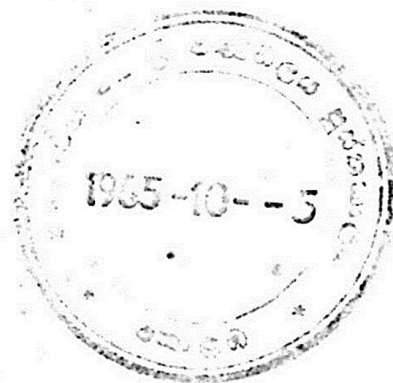


PARLIAMENT OF CEYLON

4th Session 1950



Food Control Act, No. 25 of 1950

Date of Assent : October 20, 1950

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P 276/50.

AN ACT TO MAKE PROVISION FOR THE REGULATION AND
CONTROL OF THE DISTRIBUTION, TRANSPORT AND
SUPPLY OF FOOD.

[Date of Assent: October 20, 1950.]

BE it enacted by the King'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 Food Control Act, No. 25 of 1950, and shall come into operation on the ninth day of December, 1950 (such date being hereinafter referred to as the "appointed date").

Short title
and date of
operation.

2. (1) There may be appointed, by name or by office, for the purposes of this Act, a Food Controller and such number of Deputy and Assistant Food Controllers and other officers as may be necessary.

Appointment
of officers
and servants.

(2) The act of appointment of any Deputy or Assistant Food Controller shall specify whether he is appointed as such for the whole of Ceylon or for any part thereof.

(3) There may also be appointed such clerical and minor staff as may be necessary to assist the aforesaid officers in the administration of this Act.

3. (1) Every Deputy or Assistant Food Controller shall, in the exercise of his powers, the performance of his duties or the discharge of his functions, be subject to the general direction and control of the Food Controller.

Powers and
duties of
officers.

(2) Every Deputy or Assistant Food Controller may, subject to the general direction and control of the Food Controller, within the area for which he is appointed, exercise, perform or discharge all or any of the powers, duties or functions vested in, imposed upon, or assigned to, the Food Controller by or under this Act.

4. (1) Where the Minister is satisfied that in any part of Ceylon there is or is likely to be—

Prohibition or
regulation of
transport or
removal of
food or cattle.

(a) a shortage or unreasonable increase in the production, stocks or supply of any food or article of food; or

(b) any unreasonable diminution or increase in the number of cattle available for slaughter,

the Minister may by Order published in the *Gazette*—

- (i) prohibit or regulate the transport or removal of any food, article of food or cattle to or from any place or area in Ceylon;
- (ii) regulate and control the importation into Ceylon of any food, article of food or cattle by the introduction of a system of licences or otherwise;
- (iii) provide for the allocation, distribution or withdrawal of import licences for the purpose of the regulation or control referred to in paragraph (ii);
- (iv) regulate and control the removal of any food, article of food or cattle from the Customs premises or from any warehouse or store within such premises;
- (v) assume control of any granary, warehouse or store and prohibit, control or regulate the transport thereto or removal therefrom of any food, article of food or cattle;
- (vi) provide for the allocation of supplies of food, articles of food or cattle to distributors, merchants or dealers, for the organization and administration of a system of rationing such supplies, for the transport and conveyance of such supplies and for the requisitioning of vehicles and animals for the purpose of such transport or conveyance.

(2) Every Order shall come into operation on the date of its publication in the *Gazette*, and shall, subject to the provisions of sub-sections (4) and (5) (e), continue in operation for a period of six months commencing from that date:

Provided, however, that in any case where an Order is made under sub-section (1) (v) in respect of any granary, warehouse or store, the Minister may by writing under his hand authorise the Food Controller or any Deputy Food Controller, pending the publication of the Order in the *Gazette*, to enter such granary, warehouse or store and to take such steps as may be necessary to prevent or regulate the removal therefrom of any food, article of food or cattle; and any act done by the Food Controller, or by a Deputy Food Controller or by any Assistant Food Controller, acting on behalf of the Food Controller, in pursuance of any such written authority shall be as valid and effectual as if the Order has been in operation at the time such authority was given.

