

CHAPTER 12

INTERPRETATION

Ordinances AN ORDINANCE FOR DEFINING THE MEANING OF CERTAIN TERMS AND FOR SHORTENING THE LANGUAGE USED IN ENACTMENTS AND OTHER WRITTEN LAWS AND FOR OTHER PURPOSES.

Nos. 21 of 1901
22 of 1912
2 of 1913
8 of 1916
20 of 1924
8 of 1931
2 of 1947

Acts
Nos. 5 of 1954.
17 of 1965.
29 of 1971.
18 of 1972.

Law
No. 29 of 1974.

[3rd December, 1901.]

Short title. **1.** This Ordinance may be cited as the Interpretation Ordinance.

Interpretation. **2.** In this Ordinance and in every written law, whether made before or after the commencement of this Ordinance, unless there be something repugnant in the subject or context-

- (a) "abet" with its grammatical variations and cognate expressions, shall have the same meaning as in the Penal Code;
- (b) " Act" or " Act of Parliament " shall mean an enactment of the Legislature of Ceylon or Sri Lanka, as the case may be, enacted on or after the 14th day of October, 1947, other than a Law enacted by the National State Assembly;
- (c) " Attorney-General! " shall mean the Attorney-General of Sri Lanka, and shall include an acting Attorney-General;
- (d) "Chapter", " Part " , section ", and "Schedule" shall denote respectively a chapter, part, and section of, and schedule to, the enactment in which the word occurs, and " subsection " shall denote a subsection of the section in which the word occurs;
- (e) " commencement", used with reference to an enactment, shall mean the day on which such enactment comes into force ; and

" operation ". used with reference to an enactment which is not to take effect immediately upon coming into force, shall mean the day on which such enactment takes effect;

- (f) "enactment" shall mean any Ordinance, Law or Act enacted by the Legislature of Ceylon or Sri Lanka, as the case may be, and shall include -
 - (i) the Constitution of the Democratic Socialist Republic of Sri Lanka, 1978;
 - (ii) any enactment having the force of law in Sri Lanka and promulgated in the form of a proclamation or regulation prior to the 1st day of January, 1834 ;
 - (iii) the Tesawalamai or the laws and customs of the Malabars of Jaffna promulgated by the Dutch Government of Ceylon in the year seventeen hundred and seven, and referred to in the Tesawalamai Regulation ; and
 - (iv) the Ceylon (Parliamentary Elections) Order in Council. 1946.
- (g) " foreign country " or " foreign State " shall mean any country or State other than Sri Lanka ;

- * (h) " Full Moon Poya Day " shall have the same meaning as in the Holidays Act, and the expression " Full Moon Poya Days " shall be construed accordingly;
- (i) " Gazette " or " Government Gazette " shall mean the Gazette published by the order of the Government of Sri Lanka, and shall include any Extraordinary Gazette so published;
- (j) " Law " shall mean an enactment of the National State Assembly constituted under the Constitution of Sri Lanka adopted and enacted on the 22nd day of May, 1972 ;
- (ja) " local authority " means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council;
- (k) " master " used with reference to a ship shall mean any person (except a pilot) having for the time being control or charge of a ship ;
- (l) " Member of Parliament " shall mean a Member of the Parliament of the Democratic Socialist Republic of Sri Lanka;
- (m) " Minister " used with reference to any subject or function of Government shall mean the Minister to whom that subject or function has been assigned by the President and includes a person duly appointed to act in the place of such Minister;
- (n) " Ministry " or " Ministry charged with ", with reference to any subject or function shall mean the Ministry of the Minister to whom that subject or function has been assigned by the President;
- (o) " month " shall mean a calendar month, unless words be added showing lunar months to be intended;
- (p) " oath " and " affidavit " shall, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and " swear " shall, in the like case, include affirm and declare ;
- (q) " Ordinance " shall mean an enactment enacted prior to the 14th day of October, 1947;
- (r) " Parliament " shall mean the Parliament constituted in accordance with the provisions of the Constitution of the Democratic Socialist Republic of Sri Lanka, 1978;
- (s) " person " includes any body of persons corporate or unincorporate;
- (t) " prescribed " shall mean prescribed by the enactment in which the word occurs or by any rule, regulation, by-law, proclamation or order made thereunder;
- (u) " President " shall mean the President of the Democratic Socialist Republic of Sri Lanka, and shall include any person duly appointed or designated to exercise, perform and discharge the powers, duties and functions of his office ;
- * (v) " public holiday " shall have the same meaning as in the Holidays Act, and the expression " public holidays " shall be construed accordingly;
- (w) " registered " used with reference to a document shall mean registered under the provisions of the law for the time being applicable to the registration of such document;
- (x) " rigorous imprisonment ", " simple imprisonment ", and " imprisonment of either description " shall have the same meaning as in the Penal Code, and " imprisonment " shall mean simple imprisonment;

