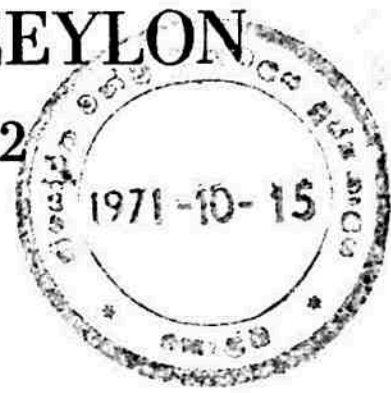


PARLIAMENT OF CEYLON

2nd Session 1971-72



Ceylon (Constitution and Independence) Amendment Act, No. 36 of 1971

Date of Assent : October 2, 1971

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*Ceylon (Constitution and Independence)
Amendment Act, No. 36 of 1971*

L. D.—O. 37/70.

AN ACT TO AMEND THE CEYLON (CONSTITUTION) ORDER IN COUNCIL, 1946, FOR THE PURPOSE OF ABOLISHING THE SENATE, TO MAKE A CONSEQUENTIAL AMENDMENT IN THE CEYLON INDEPENDENCE ORDER IN COUNCIL, 1947, AND TO ENABLE OTHER ENACTMENTS TO BE READ AND CONSTRUED SUBJECT TO THE PROVISIONS OF THIS ACT.

[Date of Assent: October 2, 1971]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives of Ceylon in this present Parliament assembled, in accordance with the provisions of Section 34 of the Ceylon (Constitution) Order in Council, 1946, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon (Constitution and Independence) Amendment Act, No. 36 of 1971.

Short title.

2. Section 3 of the Ceylon (Constitution) Order in Council, 1946, (hereinafter in this Act referred to as the "principal Order") is hereby amended in sub-section (1) thereof as follows:—

Amendment of
section 3 of
Chapter 379.

(1) in the definition of "adjourn" by the substitution, for the expression "the Senate or the House of Representatives, as the case may be;", of the expression "the House of Representatives;"

(2) by the omission of the definition of "President";

(3) in the definition of "public officer" by the substitution—

(a) in paragraph (b) of that definition, for the expression "the President, the", of the word "the";

(b) in paragraph (b) of that definition, for the expression "the Senate or the", of the word "the";

(c) in paragraph (c) of that definition, for the expression "the Clerk to the Senate, the", of the word "the";

- (d) in paragraph (c) of that definition, for the expression "the Clerk to the Senate or the", of the word "the";
- (e) in paragraph (e) of that definition, for the expression "a Senator or a", of the word "a";
- (f) in paragraph (e) of that definition, for the expression "as a Senator or", of the expression "as a";
- (4) by the omission of the definition of "Senator"; and
- (5) in the definition of "sitting"—
 - (a) by the substitution, for the expression "the Senate or the House of Representatives, as the case may be," of the expression "the House of Representatives";
 - (b) by the omission of the expression "the Senate or".

Amendment of
section 7 of the
principal Order.

3. Section 7 of the principal Order is hereby amended by the omission of the expression "and two Chambers to be known respectively as the Senate".

Repeal of
sections 8, 9
and 10 of the
principal Order.

4. Sections 8, 9 and 10 of the principal Order are hereby repealed.

Amendment of
section 12 of
the principal
Order.

5. Section 12 of the principal Order is hereby amended—

- (a) by the substitution, for the expression "either Chamber.", of the expression "the House of Representatives."; and
- (b) in the marginal note to that section by the omission of the expression "Senate or".

Amendment of
section 13 of
the principal
Order.

6. Section 13 of the principal Order is hereby amended as follows:—

- (1) by the repeal of sub-sections (1) and (2) of that section:

(2) in sub-section (3) of that section—

(a) by the omission of the expression “ a Senator or ”;

(b) by the omission of the expression “ in the Senate or ”;

(c) by the substitution in paragraph (h) of that sub-section,—

(i) for the expression “ Senators or Members ”, of the word “ Members ”; and

(ii) for the expression “ a Senator or Member, as the case may be; or ”, of the expression “ a Member; or ”;

(3) in sub-section (5) of that section by the omission of the expression “ Senator or ”; and

(4) in the marginal note to that section by the omission of the expression “ Senate or ”.

7. Section 14 of the principal Order is hereby amended as follows:—

Amendment of section 14 of the principal Order.

(a) in sub-section (1) of that section by the omission of the expression “ Senate or ” wherever that expression occurs therein; and

(b) in the marginal note to that section by the omission of the expression “ Senate or ”.

