

**CHAPTER 213**

**RICE RESERVES**

*Onlinante* AN ORDINANCE TO MAKE PROVISION FOR THE MAINTENANCE OF RESERVE STOCKS  
 No. 52 of 1941. QF- RÆ BY DEALERS, ESTATES, EMPLOYERS OF LABOUR AND GOVERNMENT CONTRACTORS, AND FOR SUCH PURPOSE TO SUPPLEMENT THE PROVISIONS OF THE ESSENTIAL COMMODITIES RESERVES ORDINANCE, NO. 5 of 1939\*, AND FOR OTHER MATTERS CONNECTED WITH OR INCIDENTAL TO THE PURPOSES AFORESAID.

[12th December. 1941.]

Short title and operation.

1. This Ordinance may be cited as the Rice Reserves Ordinance, and shall be in operation in every such area (hereinafter referred to as a "proclaimed area") as may for the time being be specified by the Minister by Order published in the Gazette to be an area in which the provisions of this Ordinance shall apply.+

applies), who supplies rice or is under any contract or obligation to supply rice whether cooked or uncooked, at any place or premises in a proclaimed area to persons employed by him, and who, for the purposes of such supply, uses on an average each month a quantity of rice equal to or greater than ten bushels;

Application of Ordinance m establishments, estates employers and contractors.

2. For the purposes of this Ordinance—

"establishment to which this Ordinance applies" means any establishment, situated in a proclaimed area, at which the average amount of rice used or consumed each month for the supply of meals is equal to or greater than ten bushels ;

"contractor to whom this Ordinance applies" means any person who, at any time after the provisions of this Ordinance come into operation in a proclaimed area, enters into a contract for the supply and delivery, in that area, of rice, whether cooked or uncooked, to any hospital or establishment maintained by the Government, or to any State prison or to any of the armed forces.

"estate to which this Ordinance applies" means any land, situated in a proclaimed area, of which ten or more acres are actually cultivated and on which not less than forty persons are usually resident, whether or not such persons are actually employed on the land in any capacity, and includes an estate as defined in section 3 of the Estate Labour (Indian) Ordinance;

"employer to whom this Ordinance applies" means an employer, (not being the manager of an establishment to which this Ordinance applies or the proprietor of an estate to which this Ordinance

3. (1) Upon the publication in the Gazette of an Order under section 1 in respect of any area, the Controller shall, by notice published in accordance with the provisions of subsection (2), specify, in relation to that area, a date on or before which returns shall be made under section 4(1) or section 5 (1), as the case may be, by managers of establishments, employers, contractors, and proprietors of estates ; and for the purposes of the application of any of the provisions of section 4 or section 5 in the case of that area, any reference in any

Meaning of "prescribed date"

\* See List of Enactments omitted from the Revised Edition,  
 t Made applicable to the whole of Ceylon. Gazette No. 8,833 of 19th December. 1941.

such provision to "the prescribed date" shall be deemed to be a reference to the date so specified by the Controller.

(2) Every notice under subsection (1) shall be published in the Gazette and in at least one Sinhala, one Tamil and one English newspaper.

Duly of managers, employers, &c to furnish returns.

4. (1) On or before the prescribed date—

- (a) the manager of every establishment to which this Ordinance applies;
- (h) every employer to whom this Ordinance applies, and
- (c) every contractor to whom this Ordinance applies,

shall furnish to the Government Agent a return containing such particulars as the Government Agent may require for the purposes of this Ordinance.

(2) Every person who, on any date subsequent to the prescribed date, becomes the manager of an establishment to which this Ordinance applies or an employer to whom this Ordinance applies or a contractor to whom this Ordinance applies, shall, within ten days of that date, furnish to the Government Agent a return containing such particulars as the Government Agent may require for the purposes of this Ordinance.

(3) Every return under subsection (1) or subsection (2) shall be made on such form as may be provided by the Government Agent for the purpose.

Duty of proprietors of estates to furnish returns.

5. (1) On or before the prescribed date, the proprietor of every estate to which this Ordinance applies shall furnish to the Controller or to such other officer of Government as may be specified by the Controller by notification published in the Gazette, a return containing such particulars as the Controller may require for the purposes of this Ordinance.

(2) Every person who, on any date subsequent to the prescribed date, becomes the proprietor of an estate to which this Ordinance applies, shall, within ten days of that date, furnish to the Controller or to such other officer as may have been specified by notification under subsection (1) a return containing such particulars as the Controller may require for the purposes of this Ordinance.

(3) Every return under subsection (1) or subsection (2) shall be made on such form as

may be provided by the Controller for the purpose.

6. (1) The Government Agent may, by notice, require any employer, or the manager of any establishment, or any person who in his opinion is a contractor to whom this Ordinance applies, to furnish to him in such form as he may provide and before such date as he may specify, such particulars as he may require for the purposes of this Ordinance; and upon receipt of any such notice, it shall be the duty of the person to whom the form is sent to return such form duly completed before the date so specified.

Power to require particulars to be furnished.