* Sec Gazelle Extraordinary No. 14,984/44 of 1971.11.15.

- (y) " Secretary " used in relation to any Ministry shall mean the Secretary to the Ministry of the Minister to whom the relevant subject or function has been assigned ;
- (z) " sign " with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include " mark " with its grammatical variations and cognate expressions;
- (aa) " Solicitor-General " shall mean the Solicitor-General of Sri Lanka, and shall include an Additional Solicitor-General and a Deputy Solicitor-General, and any officer acting in the place of the Solicitor-General, Additional Solicitor-General or peputy Solicitor-General;
- (bb) " State Counsel " shall include a Senior Slate Counsel and an acting State Counsel and an acting Senior State Counsel;
- (cc) " the Constitution " shall mean the Constitution of the Democratic Socialist Republic of Sri Lanka, 1978.
- (dd) " the Oovernment ", where no other mc;ining is indicated by any descriptive or qualifying words or by the context, and " the Sri Lanka Government " or " the Government of Sri Lanka " or " the Government of this Island " or " the Government of the Island of Sri Lanka " or " the Government of the Republic " shall mean the Government of the Republic constituted under ihe Constitution of the Democratic Socialist Republic of Sri Lanka, 1978;
- (ee) " the Island " and " this Island ", " Ceylon " and " Sri Lanka " shall mean the Island of Sn Lanka or of Ceylon, as required by the context;
- (ff) " the Legislature " shall mean the Parliament constituted under the Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, and shall include any person or body of persons empowered during any period of time to exercise legislative power in Ceylon or Sri Lanka ;
- (gg) " Ins State_w or " the Republic " or " the Republic of Sri Lanka " shall mean the Democratic Socialist Republic of Sri Lanka ;
- (hh) " the United Kingdom " shallLmean the United Kingdom of Great Britain and Northern Ireland ;
- (ii) " value " used with reference to a suit shall mean the amount or value of the subject-matter of the suit;
- (jj) " will " shall include a codicil;
- (kk) " written law " shall mean and include all Ordinances, Laws and Acts of the Legislature of Ceylon or Sri Lanka and all orders, proclamations, rules, by-laws, regulations, warrants and process of every kind made or issued by any body or person having authority under any statutory or other enactment to make or issue the same in and for Ceylon or Sri Lanka or any part thereof, the Minutes on Pensions, and the Ceylon (Parliamentary Elections) Order-in-Council 1946;
- (ll) words importing the masculine gender shall be taken to include females ;
- (mm) words in the singular number shall include the plural, and vice versa.

3. No enactment shall in any manner affect the right of the State unless it is therein expressly stated, or unless it appears by necessary implication that the State is bound thereby. Savings of rights of the State.

4. Where any enactment or written law, whether passed or made before or after the commencement of this Ordinance, centers a power or imposes a duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires. Exercise of powers and duties.

Meaning of "the principal Ordinance", "the principal Law", and "the principal Act."

5. (1) In any enactment which amends any other enactment, the expression "the principal Ordinance" or "the principal Law" or "the principal Act" shall mean the enactment which is amended.

(2) Every amending enactment shall be read as one with the principal enactment to which it relates.

Effect of repeal or expiration of written law.

