

PARLIAMENT OF CEYLON

1st Session 1965-66



Imposition of Civic Disabilities (Special Provisions) Act, No. 14 of 1965

Date of Assent : November 16, 1965

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. BOX 500, COLOMBO 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 30 cents

Postage : 10 cents

*Imposition of Civic Disabilities (Special Provisions)
Act, No. 14 of 1965*

L. D.—O. 8/65

AN ACT TO IMPOSE CIVIC DISABILITIES ON CERTAIN PERSONS AGAINST WHOM ALLEGATIONS OF BRIBERY WERE HELD BY A COMMISSION OF INQUIRY TO HAVE BEEN PROVED AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent : November 16, 1965]

WHEREAS, under section 2 of the Commissions of Inquiry Act, a Commission of Inquiry consisting of Messrs Walter Thalgodapitiya, Thomas Webb Roberts and Samuel John Charles Schokman, was appointed by the Governor-General by warrant dated September 11, 1959, to inquire into and report upon allegations of bribery made against certain persons who were or had been members of the Senate or the House of Representatives or the State Council constituted under the Ceylon (State Council) Order in Council :

And whereas the said Commission had in its Reports found that the allegations of bribery against certain of the aforesaid persons had been proved :

And whereas it has become necessary to impose civic disabilities on the said persons consequent on the findings of the said Commission :

Be it therefore 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 Imposition of Civic Disabilities (Special Provisions) Act, No. 14 of 1965.

Short title.

2. No person to whom this Act applies shall, for a period of seven years computed from the relevant date, be qualified to have his name entered or retained in any register of electors.

A person to whom this Act applies disqualified for registration in registers of electors.

3. A person to whom this Act applies shall be incapable, for a period of seven years computed from the relevant date, of voting at any election of a member of the House of Representatives or

A person to whom this Act applies disqualified from voting at elections.

Imposition of Civic Disabilities (Special Provisions)
Act, No. 14 of 1965

of any local authority ; and accordingly any such person who so votes at such election in contravention of the preceding provisions of this section shall be guilty of an offence under this Act and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

A person to whom this Act applies disqualified for being a candidate at elections.

4. (1) No person to whom this Act applies shall, for a period of seven years computed from the relevant date, be qualified to be nominated as a candidate at any election of a member of the House of Representatives or of any local authority ; and accordingly the disqualification imposed by the preceding provisions of this section shall be deemed, for all purposes, to be a ground on which any nomination paper submitted by a person to whom this Act applies shall be rejected by the returning officer in the case of a parliamentary election and by the returning officer in the case of an election to a local authority.

(2) The nomination of any person as a candidate at any election shall, if he is disqualified from being so nominated by virtue of the operation of subsection (1), be deemed, for all purposes, to be null and void.

A person to whom this Act applies disqualified for membership of Parliament.

5. A person to whom this Act applies shall, for a period of seven years computed from the relevant date, be disqualified for being elected or appointed as a Senator or a member of the House of Representatives or for sitting or voting in the Senate or in the House of Representatives.

A person to whom this Act applies disqualified for membership of any local authority.

6. No person to whom this Act applies shall, for a period of seven years computed from the relevant date, be qualified to be elected, or to sit or to vote, as a member of any local authority.

Vacation of seats as members of Parliament or of any local authority by persons to whom this Act applies.

7. Where, on the day immediately prior to the relevant date, a person to whom this Act applies was a Senator, or a member of the House of Representatives or of any local authority, his seat as a Senator or such member, as the case may be, shall be deemed, for all purposes, to have become vacant on that date.

8. A person to whom this Act applies shall be disqualified, for all time, from being employed as a public servant, or from being elected or appointed or nominated as a member of any scheduled institution or the governing body thereof.

A person to whom this Act applies disqualified for employment as a public servant or for election or appointment or nomination to scheduled institutions or the governing bodies thereof.