(3) Every Order shall, as soon as may be after it has come into operation, be brought before the Senate and the House of Representatives for approval.

(4) Every Order which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded, but without prejudice to the validity of anything previously done or suffered to be done thereunder. The date on which an Order shall be deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve the Order, and such date shall be notified in the *Gazette*.

(5) (a) The Minister may at any time by Order published in the *Gazette* (such Order being hereinafter referred to as an "Amending Order") vary any Order previously made under sub-section (1). Every Amending Order shall come into operation on the date of its publication in the *Gazette*.

(b) An Order made under sub-section (1) which is varied by an Amending Order shall continue in operation, as so varied, for the period during which it would have been in operation if it had not been so varied, and no longer.

(c) Every Amending Order shall be brought before the Senate and the House of Representatives for approval:

Provided, however, that where an Order made under sub-section (1) is varied by one or more Amending Orders before it is approved by the Senate and the House of Representatives under sub-section (3), the Order, when it is brought before the Senate and the House of Representatives for approval under that sub-section, shall have incorporated therein all variations effected by such Amending Order or Orders, and it shall not be necessary in any such case to bring any such Amending Order separately before the Senate and the House of Representatives.

(d) The refusal of the Senate or the House of Representatives to approve any Amending Order which is brought before the Senate or the House of Representatives for approval shall be deemed to be a rescission of that Amending Order, and the Order made under sub-section (1) shall, from the date of such rescission, continue in operation as though that Amending Order had not been made.

(e) The Minister may at any time rescind any Order previously made under sub-section (1). Notification of the rescission of any such Order shall be published in the *Gazette* and such Order shall be deemed to be rescinded upon the date of such publication.

(6) Every Order shall, when approved by the Senate and the House of Representatives be as valid and effectual as if it were herein enacted.

(7) Every Notification required to be published in the *Gazette* under this section shall be published under the hand of the Minister.

(8) The provisions of any Order made under this section shall, notwithstanding that they are inconsistent with or in conflict with the provisions of any other written law, prevail over such other written law for the period during which the Order is in force.

Declaration of a substitute for food or for an article of food that has been rationed, and the application of the provisions of this Act and the regulations thereunder to such substitute.

5. Where the Minister is of opinion that it is necessary to supplement or to conserve the supply of any food or article of food (such food or article of food being hereinafter referred to as the "first-mentioned article") for the rationing of the supplies of which an Order under section 4 (1) (vi) of this Act has been made, or that it is necessary to prevent the waste of any other kind of food or article of food which he considers an adequate substitute for the first-mentioned article, he may by Order published in the *Gazette* declare such other kind of food or article of food to be a substitute for the first-mentioned article; and the provisions of this Act and the regulations made or deemed to be made thereunder relating to the first-mentioned article shall *mutatis mutandis* apply to such other kind of food or article of food.

Regulations.

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

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

- (a) any matter for which provision may be made by an Order issued under section 4;
- (b) the collection of information necessary for the purposes of this Act or for the enforcement of any Order made thereunder, and the marking of premises with letters and marks for the purpose of facilitating the collection of such information;
- (c) the returns to be made for the purposes of this Act, the forms of such returns and the manner of the authentication thereof;

- (d) the inspection and search of any land or premises for the purposes of this Act;
- (e) the stoppage, by the erection of barriers or by the giving of orders, directions or signals, of any vehicle used or reasonably suspected to be used for the conveyance or transport of any food or article of food or cattle;
- (f) the inspection and search of such vehicle;
- (g) the surrender of any books, coupons or other documents issued for the purposes of this Act;
- (h) the prohibition of the issue of any railway, steamship or aircraft ticket without the surrender of such books, coupons or other documents;
- (i) the compulsory purchase, seizure, sequestration and disposal of any food or article of food or cattle;
- (j) the disposal of any food or article of food or cattle forfeited under this Act;
- (k) the manner of serving notices required to be issued for the purposes of this Act;
- (l) the obligations and duties of distributors, merchants or dealers participating in any system of rationing and the payment by them of compensation for deficiencies of stock in their charge; and
- (m) any other matters connected with, or incidental to, any of the matters hereinbefore mentioned.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation upon such publication.