6. (1) Whenever any written law repealing either in whole or part a former written law is itself repealed, such repeal shall not, in the absence of any express provision to that effect, revive or be deemed to have revived the repealed written law, or any right, office, privilege, matter, or thing not in force or existing when the repealing written law comes into operation.

(2) Whenever any written law repeals in whole or part a former written law and substitutes therefor some new provision, such repeal shall not take effect until such substituted provision comes into operation.

(3) Whenever any written law repeals either in whole or part a former written law, such repeal shall not, in the absence of any express provision to that effect, affect or be deemed to have affected-

- (a) the past operation of or anything duly done or suffered under the repealed written law;
- (b) any offence committed, any right, liberty, or penalty acquired or incurred under the repealed written law;
- (c) any action, proceeding, or thing pending or incompleated when the repealing written law comes into operation, but every such action, proceeding, or thing may be carried on and completed as if there had been no such repeal.

(4) Subsection (3) shall apply in the case of the expiration of any written law in like manner as though that written law had been repealed and had not expired.

(5) This section shall apply to written laws made as well before as after the commencement of this Ordinance.

7. Whereby any enactment which is not to come into operation immediately on the passing thereof a power is conferred on any person or body of persons to make rules or to issue orders with respect to the application of such enactment, or with respect to the establishment of any office or the appointment of any officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under such enactment, the power may be exercised at any time after the passing of such enactment, but rules or orders so made or issued shall not take effect until such enactment comes or is brought into operation.

In this section, "rules" includes regulations and by-laws.

8. (1) Where a limited time date or from the happening of any event is appointed or allowed by any written law for the doing of any act or the taking of any proceeding in a court or office, and the last day of the limited time is a day on which the court or office is closed, then the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day thereafter on which the court or office is open.

(2) Where by any written law any act or proceeding is directed or allowed to be done or taken in a court or office on a certain day, then if the court or office is closed on that day the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day thereafter on which the court or office is open.

(3) Where a limited time not exceeding six days from any date or from the happening of any event is appointed or allowed by any written law for the doing of any act or the taking of any proceeding in a court or office, every intervening public holiday shall be excluded from the computation of such time.

(4) Where by any written law a day is named for the doing or taking of any act or proceeding not being an act or proceeding to be done or taken in a court or office or for the happening of any event, and that day falls upon a public holiday, such written law shall be read as if the first lawful day next succeeding such public holiday had been named.

Making of rules in interval between passing and operation of enactment.

Computation of time.

(5) This section shall apply to written laws made as well before as after the commencement of this Ordinance.

Provisions as to offences under two or more laws.

9. Where any act or omission constitutes an offence under two or more laws, whether either or any of such laws came into force before or after the commencement of this Ordinance, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those laws, but shall not be liable to be punished twice for the same offence.

Construction of enactments declaring offence summarily triable.

10. Where in any enactment passed after the 16th day of January, 1912, it is declared that any offence shall be triable summarily, or by a Magistrate or a Judge of a Primary Court, or words are used implying that any offence shall be triable summarily or by a Magistrate or a Judge of a Primary Court, in any such case, unless the contrary intention appears, the Magistrate or Judge of the Primary Court trying the case shall be deemed to have power to inflict the full penalty prescribed for the offence, notwithstanding any limitation of his ordinary powers or jurisdiction.

Motions. &c. in Parliament on behalf of Ministers.

11. Any provision of written law requiring that any motion be moved or that any matter be brought or laid in or before Parliament by a Minister, shall be deemed to have been complied with, if, in the absence of that Minister from Parliament, the motion is moved or the matter is so brought or laid, on behalf of that Minister, by any other Minister or a Deputy Minister.

Power to make appointments.

12. Where in the case of any appointment authorized by any law, provision is not made by the Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, or by any other law, as to the authority by whom the appointment is to be made, such appointment may be made by the Minister or by an officer authorized in that behalf by the Minister.

Discharge of functions of Crown Agents.

13. Where any written law requires or authorizes any duty or function to be performed or discharged by the Crown Agents, such duty or function may be performed or discharged by any person to whom such duty or function is assigned by the Minister.

