

*Manures.***No. 12 of 1901.****An Ordinance for regulating the Sale of Manures  
or Fertilizers of the Soil.**

## Preamble.

WHEREAS it is expedient to provide against the adulteration of manures or fertilizers of the soil : It is hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

## Short title.

1 This Ordinance may be cited as 'The Fertilizers Ordinance, 1901'

## Commencement of Ordinance.

2 This Ordinance shall come into operation on the First day of January, 1902.

## Warranty on sale of fertilizer.

3 (1) Every person who sells for use as a fertilizer of the soil any article manufactured or prepared in Ceylon or imported from abroad shall give to the purchaser an invoice stating the name of the article and whether it is an artificially compounded article or not, and what is at least the percentage of the nitrogen soluble and insoluble phosphates, and potash, if any, contained in the article, and this invoice shall have effect as a warranty by the seller of the statements contained therein.

(2) For the purposes of this section an article shall be deemed to be manufactured if it has been subjected to any artificial process.

(3) This section shall not apply to a sale where the whole amount sold at the same time weighs less than one hundred-weight.

## Penalty for breach of duty by seller.

4 (1) If any person who sells any article for use as a fertilizer of the soil commits any of the following offences, namely :

- (a) Fails without reasonable excuse to give, on or before or as soon as possible after the delivery of the article, the invoice required by this Ordinance ; or
- (b) Causes or permits any invoice or description of the article sold by him to be false in any material particular to the prejudice of the purchaser—

he shall, without prejudice to any civil liability, be liable on conviction for a first offence to a fine not exceeding one hundred rupees, and for any subsequent offence to a fine not exceeding five hundred rupees.

(2) In any proceeding for an offence under this section it shall be no defence to allege that the buyer, having only bought for analysis, was not prejudiced by the sale.

(3) Any person alleged to have committed an offence under this section in respect of an article sold by him shall be entitled to the same rights and remedies, civil or criminal, against the person from whom he bought the article as are

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available to the person who bought the article from him, and any damages recovered by him may, if the circumstances justify it, include the amount of any fine and costs paid by him on conviction under this section, and the costs of and incidental to his defence on such conviction.

5 The Governor shall appoint one or more agricultural analysts for the Island, who shall, while holding the office of agricultural analyst, not engage in any trade, manufacture, or business connected with the sale or importation of articles used for fertilizing the soil. Should more than one agricultural analyst be appointed, one of them shall be appointed chief agricultural analyst.

Power to  
appoint analyst.

6 (1) Every buyer of an article used for fertilizing the soil shall, on payment to an agricultural analyst of a fee sanctioned by the Governor, be entitled within ten days after delivery of the article to the buyer, or receipt of the invoice by the buyer, whichever is later, to have the article analyzed by the analyst, and to receive from him a certificate of the result of his analysis.

Power for  
purchaser to  
have fertilizer  
analyzed.

(2) Where a buyer of an article desires to have the article analyzed in pursuance of this section, he shall, in accordance with regulations made by the Governor with the advice of the Executive Council, take three samples of the article, and shall, in accordance with the said regulations, cause each sample to be marked, sealed, and fastened up, and shall deliver or send by post one sample with the invoice or copy thereof to an agricultural analyst, and shall give another sample to the seller, and shall retain the third sample for future comparison; provided that an agricultural analyst, or some person authorized by him in that behalf with the approval of the Governor, shall, on request either by the buyer or the seller, and on payment of a fee sanctioned by the Governor, take the samples on behalf of the buyer.

(3) The certificate of the agricultural analyst shall be in such form and contain such particulars as are directed in the schedule hereto annexed, and every agricultural analyst shall carefully enter in a register to be kept for that purpose the result of any analysis made by him in pursuance of this Ordinance.

(4) If the seller or the buyer objects to the certificate of the agricultural analyst not being the chief agricultural analyst, one of the samples selected, or another sample selected in like manner, may, at the request of the seller, or, as the case may be, the buyer, be submitted with the invoice or a copy thereof to the chief agricultural analyst, and the seller, or, as the case may be, the buyer, shall, on payment of a fee sanctioned by the Governor, be entitled to have the sample analyzed by the chief agricultural analyst, and to receive from him a certificate of the result of his analysis.

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(5) At the hearing of any civil or criminal proceeding with respect to any article analyzed in pursuance of this section, the production of a certificate of an agricultural analyst shall be sufficient evidence of the facts therein stated, unless the defendant or the person charged requires that the analyst be called as a witness.

(6) The cost of and incidental to the obtaining of any analysis in pursuance of this section shall be borne by the seller or the buyer in accordance with the results of the analysis, and shall be recoverable as a simple contract debt.

Penalty for tampering.

7 If any person knowingly and fraudulently (a) tampers with any parcel of fertilizer so as to procure that any sample of it taken in pursuance of this Ordinance does not correctly represent the contents of the parcel ; or (b) tampers with any sample taken under this Ordinance, he shall be liable on conviction to a fine not exceeding five hundred rupees, or to imprisonment, simple or rigorous, for a term not exceeding six months.

Prosecutions and appeals.

8 (1) Notwithstanding anything to the contrary in any Ordinance contained, the Police Court within whose jurisdiction any offence against this Ordinance is committed shall be empowered to hear, try, and determine the prosecution for such offence, and to award the punishment prescribed by this Ordinance.

(2) Any person aggrieved by a conviction under this Ordinance may appeal to the Supreme Court.

Regulations.

9 (1) The Governor may, with the advice of the Executive Council, from time to time make regulations for the taking of samples and for the marking, sealing, and fastening up of the same, and such regulations he may with the like advice revoke, amend, or alter.

(2) All regulations when so made, revoked, amended, or altered shall be published in two successive issues of the *Government Gazette* in the English language, and shall be laid before the Legislative Council if then in session, and if not then in session, then so soon as possible after the commencement of the next ensuing session, and if within forty days after their being so laid before the Legislative Council any of such regulations be objected to by the Legislative Council, the said Council may by resolution amend or annul any such regulations. All regulations so amended and such regulations as shall not be amended or annulled by the said Council shall be proclaimed in two successive issues of the *Government Gazette* in the English language, and shall come into force upon such Proclamation in the *Government Gazette*, and shall thereupon be as legal, valid, effectual, and binding as if the same had been inserted in this Ordinance.

10 (1) For the purposes of this Ordinance, the expressions "soluble" and "insoluble" shall respectively mean soluble and insoluble in water or citrate of ammonium.

Construction  
and application.

(2) This Ordinance shall apply to wholesale as well as retail sales.

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SCHEDULE.

Form of Certificate.

I certify that I have analyzed the sample or samples of (*here insert the name of the article*) \_\_\_\_\_ delivered to me (*or sent by post*) by \_\_\_\_\_, or taken by \_\_\_\_\_ on behalf of the buyer \_\_\_\_\_, and that they contain \_\_\_\_\_ per cent. of nitrogen, \_\_\_\_\_ per cent. of soluble phosphates, \_\_\_\_\_ per cent. of insoluble phosphates, and \_\_\_\_\_ per cent. of potash.

Place and date : \_\_\_\_\_.

(Signed) \_\_\_\_\_,  
Agricultural Analyst.

14th August, 1901.

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