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1st Session 1956-57



Petrol (Control of Supplies) Amendment Act, No. 3 of 1957

Date of Assent : January 24, 1957.

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Petrol (Control of Supplies) Amendment Act, No. 3 of 1957 3

L. D.—O. 56/56.

AN ACT TO AMEND THE PETROL (CONTROL OF SUPPLIES)
ORDINANCE, NO. 52 OF 1939.

[Date of Assent: January 24, 1957]

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 Petrol (Control of Supplies) Amendment Act, No. 3 of 1957.

Short title.

2. Section 3 of the Petrol (Control of Supplies) Ordinance, No. 52 of 1939, (hereinafter referred to as the "principal enactment"), as amended by the Proclamation published in *Gazette* No. 9,828 of February 5, 1948, is hereby further amended as follows:—

Amendment of section 3 of Ordinance No. 52 of 1939.

(1) by the re-lettering of paragraph (b) of that section as paragraph (c) of that section; and

(2) by the insertion, immediately after paragraph (a) of that section, of the following new paragraph:—

" (b) such number of persons, by name or by office, to be or to act as Deputy Petrol Controllers and Assistant Petrol Controllers as may be necessary for the purposes of this Ordinance; and "

3. The following new section is hereby inserted immediately after section 3, and shall have effect as section 3A, of the principal enactment:—

Insertion of new section 3A in the principal enactment.

" Delegation of powers and duties of Controller.

3A. The Controller may in writing delegate any of his powers and duties under this Ordinance to any Deputy Petrol Controller or Assistant Petrol Controller."

4. Section 5 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows:—

Amendment of section 5 of the principal enactment.

(1) in paragraph (c) of that sub-section, by the omission of the word " and ";

(2) in paragraph (d) of that sub-section, by the substitution, for the words "so required.", of the words "so required; and"; and

(3) by the addition, immediately after paragraph (d) of that sub-section, of the following new paragraph:—

"(e) particulars of such other matters as may be prescribed."

Amendment of
section 7 of
the principal
enactment.

5. Section 7 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words "that month.", of the words "that month and deliver such permit or permits either to him or to any person authorised by him in writing to be his representative."

Replacement of
section 10 of
the principal
enactment.

6. Section 10 of the principal enactment is hereby repealed and the following new section substituted therefor:—

"Provisions
as to sale
or delivery
of petrol
at retail
depots.

10. (1) On and after the date fixed by order under section 4, no person shall sell or deliver any quantity of petrol to any other person at a retail depot unless—

(i) a valid permit is produced by that other person to the vendor in respect of that depot, and

(ii) a valid coupon or valid coupons representing that quantity of petrol is or are detached by that vendor from that permit.

(2) On and after the date fixed by order under section 4, a person working at a retail depot—

(a) shall not, except in the case referred to in paragraph (b) of this sub-section, deliver any petrol to any other person otherwise than in the tank of a vehicle;

(b) shall, if so required by any other person, deliver any petrol to that other person otherwise than in the tank of a vehicle if the permit produced by that other

person authorises the delivery of petrol in such manner as the consumer may require; and

- (c) shall, except in the case referred to in paragraph (b) of this subsection, deliver any petrol to any other person by pouring or discharging it into the tank of a vehicle which bears, as the distinctive number (in this Ordinance sometimes referred to as the registered number) assigned to that vehicle upon its registration under the law relating to motor vehicles, the number specified in the permit produced by that other person as the number of the vehicle in respect of which that permit has been issued:

Provided, however, that nothing in the provisions of paragraph (c) of this subsection shall be deemed to prevent the delivery of petrol in any manner other than that prescribed by those provisions, if the permit so authorises.

(3) On and after the date fixed by order under section 4, the vendor in respect of a retail depot shall,—

- (a) where any petrol is delivered by pouring or discharging it into the tank of a vehicle, enter in ink, on each coupon detached by him from the permit produced for the purpose of taking delivery of the petrol, the number which that vehicle bears as the distinctive number assigned to it upon its registration under the law relating to motor vehicles, and

- (b) where any petrol is delivered otherwise than in the tank of a vehicle in accordance with the provisions of paragraph (b) of

sub-section (1), enter in ink, on each coupon detached by him from the permit produced for the purpose of taking delivery of the petrol, the serial number of the permit.

(4) Where at any time at any retail depot any person, other than the vendor in respect of that depot at that time, sells or delivers any petrol to any other person in contravention of any of the preceding provisions of this section, that vendor shall also be guilty of the offence constituted by such contravention.

