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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1405/14 – 2005 අගෝස්තු 13 වැනි සෙනසුරාදා – 2005.08.13
No. 1405/14 – SATURDAY, AUGUST 13, 2005

(Published by Authority)

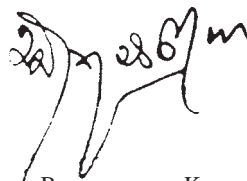
PART I : SECTION (I) — GENERAL

Government Notifications

CF 1/64.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under Section 5 of the Public Security Ordinance (Chapter 40).



CHANDRIKA BANDARANAIKE KUMARATUNGA,
President.

Colombo.
August 13, 2005.

Regulations

PART 1 - GENERAL

1. These regulations may be cited as the Emergency (Miscellaneous Provisions and Powers) Regulation, No. 1 of 2005. Short title

2. (1) In any emergency regulation, unless any other definition is expressly provided therein or unless it is otherwise expressly provided therein or the context otherwise requires— Interpretation

“Attorney-General” in relation to any emergency regulation, include the Solicitor-General, Additional Solicitor-General and Deputy Solicitor-General, or any Counsel for the State being a Counsel for the State authorized by the Attorney-General in that behalf for the purpose of such regulation ;

“competent authority” in relation to any emergency regulation means, unless otherwise provided for in such regulation, any person appointed by name, or by office, by the President to be a competent authority for the purpose of such regulation ;

“emergency regulation” means any of these regulations or any other regulations made under the Public Security Ordinance ;

“essential service” means any service which is of public utility or essential for national security or preservation of public order or to the life of the community and includes any Department of Government or branch thereof and which is specified in the Schedule hereto and shall also include any service which may thereafter be declared in terms of regulation 40 of these regulations ;

“explosive” has the same meaning as in the Explosives Act (Chapter 183) ;

“guns” shall have the same meaning as in the Firearms Ordinance (Chapter 182) ;

“Inspector-General of Police” shall include any Deputy Inspector-General of Police ;

“land” includes land covered with water and parts of houses or buildings ;

“Police Officer” means a member of any police force established under the Police Ordinance (Chapter 53) ;

“public officer” shall have the same meaning as in the Constitution ;

“requisitioning” means, in relation to any vehicle, the taking possession of the vehicle or requiring the vehicle to be placed at the disposal of the requisitioning authority, and its grammatical variations or cognate expression shall be construed accordingly ;

“Secretary to the Ministry of Defence” includes any Additional Secretary to the Ministry of Defence ;

“Sri Lanka” means the territory of Sri Lanka and includes the territorial waters of Sri Lanka ;

“territorial waters” shall have the same meaning as in the Constitution ;

(2) The Interpretation Ordinance shall apply to the interpretation of an emergency regulation and of any orders or rules made thereunder, as it applies to the interpretation of an Act or Ordinance or Law.

(3) Any reference in any document or any other written law to any emergency regulation shall, unless the contrary intention appears, be construed as a reference to that regulation, as amended by any subsequent regulation made under the Public Security Ordinance.

(4) The service specified in the Schedule hereto or any service declared by the President by order in terms of regulation 40 of this regulation declaring any service to be of public utility or to be essential for national security or to the life of the community may be made generally for the whole of Sri Lanka or for any area or place specified in such order.

(5) Where any emergency regulation requires or enables a period to be specified in any direction or order made under such regulation, and such direction or order does not specify any such period, such period shall be deemed to be the period during which the regulation under which such direction or order is given or made remains in force.

Power of the
President

3. Save as otherwise expressly provided, the powers conferred by any emergency regulation shall be in addition to, and not in derogation of any other rights or powers which by law are vested in or conferred on the President or any other authority or person.

Delegation of
powers, duties and
functions under
emergency
regulations

4. Any power, duty or function conferred or imposed on the President by any emergency regulation may be exercised, performed or discharged by any Minister who is authorised in that behalf by the President.

Competent
Authority

5 (1) The appointment of any persons as a competent authority for the purposes of any emergency regulation may be made generally for the whole of Sri Lanka or for any area or place specified in writing by which such person is appointed and may be limited to such of those purposes as may be specified in writing.

Provided that nothing in the preceding provisions of this paragraph shall be deemed to preclude the appointment of two or more persons to be competent authorities for any of the purposes of any regulation or for any specified area or place.

(2) Where the holder of a designated office has been appointed to be a competent authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Service of notices

6. Without prejudice to any special provisions contained in any emergency regulation a notice to be served on any person for the purpose of any emergency regulation may be served by sending it by post addressed to that person at his last or usual place of abode or place of business.

7. Any power conferred by any emergency regulation to made any order or rule shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rule.

Revocation and variation of order, & c.

PART 2

TAKING INTO POSSESSION OF PREMISES AND REQUISITIONING OF VEHICLES AND OF PERSONAL SERVICES

8. (1) Where any building or premises is alleged to have been used in the commission of, or in connection with the commission of, any offence under these regulations or the Prevention of Terrorism Act, No. 48 of 1979, the Superintendent of Police of the area shall take possession of such building or premises and shall evict any person found therein or ordinarily resident therein and secure such premises from access to any unauthorized persons :

Taking into possession of buildings and premises used in connection with an offence, &c.

