

CHAPTER 546

FOOD SUPPLIES

Ordinance
No. 30 of 1947,
Acts
Nos. 42 of 1949,
14 of 1953,
7 of 1955,
30 of 1957.

AN ORDINANCE TO MAKE PROVISION FOR SO MAINTAINING, CONTROLLING AND REGULATING THE SUPPLY OF ARTICLES OF FOOD AS TO SECURE THEIR SUFFICIENCY, THEIR EQUITABLE DISTRIBUTION AND THEIR AVAILABILITY AT FAIR PRICES; AND FOR THAT PURPOSE TO TAKE POWER TO REQUISITION ARTICLES OF FOOD AND TO PAY COMPENSATION IN RESPECT OF ANY ARTICLE SO REQUISITIONED, AND TO PROVIDE FOR THE IMPORTATION OF CERTAIN ESSENTIAL ARTICLES OF FOOD SOLELY BY OR ON BEHALF OF THE STATE; AND TO MAKE PROVISION FOR OTHER MATTERS CONNECTED WITH, OR INCIDENTAL TO, THE PURPOSES AFORESAID.

[2nd July, 1947.]

Short title.
[§ 2, 30 of
1957.]

1. This Ordinance may be cited as the Food Supplies Ordinance.

directions as appear to him to be necessary or expedient in connexion with the requisitioning thereof.

Appointment
of
Commissioner
of Food
Supplies and
competent
authorities.

2. (1) There may be appointed, by name or by office—

(a) a person to be or to act as Commissioner of Food Supplies;

(b) a person or each of two or more persons, to be or to act as a competent authority for the purposes of this Ordinance; and

(c) such other officers and servants as may be necessary for the purposes of this Ordinance.

(2) Every competent authority appointed under subsection (1) shall be subject to the general direction and control of the Commissioner.

(3) The Commissioner may exercise or perform any of the powers or duties of a competent authority under this Ordinance.

(2) (a) Where the Minister is satisfied that it is necessary or expedient so to do for the purpose of facilitating the requisitioning of any quantity of any scheduled article grown or produced in Sri Lanka, the Minister may by Notification published in the Gazette declare that the provisions of this subsection shall apply in the case of that article.

Every scheduled article in respect of which any such Notification is in force is hereinafter referred to as a "special scheduled article".

(b) The power to requisition conferred by subsection (1) may, in relation to any special scheduled article, be exercised by a competent authority by means of a general order made as respects any specified area; and the competent authority may in any such order—

(i) declare the quantity of the special scheduled article so requisitioned from persons of any specified class or description to be a specified proportion of the total quantity grown or produced by each such person or on his behalf during a specified period or on a specified occasion, or to be a quantity

Requisitioning
of articles of
food.

3. (1) For the purpose of so maintaining, controlling and regulating the supply of articles of food as to secure their sufficiency or their equitable distribution or their availability at fair prices, a competent authority may, if it appears to him to be necessary or expedient, requisition any quantity of any article of food and give such

determined at a specified rate per acre of the land cultivated by him or on his behalf for the purposes of the growth or production of that article ;

- (ii) direct that every such person, or any other person on his behalf, who is in possession or has control of that article at any place of any description specified in the order shall, if required so to do by an officer authorized for the purpose in the order, deliver to such officer at such place the quantity of that article requisitioned by the order.

(c) An order may be made under paragraph (b) notwithstanding that the special scheduled article to which it relates may not have been harvested or produced at the time of the making of the order ; and the provisions of the order shall, in each case to which it applies, be complied with when the article is harvested or produced.

(d) The making of an order under this subsection in relation to any special scheduled article shall not affect or prejudice the power of a competent authority to requisition that article otherwise than in the manner provided by the order, or to requisition from any person any quantity of that article in addition to the quantity requisitioned from him by the order.

(3) Where a competent authority requisitions any quantity of any article of food under this section he may use or deal with, or authorize the use or dealing with, that quantity of that article to such extent and in such manner as he thinks expedient for any of the purposes specified in subsection (1), and may hold or sell or otherwise dispose of that quantity as if he were the owner thereof and as if that quantity were free from any mortgage, pledge, lien or other charge.

(4) A competent authority if it appears to him to be necessary for the effectual exercise of the powers conferred by subsection (1) may, by order made applicable either to the whole of Sri Lanka or to any specified area thereof—

- (a) direct that no person who, at the time when the order takes effect, has in

his possession or under his control, at any premises in any area to which the order applies, any quantity of any such article of food as may be described in the order, shall remove that quantity or cause or permit it to be removed from the premises until the removal of that quantity therefrom is permitted by such officer or person as may be specified in the order ; or

- (b) require the owner or occupier of any premises in any such area to send to such officer or person as may be specified in the order before such date as may be specified therein, a written declaration stating whether or not, on such date as may be specified in the order, any quantity of any such article of food was, is, or will be on the premises, and if so, the quantity or estimated quantity of such article which was, is, or will be on the premises on that day, according as the order may direct.

(5) Any officer of police or any other officer of Government who is requested so to do by the competent authority shall aid and assist the competent authority in the exercise of his powers under the preceding provisions of this section.

(6) Every person who contravenes or fails to comply with any direction given or requirement imposed under this section shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

4. (1) During the continuance in force of this Ordinance, no person, other than a person acting for or on behalf of the State, shall import into Sri Lanka any quantity of any scheduled article.

State to be the sole importer of scheduled articles of food.