14. In all enactments-

(a) for the purpose of excluding the first in a series of days or any period of time, it shall be deemed to have been and to be sufficient to use the word "from";

(b) for the purpose of including the last in a series of days or any period of time, it shall be deemed to have been and to be sufficient to use the word " to " ;

(c) for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully executing the duties of such office in place of such chief or superior, it shall be deemed to have been and to be sufficient to prescribe the duty of such chief or superior;

(d) for the purpose of indicating the relation of a law to the successors of any functionaries or corporations having perpetual succession, it shall be deemed to have been and to be sufficient to express its relation to the functionaries or corporations ;

(e) for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be deemed to have been and to be sufficient to mention the official title of the officer executing such functions at the time of the passing of the enactment; and t"

(f) for the purpose of conferring power to dismiss, suspend, or re-instate any officer, it shall be deemed to have been and to be sufficient to confer power to appoint him.

15. When any rules made under any enactment which has been repealed are kept in force by the repealing enactment, whether passed before or after the commencement of this Ordinance, such rules shall be deemed for all purposes to have been, and to be, made under the corresponding provisions of such repealing enactment, and shall be enforceable as if they had been so made.

Commencement of time.

Termination of time.

Official chiefs and subordinates.

Successors.

Substitution of functionaries.

Appointments and dismissals.

Where rules made under repealed law are kept in force by repealing law, such rules to be deemed to be made under repealing law.

Reference to repealed enactments.

16. (1) Where in any written law or document reference is made to any written law which is subsequently repealed, such reference shall be deemed to be made to the written law by which the repeal is effected or to the corresponding portion thereof.

(2) This section shall apply to written laws and documents made as well before as after the commencement of this Ordinance.

General provisions with respect to power given to any authority to make rules.

17. (1) Where any enactment, whether passed before or after the commencement of this Ordinance, confers power on any authority to make rules, the following provisions shall, unless the contrary intention appears, have effect with reference to the making and operation of such rules :-

(a) any rule may be at any time amended, varied, rescinded, or revoked by the same authority and in the same manner by and in which it was made;

(b) there may be attached to the breach of any rule such penalty not exceeding fifty rupees as the authority making the rule may think fit, and any such penalty may be recovered in the same manner as a fine imposed by a Magistrate's Court;

(c) no rule shall be inconsistent with the provisions of any enactment;

(d) power to make rules for regulation, supervision, protection, or control shall include power to make rules-

(i) for the issue of licences for the purpose of such regulation, supervision, protection, or control;

(ii) for the cancellation of such licences by a court on a second or subsequent conviction by such court for breach of any of the rules in connexion with which such licences were issued ;

(iii) for the refusal of licences in cases of non-compliance with the provisions of any rule so made. or in cases of persons

whose previous licences have been cancelled by a competent court;

(e) all rules shall be published in the Gazette and shall have the force of law as fully as if they had been enacted in the enactment of the Legislature; and

(f) the production of a copy of the Gazette containing any rule, or of any copy of any rule purporting to be printed by the Government Printer, shall be prima facie evidence in all courts and for all purposes whatsoever of the due making and tenor of such rule.

(2) In this section the expression " rules " includes rules and regulations, regulations, and by-laws.

(3) Where any enactment, whether passed before or after the commencement of this Ordinance, confers power on any authority to make rules, regulations, or by-law for any general purpose, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose.

Special powers not to derogate from general powers.

18. Where any enactment, whether passed before or after the commencement of this Ordinance, confers power on any authority to issue any proclamation, or make any order or notification, any proclamation, order, or notification so issued or made may be at any time amended, varied, rescinded, or revoked by the same authority and in the same manner, and subject to the like consent and conditions, if any, by or in which or subject to which such proclamation, order, or notification may be issued or made.

Manner in which any proclamation, order, or notification may be amended, varied, or rescinded.

19. Where any enactment, whether passed before or after the commencement of this Ordinance, confers power to make, grant, or issue any instrument, that is to say, any proclamation, order, warrant, scheme, rules, regulations, or by-laws, expressions used in the instruments shall, unless the contrary intention appears, have the same respective meaning as in the enactment conferring the power.

Construction of statutory rules, &c.