Provided, that any person claiming ownership to such building and premises shall be entitled to make application in that behalf to the High Court for the making of an order for the release of such building and premises and the Court may, on the expiration of a period of two weeks from the making of such application, order the release of such building or premises, if it is satisfied that such building and premises was used without his knowledge or contrary to his instructions.

Provided, further that if no proceedings are instituted within six months of the taking into possession of such property for the commission of an offence as is referred to above, such building or premises shall be returned to its lawful owner.

(2) Where any person is convicted of any offence under this regulation or the Prevention of Terrorism Act and the Court is satisfied that such premises or buildings had been used in the commission or in connection with the commission of, an offence under this regulation or the Prevention of Terrorism Act, the Court, shall in addition to any penalty which it may impose, for such offence, order that such building or premises be forfeited to the Republic.

9. (1) If a competent authority is of opinion that it is necessary or expedient so to do in the interest of national security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community, he may requisition any vehicle in Sri Lanka and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisitioning.

Requisitioning of vehicles

(2) Where a competent authority requisitions any vehicle under paragraph (1) of this regulation, the competent authority may use or deal with or authorize the use of or dealing with, the vehicle for such purpose and in such manner as the competent authority thinks expedient in the interests of national security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community.

(3) If a competent authority is of opinion that it is necessary for the effectual exercise of the powers conferred by paragraph (1) of this regulation so to do he may by order made as respects the whole of Sri Lanka or any specified area thereof, 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 the area to which the order relates, any such vehicle as may be described in the order, shall remove the vehicle, or cause or permit it to be removed, from the premises until the removal of the vehicle therefrom is permitted by such person or authority as may be specified in the order.

(4) Any officer of police and any other officer of Government shall, upon being requested to do so, aid and assist any person in the exercise of powers conferred on that person by the preceding provisions or this regulation.

(5) For the purposes of this regulation "competent authority" means the Commander of the Army, the Commander of the Navy, Commander of the Air Force, the Inspector-General of Police or the District Secretary of every Administrative District.

10. The President may be order under her hand require, or may delegate to any one or more authorities or officers specified in that behalf the power in like manner to require, any person to do any work or render any personal service in aid, or in connection with, national security or the maintenance of essential services.

Requisitioning of Personal Services

Where any person contravenes or fails to comply with any order made under this regulation, he shall be guilty of an offence and on conviction after trial before a Magistrate, in addition to any other penalty that the court shall impose for such offence -

- (a) all property, movable or immovable, of such person shall, by virtue of such conviction, be deemed to be forfeited to the Republic free of encumbrances ; and
- (b) any alienation or other disposal of such property effected by such person after the date of the coming into force of this regulation shall be deemed to have been, and to be, null and void.

Commissioner
General to co-
ordinate essential
services.

11. (1) The President may, by order, appoint any person by name or by office to be the Commissioner-General of Essential Services for the whole of Sri Lanka or any part thereof. It shall be the duty of the Commissioner-General of Essential Service to execute and co-ordinate all activities relating to the maintenance of essential services.

(2) The Commissioner -General of Essential Services may appoint, by name or by office, such Deputy Commissioners or Assistant Commissioners as may be necessary for the performance of his duties under these regulations.

(3) The Commissioner-General of Essential Services may delegate to any Deputy Commissioner or Assistant Commissioner appointed under paragraph (2) any power, duty or function conferred or imposed on, or assigned to such Commissioner - General by or under these regulations.

(4) For the purpose of the performance of duties under this regulation, the Commissioner General of Essential Services may exercise any power :

- (a) conferred by regulation 8 on the Secretary to the Ministry of the Minister of Defence or a competent authority appointed under that regulation ;
- (b) conferred by regulations 9 on the competent authority for the purposes of that regulation ;
- (c) conferred on any authority or officer to whom any power under regulation 10 has been delegated under that regulation.

(5) The Commissioner - General of Essential Services may give to —

- (a) any competent authority appointed under regulation 8 ;
- (b) any authority or officer, to whom any power has been delegated under regulation 10 ; and
- (c) any Co-ordination Officer appointed under regulation 70,

such directions as may be necessary for ensuring the maintenance of essential services, and it shall be the duty of such competent authority, officer or Co-ordinating Officer as the case may be, to comply with very such direction.

PART 3

CONTROL OF MEETINGS, PROCESSIONS, PUBLICATIONS, FIREARMS AND RIGHT OF ENTRY, & C.,

Restricted places

12. (1) If a competent authority is of opinion that special precautions should be taken to prevent the entry of unauthorized persons into any area, place or premises wholly or mainly occupied or used for the maintenance of essential services, that competent authority may by order provide that no person shall, subject to such exemptions as may be specified in the order, enter or remain upon that area or place or those premises without the permission or such authority or person as may be specified in the order.

(2) If any person is in any area, place or premises in contravention of an order made under this regulation, then without prejudice to any other proceedings that may be taken against him, he may be removed therefrom by any other person authorized in that behalf by a competent authority.

(3) In this regulation, “competent authority”, in relation to any essential service, means any person appointed by name or by office, to be a competent authority for the purposes of that service by the President.

Prohibition of
processions and
meetings

13. (1) The President may, by order, prohibit the holding of public processions or public meetings, or of such public processions or meetings as may be specified in that order in any area in Sri Lanka for such period as may be so specified, subject to such exemptions as may be made by that order or by any subsequent order made under this regulation.