

CHAPTER 357

ARMY (AMENDMENT)

Acts  
Nos. 6 of 1962,  
32 of 1962,  
22 of 1964.

AN ACT TO AMEND THE ARMY ACT.

[Act No. 6 of 1962—21st May, 1962.]

[Act No. 32 of 1962—5th December, 1962.]

[Act No. 22 of 1964—19th September, 1964.]

Short title.

1. This Act may be cited as the Army (Amendment) Act.

Insertion of  
new section  
23A in  
Chapter 357.  
[§ 2, 6 of 1962.]

2. The following new section is hereby inserted in PART IV of the Army Act, hereinafter referred to as the "principal Act", immediately after section 23, and shall have effect as section 23A, of that Act :—

"Performance  
of certain  
other duties  
by members  
of the Army.

23A. (1) The Governor-General may order all or any of the members of the army to perform such non-military duties as he may consider necessary in the national interest.

Cap. 19.

(2) The Governor-General may order any member of the army to perform escort and guard duties in respect of persons suspected, accused, or convicted of any offence against the State under Chapter VI of the Penal Code and the Criminal Law (Special Provisions) Act, No. 1 of 1962.

(3) Every member of the army shall perform such duties as may be imposed on him by Order of the Governor-General under subsection (1).

(4) Wherever an Order is made under subsection (1) calling upon any officer of the army to perform civil and administrative duties and wherever an Order is made under subsection (2)

Cap. 40. the Governor-General shall communicate to Parliament such Order in the same manner as under the Public Security Ordinance in the case of a declaration of a state of emergency.”.

3. Section 27 of the principal Act is hereby amended as follows :—

Amendment of section 27 of the principal Act. [§ 2, 32 of 1962.]

(1) by the substitution, for the words “pay due to an officer”, of the words “pay or allowance due to an officer”; and

(2) by the insertion, immediately after paragraph (a), of the following new paragraph :—

“ (aa) in respect of each month of any period during which he is suspended from the exercise of his office, a part of his pay and allowances for that month as may be prescribed ;”.

4. Section 28 of the principal Act is hereby amended in subsection (1) thereof, as follows :—

Amendment of section 28 of the principal Act. [§ 3, 32 of 1962.]

(1) by the substitution, for the words “deductions may be made from the pay”, of the words “deductions may be made from the pay or allowance”; and

(2) by the insertion, immediately after paragraph (a), of the following new paragraph :—

“ (aa) in respect of each month of any period during which he is suspended from his duties, a part of his pay and allowances for that month as may be prescribed ;”.

5. Part XV of the principal Act is hereby amended under the heading “OFFENCES UNDER THIS ACT WHICH ARE NOT MILITARY OFFENCES”, by the substitution, for all the words from “(a) publishes

Amendment of Part XV of the principal Act. [§ 2, 22 of 1964.]

or causes to be published notices or military law," to "relating to recruits for the army, or", of the following:—

"135. Every person, other than a person subject to military law, who without due authority—

(a) publishes or causes to be published notices or advertisements for the purpose of procuring recruits for the army, or relating to recruits for the army, or".

Insertion of new section 156A in the principal Act. [§ 3, 22 of 1964.]

6. The following new section is hereby inserted immediately after section 156, and shall have effect as section 156A, of the principal Act:—

"Special provisions relating to the payment of pensions and gratuities to certain members of the Ceylon Defence Force.

156A. Notwithstanding the repeal of the Defence Force Ordinance, No. 8 of 1910, by Act No. 17 of 1949, section 17 of that Ordinance, as amended by Ordinance No. 5 of 1945, shall be deemed to be in force for the purpose of awarding a pension or gratuity to any person who but for such repeal would have been eligible for a pension or gratuity under that section, and accordingly—

(a) a pension or gratuity may be awarded to any such person in accordance with the provisions of that section, and

(b) the determination made under that section and published in Gazette No. 9,419 of June 15, 1945, shall continue in force subject to amendment or cancellation by the Minister by notification published in the Gazette."

7. (1) The amendment made in the principal Act by section 2 of Act No. 22 of 1964 shall be deemed to have come into effect on the first day of December, 1961, being the date appointed by the Governor-General under section 12 of the Revised Edition of the Legislative Enactments Act as the date from which the revised edition shall come into force.

Amendments made in the principal Act by section 2 and by section 3 of Act No. 22 of 1964 to have retrospective effect.

[§ 4. 22 of 1964.]

(2) The amendment made in the principal Act by section 3 of Act No. 22 of 1964 shall be deemed to have come into effect on the date of commencement of the principal Act, and accordingly any pension or gratuity awarded before the date of commencement of this Act to any person who but for the repeal of the Defence Force Ordinance by Act No. 17 of 1949 would have been eligible for such pension or gratuity shall be deemed to have been duly awarded under the powers conferred by the principal Act as amended by Act No. 22 of 1964.