

CHAPTER 343

SALT

Ordinances AN ORDINANCE TO REGULATE THE MANUFACTURE, COLLECTION, REMOVAL, AND
 Nos. 6 of 1890, SALE OF SALT AND TO PROTECT THE REVENUE DERIVED THEREFROM.
 4 of 1941,
 25 of 1943,
Acts
 Nos. 22 of 1955,
 31 of 1964.

[14th May. 1890.]

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| Short title. | 1. This Ordinance may be cited as the Salt Ordinance. | 5. (1) The Commissioner may from time to time grant licences authorizing the possession or sale by retail, in any district mentioned in the Schedule, of salt purchased from a Government store in that district. | Commissioner may grant licences for possession or retail of salt. |
| Appointment of officers. | 2. (1) There may be appointed—

(a) any person by name or by office, to be, or to act as Salt Commissioner;

(b) such other officers and servants as may be necessary for the purposes of this Ordinance.

(2) Any power conferred by this Ordinance on the Commissioner may be exercised by any officer authorized in writing for the purpose by the Commissioner. | (2) The licence to be granted to any person for the possession of salt shall define the purposes for which the salt is required, the quantity allowed to be possessed, the Government store from which the salt has been or is to be purchased, and the period during which it is to be in force :

Provided that such period shall in no case exceed one year from the date of such licence. | |
| Collection and manufacture of salt. | 3. It shall not be lawful for any person to collect or attempt to collect salt naturally formed, or to manufacture or attempt to manufacture salt by any process whatsoever, except on account of Government and under the authority of a licence granted by the Commissioner. | 6. Persons licensed to sell salt by retail may grant licences in their respective districts for the possession of salt purchased from themselves in quantities not exceeding fifty-six pounds, and for a period not exceeding fourteen days. | Retailers may grant licences. |
| Possession of salt in districts enumerated in Schedule. | 4. It shall not be lawful for any person, unless duly authorized by licence as hereinafter provided, to possess salt in any greater quantity than three quarts in the districts enumerated in the Schedule: | 7. It shall not be lawful for any person to bury or conceal in any quantity whatever any salt illegally collected, manufactured or possessed, or which shall not be satisfactorily accounted for; and the occupier of any house or premises in which shall be found any salt, or any earth or sand or water impregnated with salt, which he is unable satisfactorily to account for, shall be guilty of an offence, and be liable to such punishment as is provided for by section 17. | Concealment of salt. |
| Restrictions as to quality. | Provided that the possession of any salt whatever in the said districts enumerated in the Schedule, of a description different from that issued from the Government stores for sale within the limits of the village, district, or province in which such salt shall be found, shall be unlawful, unless the person possessing the same shall duly account for the difference. | 8. If any person shall be found in the immediate vicinity of any salt pan or salt <i>lewaya</i> under suspicious circumstances, it | Persons found in the vicinity of a salt pan. |

shall be lawful for any person to bring him before the Magistrate's Court, which shall thereupon investigate the matter of suspicion alleged against him, and if he shall fail to give a satisfactory account of himself, and there shall, in the opinion of the court, be reasonable ground to believe that he was in the immediate vicinity of such salt pan or *lewaya* with intent to collect or remove salt there formed, collected, or deposited, the court shall require him to give such security for his good conduct as it shall deem fit, and in default of such security shall sentence him to imprisonment, simple or rigorous, for a period not exceeding six months.

Protection of salterns, &c.

9. (1) The Minister may make such regulations as may appear to him to be necessary for the purpose of protecting any saltern or salt *lewaya* or any bund or channel maintained in connexion with any saltern or salt *lewaya*.

(2) Without prejudice to the generality of the powers conferred by subsection (1), any regulation made thereunder may—

- (a) define any area immediately adjoining any saltern or salt *lewaya* and declare that area to be a protected area for the purposes of this Ordinance;
- (b) prohibit or regulate the entry of persons into any saltern, salt *lewaya* or area so protected ; and
- (c) provide that any person who does any act in contravention of any provision of any such regulation or fails to comply with any provision of any such regulation shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rupees.

