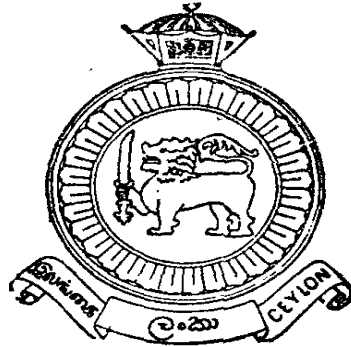


PARLIAMENT OF CEYLON

1st Session 1960-61



Excise (Amendment) Act, No. 49 of 1961

Date of Assent : June 19, 1961

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Excise (Amendment) Act, No. 49 of 1961

L. D.—O. 77/58.

AN ACT TO AMEND THE EXCISE ORDINANCE.

[Date of Assent: June 19, 1961]

Chapter 42,
(Vol. I
page 687).

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 Excise (Amendment) Act, No. 49 of 1961.

Short title.

2. Section 17 of the Excise Ordinance (hereinafter referred to as the "principal enactment"), is hereby amended, in the proviso to that section, as follows:—

Amendment of
section 17 of
Chapter 42.

(1) in paragraph (c) of that proviso, by the substitution, for the semi-colon, of a full-stop; and

(2) by the omission of paragraph (d) of that proviso.

3. Section 21 of the principal enactment, as amended by Ordinance No. 27 of 1943, and as modified by the Proclamation published in *Gazette Extraordinary* No. 9,773 of September 24, 1947, is hereby further amended as follows:—

Amendment of
section 21 of
the principal
enactment.

(1) in sub-section (1) of that section, by the substitution, for the words "The House of Representatives may, by resolution," of the words "The Minister with the concurrence of the Minister of Finance may, by Order published in the *Gazette*,";

(2) in sub-section (2) of that section—

(a) by the substitution, for the words "by a resolution", of the words "by Order published in the *Gazette*"; and

(b) by the substitution, in paragraphs (a), (b) and (c) of that sub-section, for the word "resolution", wherever that word occurs in those paragraphs, of the word "Order";

(3) by the addition, at the end of that section, of the following sub-sections:—

“(3) Every Order under sub-section (1) shall come into force on the date of its publication in the *Gazette* or on such later date as may be specified in the Order, and shall be brought before the House of Representatives within a period of one month from the date of the publication of the Order in the *Gazette*, or, if no meeting of the House of Representatives is held within such period, at the first meeting of the House of Representatives held after the expiry of such period, by a motion that the Order shall be approved. There shall be set out in a schedule to every such motion the text of the Order to which the motion refers.

(4) Any Order under sub-section (1) which the House of Representatives refuses to approve shall, with effect from the date of such refusal, be deemed to be revoked but without prejudice to the validity of anything done thereunder. Notification of the date on which any such Order is deemed to be revoked shall be published in the *Gazette*.”; and

(4) in the marginal note to that section, by the substitution, for the words “resolution of the House of Representatives”, of the words “the Minister by Order published in the *Gazette*”.

4. Section 44 of the principal enactment, as amended by Act No. 36 of 1957, is hereby further amended as follows:—

(1) in sub-section (2) of that section, by the substitution, for the words “Government distillery”, of the words “Government distillery or in a Government warehouse”,; and

(2) by the addition, immediately after sub-section (2) of that section, of the following new sub-section:—

‘ (3) In sub-section (2), “ Government Analyst ” means the person for the time being holding the office of Government Analyst and includes any person for the time being holding the office of Deputy Government Analyst or Assistant Government Analyst. ’

5. Section 53 of the principal enactment is hereby amended by the substitution, for all the words from “ a sum of money ” to “ as the case may be; ”, of the following:—

Amendment of section 53 of the principal enactment.

“ in lieu of such cancellation or suspension or by way of compounding the offence which may have been committed, as the case may be, either such sum of money, not exceeding one thousand rupees, as may be specified in a notice sent by post or otherwise delivered to such person by the Government Agent or such excise officer if the sum so specified is tendered by such person before the expiry of fourteen days after the date of such notice, or the sum so specified and such additional amount, not exceeding ten per centum of the sum so specified, as may be determined by the Government Agent or such excise officer if the sum so specified and the additional amount so determined are tendered by such person before the expiry of twenty-eight days after the date of such notice; ”.

6. Notwithstanding the amendment of section 21 of the principal enactment by this Act, every resolution of the House of Representatives passed under that section and in force on the day immediately preceding the date of commencement of this Act shall, on and after that date, be deemed to be an Order made by the Minister under that section as amended by this Act and accordingly the provisions of sub-section (2) of that section as so amended shall apply to and in relation to such resolution.

Savings.