

PARLIAMENT OF CEYLON

2nd Session 1957



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Tea Control Act, No. 51 of 1957

Date of Assent : November 29, 1957

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L. D.—O. 25/56.

AN ACT TO PROVIDE FOR THE REGISTRATION OF TEA PLANTATIONS AND THE PROPRIETORS THEREOF; FOR THE REGISTRATION OF TEA MANUFACTURERS AND OF THE FACTORIES OPERATED BY THEM; FOR THE CONTROL OF THE PLANTING AND REPLANTING OF TEA, THE POSSESSION, SALE AND PURCHASE OF TEA, AND THE EXPORTATION OF TEA, TEA SEED AND SUCH PARTS OF THE TEA PLANT AS ARE CAPABLE OF BEING USED FOR PROPAGATION; FOR THE IMPOSITION OF AN EXPORT DUTY ON TEA; FOR THE ESTABLISHMENT OF A TEA ADVISORY BOARD; AND FOR MATTERS CONNECTED THEREWITH.

[Date of Assent: November 29, 1957]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Tea Control Act, No. 51 of 1957, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

PART I.

REGISTRATION OF TEA PLANTATIONS AND THE PROPRIETORS THEREOF.

2. (1) The Controller shall maintain a Register of Estates in which he shall cause the prescribed particulars of estates and the prescribed particulars of the proprietors of estates to be registered.

Register of
Estates and
Register of
Small Holdings.

(2) Where the prescribed particulars of an estate are registered in the Register of Estates, that estate shall, for the purposes of this Act, be a registered estate so long as the registration relating to that estate is in force.

(3) Where the prescribed particulars of any proprietor of an estate are registered in the Register of Estates, he shall, for the purposes of this Act, be a registered proprietor of that estate so long as the registration relating to him is in force.

(4) The Controller shall maintain a Register of Small Holdings in which he shall cause the prescribed particulars of small holdings and the prescribed

particulars of the proprietors of small holdings to be registered.

(5) Where the prescribed particulars of a small holding are registered in the Register of Small Holdings, that small holding shall, for the purposes of this Act, be a registered small holding so long as the registration relating to that small holding is in force.

(6) Where the prescribed particulars of any proprietor of a small holding are registered in the Register of Small Holdings, he shall, for the purposes of this Act, be a registered proprietor of that small holding so long as the registration relating to him is in force.

(7) Any register of estates and any register of small holdings maintained or deemed to be maintained under the Tea Control Act, No. 28 of 1949, shall be deemed to be respectively a Register of Estates and a Register of Small Holdings maintained under this Act.

(8) Every estate which, on the day immediately preceding the appointed date, is, or is deemed to be, a registered estate under the Tea Control Act, No. 28 of 1949, shall be deemed to be a registered estate for the purposes of this Act so long as the registration relating to that estate is in force.

(9) Every small holding which, on the day immediately preceding the appointed date, is, or is deemed to be, a registered small holding under the Tea Control Act, No. 28 of 1949, shall be deemed to be a registered small holding for the purposes of this Act so long as the registration relating to that small holding is in force.

(10) A person who, on the day immediately preceding the appointed date, is, or is deemed to be, a registered proprietor of an estate under the Tea Control Act, No. 28 of 1949, shall be deemed to be a registered proprietor of that estate for the purposes of this Act so long as the registration relating to him is in force.

(11) A person who, on the day immediately preceding the appointed date, is, or is deemed to be, a registered proprietor of a small holding under the Tea Control Act, No. 28 of 1949, shall be deemed to be a registered proprietor of that small holding for the purposes of this Act so long as the registration relating to him is in force.

Returns to be
furnished
before
registration.

3. (1) The proprietor, or any one of the proprietors, of any estate or small holding which, on the day immediately preceding the appointed date is not, or

is not deemed to be, a registered estate or a registered small holding under the Tea Control Act, No. 28 of 1949, shall, within six months after the appointed date, furnish to the Controller a return in the prescribed form.

(2) A person to whom a permit is issued under this Act to plant tea on any land which is not a nursery shall, within three months after the completion of the planting of tea on that land, or within three months after the date of expiry of the permit, whichever is earlier, furnish to the Controller a return in the prescribed form.

(3) Where the Controller is satisfied, on written application made to him, that any person required to furnish a statement under the preceding provisions of this section is unable to furnish that statement within the period specified in those provisions, he may fix some later date after the expiry of such period before which the return shall be furnished. Where the Controller, under the preceding provisions of this section, fixes a later date in relation to any person, such person shall furnish the return before that date.

4. (1) The Controller shall decide—

(a) whether any land planted with tea is an estate or a small holding for the purposes of this Act, and

(b) whether any person is entitled to be registered as the proprietor of an estate or a small holding.

Determination
of questions
relating to
registration.

(2) No decision of the Controller under sub-section (1) of this section, and no decision of the Minister upon an appeal made to him under this Act, in regard to the proprietorship of any estate or small holding shall operate as *res adjudicata* on any question in any civil action in which the title to that estate or small holding or to any portion or share thereof is in issue.

5. (1) The registered proprietor, or any one of the registered proprietors, of any estate or small holding shall, within one month after the occurrence of any circumstance affecting the accuracy of any particular contained in any return furnished by him under the Tea Control Act, No. 28 of 1949, or under this Act, notify in writing that circumstance to the Controller in order that the Controller may make the necessary

Amendment
of Registers.

amendments in the entries relating to that estate or small holding in the Register of Estates or the Register of Small Holdings.

(2) Where a change occurs in the ownership of any registered estate or registered small holding, the new owner, or any one of the new owners, of that estate or small holding shall notify in writing the change to the Controller within one month after the occurrence of the change in order that the Controller may amend the entries relating to the proprietor or proprietors of that estate or small holding in the Register of Estates or the Register of Small Holdings.

