

PARLIAMENT OF CEYLON

5th Session 1951



Firing Ranges and Military Training Act, No. 24 of 1951

Date of Assent : August 13, 1951

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AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT AND THE REGULATION OF THE USE OF FIRING RANGES AND FOR FACILITATING MILITARY TRAINING, AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO SUCH PROVISION.

[Date of Assent: August 13, 1951.]

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 Firing Ranges and Military Training Act, No. 24 of 1951. Short title.

PART I.

Firing Ranges.

2. (1) The Minister may by order establish a firing range— Establishment of firing ranges.

(a) on any Crown land with the concurrence of the Minister of Agriculture and Lands, or

(b) on any land of which possession is taken or continued under the Requisitioning of Land Act, No. 33 of 1950, on the ground that the land is required for the purposes of use or occupation by His Majesty's Ceylon forces or any Visiting Force, or

(c) on any other land with the written consent of the owner thereof.

(2) An order by which a firing range is established under sub-section (1) shall specify the boundaries of such range.

3. (1) Any firing range may be used for such firing practice, and by such naval, military or air force of Ceylon, as the Minister may by general or special order determine. Use of firing ranges.

(2) Any members of the Ceylon Police Force or of a rifle association in Ceylon and any naval, military or air force of a country other than Ceylon may, with the prior written sanction of the Minister, use any firing

range for such firing practice, during such period, and subject to such conditions, as may be specified by the Minister.

PART II.

Military Training.

Use of land,
otherwise than
as a firing
range, for
military
training.

4. (1) The Minister may by order, with the concurrence of the Minister of Agriculture and Lands, authorise the use of any Crown land for the purposes of military training and, with the written consent of the owner, authorise the use of any other land for such purposes.

(2) An order under sub-section (1) in respect of any land shall not authorise or be deemed to authorise the use of that land as a firing range.

Execution of
military
manoeuvres.

5. (1) Military manoeuvres for the purposes of military training may be executed—

(a) on any land in respect of which an order under section 4 is in force, or

(b) in any area in respect of which an order under sub-section (2) of this section is in force.

(2) The Minister may by order (hereinafter referred to as a "Military Manoeuvres Order") authorise the execution of military manoeuvres for the purposes of military training by any such forces, within any such area, and during any such period not exceeding one month, as may be specified in the order:

Provided, however, that where military manoeuvres have been executed within any area in pursuance of any such order, that area or any part thereof shall not, within the period of three years from the date of that order, be again specified in any subsequent order unless the written consent of the owners of the lands situated within that area or part is obtained.

(3) The Minister may by a Military Manoeuvres Order authorise the execution of military manoeuvres by any force of any country other than Ceylon.

(4) The Minister shall specify in every Military Manoeuvres Order such lands, roads and sources of water in the authorised area as may be determined, in the manner hereafter provided in this Act, to be

the lands, roads and sources of water which the authorised forces may use during the period of execution of military manoeuvres.

(5) If the Minister intends to make a Military Manoeuvres Order in respect of any area, a copy of a draft of the intended Order shall, not less than six months before the date on which the Order is intended to be made, be sent to every local authority within that area.

(6) Every Military Manoeuvres Order and a copy of every draft Order prepared for the purposes of sub-section (5) shall be published in the *Gazette* and in one Sinhalese newspaper, one Tamil newspaper and one English newspaper circulating generally within the area to which the Order or draft Order relates.

(7) Where a Military Manoeuvres Order is made but no military manoeuvres are executed thereunder, this section shall have effect as if no such Order had been made.

6. (1) After a Military Manoeuvres Order is made, the authorised forces may, within the authorised area and during the authorised period and subject to the provisions of sub-section (2),—

Powers
exercisable
for purposes
of military
manoeuvres.

(a) pass over, and encamp, construct such military works as are not of a permanent character, and execute military manoeuvres on any authorised land,

(b) use any authorised road, and

(c) supply themselves with water from any authorised source of water and, for that purpose, dam up any running water.

