



METRIC UNITS (CONSEQUENTIAL
PROVISIONS) LAW,

No. 40 OF 1978

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 16th August, 1978]

Published on the Orders of Government

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA (CEYLON)

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO.

Price : 55 Cents

Postage : 15 Cents

Metric Units (Consequential Provisions) Law
No. 40 of 1978

[Certified on 16th August, 1978]

A LAW TO AMEND CERTAIN ENACTMENTS IN CONSEQUENCE
OF THE INTRODUCTION OF THE METRIC UNITS OF
MEASUREMENT AND TO PROVIDE FOR MATTERS
CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows :—

1. This Law may be cited as the Metric Units (Consequential Provisions) Law, No. 40 of 1978, and shall come into operation on such date (hereafter in this Law referred to as the "appointed date") as the Minister may appoint by Order published in the *Gazette*.

Short title

2. The enactments set out in Column I of the Schedule to this Law shall have effect subject to the amendments set out in the corresponding entry in Column II of that Schedule.

Amendment of certain enactments.

3. Nothing in this Law shall be deemed to invalidate—

(a) any contract subsisting on the day immediately preceding the appointed date, or

(b) any order made under any of the enactments set out in Column I of the Schedule hereto and in force on such date,

Contracts or orders under the amending enactments to continue in force.

whereby any act or thing is required to be done or performed by reference to any units of measurement other than metric units of measurement.

Schedule

<i>Column I</i> <i>Enactment</i>	<i>Column II</i> <i>Amendments</i>
1. Medical Wants Ordinance	In section 2, substitute, for the definition of "estate", the following definition:— "estate" means any estate in which labourers are employed having four hectares of land actually cultivated in tea, rubber, coffee, cocoa, cardamoms, cocoa, camphor, pepper, or cinchona;
2. The Customs Ordinance	1. For section 17, substitute the following section:— "Duties to be paid in Sri Lanka according to units of measurement for Sri Lanka 17. All duties of customs, as well as all penalties under the Ordinance, shall be paid and received in the several descriptions of money herein enumerated, and at the rates of exchange specified, namely, in British gold or silver money, or in such other description of money and at such rate of exchange as may from time to time be determined by the Minister and according to the

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Produce of cus-
toms duties to
be paid into the
Treasury &c.

units of measurement for Sri Lanka ; and in all cases, when such duties are imposed and allowed according to any specific quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value ; and the produce of all duties of customs shall be paid by the Collector into the hands of the Deputy Secretary to the Treasury or to the sub-accountants of Sri Lanka in such manner and at such periods as may be specified by the Minister.

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2. In Schedule A, under the heading "Export Duties", substitute—

(a) for the items—

Article	Unit	Duty
"Rubber (other than scrap crepe):		
Where the estimated f.o.b. value per pound of R.M.A. No. 1 sheet rubber does not exceed Re. 1.60	Export duty per pound of dry rubber content shall be 15 cents	.. 15 cents plus 40% of excess over Re. 1.60
Where the estimated f.o.b. value per pound of R.M.A. No. 1 sheet rubber exceeds Re. 1.60 but does not exceed Rs. 2.10	do.	.. 35 cents plus 50% of excess over Rs. 2.10
Where the estimated f.o.b. value per pound of R.M.A. No. 1 sheet rubber exceeds Rs. 2.10 but does not exceed Rs. 2.60	do.	.. 60 cents plus 60% of excess over Rs. 2.60
Where the estimated f.o.b. value per pound of R.M.A. No. 1 sheet rubber exceeds Rs. 2.60 but does not exceed Rs. 3.10	do.	.. 90 cents plus 70% of excess over Rs. 3.10
Where the estimated f.o.b. value per pound of R.M.A. No. 1 sheet rubber exceeds Rs. 3.10	do.	.. 90 cents plus 70% of excess over Rs. 3.10
Rubber (scrap crepe):		
Where the estimated f.o.b. value per pound of R.M.A. No. 1 scrap crepe does not exceed Re. 1.60	Export duty per pound of dry rubber content shall be 15 cents	.. 15 cents plus 40% of excess over Re. 1.60
Where the estimated f.o.b. value per pound of R.M.A. No. 1 scrap crepe exceeds Re. 1.60 but does not exceed Rs. 2.10	do.	.. 35 cents plus 50% of excess over Rs. 2.10
Where the estimated f.o.b. value per pound of R.M.A. No. 1 scrap crepe exceeds Rs. 2.10 but does not exceed Rs. 2.60	do.	.. 60 cents plus 60% of excess over Rs. 2.60
Where the estimated f.o.b. value per pound of R.M.A. No. 1 scrap crepe exceeds Rs. 2.60 but does not exceed Rs. 3.10	do.	.. 90 cents plus 70% of excess over Rs. 3.10
Where the estimated f.o.b. value per pound of R.M.A. No. 1 scrap crepe exceeds Rs. 3.10	do.	.. 90 cents plus 70% of excess over Rs. 3.10

the following items:—

Article	Unit	Duty
"Crepe rubber of every description other than scrap crepe	.. Per 100 kilogrammes	Rs. 6 65
Sheet rubber of every description	.. Per 100 kilogrammes	.. 6 85
Rubber latex	.. Per 100 kilogrammes	.. 6 65"; and