(2) The Controller, or any officer specified in a notification under section 5 (1), may, by notice, require the proprietor of any estate to furnish to him, in such form as he may provide and before such date as he may specify, such particulars as he may require for the purposes of this Ordinance; and upon receipt of any such notice, it shall be the duty of the person to whom the form is sent to return such form duly completed to the Controller or to such officer before the date so specified.

7. (1) Subject to the provisions of subsection (4), no person shall, on or after such date as the Minister may fix in respect of any proclaimed area by notification published in the Gazette, carry on business as a dealer in rice in that proclaimed area, unless he has been registered as a dealer under this Ordinance.

Registration of dealers.

(2) Every application for the registration of a person as a dealer in rice shall be made to the Government Agent in such form as the Government Agent may provide for the purpose.

(3) The Government Agent shall, upon the registration of any person as a dealer in rice, issue to that person a certificate authorizing him to carry on the business of a dealer.

(4) The Minister may, in any notification under subsection (1), or by subsequent notification, declare that no registration under subsection (1) shall be required in the case of persons carrying on business as dealers in any such part of a proclaimed area as may be specified in the notification; and nothing in the preceding provisions of this section or in section 8 shall apply in the case of any person by reason only of the fact that he carries on business as a dealer in any such specified part of a proclaimed area.

(5) The Government Agent may, by notice, require any dealer to furnish to him in such

form as he may provide and before such date as he may specify, such particulars as he may require for the purposes of this Ordinance, and upon receipt of any such notice, it shall be the duty of the person to whom the form is sent to return such form duly completed on or before the date so specified.

Orders requiring reserves to be kept.

**8.** (1) Subject to the provisions of section 10, the Government Agent may, by order served on any person who—

- (a) is a registered dealer;
- (b) is the manager of an establishment to which this Ordinance applies ;
- (c) is an employer to whom this Ordinance applies; or
- (d) is a contractor to whom this Ordinance applies,

direct that person to keep reserves of rice during such periods, in such quantities, and at such place or places, as may be specified in the order.

(2) An order under subsection (1) requiring a registered dealer to keep reserves of rice may be made by entry in, or endorsement upon, the certificate issued to that dealer under section 7.

(3) The Controller, or any officer specified in any notification under section 5 (1), may, by order served on any person who is the proprietor of an estate to which this Ordinance applies, direct that person to keep reserves of rice during such periods, in such quantities and at such place or places as may be specified in the order.

(4) Upon the service on any person of any order made under the preceding provisions of this section, that person shall keep reserves of rice in accordance with the directions contained in the order.

Alteration and rescission of orders.

**9.** Any order made under section 8 may at any time be altered, varied or rescinded by the authority by whom such order was made.

Power of Controller to grant exemptions in the case of importers of rice.

**10.** Where the Controller is satisfied that a registered dealer is for the time being registered as an importer of rice under the Essential Commodities Reserves Ordinance,

No. 5 of 1939\*, the Controller may, in his discretion and to such extent as he may deem expedient, exempt that dealer from the operation of section 8 of 'this Ordinance; and, in any such case, the powers conferred by section 8 on the Government Agent shall be exercised subject to any exemption which may have been granted by the Controller under this section.

**11.** (1) Where the Government Agent is satisfied that any registered dealer has contravened any provision of this Ordinance or of any regulation, the Government Agent may, by order, cancel the registration and the certificate of that dealer. An appeal shall lie to the Minister against any order of cancellation made under this section; and the decision of the Minister upon any such appeal shall be final.

Cancellation of registration of dealer.

(2) Where any person who has been registered as a dealer under this Ordinance proposes to discontinue his business as a dealer in rice, he may make application to the Government Agent for the cancellation of his registration as a dealer; and the Government Agent may, upon surrender to him of the certificate of registration issued to that person under section 7, cancel the registration of that person as a dealer in rice and alter, vary or rescind any order which may have been made under section 8 requiring that person to keep reserves of rice.

**12.** Regulations may be made exempting persons who are required under this Ordinance to keep reserves of rice or any specified class or description of such persons, from the operation of any provision of any other written law relating to the storage of rice and to the places at which and the manner in which rice shall be stored ; and my such regulation shall have effect notwithstanding anything to the contrary in such other written law.

Spccial regulations as to storage, &c.

**13.** The Controller, or any Government Agent, or any authorized officer may at any reasonable time during the day enter any granary, warehouse, shop, store or other premises in which rice is kept, or in which reserves of rice are kept or required under this Ordinance U be kept, and may make such examination of the stocks of rice and

Powers of entry and examination.

\* See List of Enactments omitted from the Revised Edition.

of the books and registers kept or maintained therein, as he may deem necessary for the purposes of this Ordinance or for the purpose of verifying any particulars furnished under this Ordinance.

In this section, "examination" includes the weighing and measuring of rice.

Books, registers, &c.

14. The Controller may, by notification published in the Gazette, direct that all or any of the persons who are required by order under this Ordinance to keep reserves of rice shall maintain such books or registers as may be specified in the notification. Every such book or register shall be made available for inspection at any time by the Controller, or by a Government Agent or by a peace officer, or by any authorized officer.

