, one thousand nine hundred and thirty-eight, and which has not been repealed, shall be deemed to be in force although such Act or Ordinance or part thereof has not been brought into operation.

3. In the preparation of the revised edition, the Commissioner shall have the following powers:—

Powers of revision vested in the Commissioner.

(1) to omit—

(a) any legislative enactment which has been repealed expressly or by necessary implication, or which has expired, has become spent, or has had its effect;

(b) any appropriation Act or Ordinance;

(c) any Act or Ordinance or part of any Act or Ordinance so far as that Act, Ordinance or part effects any change in the title or designation of any person or office;

- (d) any legislative enactment which repeals any written law and any table or list of repealed written law whether contained in a Schedule or otherwise;
 - (e) any preamble to any legislative enactment, where such omission can, in the opinion of the Commissioner, be conveniently made;
 - (f) all introductory words of enactment in any legislative enactment;
 - (g) any legislative enactment prescribing the date when any legislative enactment is to come into force or operation, where such omission can, in the opinion of the Commissioner, be conveniently made;
 - (h) any amending legislative enactment where the amendment effected by such legislative enactment has been embodied by the Commissioner in any other legislative enactment;
 - (i) in any legislative enactment the interpretation of any expression which is defined in identical or similar terms with the definition of that expression contained in the Interpretation Ordinance; and
 - (j) in any legislative enactment, any section or part thereof referring to any matter for which provision is made in similar or identical terms in the Interpretation Ordinance;
- (2) to arrange the grouping and sequence of legislative enactments, whether consolidated or not, in any order that may be convenient irrespective of the date of enactment;
 - (3) to add a short title to any legislative enactment which may require it, and, if necessary, to alter the long or short title of any legislative enactment;
 - (4) to supply, alter or omit marginal notes;
 - (5) to consolidate into one enactment any two or more legislative enactments or parts thereof *in pari materia*, making such alterations as are thereby rendered necessary in the consolidated enactment and affixing such date thereto as may seem most convenient;

- (6) to incorporate in any legislative enactment any amendment, addition or alteration made to any Schedule, Form or other part thereof by any authority under powers conferred by that legislative enactment;
- (7) to alter the order of sections in any legislative enactment, and, in all cases where it is necessary to do so, to renumber the sections of any legislative enactment;
- (8) to alter the form or arrangement of any section of any legislative enactment by transposing words, by combining it in whole or in part with another section or other sections or by dividing it into two or more sub-sections, or otherwise;
- (9) to frame and insert definitions of terms and expressions used in any legislative enactment and to substitute other terms and expressions of a like nature for those used;
- (10) to divide any legislative enactment, whether consolidated or not, into two or more enactments, parts or other divisions;
- (11) to correct grammatical, typographical and other mistakes in the edition of the legislative enactments in force on the date on which this Act comes into operation and for that purpose make verbal additions, omissions or alterations;
- (12) to make such formal alterations as to names, localities, offices, titles, currency and otherwise as may be necessary to bring any legislative enactment into conformity with conditions or circumstances obtaining or existing in Ceylon or elsewhere on the thirty-first day of December, one thousand nine hundred and fifty-four, or such later date as the Governor-General may fix under section 2;
- (13) to make such adaptations or amendments in any legislative enactment as may appear to be necessary or proper as a consequence of the Ceylon (Parliamentary Elections) Order in Council, 1946, the Ceylon (Constitution) Order in Council, 1946, the Ceylon Independence Order in Council, 1947, and all amendments thereto;

- (14) to make such adaptations or amendments in any legislative enactment as may appear to be necessary or proper as a consequence of the present political status of Ceylon;
- (15) to make such adaptations or amendments in any legislative enactment as may appear to be necessary or proper as a consequence of the following Acts or any other Act enacted by the Parliament of the United Kingdom:—
- (a) Indian Independence Act, 1947;
 - (b) Burma Independence Act, 1947;
 - (c) Ceylon Independence Act, 1947;
 - (d) British Nationality Act, 1948;
 - (e) Ireland Act, 1949;
- (16) to make such adaptations or amendments in any legislative enactment as may appear to be necessary or proper as a consequence of the Republic of Ireland Act, 1948;
- (17) to correct cross references;
- (18) to shorten and simplify the phraseology of any legislative enactment;
- (19) to alter the title of any subsidiary legislative instrument whether heretofore made or prescribed as capable of being made under any legislative authority whatsoever, whether such subsidiary legislative instrument be entitled an Order in Council, order, proclamation, rule, regulation or by-law, or bear any other title whatsoever;
- (20) to do all other things relating to form and method which may be necessary for the perfecting of the revised edition.