(b) for the items—	Article	Unit	Duty Rs. c.
"Tea	..	Per lb.	0 55"
the following items :—			
"Tea black	..	Per 100 kilogrammes	86 0
Tea green	..	Per 100 kilogrammes	86 0
Tea packeted	..	Per 100 kilogrammes	53 0"

3. In Schedule C, in Part I thereof, under the sub-heading "Export Harbour Dues", substitute—

(i) for the item—	Description	Rate Rs. c.
"Tea packed in boxes or chests, for every 100 lb. or part thereof of the net weight of the tea	..	0 09½"
the following item :—		
"Tea packed in boxes or chests, for every 100 kilogrammes or part thereof of the net weight of the tea	..	0 30"; and
(ii) for the item—	Description	Rate Rs. c.
"Bales, boxes or chests of rubber or desiccated coconuts—		
(a) when the net weight does not exceed 200 lb. each	..	0 07½
(b) when the net weight exceeds 200 lbs. the rate set out in (a) above shall be increased for every additional 20 lb. or outstanding fraction thereof by	..	0 01";
the following item :—	Description	Rate Rs. c.
"Bales, boxes or chests of rubber or desiccated coconuts—		
(a) when the net weight does not exceed 100 kilogrammes each	..	0 12
(b) when the net weight exceeds 100 kilogrammes the rate set out in (a) above shall be increased for every additional 10 kilogrammes or outstanding fraction thereof by	..	0 01½"

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Column I Enactment	Column II Amendments
3. The Rubber Control Act.	<p data-bbox="587 327 1075 376">1. For section 16, substitute the following section :—</p> <p data-bbox="587 416 1145 833">“Scales to be kept in licensed premises 16. Every licensed dealer shall keep in his licensed premises scales capable of weighing up to fifty kilogrammes and shall, upon being requested to do so by the Controller or by an officer authorized by the Controller, cause any rubber in those premises to be weighed, and shall permit and give every facility and assistance to the Controller or such authorized officer to compare the weight of the stock of rubber in those premises with the weights as shown in the record maintained under section 15.”</p> <p data-bbox="587 855 1139 904">2. In section 25, substitute, for subsection (1) of that section, the following subsection :—</p> <p data-bbox="609 922 1139 1021">“(1) There shall be charged, levied and paid an export duty on rubber calculated at the rate of fifty cents for every hundred kilogrammes of rubber exported from Sri Lanka :</p> <p data-bbox="609 1043 1139 1169">Provided, however, that no such duty shall be charged or levied on any rubber which is proved to the satisfaction of the Principal Collector of Customs to have been imported to Sri Lanka for the purposes of re-export.”</p> <p data-bbox="587 1191 1139 1290">3. In section 52, in subsection (1) of that section, substitute, for the definitions of “estate” and “small holding”, the following definitions respectively :—</p> <p data-bbox="632 1317 1139 1442">* “estate” means an area of land which is not less than four hectares in extent and on which rubber plants are grown for the purpose of collecting latex therefrom ;</p> <p data-bbox="632 1469 1139 1568">“small holding ” means an area of land which is less than four hectares in extent and on which rubber plants are grown for the purpose of collecting latex therefrom;.</p>
4. The Rubber Replanting Subsidy Act	<p data-bbox="587 1608 1139 1684">In section 7, substitute, for subsections (1), (2) and (3) of that section, the following subsections respectively :—</p> <p data-bbox="600 1706 1139 1805">“(1) There shall be charged, levied and paid an export duty of eighteen cents for every kilogramme of sheet rubber exported from Sri Lanka</p> <p data-bbox="600 1841 1139 1939">(2) There shall be charged, levied and paid an export duty of eighteen cents for every kilogramme of scrap crepe rubber exported from Sri Lanka.</p> <p data-bbox="600 1975 1139 2074">(3) There shall be charged, levied and paid an export duty of eighteen cents for every kilogramme of crepe rubber (other than scrap crepe rubber) exported from Sri Lanka.”</p>

