

PARLIAMENT OF CEYLON

1st Session 1970-71



Requisitioning of Motor Vehicles and Agricultural Equipment Act, No. 4 of 1971

Date of Assent : January 21, 1971

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

*Requisitioning of Motor Vehicles and
Agricultural Equipment Act, No. 4 of 1971*

L. D.—O. 28/70.

AN ACT TO REQUISITION MOTOR VEHICLES, AGRICULTURAL PLANTS, MACHINERY AND EQUIPMENT FOR TEMPORARY USE BY THE GOVERNMENT FOR CERTAIN PURPOSES, FOR THE PAYMENT OF COMPENSATION THEREFOR AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: January 21, 1971]

BE it 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 Requisitioning of Motor Vehicles and Agricultural Equipment Act, No. 4 of 1971.

Short title.

2. (1) Where the competent authority is satisfied that any motor vehicle, agricultural plant, machinery or equipment (hereinafter referred to as "equipment"), is required for the purpose of or in connection with any scheme for the importation, storage, purchase, sale, supply, distribution, transport or cultivation of any agricultural product, he may, by notice (hereinafter referred to as "requisitioning notice"), served on the owner or person in whose possession or custody such equipment is, requisition such equipment for the temporary use of the Government.

Requisitioning of equipment for temporary use by Government.

(2) Where a requisitioning notice has been served under sub-section (1) on any person, it shall be lawful for any officer authorized by the competent authority (hereinafter referred to as an "authorized officer") to take possession of the equipment to which the notice relates on behalf of the competent authority.

(3) The authorized officer may give to the owner or person in whose possession or custody such equipment is, such written directions as appear to him to be necessary or expedient in connection with the taking possession of such equipment; and such owner or person shall comply with all such written directions.

(4) Any police officer, if requested by an authorized officer to do so, shall take such steps and use such force as may be necessary for securing compliance with any direction given under sub-section (3).

2 *Requisitioning of Motor Vehicles and
Agricultural Equipment Act, No. 4 of 1971*

Period of
temporary use
of equipment
not to exceed
thirty days
in a year.

3. The period during which any equipment requisitioned under section 2 for temporary use by the Government shall not exceed thirty days in each calendar year.

Prevention of
or
obstruction
to taking
possession of
equipment.

4. (1) Every person who—

(a) prevents, obstructs or resists; or

(b) directly or indirectly causes anyone to prevent, obstruct or resist,
any person from or in taking possession of any equipment under this Act; or

(c) fails to comply with any written direction given under section 2,

shall be guilty of an offence under this Act.

(2) Any person guilty of an offence under subsection (1) shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding two years or to a fine not exceeding two thousand rupees or to both such imprisonment and fine; and the Magistrate may, where such offence is committed by the owner of an equipment or his agent or servant, order the forfeiture of such equipment, in respect of which the offence is committed, to the Crown.

(3) Where any offence under this Act is committed by a body of persons, then—

(a) if that body is a body corporate, every director of that body corporate shall be deemed to be guilty of that offence; or

(b) if that body is a firm, every partner of that firm shall be deemed to be guilty of that offence:

Provided, however, that no such director or partner shall be deemed to be guilty of an offence under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

Claims to the
compensation
payable under
this Act.

5. Where any equipment is requisitioned under the provisions of this Act, the owner of such equipment at the time of such requisition, may, within one month after the lapse of thirty days from the date of

such requisition, make a written claim to the compensation payable in respect of such equipment and specify in his claim—

- (a) his name and address;
- (b) the nature of his interest;
- (c) the period in respect of which the claim is made;
and
- (d) the amount claimed by him.

6. (1) Upon the receipt of any claim made under section 5 to the compensation payable under this Act, the competent authority shall make a determination as soon as may be convenient as to the amount payable in respect of such claim and shall give written notice of such determination made by him.

Determination
of compen-
sation in
respect of
claim.

(2) The determination under sub-section (1) as to the amount of compensation payable shall be made having regard to the rate of hire payable by the Government in respect of such equipment in the district and the period for which such equipment has been requisitioned.

(3) The determination of the competent authority, subject to any appeal under section 7, shall be final and conclusive and shall not be questioned in any court of law.

7. (1) Any person aggrieved by the decision of the competent authority on a determination made by him on a claim to compensation under this Act may within fourteen days of the receipt of the notice of determination under section 6 appeal to the Permanent Secretary from such determination.

Appeal from a
determination
of
compensation
under section
6.

(2) The decision of the Permanent Secretary on such appeal shall be final and conclusive and shall not be questioned in any court of law.

8. (1) The compensation payable under this Act shall be paid to the person who at the time of the requisitioning of the equipment was the owner of such equipment.

Payment of
compensation.

(2) Where, on the date of the requisitioning of the equipment, a person, other than the owner of such equipment, was by virtue of a subsisting contract entitled to possession and use of such equipment, the owner to whom compensation is paid shall be deemed to receive it as a trustee for such other person.

4 *Requisitioning of Motor Vehicles and
Agricultural Equipment Act, No. 4 of 1971*

Manner in
which notice
or
direction may
be served on
persons.

9. Any notice or direction to be given to any person under any provision of this Act shall be deemed to be given to him, if such notice or direction is sent to him by registered letter through the post.

Interpretation.

10. In this Act—

“ agricultural plant, machinery or equipment ”
includes tractors, bulldozers or any other
contraptions used for the purpose of or in
connection with the clearing and cultivation
of land;

Cap. 161.

“ agricultural product ” has the same meaning as
in the Agricultural Products (Regulation)
Ordinance;

“ competent authority ” means the Government
Agent, and includes an Assistant Govern-
ment Agent, of an administrative district;

Cap. 201.

“ motor vehicle ” has the same meaning as in the
Motor Traffic Act;

“ owner ” in relation to a motor vehicle means the
registered owner of that vehicle, and in
relation to any agricultural plant, machinery
or equipment, means the person in possession
or custody of such plant, machinery or
equipment;

“ requisitioning ”, with its grammatical variations
and cognate expressions means, in relation to
any equipment, taking possession of such
equipment or requiring the equipment to be
placed at the disposal of the competent
authority.