

PARLIAMENT OF CEYLON

2nd Session 1953-54



Indemnification Act.

No. 14 of 1954

Date of Assent : March 10, 1954

Printed on the Orders of Government

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L. D.—CF. 3/54.

AN ACT TO INDEMNIFY THE GOVERNOR-GENERAL AGAINST CIVIL OR CRIMINAL LIABILITY IN RESPECT OF HIS NON-COMPLIANCE WITH CERTAIN PROVISIONS OF THE CEYLON (PARLIAMENTARY ELECTIONS) ORDER IN COUNCIL, 1946, AND TO PROVIDE FOR MATTERS CONSEQUENTIAL TO SUCH NON-COMPLIANCE.

[Date of Assent: March 10, 1954.]

WHEREAS Edward Lionel Senanayake, the respondent in election petition No. 3 of 1952, Electoral District No. 24, Kandy, has been granted by the Judicial Committee of the Privy Council special leave to appeal to Her Majesty in Council:

And whereas in granting such leave the Judicial Committee of the Privy Council expressed the view that it would be most undesirable that pending the hearing of the appeal to Her Majesty in Council the certificate of the election judge should be published or any other steps taken consequent upon the decision of the Supreme Court:

And whereas the Prime Minister in deference to the wishes of the Privy Council advised the Governor-General to withhold action under the provisions of sub-section (1) (b) and sub-section (2) (a) of section 82D of the Ceylon (Parliamentary Elections) Order in Council, 1946:

And whereas the Governor-General refrained from taking the steps prescribed in the aforesaid provisions of the Ceylon (Parliamentary Elections) Order in Council, 1946, upon the receipt by him of the certificate and report of the election judge who determined the aforesaid election petition:

And whereas it is necessary to indemnify the Governor-General against civil or criminal liability in respect of his non-compliance with the aforesaid provisions of the Ceylon (Parliamentary Elections) Order in Council, 1946, and to empower the Governor-General to order the holding of an election in the aforesaid Electoral District and to cause a copy of the report of the aforesaid election judge to be published in the *Government Gazette* in the event of the rescission of the grant of the aforesaid leave to appeal to Her Majesty in Council or in the event of the dismissal of such appeal:

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:—

Short title.

1. This Act may be cited as the Indemnification Act, No. 14 of 1954.

Indemnity.

2. The Governor-General is hereby indemnified against any civil or criminal liability in respect of his non-compliance with the provisions of sub-section (1) (b) and sub-section (2) (a) of section 82D of the Ceylon (Parliamentary Elections) Order in Council, 1946, upon the receipt by him of the certificate and report of the election judge who determined election petition No. 3 of 1952, Electoral District No. 24, Kandy; and no proceedings of whatsoever description shall be taken against the Governor-General in any court for such non-compliance, and if any such proceedings have been so taken, those proceedings shall be null and void and shall abate forthwith upon the commencement of this Act, and all orders made in those proceedings shall also be null and void.

Acts to be done by Governor-General if the grant of special leave to appeal to Her Majesty in Council is rescinded or if such appeal is dismissed.

3. (1) If the grant of special leave to appeal to Her Majesty in Council which has been made to the respondent in the election petition referred to in section 2 is rescinded or if such appeal is dismissed, the Attorney-General shall communicate that fact in writing to the Governor-General.

(2) The Governor-General shall, within one month from the date of the receipt by him of a communication from the Attorney-General under sub-section (1), order by notice published in the *Government Gazette* the holding of an election in the Electoral District referred to in section 2 and cause a copy of the report of the election judge referred to in that section to be published in the *Government Gazette*.

Duty of registering officers when report is published under section 3.

4. (1) It shall be the duty of every registering officer forthwith to peruse the report which is published in the *Government Gazette* as provided by section 3, and forthwith to delete from the register of electors assigned to him the name of every person appearing from the report to be incapable of voting at an election.

(2) The expression "registering officer" and the expression "register of electors" shall have the same meanings as in the Ceylon (Parliamentary Elections) Order in Council, 1946.