(4) Every regulation made by the Minister shall be brought before the Senate and the House of Representatives within a period of one month from the date of the publication of that regulation under sub-section (3), or, if no meeting is held within that period, at the first meeting after the expiry of that period, by a motion that such regulation shall be approved.

(5) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which such regulation shall so be deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve the regulation.

(6) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

(7) Any regulation made by the Minister shall, when approved by the Senate and the House of Representatives, be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the *Gazette*.

Application
of section 7
of the
Interpretation
Ordinance.
Cap. 2.

7. The provisions of section 7 of the Interpretation Ordinance shall apply in relation to the power to make regulations under this Act in like manner as they apply in the case of the power to make rules or issue Orders under any Ordinance or Act of Parliament.

Revocation of
authorisations
issued to
distributors,
merchants, or
dealers, &c.

8. (1) The Food Controller may, if he is satisfied that any distributor, merchant or dealer has contravened the provisions of any Order or regulation made or deemed to be made under this Act, or if he considers it expedient so to do in the interests of the public, revoke any authorisation or directions, relating to the sale or supply of any food, article of food or cattle, issued to such distributor, merchant or dealer.

(2) In any case where it would be lawful for the Food Controller in accordance with the provisions of sub-section (1) to revoke any authorisation or directions, he may, on an application made by the distributor, merchant or dealer, as the case may be, in lieu of such revocation, order such distributor, merchant or dealer to pay a penalty of an amount not exceeding five thousand rupees.

(3) The amount of any penalty shall, when paid, be credited to the Consolidated Fund.

(4) The provisions of this section shall not affect or prejudice the institution or maintenance in any case of a prosecution for any offence under this Act.

Offences and
penalties.

9. (1) Every person, appointed for the purposes of this Act, who—

(a) without sufficient cause, refuses or neglects to act as such or to use reasonable diligence and care in performing any duty imposed upon him by this Act or under any Order or regulation made or deemed to be made under the Act; or

(b) wilfully puts any offensive or improper question or knowingly falsifies any return shall be guilty of an offence.

(2) Every person, who—

- (a) refuses to answer to the best of his knowledge and belief any question asked of him by an officer appointed for the purposes of this Act which such person is required to answer under any Order or regulation made or deemed to be made under this Act, or wilfully makes a false answer thereto; or
- (b) makes, signs or delivers or causes to be made, signed or delivered, any wilfully false or incorrect return or any return containing any statement which is to his knowledge false or incorrect; or
- (c) refuses to allow an officer appointed for the purposes of this Act such reasonable access to any premises as he may be required to allow under such Order or regulation; or
- (d) before the expiry of a period of eight weeks from the date on which any mark or letter was marked on such premises under such Order or regulation, alters, obliterates or removes such mark or letter,

shall be guilty of an offence.

(3) Every person who acts in contravention of any Order or regulation made or deemed to be made under this Act shall be guilty of an offence.

(4) Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment; and the Magistrate may order the forfeiture of any food, article of food or cattle, in respect of which the offence was committed.

(5) Where any person who is employed by any other person (such other person being hereinafter referred to as the "employer") to sell any food, article of food or cattle in the course of any business carried on by the employer at any premises, is by reason of anything done or omitted to be done at those premises, convicted of the offence of contravening any provision of any Order or regulation made or deemed to be made under this Act, then the employer or where the employer is out of Ceylon, the person for the time being acting as manager or having control of the business, shall also be guilty of that offence, unless he proves to the satisfaction of the Court that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(6) In the case of any offence under this Act committed by a body of persons—

(a) where the body of persons is a body corporate, every director and officer of that body corporate shall be deemed to be guilty of that offence; and

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

Provided that no such person 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 the offence.