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5. Rubber Research Ordinance	<p>In section 6, substitute, for subsection (4) of that section, the following subsection :—</p> <p>“(4) For the purpose of calculating the duty under subsection (1) one litre of fluid latex shall be taken to be equivalent to three hundred and fifty grammes of dry rubber and one and a half kilogramme of coagulated latex shall be taken to be equivalent to 1 kilogramme of dry rubber.”</p>
6. The Tea Control Act, No. 51 of 1957	<p>1. In section 18, substitute, for subsection (4) of that section, the following subsection :—</p> <p>“(4) Every licensed dealer shall keep in his licensed premises, and every manufacturer to whom subsection (3) of this section applies shall keep in his tea factory; scales capable of weighing up to fifty kilogrammes :</p> <p>Provided, however, that it shall not be necessary for a licensed dealer who deals solely in made tea packeted by a registered packer to keep in his licensed premises the scales referred to in this subsection.”</p> <p>2. In section 63, in subsection (1) of that section substitute, for the definitions of “estate” and “small holding”, the following definitions respectively :—</p> <p>“estate” means an area of land, four hectares or more in extent, on which tea plants are grown for the purpose of harvesting the leaf thereof for conversion into made tea ;</p> <p>“small holding” means an area of land less than four hectares in extent on which tea plants are grown for the purpose of harvesting the leaf thereof for conversion into made tea;”</p>
7. The Tea and Rubber Estates (Control of Fragmentation) Act, No. 2 of 1958	<p>1. In section 8, substitute, for subsection (1) of that section, the following subsection :—</p> <p>“(1) The Board shall grant its consent—</p> <p>(a) to the transfer of ownership of a tea or rubber estate which does not involve the division of such estate into a number of lots ;</p> <p>(b) to the transfer of ownership of a tea or rubber estate which involves the division of such estate into a number of lots, or to the partition by deed of a tea or rubber estate, or to the institution of a partition action in respect of a tea or rubber estate—</p> <p>(i) if all the lots into which such estate is to be divided or partitioned, or all those lots except such one of them as is not less than forty hectares in extent, are to be used for an object which is declared to be a housing object by section 2 of the National Housing Act, or for any industrial purpose, or for the development of any town, or for any other prescribed purpose, or are to be merged with an adjoining tea or rubber estate and the Board is of opinion that such merger will result in the more efficient and economic management of the lands that are merged ;</p>

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(ii) if, in the opinion of the Board, the agricultural condition of such estate is already so unsatisfactory that its division or partition into lots is not likely to affect such condition adversely ; or

(iii) if each of the lots into which such estate is to be divided or partitioned is not less than two hundred hectares in extent in the case of tea and one hundred hectares in extent in the case of rubber, and such division or partition will not in the opinion of the Board, adversely affect the agricultural condition or the efficiency of management of the property."

2. For section 9, substitute the following section :—

" Prohibition of registration of certain estates and small holdings, under, the Tea Control Act No. 51 of 1957, and the Rubber Control Act.

9. (1) Notwithstanding anything to the contrary in the Tea Control Act, No. 51 of 1957, an estate of less than two hundred hectares in extent, or a small holding, constituted by the division of a tea estate into lots on or after the appointed day shall not be registered under such Act unless such division has been made in consequence of a transfer of ownership or a partition of such tea estate with the prior consent of the Board and in accordance with the conditions, if any, subject to which such consent has been granted. In this subsection the expression "small holding" shall have the same meaning as in the Tea Control Act, No. 51 of 1957.

(2) Notwithstanding anything to the contrary the Rubber Control Act an estate less than one hundred hectares in extent, or a small holding, constituted by the division of a rubber estate into lots on or after the appointed day shall not be registered under such Act unless such division has been made in consequence of a transfer of ownership or a partition of such rubber estate with the prior consent of the Board and in accordance with the conditions, if any, subject to which such consent has been granted. In this subsection the expression "small holding" shall have the same meaning as in the Rubber Control Act."

3. In section 25, substitute, for the definitions of " rubber estate " and " tea estate ", the following definitions respectively :—

" rubber estate " means a rubber estate of not less than forty in hectares in extent which under the Rubber Control Act is or is deemed to be an estate registered under that Act ;

" tea estate " means a tea estate of not less than forty hectares in extent which under the Tea Control Act, No. 51 of 1957, is or is deemed to be an estate registered under that Act ;

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<i>Column I</i> <i>Enactment</i>	<i>Column II</i> <i>Amendments</i>
8. The Tea (Tax and Control of Export) Act, No. 16 of 1959	1. For section 2, substitute the following section :— “Tax on tea which is sold at a Colombo tea auction and on tea exported from Sri Lanka sold at a foreign tea auction.
	2. (1) Where any tea— (a) is sold at a Colombo tea auction ; or (b) is exported from Sri Lanka and sold at a foreign tea auction ;

at a price which is, or which when expressed in terms of Sri Lanka currency and after the deductions specified in subsection (3) are made therefrom is in excess of four rupees and eight cents per kilogramme, there shall be charged, levied and paid in respect of each kilogramme of the tea so sold a tax which shall—

- (i) where that excess is not more than one rupee and forty cents, be equal to one-half of that excess ; and
- (ii) where that excess is more than one rupee and forty cents be equal to seventy cents:

Provided that where the tax which, but for this proviso, would be payable under the preceding provisions of this subsection on any tea in respect of its first resale at a Colombo tea auction is in excess of the tax under those provisions on that tea in respect of its sale at such an auction before such first resale, there shall in lieu of the tax under those provisions, be charged, levied and paid on that tea in respect of such first resale a tax equal to the amount of such excess.