(5) The preceding provisions of this section shall apply in the case of the sale or delivery of petrol at a retail depot to the vendor in respect of that depot or into the tank of any vehicle belonging to that vendor, in like manner as those provisions apply in the case of the sale or delivery of petrol to any other person or into the tank of any vehicle belonging to any other person."

Insertion of
new section 10A
in the
principal
enactment.

7. The following new section is hereby inserted immediately after section 10, and shall have effect as section 10A, of the principal enactment:—

" Presumption
as to
deficiency
of stocks
at retail
depot.

10A. On and after the date fixed by order under section 4, where the aggregate of—

(a) the quantity of petrol in stock at a retail depot at any time in any month, and

(b) the quantity of petrol represented by such of the coupons issued by the Controller in respect of that month as have been surrendered at that depot prior to such time by or on behalf of any holders of permits for the purpose of taking delivery of petrol,

is less than the aggregate of—

(i) the quantity of petrol in stock at that depot immediately prior

to the commencement of business on the first day of that month, and

- (ii) the quantity of petrol, if any, supplied to that depot by a supplier during that month but prior to such time,

it shall be presumed that petrol has been sold at that depot in contravention of sub-section (1) of section 10 and that the vendor in respect of that depot is guilty of the offence constituted by such contravention unless he proves to the satisfaction of the court that the deficiency in the stocks of petrol was due to any unavoidable cause."

8. Section 11 of the principal enactment is hereby amended, in paragraph (a) of that section, by the substitution, for the words "transmit to the supplier", of the words "transmit to such officer as the Controller may specify in those directions or to the supplier".

Amendment of section 11 of the principal enactment.

9. Section 13 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the word "persons.", of the words "persons and to the coupons surrendered to him for the purpose of such sale or delivery."

Amendment of section 13 of the principal enactment.

10. The following new section is hereby inserted immediately after section 13, and shall have effect as section 13A, of the principal enactment:—

Insertion of new section 13A in the principal enactment.

"Power of Controller to prohibit or regulate supplies to vendors.

13A. The Controller shall have power—

- (a) to issue directions to suppliers as to the quantities of petrol that may be supplied or delivered to vendors and the time at which deliveries of such quantities may be made; and

- (b) by order under his hand served on any supplier, to prohibit the supply of petrol to any vendor or to any specified retail depot of any vendor, during the continuance in force of this Ordinance or for any shorter period specified by the Controller in the order.

No appeal shall lie against any directions or order of the Controller under this section."

Amendment of section 14 of the principal enactment.

11. Section 14 of the principal enactment is hereby amended, in paragraph (2) of that section, by the substitution, for all the words from "to any vendor" to the end of that paragraph, of the words "to any vendor, or to any retail depot of any vendor, in contravention of an order served under section 13A on such supplier;"

Insertion of new sections 15A, 15B, 15C and 15D in the principal enactment.

12. The following new sections are hereby inserted immediately after section 15, and shall have effect as sections 15A, 15B, 15C and 15D, of the principal enactment:—

" Possession of forged, invalid or cancelled coupons, &c.

15A. (1) Any person who has any forged coupon in his possession or tenders any forged coupon for the purpose of obtaining petrol, shall be guilty of an offence, unless he proves to the satisfaction of the court—

(a) that the coupon was attached to a permit issued to him by the Controller, or by any other officer or person acting on behalf of the Controller, or by any person purporting to act and reasonably believed to have been acting on behalf of the Controller at the place at which permits are ordinarily issued to him; or

(b) that the coupon was delivered to him by some other person, of whom he was the agent or servant, for the purpose of enabling him to obtain petrol from a vendor on behalf of such other person; or

(c) that, at the time of the commission of the alleged offence, he was a vendor, and the coupon was detached from a permit in accordance with the provisions of section 10 upon the sale or delivery of petrol to any person at a retail depot of such

vendor, and the coupon could not reasonably have been suspected to be a forged coupon; or

(d) that, at the time of the commission of the alleged offence, he was a supplier or the agent or servant of a supplier and the coupon was transmitted to him by a vendor in accordance with the provisions of section 11.

