FOOD SUPPLIES

CHAPTER 546

FOOD SUPPLIES

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.]

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

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.

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

(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
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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 authorise 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.

(2) The Minister may, by Order
published in the Gazette, amend the
State to be the sole importer
of scheduled articles of
food.
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.

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,

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
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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.

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.

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.

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.

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.

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11. In this Ordinance—

"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

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