Verification of returns and applications.

15. Every return and every application made under or for the purposes of this Ordinance shall be verified by a declaration signed by the person making the return or application, as the case may be, to the effect that the statements and particulars contained therein are true and accurate. Every such declaration shall be free of stamp duty.

Special provisions as to signatures on orders, notices, &c.

16. A facsimile of the signature of any officer of Government, if printed upon any order, notice or other document made or issued for the purposes of this Ordinance, or if affixed to any such notice, order or document by means of a rubber stamp or otherwise, shall, for the purposes of the application of the provisions of section 57 (7) of the Evidence Ordinance and for all other purposes, be deemed, until the contrary is proved, to be the signature of that officer.

Ordinance to be administered under general directions of the Controller.

17. The Government Agent shall, in the exercise of his powers, the performance of his duties and the discharge of his functions under this Ordinance, be subject to the general direction and control of the Controller; and without prejudice to the preceding provisions of this section the Government Agent shall, in determining whether an order should be issued under section 7 in respect of any person, in specifying the amount of any reserve to be kept by any person, and in deciding whether any order should be altered, varied or

rescinded under this Ordinance, have regard and give effect to all such instructions as may be issued to him in that behalf by the Controller.

18. (1) Any person who—

Offences and penalties.

- (a) acts in contravention of any provision of this Ordinance; or
- (b) fails to comply with any order or requirement made under this Ordinance or with any directions given thereunder; or
- (c) fails or refuses duly to furnish any return or particulars required to be furnished by him under this Ordinance; or
- (d) makes in any return or other document furnished under this Ordinance any statement which is untrue or incorrect,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding three months, or to both such fine and imprisonment.

(2) The court which convicts any registered dealer of any offence under this Ordinance may, in addition to any other punishment which it may impose for that offence, make order cancelling the registration of that dealer and the certificate issued to him under this Ordinance.

19. (1) Notwithstanding anything in the Code of Criminal Procedure Act—

Power to sanction prosecutions and to compound offences.

- (a) no prosecution shall be instituted against any person for any offence except by the Government Agent or with his written sanction;
- (b) where the Government Agent has reasonable grounds for believing that any person has committed an offence, he may, if he thinks fit, compound such offence instead of instituting a prosecution against that person for that offence;

(c) where a prosecution has been instituted against any person for any offence, the Government Agent may, at any time before the Magistrate has recorded his verdict, compound that offence and withdraw the prosecution.

(2) Where an offence is compounded under subsection (1) the Government Agent may accept from the offender such sum of money as the Government Agent may deem appropriate for the composition of that offence ; and any sum so accepted shall be credited to the Consolidated Fund.

(3) For the purpose of the application of the preceding provisions of this section in the case of any offence committed or alleged to have been committed by the proprietor of an estate, every reference in those provisions to the Government Agent shall be deemed to be a reference to the Controller,

(4) Save as provided in subsections (1), (2) and (3), the provisions of the Code of Criminal Procedure Act shall apply in respect of any offence or the prosecution of any person therefor.

(5) In this section, " offence " means an offence under this Ordinance.

Authorized officers.

**20.** The Controller may, by notification published in the Gazette, appoint any person, by name or by office, to be an authorized officer for the purposes of this Ordinance.

Regulations.

**21.** (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters :—

(a) appeals to the Minister under this Ordinance, the time within which such appeals must be preferred;

(b) the matters referred to in section 12 ;

(c) the service of notices and orders under this Ordinance;

(d) the issue of duplicates of certificates of registration.

(3) No regulation shall have effect unless it is approved by Parliament. Notification of such approval shall be published in the Gazette.

(4) Every regulation shall, on the publication of the approval of that regulation under subsection (3), be as valid and effectual as if it were herein enacted.

**22.** In this Ordinance, unless the context otherwise requires— Interpretation.

" armed forces " means the Sri Lanka Army, Sri Lanka Navy and the Sri Lanka Air Force;

" authorized officer " means any person appointed to be an authorized officer under section 20;

" Controller " means the person for the time being holding the office of Food Controller under the Food Control Act, and includes the person for the time being holding the office of Deputy Food Controller under that Act;

" dealer " means a person who, by way of trade, carries on any business (whether wholesale or retail) of selling uncooked rice, and includes any person who so carries on any such business together, with any other business;

" establishment " includes any institution, school, private hospital, club, hotel, resthouse, boarding house, restaurant or eating house at or from which meals are supplied;

" estate " means any land under cultivation;

" Government Agent " includes an Assistant Government Agent;

"manager", in relation to an establishment, means the proprietor of the establishment, and includes the person for the time being in charge of the establishment;

"proprietor", in relation to an estate, includes the superintendent or other person for the time being in charge of that estate ;

"regulation" means a regulation made under this Ordinance.

**23** The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of the Food Control Act or the Essential Commodities Reserves Ordinance, No. 5 of 1939\*.

• Sec List of Enactment!) omitted from the Revi-ied F.diliun.