Acts done under rules, &c., to be deemed done under enactment by which rules authorized.

20. An act shall be deemed to be done under any enactment, or by virtue of powers conferred by any enactment, or in pursuance or execution of the powers of or under the authority of any enactment, if it is done under or by virtue of or in pursuance of any rule, order, or by-law or regulation made under any power contained in such enactment.

provisions of any law is a condition precedent to the making or issuing of any such order, decision, determination, direction or finding, and the Supreme Court or the Court of Appeal, as the case may be, is satisfied that there has been no conformity with such rules of natural justice or no compliance with such mandatory provisions of such law :

Interpretation of the expression " shall not be called in question in any court."

[2, 18 of 1972.]

22.* Where there appears in any enactment, whether passed or made before or after the commencement of this Ordinance, the expression "shall not be called in question in any court ", or any other expression of similar import whether or not accompanied by the words " whether by way of writ or otherwise " in relation to any order, decision, determination, direction or finding which any person, authority or tribunal is empowered to make or issue under such enactment, no court shall, in any proceedings and upon any ground whatsoever, have jurisdiction to pronounce upon the validity or legality of such order, decision, determination, direction or finding, made or issued in the exercise or the apparent exercise of the power conferred on such person, authority or tribunal:

Provided further that the preceding provisions of this section shall not apply to the Court of Appeal in the exercise of its powers under Article 141 of the Constitution of the Republic of Sri Lanka to issue mandates in the nature of writs of habeas corpus.

Provided, however, that the preceding provisions of this section shall not apply to the Supreme Court or the Court of Appeal, as the case may be, in the exercise of its powers under Article 140 of the Constitution of the Republic of Sri Lanka in respect of the following matters, and the following matters only, that is to say-

23. Subject to the provisions of section 24, where a court of original civil jurisdiction is empowered by any enactment, whether passed or made before or after the commencement of this Ordinance, to declare a right or status, such enactment shall not be construed to empower such court to entertain or to enter decree or make any order in any action for a declaration of a right or status upon any ground whatsoever, arising out of or in respect of or in derogation of any order, decision, determination, direction or finding which any person, authority or tribunal is empowered to make or issue under any written law:

Construction of enactments giving power If courts to declare rights or status.

[2, 18 of 1972.]

(a) where such order, decision, determination, direction or finding is *ex facie* not within the power conferred on such person, authority or tribunal making or issuing such order, decision, determination, direction or finding; and

Provided, however, that the provisions of this section shall not be deemed to affect the power of such court to make an order or decree relating to the payment of damages.

(b) where such person, authority or tribunal upon whom the power to make or issue such order, decision, determination, direction or finding is conferred, is bound to conform to the rules of natural justice, or where the compliance with any mandatory

24. (1) Nothing in any enactment, whether passed before or after the commencement of this Ordinance, shall be deemed to confer upon any court jurisdiction to grant injunctions or to make orders for specific performance against the State, a Minister or a Deputy Minister, upon any ground whatsoever.

Construction of enactments giving power to court to grant injunctions or make orders for specific performance.

[2, Law 29 of 1974.]

(2) No court shall upon any ground whatsoever grant any injunction or make any order against a public officer, if the effect of the granting of such injunction or the making

Section 21 omitted.

of such order would be», whether directly or indirectly, to restrain the State, a Minister or a Deputy Minister from proceeding with, or to compel the performance by the State, a Minister or a Deputy Minister of, any matter or thing.

(3) Where before the coming into operation of this section, any injunction has been granted by any court, which injunction such court would not have had the jurisdiction to grant if this section had then been in operation, such injunction shall for all purposes be deemed to have been and to be null and void and of no force or effect in law.

(4) In this section, " injunction " includes a permanent or interim injunction, whether *ex parte* or otherwise, an enjoining order, or any other order having the effect of staying or restraining any person or authority referred to in the preceding subsections.

(5) The preceding provisions of this section shall not be deemed to affect the power of any court to make an order declaratory of the rights of parties.

(6) The provisions of this section shall have effect notwithstanding section 6 or any other provisions of this Ordinance or the provisions of any other law.