10 & 11 Geo. 6,
c. 30

11 Geo. 6, c. 2

11 Geo. 6, c. 7

11 & 12 Geo. 6,
c. 56

12 & 13 Geo. 6,
c. 41

22 of 1948.

Effect of omissions under paragraph (1) of section 3.

4. The provisions of section 6 of the Interpretation Ordinance shall apply to any omission under paragraph (1) of section 3 in the same way as if the omitted legislative enactment had been repealed.

Power to omit retrospective and transitory provisions.

5. (1) The Commissioner may omit from the revised edition—

- (a) any legislative enactment which gives retrospective or retroactive effect to any legislative enactment;
- (b) any legislative enactment which is of a transitional or transitory nature;

- (c) any legislative enactment validating any act, matter, decision, proceeding, or thing; and
- (d) any saving clause in any enactment.

(2) The legislative enactments omitted by virtue of sub-section (1) of this section shall, notwithstanding such omission, continue in force for so long as is necessary.

6. (1) The Commissioner shall omit from the revised edition the legislative enactments specified in the Schedule to this Act.

Omission of certain legislative enactments from the revised edition.

(2) The legislative enactments omitted by virtue of sub-section (1) of this section shall, notwithstanding such omission, continue in force until they are repealed either expressly or by implication, or expire or become spent or have had their effect.

(3) At any time before the revised edition is brought into force in pursuance of section 12, the Governor-General may, by proclamation published in the *Gazette*, make any addition to or variation in the Schedule to this Act.

7. (1) There shall be attached to each legislative enactment contained in the revised edition a number showing its place among the legislative enactments of the year to which it belongs.

Numbering of Acts and Ordinances.

(2) There may be inserted in the margin of any part of any legislative enactment a note containing a reference to any Act or Ordinance and section passed on or after the first day of July, one thousand nine hundred and thirty-eight, and adding, substituting or amending that part of that legislative enactment, but such note shall not, by reason of its insertion in the margin as aforesaid, have any legislative effect.

8. (1) The powers conferred on the Commissioner by section 3 shall not be taken to imply any power in him to make any alteration or amendment in the matter or substance of any legislative enactment.

Mode of dealing with alterations or amendments.

(2) In any case where the Commissioner may think fit he may draft a Bill authorising such alterations and amendments as he may consider necessary to be made in the revised edition; and every such Bill shall be transmitted to the Prime Minister and be dealt with in the ordinary way.

(3) Any such Bill as is referred to in sub-section (2) of this section may have reference to one legislative enactment or to more legislative enactments than one though they may not be *in pari materia*.

Printing
of revised
edition.

9. (1) The revised edition shall be printed in six or more volumes which shall contain the legislative enactments of Ceylon in force on the thirty-first day of December, one thousand nine hundred and fifty-four, or such later date as the Governor-General may fix under section 2.

(2) Each volume of the revised edition shall contain a statement that that volume is published under the authority of the Government of Ceylon.

Chronological
table and
index to the
revised
edition.

10. The Commissioner shall prepare and cause to be printed together in a separate volume or otherwise a chronological table of all the legislative enactments of Ceylon and a full and complete index to the legislative enactments contained in the revised edition.

Authenticated
copy of each
volume of the
revised edition
to be deposited
with the
Supreme
Court, Senate,
House of Re-
presentatives
and Government
Archives.

11. Four copies of each volume of the revised edition shall be dated and signed by the Commissioner and by the Governor-General and shall be sealed with the Public Seal of Ceylon and one of those copies shall be deposited among the records of each of the following:—

Supreme Court.

Senate.

House of Representatives.

Government Archives.

Bringing
into force
and validity
of the revised
edition.

12. (1) The Commissioner shall, as soon as the revised edition is completed, transmit—

(a) a copy thereof to the Prime Minister who shall lay it before the House of Representatives, and

(b) a copy thereof to the Minister of Justice who shall lay it before the Senate.

(2) Upon the passing of a resolution of the Senate and the House of Representatives authorising him to do so, the Governor-General may, by proclamation published in the *Gazette*, order that the revised edition shall come into force on such date as he may specify in the proclamation.