Cap. 16.

(7) Notwithstanding anything to the contrary in the First Schedule to the Criminal Procedure Code, every offence under this Act shall be a cognizable offence within the meaning of that Code.

Cap. 16.

(8) The Food Controller and every Deputy and Assistant Food Controller shall be deemed to be peace officers within the meaning of the Criminal Procedure Code for the purpose of exercising any power conferred on peace officers by that Code.

Protection of
officers.

10. No civil action or criminal prosecution shall be instituted or maintained against the Food Controller or any Deputy or Assistant Food Controller or any other officer appointed for the purposes of this Act in respect of any act *bona fide* done or omitted to be done in pursuance of any power or authority conferred or granted by or under this Act or by or under any Order or regulation made or deemed to be made thereunder.

Application
of Act.

11. (1) The provisions of this Act or of any Order or regulation made or deemed to be made thereunder shall have no application to any food or article of food or cattle kept, transported or removed by or on behalf of the Naval, Military, Air or Civil Authorities for the use of His Majesty's Forces or the Civil Administration.

Cap. 337.

(2) Nothing in this Act shall affect the provisions of the Dried Meat Ordinance.

Interpretation.

12. In this Act, unless the context otherwise requires—

“article of food” means any commodity, substance or thing which has been cooked, prepared, treated, preserved or manufactured as food for man or fodder for cattle;

“cattle” means bulls, cows, sheep, goats, deer or buffaloes, and includes any other animals ordinarily killed or slaughtered for providing food for man; and

“food” means any commodity used for food or drink by man other than drugs or water or any substance which ordinarily enters into or is used in the composition or preparation of human food, and includes the flesh of cattle and fodder for cattle.

13. (1) The Food Control Ordinance, as amended by any defence regulation, shall, with effect from the appointed date, be repealed:

Repeal and
Savings.

Cap. 132.

Provided, however, that notwithstanding such repeal, on and after the appointed date—

(a) every person who has been appointed under that Ordinance and holding an office or a post on the day immediately preceding that date shall be deemed to have been appointed to hold such office or post under this Act, but without prejudice to the provisions of section 60 of the Ceylon (Constitution) Order in Council, 1946;

(b) every Order made under section 4 of that Ordinance and in force on the day immediately preceding that date shall, in so far as that Order is not inconsistent with the provisions of this Act, be deemed to be an Order made under section 4 of this Act, and the provisions of this Act shall apply accordingly;

(c) every regulation made under section 5 of that Ordinance and in force on the day immediately preceding that date shall, in so far as that regulation is not inconsistent with the provisions of this Act, be deemed to be a regulation made under section 6 of this Act, and the provisions of this Act shall apply accordingly; and

(d) every licence, permit, notice, order, authorisation, ration book, coupon or other document issued under any Order or regulation made under that Ordinance and in force on the day immediately preceding that date shall continue in force as though they were issued under any Order or regulation made under this Act, and the provisions of this

Act and any Order or regulation made or deemed to be made thereunder shall apply accordingly.

Cap. 2.

(2) The provisions of section 6 (3) of the Interpretation Ordinance shall upon the expiration—

- (a) of the Defence Regulations specified in the Schedule to this Act; and
- (b) of Regulations 52 to 55 of the Defence (Miscellaneous) Regulations, in so far as they apply in relation to or for the purposes of the Defence Regulations specified in the Schedule to this Act,

have effect in all respects as though they had been repealed by Act of Parliament.

SCHEDULE.

Section 13 (2).

1. The Defence (Food Control) (Supplementary Provisions) Regulations, 1943.
2. The Defence (Food Control) (Special Provisions) (No. 2) Regulations, 1943.
3. The Defence (Food Rationing) (Special Provisions) Regulations, 1944.
4. The Defence (Surrender of Rice Ration Books) Regulations, 1943.