(2) Any person who—

(a) has in his possession a coupon that has been surrendered to the vendor in respect of a retail depot for the purpose of obtaining petrol, or tenders any invalid coupon for the purpose of obtaining petrol, or

(b) has in his possession, or tenders for the purpose of obtaining petrol, any coupon that has been cancelled by means of any perforation made by or under the direction of the Controller,

shall be guilty of an offence:

Provided, however, that no person shall be deemed to be guilty of an offence by reason only of the possession of any coupon referred to in paragraph (a) of this sub-section if he proves to the satisfaction of the court—

(i) that, at the time of the commission of the alleged offence, he was a vendor or the agent or servant of a vendor and the coupon was detached from a permit in accordance with the provisions of section 10 and was in his possession in his capacity as such vendor, agent or servant, or

(ii) that, at the time of the commission of the alleged offence, he was a supplier or the agent or servant of a supplier and the coupon had been transmitted to such supplier in accordance with the provisions of section 11 and was in his possession in his capacity as such supplier, agent or servant.

Possession, &c.,
of instruments
for forging
coupons.

15B. (1) Any person who makes or counterfeits, or has in his possession, any plate, die or stamp or other instrument or material used or capable of being used for forging permits or coupons shall be guilty of an offence.

(2) A prosecution for an offence under sub-section (1) shall not be instituted except by, or with the sanction of, the Attorney-General.

Seizure of
forged
coupons, &c.

15C. (1) It shall be lawful for any police officer of a rank not below that of Sergeant in charge of a police station to seize any permits or coupons which he has reasonable grounds to believe to be forged permits or forged coupons.

(2) If any police officer of a rank not below that of Assistant Superintendent has reasonable grounds for suspicion that any forged permits or forged coupons or any instruments or materials used for forging permits or coupons are concealed, kept or deposited in any place and is satisfied that it is expedient that such place should be searched for the purpose of seizing such permits, coupons, instruments or materials and that by reason of urgency or other good cause it is impracticable to apply for a search warrant under the Criminal Procedure Code, such officer may, after recording the grounds of his suspicion,—

(a) enter and search such place and seize any permits, coupons, instruments or materials found therein and reasonably believed

to be forged permits or forged coupons or to be used for forging permits or coupons; or
(b) by written order authorise any other police officer to exercise the powers referred to in paragraph (a) of this sub-section.

(3) All documents or articles seized under sub-section (1) or sub-section (2), together with a list of such articles, shall be taken forthwith before the Magistrate's Court having jurisdiction in the place of seizure and shall be dealt with in such manner as the court may by order direct.

Offences by
corporations
and firms.

15D. Where any offence under this Ordinance is committed by a body of persons, then—

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

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

Provided, however, that no such director, officer or partner shall be deemed to be guilty of such offence, if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

13. Section 16 of the principal enactment is hereby amended, in sub-section (2) of that section, as follows:—

Amendment of
section 16 of
the principal
enactment.

(1) by the substitution, for paragraph (b) of that sub-section, of the following paragraph:—

"(b) fails or refuses to maintain any register or record required by or under this Ordinance to be maintained by him, or to produce to the Controller for inspection any such register or record on being ordered

by the Controller to do so, or to furnish any return required by or under this Ordinance to be furnished by him, or makes in any such register or record or in any application or return an entry which is to his knowledge false or incorrect; or ”; and

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

“ (c) having obtained a permit upon the representation that the petrol to be purchased or acquired thereunder is required for any specified purpose, uses such petrol for any other purpose,”.

Amendment of
section 20 of
the principal
enactment.

14. Section 20 of the principal enactment is hereby amended by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

“ (1A) 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) all matters stated or required in this Ordinance to be prescribed;

(b) the registers or records that should be maintained by any person for the purposes of this Ordinance.”.

Amendment of
section 21 of
the principal
enactment.

15. Section 21 of the principal enactment is hereby amended as follows:—

(1) by the renumbering of that section as sub-section (1) of that section;

(2) in renumbered sub-section (1) of that section by the insertion, immediately after the definition of “supplier”, of the following new definition:—

“ “vehicle” means a motor vehicle as defined in the Motor Traffic Act, No. 14 of 1951; and

(3) by the insertion, immediately after re-numbered sub-section (1) of that section, of the following new sub-sections:—

“(2) A permit shall be deemed to be a valid permit for the purposes of this Ordinance—

- (a) if any coupon which was attached to the permit when the permit was issued remains unused for the purpose of obtaining petrol, and
- (b) if the month in respect of which the permit was issued has not expired, and
- (c) where the permit is such special permit as is referred to in sub-section (2) of section 19, if the permit has not been surrendered for the purpose of obtaining petrol.

(3) A coupon shall be deemed to be a valid coupon for the purpose of this Ordinance—

- (a) if it is attached to, or is in the possession of any person together with, a valid permit bearing the same serial number as that printed on the coupon, and
- (b) if the coupon has not been surrendered for the purpose of obtaining petrol from a retail depot.”.