(2) The provisions of sub-section (1) shall not authorise—

(a) the entry into or interference with (except to the extent of using any authorised road) any dwelling-house, place of worship, school, factory, workshop, store, or premises used for the carrying on of any trade, business, or manufacture, or any farm yard, garden, orchard, pleasure ground or nursery ground, burial ground, or ground attached to any dwelling-house, place of worship, or school; or

- (b) the damming up of any running water so as to interfere with the cultivation of any land or the carrying on of any trade, business or manufacture; or
 - (c) the taking of water from any authorised source of water without allowing such supply of water as may be reasonably required by those entitled to obtain water from that source; or
 - (d) the destroying, defacing or damaging of, or the tampering with, any shrine or place of worship, or any tomb or monument, or any antiquity as defined in the Antiquities Ordinance, No. 9 of 1940, or any picturesque or valuable timber or other natural features of exceptional interest or beauty.
- (3) The officer in command of the authorised forces shall have power to prevent persons from trespassing on, or damaging property in, the authorised area.
- (4) The officer in command of the authorised forces shall cause all lands used for military manoeuvres to be restored, as soon and as far as practicable, to their previous condition.
- (5) Subject to the provisions of this Act with respect to—
- (a) the closing of authorised roads,
 - (b) the obstruction of, or interference with, military manoeuvres, and
 - (c) entering, or remaining in, a camp,
- nothing in this Act shall prejudicially affect any public right.

Power to close
authorised
roads.

7. (1) The officer in command of the authorised forces may, if it is considered necessary for the execution of military manoeuvres, cause any authorised road to be closed to traffic for such period not exceeding twenty-four hours as he may determine, and shall, if he causes any such road to be so closed, give all reasonable facilities for traffic during the closure.

(2) Where the officer in command of the authorised forces intends to close any authorised road to traffic, he shall cause public notice of his intention to do so to be given not less than twenty-four hours before the commencement of the closure.

(3) Every police officer shall, on being requested to do so, assist the officer in command of the authorised forces to effect the closure of any authorised road to traffic under this section.

8. (1) Where a Military Manoeuvres Order is intended to be made, the Minister shall appoint a Military Manoeuvres Commission (hereinafter referred to as the "Commission") consisting of—

Military
Manoeuvres
Commission.

(a) a Chairman who shall be the Government Agent of the province, or the Assistant Government Agent of the revenue district, within which lies the area to which the Order is intended to apply,

(b) a Secretary who shall be an officer nominated by the Commander of the Army of Ceylon, and

(c) the following other members:—

(i) the Mayor or Chairman of every local authority within the aforesaid area; and

(ii) an officer representing the forces to whom the Order is intended to apply, such officer being nominated, where those forces consist of or include military forces, by the Commander of the Army of Ceylon and, in any other case, by the Captain of the Navy of Ceylon or the Commander of the Air Force of Ceylon according as the forces to whom the Order is intended to apply are only naval forces or only air forces.

(2) The Commission shall determine what lands, roads and sources of water within the area in respect of which a Military Manoeuvres Order is intended to be made by the Minister shall be authorised by the Minister to be used, during the period of the execution of military manoeuvres, by the forces engaged in such manoeuvres, and shall in writing report their determination to the Minister.

(3) No determination shall be made and reported to the Minister under sub-section (2) until the Commission has complied with the succeeding provision of this section.

(4) The Commission shall—

- (a) transmit to every local authority, and every Divisional Revenue Officer, within the area referred to in sub-section (2) a draft of the determination intended to be made by the Commission under that sub-section, together with a notice stating that objections to such intended determination may be preferred in writing to the Secretary to the Commission and requiring the grounds of objections to be mentioned and specifying a period of not less than thirty days within which the objections must be made, and
- (b) cause a copy of such draft and of such notice to be published twice in the *Gazette* and in one Sinhalese newspaper, one Tamil newspaper and one English newspaper circulating generally in the aforesaid area.

(5) The Commission shall consider all objections made within the period allowed therefor by the notice under sub-section (4), and may, if the Commission considers it necessary, hold any public sittings and allow any person who has made any such objection to adduce evidence in support thereof.

PART III.

Compensation.

Compensation.

