



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

CEYLON COLD STORES
(POSSESSION AND CONTROL)
ACT, No. 1 OF 1989

[Certified on 10th April, 1989]

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**Ceylon Cold Stores (Possession and Control)
Act, No. 1 of 1989**

[Certified on, 10th April 1989]

L.D.—O 16/89

AN ACT TO PROVIDE FOR THE CONTINUATION OF THE POSSESSION AND CONTROL, BY THE GOVERNMENT, OF THE UNDERTAKING CARRIED ON BY CEYLON COLD STORES FOR A FURTHER PERIOD OF ONE YEAR.

WHEREAS the possession and control of the business undertaking carried on by the company known as the Ceylon Cold Stores Limited, was taken over by the Government for a period of three months, by regulation made under section 5 of the Public Security Ordinance, due to the disruption of the services provided by that undertaking, and industrial unrest.

WHEREAS for the purpose of ensuring the maintenance of the services provided by such undertaking, which are integral to the national economy and essential to the life of the community, and for the purposes of securing the due recognition of, and respect for, the rights of the employees of such undertaking it has become necessary for the Government to continue to administer and control such business undertaking for a further period of one year:

Now therefore be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Ceylon Cold Stores (Possession and Control) Act, No. 1 of 1989.

Short
title.

2. From and after the date of commencement of this Act, the Government shall continue to hold and possess, for a period of one year calculated from the date of commencement of this Act (hereinafter referred to as the "specified period"), the business undertaking specified in the First Schedule to this Act, the possession and control of which was taken over by the Government by regulation made under the Public Security Ordinance.

Government
to continue
to hold
and
possess
business
undertaking
for a
period of
one year.

3. (1) There shall be appointed a Competent Authority for the purposes of this Act.

Competent
Authority.

(2) The Competent Authority shall, during the specified period manage and administer the affairs of the business undertaking specified in the First Schedule to this Act, on behalf of the company owning that undertaking and may give such directions as may be necessary for that purpose.

(3) The Competent Authority in the discharge of his functions and the exercise of his powers under this Act, shall be subject to such general and special directions as the Minister may from time to time issue, having regard to the need to maintain the services provided by that undertaking and the need to safeguard the rights of the employees of that undertaking.

Competent Authority to take possession and control of property in the Second Schedule.

4. (1) The Competent Authority shall during the specified period take possession and control of all property specified in the Second Schedule to this Act, used for the purposes for the business undertaking specified in the First Schedule to this Act.

(2) Any person who fails or refuses to deliver possession to the Competent Authority of any property specified in the Second Schedule to the Act, or prevents or obstructs or causes any person to prevent or obstruct the Competent Authority in taking possession of the property referred to in subsection (1) or resists or obstructs the Competent Authority in the discharge of his functions under this Act, shall be guilty of an offence under this Act, and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding ten thousand rupees, or to both such imprisonment and fine.

Competent Authority to use or deal with property of business undertaking.

5. The Competent Authority may during the specified period, use or deal with or authorize the use of, or dealing with any property specified in the Second Schedule to this Act, and used for the purposes of the business undertaking specified in the First Schedule to this Act, for such purposes and in such manner as he thinks expedient for the maintenance of the services provided by such business undertaking, and for the purposes of securing the due recognition and respect of the rights of the employees of such undertaking.

6. (1) The company owning the undertaking, the possession and control of which is taken over by the Government, for the specified period under this Act, shall be entitled to reasonable compensation in respect of such possession and control.

Compensation.

(2) Regulations may be made with respect to the assessment of the compensation referred to in subsection (1) and the mode and manner in which such compensation shall be paid, to the company owing such undertaking.

7. (1) The Minister may make regulations in respect of all matters in regard to which regulations are required or authorized to be made, or which are required to be prescribed, under this Act.

Regulations.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation is deemed under subsection (3) to be rescinded shall be published in the *Gazette*.

8. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

FIRST SCHEDULE (Section 2.)

The business undertaking carried on by the Company known as Ceylon Cold Stores Limited, having its registered office at the Elephant House, Colombo 02 for the purpose of the manufacture and sale of food, beverages and milk products.

SECOND SCHEDULE (Section 4.)

All immovable property including land and buildings which on the day preceding the date of commencement of this Act was used for the purposes of the business undertaking specified in the First Schedule to this Act, all plant, machinery, equipment and fixtures, which on that day were used for the purposes of that business undertaking and all movable property, including vehicles, which on that day was used for the purpose of that business undertaking.