9. Where, on the day immediately prior to the relevant date, a person to whom this Act applies—

Vacation of office as public servants or members of scheduled institutions or governing bodies thereof by persons to whom this Act applies.

(a) was a public servant, such person shall be deemed, for all purposes, to have been dismissed on that date from the public service by the person or authority empowered so to do under any appropriate law, and to have vacated his office as such servant on that date ; or

(b) was a member of any scheduled institution or the governing body thereof, such person shall be deemed, for all purposes, to have vacated his office as such member on that date.

10. (1) Where any provisions of this Act are supplementary to, or inconsistent or in conflict with, any provisions of the Ceylon (Constitution) Order in Council, 1946, the said provisions of this Act shall be deemed, for all purposes and in all respects, to be as valid and effectual as though the said provisions of this Act were in an Act for the amendment of that Order in Council enacted by Parliament after compliance with the requirement imposed by the proviso of sub-section (4) of section 29 of that Order in Council.

Special provisions relating to this Act.

(2) Where any provisions of this Act are supplementary to, or inconsistent or in conflict with, any provisions of any appropriate law, other than the Order in Council referred to in sub-section (1), the said provisions of this Act shall be deemed, for all purposes and in all respects, to

*Imposition of Civic Disabilities (Special Provisions)
Act, No. 14 of 1965*

be as valid and effectual as though the said provisions of this Act were in an Act for the amendment of such appropriate law enacted by Parliament.

(3) The provisions of any appropriate law shall have force and effect subject to the provisions of this Act, and accordingly shall be read and construed subject to such modifications or additions as may be necessary to give the provisions of such appropriate law the force and effect aforesaid.

(4) In the event of any conflict or inconsistency between the provisions of this Act and the provisions of any appropriate law, the provisions of this Act shall be read and construed subject to all such modifications or additions as may be necessary to resolve such conflict or inconsistency or, in the event of it not being possible so to do, shall prevail over the provisions of such appropriate law.

Interpretation.

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

“appropriate law”, in any context in which that expression occurs in this Act, means any written law, other than this Act, which makes provision in respect of any matter or thing for which provision or substantially the same provision is made in that context ;

“candidate”, in relation to any election, means a person who, by himself or by any other person or persons on his behalf, seeks, under any appropriate law, nomination as a candidate at such election ;

“local authority” has the same meaning as in the Bribery Act ;

“person to whom this Act applies” means each person specified in the Schedule to this Act in regard to whom the relevant Commission in its Reports found that any allegation or allegations of bribery had been proved ;

- “ public servant ” has the same meaning as in the Bribery Act ;
- “ register of electors ” has the same meaning as in the Ceylon (Parliamentary Elections) Order in Council, 1946 ;
- “ relevant Commission ” means the Commission of Inquiry consisting of Messrs Walter Thalgodapitiya, Thomas Webb Roberts and Samuel John Charles Schokman, which was appointed, under section 2 of the Commissions of Inquiry Act, by the Governor-General by warrant dated September 11, 1959 ;
- “ relevant date ” means the date of the commencement of this Act ;
- “ Reports ”, in relation to the relevant Commission, means “ The Reports of the Parliamentary Bribery Commission, 1959/1960 ”, published as Parliamentary Series No. 1 of the Fifth Parliament, First Session, 1960, and tabled in the House of Representatives on December 16, 1960, and ordered to be printed on December 22, 1960 ;
- “ scheduled institution ” has the same meaning as in the Bribery Act ;
- “ Senator ” means a member of the Senate ;
- “ voting ”, in relation to any election, means applying to vote, or voting, at such election, and its grammatical variations or cognate expressions shall be construed accordingly.

SCHEDULE

(Section 11)

Henry Abeywickrema
Manameldura Piyadasa de Zoysa
Mohamed Samsudeen Kariapper
Robert Edward Jayatilleke
Casila Abdul Samed Marikkar
Dharmasena Bandara Monnekulame.