

PARLIAMENT OF CEYLON

3rd Session 1958-59



Ceylon Constitution (Amendment) Act, No. 4 of 1959

(Date of Assent : February 6, 1959)

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*Ceylon Constitution (Amendment) Act, 3
No. 4 of 1959*

L. D.—O. 75/58.

AN ACT TO AMEND THE CEYLON (CONSTITUTION) ORDER IN COUNCIL, 1946, AND TO REPEAL THE CEYLON CONSTITUTION (SPECIAL PROVISIONS) ACT, NO. 35 OF 1954, AND THE INDIAN AND PAKISTANI (PARLIAMENTARY REPRESENTATION) ACT, NO. 36 OF 1954.

[Date of Assent: February 6, 1959.]

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 Constitution (Amendment) Act, No. 4 of 1959.

Short title.

2. Section 40 of the Ceylon (Constitution) Order in Council, 1946, hereinafter referred to as the "Order in Council", is hereby amended as follows:—

Amendment
of section 40
of the Ceylon
(Constitu-
tion) Order in
Council, 1946.

(a) in sub-section (1) of that section by the substitution, for the expression "general census of the Island", of the expression "general census of the Island (other than any general census of the Island taken after the date on which the estimate referred to in sub-section (1A) of this Section is published in the Government *Gazette* and before 1971)"; and

(b) by the insertion, immediately after sub-section (1) of that section, of the following sub-section:—

"(1A) For the purposes of sub-section (1) of this Section the estimate of the population of the Island up to the end of June, 1958, published by the Director of Census and Statistics in the Government *Gazette* shall be deemed to be a general census of the Island completed on the date of publication of such estimate in the Government *Gazette*.".

3. Section 41 of the Order in Council is hereby amended as follows:—

(a) in sub-section (3) of that section by the substitution, for the word "persons:", of the words "citizens of Ceylon:";

Amendment
of section 41
of the Order
in Council.

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(b) in sub-section (4) of that section by the substitution, for the word "persons", wherever that word occurs in that sub-section, of the words "citizens of Ceylon"; and

(c) in sub-section (5) of that section by the substitution, for all the words and figure from "Notwithstanding" to "members:", of the following:—

"Notwithstanding anything in sub-section (1) or sub-section (4) of this Section, the Delimitation Commission shall have power to create in any Province one or more electoral districts returning two or more members if the racial composition of the citizens of Ceylon in that Province is such as to make it desirable to render possible the representation of any substantial concentration of citizens of Ceylon in that Province who are united by a community of racial interest different from that of the majority of the citizens of Ceylon in that Province:".

Amendment
of section 47
of the Order
in Council.

4. Section 47 of the Order in Council is hereby amended as follows:—

(a) by the re-numbering of that section as sub-section (1) of section 47;

(b) by the substitution, for the words "to assist the Ministers in the exercise of their Parliamentary and departmental duties:", of the words "to assist the Ministers in the performance of their Parliamentary and departmental duties and to exercise and perform such powers and duties of the Ministers under written law as may be delegated to the Parliamentary Secretaries under sub-section (2) of this Section:"; and

(c) by the addition, at the end of that section, of the following sub-section:—

"(2) A Minister may, by notification published in the Government *Gazette*, delegate to his Parliamentary Secretary any power or duty conferred or imposed on the Minister by any written law, and it shall be lawful for the Parliamentary

Secretary to exercise or perform any power or duty delegated to him under this subsection notwithstanding anything to the contrary in the written law by which that power or duty is conferred or imposed on the Minister.”.

5. The Ceylon Constitution (Special Provisions) Act, No. 35 of 1954, and the Indian and Pakistani (Parliamentary Representation) Act, No. 36 of 1954, are hereby repealed.

Repeal of Act
No. 35 of 1954
and Act No. 36
of 1954.