(3) No regulation made under subsection (1) shall have effect until it has been approved by Parliament, nor until notification of such approval has been published in the Gazette.

(4) Every regulation made under subsection (1) shall, upon the publication of a notification of the approval of that regulation as provided for in subsection (3), be as valid and effectual as if it were herein enacted.

10. It shall not be lawful for any person in any district other than those enumerated in the Schedule to possess, sell, dispose of, or remove any salt whatever, unless such salt be of the same kind and description as the salt manufactured or collected in some part or parts of Sri Lanka on account of Government.

Possession, removal, or sale of salt other than salt collected or manufactured by Government illegal.

11. (1) It shall not be lawful for any person to remove salt in any quantity exceeding seven pounds at any one time from any district mentioned in the Schedule except under the authority of a permit issued by the Commissioner or by a licensed retail dealer.

Removal of salt.

(2) Every such permit shall specify the name of the person to whom it is issued, the quantity of salt authorized to be removed thereunder, and the place from which, the destination to which, the manner in which, and the date before which, such salt is to be removed. The date specified in any such permit shall not, in the case of a permit issued by the Commissioner, be later than three months, or, in the case of a permit issued by a licensed retailer, be later than fourteen days, after the date on which the permit is issued.

12. It shall not be lawful for any person to import any salt into Sri Lanka or to export any salt from Sri Lanka except under the authority of a permit issued by the Commissioner, and except in accordance with such conditions as may be set out in such permit:

Importation and exportation of salt.

Provided, however, that in the case of any salt which is shipped as stores on board any vessel or aircraft, the permit required by the preceding provisions of this section may be issued by any Collector of Customs.

13. It shall be unlawful for any person to sell salt within the districts enumerated in the Schedule in any quantity whatsoever, except on account or by licence of the Commissioner.

Sale.

14. Every licensed retail dealer shall affix in front of his shop, stall, or place of retail sale a board having printed or legibly written thereon the name of the licensed retail dealer and the words " licensed to sell

Retailer to affix notice to place of sale.

salt", together with the price fixed under section 16, in the Sinhala, Tamil and English languages, and shall not sell any salt by retail without having such board affixed, or in any place other than that at which he is licensed to sell.

Sale of adulterated salt illegal.

15. (1) Save as otherwise provided in subsection (2), it shall be unlawful for any storekeeper or other person selling salt on behalf of Government, or any licensed retail dealer of salt, to possess or sell adulterated salt.

(2) Nothing in subsection (1) shall be deemed to prohibit the possession or sale of denatured salt by any storekeeper or other person selling salt on behalf of the Government.

In this subsection, "denatured salt" means salt which has been deliberately rendered unfit for human consumption by admixture with petroleum or kerosene, and with soot, charcoal powder or any other conspicuous unpalatable substance.

Salt to be sold by weight.

16. (1) Every storekeeper or other person selling salt on behalf of Government, and every licensed retailer of salt, shall be bound to sell and deliver salt at such price as may be fixed from time to time by the Minister with the concurrence of the Minister in charge of the subject of Finance.

[§2.31 of 1964.]

(2) It shall not be lawful for any person to sell any salt otherwise than by weight.

Penalty for breaches of Ordinance.

17. Any person who shall collect or manufacture, or attempt to collect or manufacture, or possess, or sell, or dispose of, or remove, or land, or ship salt in any way contrary to the provisions of this Ordinance, or otherwise than in accordance with the licence or permit on that behalf granted under this Ordinance, or who shall possess or sell adulterated salt, or bury or conceal any salt illegally collected, manufactured, or possessed; and the occupier of any house or premises in which shall be found any salt, or any earth or sand or water impregnated with salt which he is unable satisfactorily to account for; and any master or person in charge of any vessel or aircraft who shall land or ship salt from or on board the vessel or aircraft in

contravention of the provisions of section 12; and any person who shall abet any other person in the commission of any of the aforesaid acts, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to imprisonment, rigorous or simple, for any period not exceeding twelve months.