8. Section 16 of the principal Order is hereby repealed.

Repeal of section 16 of the principal Order.

9. Section 18 of the principal Order is hereby amended as follows:—

Amendment of section 18 of the principal Order.

(a) by the substitution, for the expression “ either Chamber ”, of the expression “ the House of Representatives ”;

(b) by the substitution, for the expression “ the Senators or Members, as the case may be,” of the expression “ the Members ”; and

(c) by the omission of the expression “ President or ”.

Amendment of
section 19 of
the principal
Order.

10. Section 19 of the principal Order is hereby amended—

- (a) by the substitution, for the expression “ Each Chamber ”, of the expression “ The House of Representatives ”; and
- (b) in the marginal note to that section, by the substitution, for the expression “ either Chamber ”, of the expression “ House of Representatives ”.

Replacement of
section 20 of
the principal
Order.

11. Section 20 of the principal Order is hereby repealed, and the following new section substituted therefor:—

“ Quorum.

20. If at any time during a meeting of the House of Representatives the attention of the person presiding is drawn to the fact that there are fewer than twenty Members present, the person presiding shall, subject to any standing order of that House, adjourn the sitting without question put. ”

Amendment of
section 21 of
the principal
Order.

12. Section 21 of the principal Order is hereby amended—

- (a) by the substitution, for the expression “ each Chamber ”, of the expression “ the House of Representatives ”;
- (b) by the omission of paragraph (i) of that section; and
- (c) by the omission in paragraph (ii) of that section of the expression “ in the case ”.

Amendment of
section 22 of
the principal
Order.

13. Section 22 of the principal Order is hereby amended as follows:—

- (a) in sub-section (1) of that section by the substitution, for the expression “ Each Chamber ”, of the expression “ The House of Representatives ”; and
- (b) by the repeal of sub-section (2) of that section, and the substitution therefor of the following new sub-section:—

“(2) During the adjournment of the House of Representatives for a period not exceeding one month, the Speaker shall, if requested by the Prime Minister, convene in such manner as may be prescribed by the standing orders of that House, a meeting of that House for the transaction of any urgent business of public importance.”.

14. Section 23 of the principal Order is hereby repealed.

Repeal of
section 23 of
the principal
Order.

15. Section 24 of the principal Order is hereby amended in sub-section (1) of that section by the omission of paragraph (c) of that sub-section.

Amendment of
section 24 of
the principal
Order.

16. Section 25 of the principal Order is hereby amended as follows:—

Amendment of
section 25 of
the principal
Order.

(a) by the omission of the expression “the President or”;

(b) by the omission of the expression “Senator or”;

(c) by the omission of the expression “the Senate or”, wherever it occurs in that section; and

(d) by the substitution, for the expression “the House of Representatives, as the case may be,” of the expression “that House”.

17. Section 26 of the principal Order is hereby amended as follows:—

Amendment of
section 26 of
the principal
Order.

(a) by the omission of the expression “Senators or” wherever it occurs in that section;

(b) by the omission of the expression “Senator or”;

(c) by the substitution, for the expression “the Senate or the House of Representatives, as the case may be.” of the expression “the House of Representatives.”; and

(d) in the marginal note to that section by the omission of the expression “Senators and”.

Amendment of
section 27 of
the principal
Order.

18. Section 27 of the principal Order is hereby amended as follows:—

(1) in sub-section (1) of that section—

(a) by the omission of the expression “ the Senate and ”; and

(b) by the omission of the expression “ Senators and ”;

(2) in sub-section (2) of that section by the omission of—

(a) the expression “ the Senate and ”; and

(b) the expression “ Senators and ”; and

(3) in the marginal note to that section by the omission of the expression “ Senate and ”.

Amendment of
section 28 of
the principal
Order.

19. Section 28 of the principal Order is hereby amended as follows:—

(1) by the repeal of sub-sections (1) and (3) of that section;

(2) in sub-section (5) of that section—

(a) by the omission of the expression “ Clerk to the Senate , the ”;

(b) by the substitution, for the expression “ their staffs ”, of the expression “ his staff ”;

(c) by the omission of the expression “ as a Senator or ”; and

(d) by the omission of the expression “ the Senate or ”;

(3) in sub-section (6) of that section—

(a) by the omission of the expression “ Clerk to the Senate and the ”;

(b) by the substitution, for the expression “ of the Senate, or of the House of Representatives, as the case may be: ”, of the expression “ of the House of Representatives: ”; and

(c) by the substitution in the Proviso thereto, for the word “ their ”, of the word “ his ”.