- (2) The Minister may, by Order published in the Gazette, amend the

Schedule in any manner which appears to him to be expedient, and in particular may—

(a) add to the Schedule any article of food which in the opinion of the Minister is essential for the vital needs of the community; or

(b) take out any article from the Schedule.

(3) The provisions of subsection (1) shall be read and construed as one with the Customs Ordinance.

Compensation
in respect of
requisition of
articles of
food.

5. (1) Where any quantity of any article of food has been requisitioned under this Ordinance, compensation assessed in accordance with the following provisions of this section shall be paid in respect of the requisition of that quantity.

(2) Subject to the provisions of subsection (3), the compensation payable under this section in respect of the requisition of any quantity of any article of food shall be a sum equal to the price which the person who, immediately before the requisition, was the owner of that quantity might reasonably have been expected to obtain upon a sale of that quantity then effected by him, regard being had to the condition of the goods at that time.

(3) Any compensation under this section shall not—

(a) in a case where the owner of the article immediately before the requisition was a person who had produced the article with a view to the sale thereof, exceed the aggregate of—

(i) the cost reasonably incurred by that person in producing that article; and

(ii) such amount, not exceeding ten *per centum* of the cost referred to in sub-paragraph (i) of paragraph (a) of this subsection, as may be determined by the competent authority as the profit which

such owner might reasonably have been expected to make on a sale of that article immediately before the requisition if the supply of, and the demand for, that article were then normal;

or

(b) in a case where the owner of the article immediately before the requisition was a person (other than the producer of the article) who being a dealer therein had purchased or obtained the article with a view to the sale thereof in the ordinary course of trade or business, exceed the aggregate of—

(i) the price which it was reasonable for him to pay for the commodity when it was so bought by him; and

(ii) such amount, not exceeding ten *per centum* of the price referred to in sub-paragraph (i) of paragraph (b) of this subsection, as may be determined by the competent authority as the profit which such owner might reasonably have been expected to make on a sale of that article immediately before the requisition if the supply of, and the demand for, that article were then normal,

and in assessing such compensation in any other case no account shall be taken of any profit which might be expected to be made on the sale of the article:

Provided that if, at the time when the article is requisitioned the price or maximum price at which such article may be sold is fixed by law, this subsection shall not be taken to authorize the assessment, by way of compensation in respect of the requisition, of a sum exceeding that price or maximum price as the case may be.

In this subsection the reference to a person who had produced any article of food with a view to the sale thereof and the reference to the producer of the article shall

be construed as including a reference to his personal representative or any person carrying on business in succession to him by virtue of any assignment or transmission by operation of law.

(4) The compensation payable under this section in respect of the requisition of any article of food shall include a sum equal to the amount of any expenses reasonably incurred for the purposes of compliance with any directions given in connexion with the requisition.

(5) Any compensation assessed under subsection (2) shall accrue due at the time of the requisition of the article of food and shall be paid to the person who is then the owner thereof.

(6) Any compensation assessed under subsection (4) shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred and shall be paid to the person by whom or on whose behalf those expenses were incurred.

Determination of claims by tribunal in default of agreement.

6. (1) For the purposes of this Ordinance, there shall be a tribunal consisting of three persons appointed by the Minister.

(2) Any dispute as to whether any compensation is payable under this Ordinance, or as to the amount of any compensation so payable, shall, in default of agreement, be referred to and be determined by the tribunal constituted under this section; and the decision of that tribunal shall be final:

Provided that at any stage in proceedings before it the tribunal may, and, if so directed by the Court of Appeal, shall, state in the form of a special case for the opinion of that court any question of law arising in the course of the proceedings.

Incidental powers of tribunal.

7. The tribunal constituted under section 6 shall have the following powers, that is to say:—

(a) to order persons to attend and give evidence and to produce and give discovery and inspection of documents, with the same powers

and in like manner as a District Court;

(b) to award and assess, or direct the assessment of, such sums by way of costs as the tribunal in its discretion thinks just, and in particular to award costs to an unsuccessful claimant where such an award appears to the tribunal to be justified on the merits of the case;

(c) to call in the aid of one or more assessors specially qualified, and hear any claim wholly or partly with their assistance;

(d) to appoint an expert or experts to report on any matter material to the hearing of any claim;

(e) to determine, subject to the approval of the Minister, the remuneration, if any, of such assessors and experts;

(f) to make, with the concurrence of the Minister in charge of the subject of Justice, rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto.

8. Any compensation under this Ordinance shall carry interest, as from the date on which it accrues due until payment, at such rate not exceeding five *per centum* per annum as the Minister with the concurrence of the Minister in charge of the subject of Finance may, from time to time, by order prescribe.

Interest on compensation.

9. No claim for any compensation under this Ordinance shall be entertained unless notice of the claim has in such form and manner as may be prescribed by the competent authority been given to the competent authority within the period of six months beginning with the date on which the compensation accrues due.

Limitation of time for claiming compensation.

10. In the event of any conflict or inconsistency between the provisions of this Ordinance and the provisions of any other written law, the provisions of this Ordinance shall prevail.

Construction.

Interpretation.

11. In this Ordinance—

[§ 3, 30 of
1957.]“ article of food ” includes any article of
food for animals ;“ Commissioner ” means the
Commissioner of Food Supplies
appointed under section 2 ;“ requisition ”, with its grammatical
variations and cognate expressions,means, in relation to any quantity
of any article of food, “ take
possession of that quantity or
require that quantity to be placed at
the disposal of the competent
authority ” ;“ scheduled article ” means an article of
food for the time being specified in
the Schedule hereto.

SCHEDULE

[Section 11.]

Paddy.
Wheat.