9. Where in consequence of firing practice on any firing range established under section 2, or of military training carried out on any land to which an order under section 4 applies, or of military manoeuvres executed under a Military Manoeuvres Order—

- (a) any injury or damage is caused to person or property, or
- (b) any damage by reason of excessive weight or extraordinary traffic is caused to any road, or
- (c) any unlawful interference with any right is caused, or
- (d) any expenses are reasonably incurred in protecting person, property or rights,

full compensation for such injury, damage or interference and the amount of such expenses shall be paid out of money to be provided by Parliament. Any

amount payable under this section either as such compensation or as such expenses is hereinafter referred to as "compensation".

10. (1) All claims for compensation under section 9 shall be made in writing to the Government Agent.

Claims for compensation.

(2) The Government Agent shall permit the claimants for compensation to adduce evidence in support of their claims.

11. The Government Agent shall consider each claim for compensation under section 9 and shall in writing communicate his decision to the claimant.

Government Agent to decide claims for compensation.

12. Where any compensation under section 9 is payable to a claimant for compensation, the Government Agent shall determine the amount of the compensation and shall tender that amount to that claimant.

Tender of compensation.

13. (1) Where any person is aggrieved by the rejection of his claim for compensation under section 9 or is dissatisfied with the amount of compensation tendered to him, he may, within thirty days after the receipt by him of a letter from the Government Agent communicating the rejection of the claim or within thirty days after the tender of compensation to him, prefer a written appeal against the decision of the Government Agent to the Board of Review (hereinafter referred to as the "Board") constituted under the Land Acquisition Act, No. 9 of 1950 (hereinafter referred to as the "Land Acquisition Act"). The Government Agent shall be made respondent to such appeal.

Appeal against decision of Government Agent.

(2) The Board shall hear and determine every appeal duly made under this section.

(3) The provisions of section 22 and of sub-sections (1), (2), (4) and (5) of section 23 of the Land Acquisition Act shall apply in relation to every appeal made to the Board under this section subject to the modification that sub-section (4) of the aforesaid section 23 shall have effect as though the words and figures "against an award made under section 16" were omitted therefrom and as though, for the words "acquiring officer who made such award" occurring in the proviso to that sub-section, there were substituted the words "Government Agent".

Finality of
decision of
the Board.

14. Save as provided in section 15, the decision of the Board on every appeal made under section 13 shall be final and shall not be called in question in any court.

Appeal against
decision of
Board to
Supreme Court
on question
of law.

15. Section 26 of the Land Acquisition Act, which enables an appeal to be made on a question of law to the Supreme Court against a decision of the Board, shall apply in relation to the Board's decision on any appeal made to the Board under this Act subject to the modification that the aforesaid section 26 shall have effect as though—

- (a) the proviso to sub-section (1) of that section were omitted,
- (b) all the words from "On determining" to "preferred" were omitted from sub-section (5) of that section, and
- (c) in the proviso to the aforesaid sub-section (5), there were substituted, for all the words from "acquiring officer" to the end of that proviso, the words "Government Agent".

Manner of
payment of
compensation.

16. (1) The amount of compensation awarded to a person by the Government Agent under this Act or, if in lieu of that amount a new amount is allowed as compensation to that person by a final decision on an appeal to the Board or by a decision on an appeal to the Supreme Court, that new amount shall be paid to that person by the Government Agent if that person consents to receive it.

(2) Where any person to whom compensation is payable under this Act declines to receive it or is dead or cannot be found after diligent search, that compensation shall be paid into the District Court or the Court of Requests having jurisdiction over the place where that person is known to have last resided, according as the amount of that compensation exceeds or does not exceed three hundred rupees, to be drawn by the person entitled thereto.

(3) Where a sum not exceeding one hundred rupees is payable as compensation under this Act to any person who is a minor or is of unsound mind, that sum

may be paid, for his benefit, to any other person who is maintaining him or may, if he is a minor, be paid to him.

(4) Where any sum payable as compensation under this Act to a person who is a minor or is of unsound mind exceeds one hundred rupees or is not paid in the manner permitted by sub-section (3), that sum shall, for the benefit of that person, be paid into the District Court or the Court of Requests having jurisdiction over the place where that person resides, according as that sum exceeds or does not exceed three hundred rupees.