20. Sections 31, 32, 33, 34 and 35 of the principal Order are hereby repealed.

Repeal of sections 31 to 35 of the principal Order.

21. Section 36 of the principal Order is hereby amended in sub-section (2) of that section, by the substitution, for the expression "by both Chambers or by the House of Representatives alone", of the expression "by the House of Representatives".

Amendment of section 36 of the principal Order.

22. Section 38 of the principal Order is hereby amended as follows:—

Amendment of section 38 of the principal Order.

(a) in sub-section (1) of that section by the omission of—

(i) the expression "other than a Bill presented under section 33 or section 34 of this Order,"; and

(ii) the expression "the Senate and"; and

(b) by the repeal of sub-sections (2) and (3) of that section.

23. Section 48 of the principal Order is hereby repealed.

Repeal of section 48 of the principal Order.

24. Section 49 of the principal Order is hereby amended in sub-section (2) of that section by the substitution, for the expression "either Chamber", of the expression "the House of Representatives".

Amendment of section 49 of the principal Order.

25. Section 51 of the principal Order is hereby amended in sub-section (3) of that section by the omission of the expression "the office of the Clerk to the Senate,".

Amendment of section 51 of the principal Order.

26. Section 52 of the principal Order is hereby amended in sub-section (2) of that section by the omission of the expression "the Senate and".

Amendment of section 52 of the principal Order.

27. Section 53 of the principal Order is hereby amended in sub-section (2) of that section by the omission of the expression "a Senator or".

Amendment of section 53 of the principal Order.

28. Section 58 of the principal Order is hereby amended in sub-section (2) of that section by the omission of the expression "a Senator or".

Amendment of section 58 of the principal Order.

Amendment of
section 70 of
the principal
Order.

29. Section 70 of the principal Order is hereby amended in sub-section (3) of that section by the omission in paragraph (e) of that sub-section of the expression " the Senate and ".

Amendment of
section 71 of
the principal
Order.

30. Section 71 of the principal Order is hereby amended in sub-section (1) of that section by the omission of the expression " the Clerk to the Senate, ".

Amendment of
section 71c of
the principal
Order.

31. Section 71c of the principal Order is hereby amended in paragraph (e) of that section by the omission of the expression " the Senate and ".

Repeal of
sections 72 and
73 of the
principal Order.

32. Sections 72 and 73 of the principal Order are hereby repealed.

Amendment of
Chapter 377.

33. The Ceylon Independence Order in Council, 1947, is hereby amended in section 5 of that Order by the substitution, for the expression " by both Chambers of the Legislature of the Island, or by the House of Representatives alone, " , of the expression " by the House of Representatives ".

Special
provisions
applicable to
other written
law.

34. (1) The provisions of any other written law—

(a) shall be read and construed along, and as one, with the provisions of this Act; and

(b) accordingly shall be so read and construed as though such provisions were modified or amended to give full force and effect to the provisions of this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), wherever, in any provision of any other written law—

(a) there is a reference to the Senate, then,—

(i) if the mere omission of that reference would not result in any act or thing required or authorized to be done by such provision not being capable of being so done, such provision shall be read and construed as though that reference were omitted therefrom; or

- (ii) if the mere omission of that reference would result in the consequences referred to in sub-paragraph (i) of this paragraph, such provision shall be read and construed as though there were substituted for that reference a reference to the House of Representatives;
- (b) there is a reference to the President of the Senate, or to the President in any context denoting the President of the Senate, such provision shall be read and construed as though that reference were omitted therefrom;
- (c) there is a reference to a Senator, or to a Member of the Senate, such provision shall be read and construed as though that reference were omitted therefrom;
- (d) there is a reference to a Member of Parliament in any context denoting a Member of either Chamber, such provision shall be read and construed as though that reference were a reference to a Member of the House of Representatives alone; and
- (e) there is a reference to the Clerk to the Senate, or to the Clerk in any context denoting the Clerk to the Senate, such provision shall be read and construed as though that reference were omitted therefrom.

(3) Sub-section (3) of section 6 of the Interpretation Ordinance shall apply in the case of any other written law which is read and construed in accordance with the provisions of sub-section (1) or sub-section (2) of this section in like manner as though such law had been repealed to the extent, and to the extent only, of any amendments, modifications, omissions or substitutions subject to which such law is so read and construed.