(2) For the purposes of expressing in terms of Sri Lanka currency the price at which a kilogramme of tea exported from Sri Lanka for sale at a foreign tea auction was sold on any day at such an auction, the rate of exchange shall be the rate of exchange specified under section 17 of the Customs Ordinance and in force on that day.

(3) The deductions which, for the purposes of subsection (1), shall be made from the price at which a kilogramme of tea exported from Sri Lanka for sale at a foreign tea auction is sold at such an auction shall be—

- (a) the export duty and any excess paid in Sri Lanka on that kilogramme of tea, and
- (b) the amount fixed by the Minister by Order published in the *Gazette* in respect of a kilogramme of tea exported from Sri Lanka for sale at such a foreign tea auction, to cover the cost of freight, insurance and handling.

(4) In the exercise of his powers under paragraph (b) of subsection (3) the Minister may fix different amounts in respect of different foreign tea auctions:

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Provided that any amount or amounts which may be determined by the Minister acting under subsection (3) shall be published in the *Gazette* and tabled in the National State Assembly as soon as possible thereafter and unless the Assembly by resolution within two months resolves against it, the amount or amounts shall continue to be levied; and provided further that nothing in this subsection shall be deemed to prevent the Minister from levying as a lawful tax the amount or amounts he may determine until the expiration of such period or the Assembly by resolution revokes his Order whichever event occurs earlier”.

2. In section 5, substitute, for subsections (1) and (2) of that section, the following subsections respectively:—

(1) The Commissioner shall, on the basis of the current prices at which tea is sold at a Colombo tea auction, determine, for the purposes of subsection (2), the price, hereafter in this section referred to as the “assessed price”, which a kilogramme of—

(a) any tea produced in Sri Lanka by the English and Scottish Joint Co-operative Wholesale Society Ltd., or

(b) any tea which is not tea referred to in paragraph (a) of this subsection or in subsection (1) of section 2 and which is authorized by a permit issued under this Act to be exported from Sri Lanka,

would reasonably be expected to fetch on any day if such tea were sold on that day at a Colombo tea auction.

(2) Before the issue of the permit under this Act authorizing the export from Sri Lanka of any tea to which subsection (1) applies there shall be charged, levied and paid in respect of each kilogramme of such tea a tax which shall—

(a) where the assessed price of a kilogramme of such tea on the day on which such permit is issued exceeds rupees six and cents fifteen by not more than rupees four and cents forty, be equal to one-half of that excess, and

(b) where such assessed price exceeds rupees six and cents fifteen by more than rupees four and cents forty be rupees two and cents twenty.”.

3. In section 7, substitute, for subsection (1) of that section the following subsection:—

“1. No person shall export tea except under the authority of a permit issued by the Commissioner.

Provided that no permit shall be required for the export of—

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- (a) any tea, not exceeding six kilogrammes in weight, despatched as a gift by parcel post or taken as part of the personal baggage of a passenger on any vessel or aircraft, or
- (b) any tea sent as commercial samples."
4. In section 12, substitute, for subsections (1) and (2) of that section the following subsections respectively :—
- "(1) Where any tea is sold at a Colombo tea auction, the person who is the owner of the tea at the time of the sale shall, not later than three working days after the date of the sale, state in writing to the Commissioner the description, quantity and sale price per kilogramme of such tea, and the name and address of the purchaser.
- (2) Where any tea exported from Sri Lanka for sale at a foreign tea auction is sold at such an auction, the person who is the owner of the tea at the time of the sale shall, not later than fourteen days after the date of the sale, state in writing to the Commissioner the description, quantity and sale price per kilogramme of such tea, and the name and address of the purchaser."
9. The Sri Lanka Tea Board Law, No. 14 of 1975
1. In section 13, in paragraph (a) of subsection (1) of that section, substitute, for the words "rupees ten and cents sixty-five only for every one hundred pounds", the words "rupees twenty-five and cents seventy only for every one hundred kilogrammes,"
2. In section 31, substitute, in the definitions of—
- (a) "estate", for the words "ten acres" the words "four hectares"; and
- (b) "small holding", for the words "ten acres", the words "four hectares".