18. And all salt in respect of which any offence shall be committed, and all vessels containing the same, or in which such salt shall be unlawfully collected, manufactured, possessed, removed, sold, or conveyed, together with any horse, bullock, or any other beast employed in the carriage or conveyance of such salt, and any machinery employed in the unlawful manufacture of salt, shall be confiscated.

Confiscation of property.

19. (1) Any offence against this Ordinance may be inquired into, tried, and determined by the Magistrate's Court of the division in which the offence was committed wholly or in part, and such court shall have jurisdiction to award the maximum punishment prescribed therefor, and to declare and adjudge any salt, vessel, machinery, or thing liable to be confiscated under section 18 of this Ordinance, forfeited, and to condemn the same, whatever may be the amount or value thereof, anything in the Code of Criminal Procedure Act to the contrary notwithstanding.

Magistrate's Court to have jurisdiction.

(2) The Magistrate's Court imposing a fine under this Ordinance may award to an informer any portion, not exceeding a moiety, thereof which may be actually recovered.

Informer's share.

20. It shall be lawful for any police officer or grama seva niladhari or for any officer of the Salt Department of a rank not below that of Sub-Inspector or any excise officer of a rank not below that of Inspector to arrest any person whom he finds committing or attempting to commit any offence under this Ordinance, and to seize any salt or other thing declared by this Ordinance to be liable to be confiscated, and to produce the same forthwith before the Magistrate's Court.

Arrest and seizure.

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Search or seizure without warrant.

21. In all cases requiring any search or seizure to be made without the delay which would be incurred by an application to the Magistrate's Court, any police officer or grama seva niladhari or any officer of the Salt Department of a rank not below that of Sub-Inspector or any excise officer of a rank not below that of Inspector may, on information laid before him showing just grounds of suspicion, and that the object of search would probably be defeated by the delay of applying to the Magistrate, make such search or seizure without warrant;

Provided always that such search or seizure, if in a dwelling house, shall be made or commenced between sunrise and sunset only, and that in such and all other cases of search or seizure the police officer, grama seva niladhari or other officer shall report his proceedings and the result of his search or seizure to the nearest Magistrate without unnecessary delay, and any police officer, grama seva niladhari or other officer failing to make such report shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees ; and if any police officer, grama seva niladhari or other officer shall have wantonly, maliciously, or corruptly exercised any power or authority hereby vested in him, he shall, besides his liability in damages to the party injured, suffer such punishment as the court shall on conviction award.

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22. It shall be lawful for the Minister from time to time, by Order to be published in the Gazette, to exempt any part or parts of Sri Lanka from all or any of the restrictions to which the same are subject under this Ordinance in regard to the sale, possession, removal, or manufacture of salt, and any such Order to amend, alter, suspend, or revoke by any subsequent Order to be issued and published in like manner.

23. Nothing in this Ordinance contained shall apply to any salt which is imported into Sri Lanka, and on which customs duty shall have been duly paid.

24. In this Ordinance, unless the context otherwise requires—

" abet " has the same meaning as in the Penal Code;

" adulterated" means mixed, whether mechanically or otherwise, with any substance not forming part of the composition of the salt when issued from the Government store ,

" Commissioner " means the Salt Commissioner, appointed under section 2,

" vessel" means anything employed to contain salt or for the carriage or conveyance of salt, whether by land or water.

Minister empowered to exempt any parts of Sri Lanka from the restrictions of the Ordinance.

Ordinance not to apply to imported salt.

Interpretation.

[Sections 4, 10 and 13.]

SCHEDULE

The judicial district of Chilaw north of the Deduru-oya.

The judicial district of Puttalam.

The judicial district of Mannar.

The judicial district of Jaffna.

The judicial district of Vavuniya, exclusive of Karunavalpattu south and Melpattu north.

The judicial district of Trincomalee.

The Judicial district of Batticaloa.

The judicial district of Tangalla, exclusive of Walasmulla upper and iower, Wewagampalata, Paranagampalata and all such parts of that judicial district as are not within the administrative district of Hambantota.