PART IV.

General.

17. (1) The Minister may make all such regulations as may be necessary for the purpose of carrying out the provisions or giving effect to the principles of this Act.

Regulations.

(2) In particular and without prejudice to the powers conferred by sub-section (1), the Minister may make regulations—

(a) for regulating the use under this Act of any firing range for firing practice, or of any land for military training other than military manoeuvres, or of any land or area for military manoeuvres, in such manner as to secure the public against danger arising from such use, and

(b) for prohibiting intrusion on, and obstruction of, firing ranges.

(3) Every regulation made by the Minister under sub-section (1) shall be published in the *Gazette* and shall come into operation on the date on which it is so published.

(4) Every regulation published in the *Gazette* under sub-section (3) shall, as soon as practicable, be submitted for approval to the Senate and the House of Representatives. If the Senate or the House of Representatives refuses to approve such regulation, it shall, without prejudice to the validity of anything previously done thereunder or to the making of any new regulation, be deemed to be rescinded on the date on which approval is refused.

(5) Notification of—

- (a) the approval of any regulation under this section by the Senate and the House of Representatives, and
- (b) the date on which any regulation is deemed to be rescinded under sub-section (4),

shall be published in the *Gazette*.

Offences.

18. (1) If, within the area and during the period specified in a Military Manoeuvres Order, any person—

- (a) wilfully and unlawfully obstructs or interferes with the execution of military manoeuvres, or

- (b) without due authority enters or remains in a camp,

he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty-five rupees, and he and any animal or vehicle under his charge which is within the aforesaid area may be removed by any police officer or by, or by the order of, any commissioned officer of the authorised forces.

(2) If, within the area and during the period referred to in sub-section (1), any person—

- (a) without due authority moves any flag or other mark distinguishing, for the purposes of military manoeuvres, any land, or

- (b) maliciously cuts or damages any telegraph wire laid by or for the use of the authorised forces, or

- (c) erects or displays any notice or mark on or relating to any authorised land or authorised source of water, representing or implying that the use of such land or source of water by the authorised forces is not authorised,

he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty rupees.

(3) Every person who contravenes any regulation made under this Act shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred rupees.

19. (1) In this Act unless the context otherwise requires— Interpretation.

“ authorised area ” means the area specified in a Military Manoeuvres Order as an area within which military manoeuvres are authorised to be executed;

“ authorised forces ” means forces authorised by a Military Manoeuvres Order to execute military manoeuvres;

“ authorised lands ” means lands specified in a Military Manoeuvres Order as lands which may be used by the authorised forces during the period of execution of military manoeuvres;

“ authorised roads ” means roads specified in a Military Manoeuvres Order as roads which may be used by the authorised forces during the period of execution of military manoeuvres;

“ authorised sources of water ” means sources of water specified in a Military Manoeuvres Order as sources of water from which the authorised forces may obtain water for their use during the period of execution of Military manoeuvres;

“ firing practice ” means field firing or artillery practice or air armament practice or naval bombardment practice or the practice of the use of any other weapon or missile of war;

“ local authority ” means any Municipal Council, Urban Council, Town Council, or Village Committee, or any other institution which may hereafter be established by law for the purposes of local self-government with power to enforce and levy a rate on property;

“ Minister ” means the Minister of Defence and External Affairs;

“ property ” includes animals;

“ road ” includes a footpath; and

“ Visiting Force ” has the same meaning as in the Visiting Forces Act, No. 31 of 1949.

(2) In Part III of this Act, “ Government Agent ” means the Government Agent of the province in which the injury, damage, interference or expenses for which

12 *Firing Ranges and Military Training
Act, No. 24 of 1951.*

compensation is payable under section 9 occurred or were incurred, and includes an Assistant Government Agent.

Repeal
Cap. 257.

20. The Rifle and Artillery Ranges Ordinance is hereby repealed:

Provided that any by-law made under the aforesaid Ordinance and in force on the day immediately preceding the date on which this Act comes into operation shall continue to have effect as though it were a regulation made under this Act and may be amended or rescinded by regulation so made.