(3) The revised edition shall, on and after the date on which it comes into force, be deemed to be and be without any question whatsoever in all courts of Justice and for all purposes whatsoever the sole authentic edition of the legislative enactments of Ceylon therein printed.

13. All subsidiary legislation and all appointments and acts made or done under any legislative enactment included in the revised edition, and in force on the date appointed by the Governor-General under section 12, shall continue in force until otherwise provided; and references in any such subsidiary legislation to the legislative enactment under which such subsidiary legislation is made, or to any other legislative enactment, shall, where necessary and practicable, be deemed to apply to the corresponding legislative enactment in the revised edition.

Saving of existing subsidiary legislation, appointments and acts.

14. The revised edition shall contain the Ceylon (Parliamentary Elections) Order in Council, 1946, the Ceylon (Constitution) Order in Council, 1946, the Ceylon Independence Order in Council, 1947, and the Ceylon Independence Act, 1947, and may also contain a reprint of such statutes enacted by the Parliament of the United Kingdom, Orders in Council promulgated by His or Her Majesty, Letters Patent, Royal Instructions, and other Instruments as the Commissioner may think desirable.

Supplementary matter in revised edition.

15. Where any legislative enactment is repealed or omitted from the revised edition during and for the purpose of the preparation of the revised edition, such repeal or omission shall not affect the validity of any existing subsidiary legislation made under such legislative enactment, but such subsidiary legislation shall, so far as it is not inconsistent with any legislative enactment of Ceylon for the time being in force, continue in force until otherwise provided.

Effect of repealed or omitted Acts and Ordinances.

16. Where, in any written law or in any document of whatsoever kind, reference is made to any legislative enactment repealed or otherwise affected by or under the operation of this Act, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding legislative enactment in the revised edition.

Construction of reference to repealed, &c Acts and Ordinances.

17. Nothing in this Act shall be construed as bringing into operation any legislative enactment included in the revised edition before the date on which such enactment, if it had not been so included, would have come into operation.

Effect of this Act on enactments which have not come into operation.

18. This Act shall be printed at the commencement of the revised edition.

Place of this Act in the revised edition.

Interpre-
tation.

19. In this Act, unless the context otherwise requires,—

“ legislative enactment ” means—

- (a) any Act,
 - (b) any Ordinance,
 - (c) any enactment having the force of law in Ceylon and promulgated in the form of a proclamation or regulation prior to the first day of January, eighteen hundred and thirty-four;
 - (d) the Tesawalamai or the laws and customs of the Malabars of Jafina promulgated by the Dutch Government of Ceylon in the year seventeen hundred and seven, and referred to in the Tesawalamai Regulation;
 - (e) the Royal Charter, 1833, the Letters Patent, January 28, 1843, and the Letters Patent, July 2, 1844;
- and includes any part of any legislative enactment;

“ revised edition ” means the edition of the legislative enactments prepared under the authority of this Act; and

“ subsidiary legislation ” means rules, regulations, by-laws, proclamations, letters patent, orders, notices, notifications, declarations, resolutions, forms, warrants, schemes and any other document whatsoever made under any legislative enactment.

SCHEDULE

LEGISLATIVE ENACTMENTS AND PARTS OF LEGISLATIVE ENACTMENTS TO BE OMITTED FROM THE REVISED EDITION

<i>No. and Year</i>	<i>Title of Ordinance or Act</i>	<i>Extent to which to be omitted</i>
5 of 1861	The Wrecks and Salvage Ordinance	The whole
7 of 1863	The Merchant Shipping Ordinance	The whole
3 of 1886	The Coastwise Passenger Traffic Ordinance	The whole
8 of 1889	The Quarries Ordinance	The whole
5 of 1890	The Gemming Ordinance	The whole
18 of 1890	The Chanks Ordinance	The whole

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<i>No. and Year</i>	<i>Title of Ordinance or Act</i>	<i>Extent to which to be omitted</i>
2 of 1896 ...	The Mines and Machinery Ordinance	... The whole
2 of 1898 ...	The Defence Contribution Ordinance	... The whole
6 of 1899 ...	The Shipping Inquiries Ordinance	... The whole
4 of 1906 ...	The Passenger Ships Ordinance The whole
19 of 1937 ...	The Revised Edition of the Legislative Enactments Ordinance The whole
23 of 1952 ...	The Food Subsidies Temporary Taxes Act	... The whole
14 of 1954 ...	The Indemnification Act The whole