

PARLIAMENT OF CEYLON

4th Session 1963-64



Ceylon Constitution and Parliamentary Elections (Amendment) Act, No. 8 of 1964

Date of Assent : March 12, 1964

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*Ceylon Constitution and Parliamentary
Elections (Amendment) Act, No. 8 of 1964*

L. D.—O. 37/61.

AN ACT TO AMEND THE CEYLON (CONSTITUTION) ORDER
IN COUNCIL, 1946, AND TO MAKE CERTAIN
CONSEQUENTIAL AMENDMENTS IN THE CEYLON
(PARLIAMENTARY ELECTIONS) ORDER IN COUNCIL,
1946.

[Date of Assent: March 12, 1964]

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 Ceylon Constitu-
tion and Parliamentary Elections (Amendment) Act,
No. 8 of 1964.

Short title.

2. Section 3 of the Ceylon (Constitution) Order in
Council, 1946, hereinafter referred to as the
“principal enactment”, is hereby amended in the
definition of the term “public officer”, by the
insertion, immediately after paragraph (h) of that
definition, of the following new paragraph:—

Amendment of
section 3 of
Chapter 379.

“ (hh) the Commissioner of Parliamentary
Elections,”.

3. Section 13 of the principal enactment is hereby
amended in sub-section (3) of that section, by the
substitution, in paragraph (b) of that sub-section, for
the expression “ Auditor-General; or ”, of the expres-
sion “ Auditor-General or the Commissioner of
Parliamentary Elections; or ”.

Amendment of
section 13 of
the principal
enactment.

4. Section 67 of the principal enactment is hereby
amended as follows:—

Amendment of
section 67 of
the principal
enactment.

(1) in sub-section (1) of that section, by the
substitution, for the expression “ in sub-
section (3) ”, of the expression “ in
sub-sections (3) and (4) ”; and

(2) by the insertion, immediately after sub-
section (3) of that section, of the following
new sub-section:—

“ (4) Where the Governor-General dis-
solves Parliament and fixes a date or dates
for a general election, the Governor-
General may, unless Parliament has

already made provision in that behalf, authorize the issue from the Consolidated Fund and the expenditure of such sums as he may, after consultation with the Commissioner of Parliamentary Elections, consider necessary for such election.”.

Insertion of new Part VIIIA in the principal enactment.

5. The following new Part is hereby inserted immediately after Part VIII, and shall have effect as Part VIIIA, of the principal enactment:—

“ PART VIIIA.

COMMISSIONER OF PARLIAMENTARY ELECTIONS AND FINANCIAL PROVISION FOR PREPARING AND REVISING REGISTERS AND HOLDING ELECTIONS.

Commissioner of Parliamentary Elections.

71A. There shall be a Commissioner of Parliamentary Elections who shall be appointed by the Governor-General and who shall hold office during good behaviour.

Salary of the Commissioner of Parliamentary Elections.

71B. The salary of the Commissioner of Parliamentary Elections shall be determined by Parliament, shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

Vacation of office by Commissioner of Parliamentary Elections.

71c. The office of the Commissioner of Parliamentary Elections shall become vacant—

- (a) by his death; or
- (b) by his attaining the age of fifty-five years or such higher age as the Governor-General may determine; or
- (c) by his resignation in writing addressed to the Governor-General; or
- (d) by his removal by the Governor-General on account of ill health or physical or mental infirmity in like circumstances and subject to the

same conditions as a public officer in receipt of similar pensionable emoluments; or

- (e) by his removal by the Governor-General upon an address from the Senate and the House of Representatives praying for his removal.

Powers, duties and functions of the Commissioner of Parliamentary Elections.

71D. The Commissioner of Parliamentary Elections shall exercise, perform or discharge all such powers, duties or functions as may be conferred or imposed on, or vested in, him by the Ceylon (Parliamentary Elections) Order in Council, 1946, or any other written law."

6. The Ceylon (Parliamentary Elections) Order in Council, 1946, is hereby amended as follows:—

Amendment of the Ceylon (Parliamentary Elections) Order in Council, 1946.

- (a) in sub-section (1) of section 3 of that Order in Council, by the substitution, for the definition of the term "Commissioner", of the following new definition:—

" "Commissioner" means the Commissioner of Parliamentary Elections appointed under the Ceylon (Constitution) Order in Council, 1946;"; and

- (b) by the repeal of sub-sections (1), (3) and (4) of section 88 of that Order in Council.

7. The following provisions shall apply in the case of the person who was the holder of the office of Commissioner of Parliamentary Elections on the day immediately prior to the date of the commencement of this Act:—

Special provisions regarding person already holding the office of Commissioner of Parliamentary Elections.

- (a) he shall be deemed, for all purposes, to be the Commissioner of Parliamentary Elections appointed by the Governor-General under the principal enactment as amended by this Act; and
- (b) his salary shall be deemed, for all purposes, to have been determined by Parliament under that enactment.