(3) Where the registered proprietor, or any one of the registered proprietors, of any estate or small holding dies, the person, or any one of the persons, entering into possession or having control of that estate or small holding or having charge of the business of the deceased shall give written information of the death to the Controller within one month after the date of the death, and shall be responsible for furnishing all such information in regard to that estate or small holding as may be required by the Controller, until the successor or each successor to the deceased's right, title and interest to and in that estate or small holding is registered as the proprietor or one of the proprietors of that estate or small holding.

(4) The Controller may at any time amend any entry in the Register of Estates or the Register of Small Holdings, if he is satisfied, after such inquiry as he may deem necessary, that such entry is incorrect. Before amending any such entry, the Controller shall give notice in writing of his decision to amend that entry and of the particulars of the proposed amendment to the registered proprietor or each registered proprietor or other person who, in his opinion, will be affected by such amendment.

PART II.

REGISTRATION OF TEA MANUFACTURERS AND TEA FACTORIES OPERATED BY THEM.

Register of
Manufacturers.

6. (1) The Controller shall maintain a Register of Manufacturers in which he shall cause the prescribed particulars relating to manufacturers of tea and the prescribed particulars relating to the tea factories of such manufacturers to be registered.

(2) Where the prescribed particulars relating to a manufacturer are entered in the Register of Manufacturers, that manufacturer shall, for the purposes of this Act, be a registered manufacturer so long as the registration relating to that manufacturer is in force.

(3) Where the prescribed particulars relating to any tea factory are registered in the Register of Manufacturers, that factory shall, for the purposes of this Act, be a registered factory so long as the registration relating to that factory is in force.

(4) The Register of Manufacturers maintained or deemed to be maintained under the Tea Control Act, No. 28 of 1949, shall be deemed to be a Register of Manufacturers maintained under this Act.

(5) Every person who, on the day immediately preceding the appointed date, is, or is deemed to be, a registered manufacturer under the Tea Control Act, No. 28 of 1949, shall be deemed to be a registered manufacturer for the purposes of this Act so long as the registration relating to that manufacturer is in force.

7. (1) A person who, being lawfully in possession of a tea factory, manufactures made tea at that factory, but who, on the day immediately preceding the appointed date, is not, or is not deemed to be, a registered manufacturer under the Tea Control Act, No. 28 of 1949, shall, within one month after the appointed date, or within one month after the date on which he lawfully enters into possession of the tea factory, whichever is earlier, furnish to the Controller a return in the prescribed form.

Persons in possession of tea factories who are not, or who are not deemed to be, registered manufacturers to furnish returns.

(2) Where the Controller is satisfied, on written application made to him, that any person required to furnish a statement under the preceding provisions of this section is unable to furnish that statement within the period specified in those provisions, he may fix some later date after the expiry of such period before which the return shall be furnished. Where the Controller, under the preceding provisions of this section, fixes a later date in relation to any person, such person shall furnish the return before that date.

8. (1) The Controller shall decide—

(a) whether any person is entitled to be registered as a manufacturer for the purposes of this Act, and

Determination of question relating to registration.

(b) whether any tea factory should be registered for the purposes of this Act.

(2) The Controller may cancel the registration of any tea factory if he is satisfied, after such enquiry as he may deem necessary, that the building, or equipment, or manner of operation, of such factory is not of a standard conducive to the manufacture of made tea of good quality.

9. No person shall manufacture made tea except in a registered factory.

Manufacture of made tea in registered factories.

Registered manufacturers to notify Controller of any change in the particulars contained in returns.

10. (1) A person who is a registered manufacturer shall, within one month after the occurrence of any circumstance affecting the accuracy of any particular contained in any return furnished by him under the Tea Control Act, No. 28 of 1949, or under this Act, notify in writing that circumstance to the Controller in order that the Controller may make the necessary amendments in the entries relating to that manufacturer in the Register of Manufacturers.

(2) Where a person who is a registered manufacturer ceases to carry on the business of a manufacturer, he shall notify that fact to the Controller within one month after his ceasing to carry on such business; and the Controller may, if he is satisfied that such person has ceased to be a manufacturer, cancel the registration of such person as a manufacturer.

(3) Where a change occurs in the ownership of any registered factory, the new owner, or any of the new owners, of that registered factory shall notify in writing the change to the Controller within one month after the occurrence of the change in order that the Controller may amend the entries relating to that registered factory in the Register of Manufacturers.

(4) Where a registered manufacturer dies, the person, or any one of the persons, entering into possession or having control of the tea factory operated by that manufacturer, or having charge of the business of the deceased, shall give written information of the death to the Controller within one month after the date of the death, and shall be responsible for furnishing all such information in regard to that tea factory as may be required by the Controller, until the successor or each successor to the deceased's right, title and interest to and in that tea factory is registered as the manufacturer or one of the manufacturers operating that tea factory.

(5) The Controller may, at any time, amend any entry in the Register of Manufacturers, if he is satisfied, after such inquiry as he may deem necessary, that such entry is incorrect. Before amending any such entry, the Controller shall give notice in writing of his decision to amend that entry and of the particulars of the proposed amendment to the registered manufacturer or other person who, in his opinion, will be affected by such amendment.

11. Every registered manufacturer shall, on or before the fifth day of each month, transmit to the Controller a return in the prescribed form specifying the quantity of made tea which was manufactured by him in the preceding month.

Registered manufacturers to furnish returns of the tea manufactured.

PART III.

CONTROL OF THE PLANTING AND REPLANTING OF TEA.

12. (1) Except under the authority of a permit issued by the Controller and except in accordance with such conditions as may be prescribed, no person shall plant or replant tea on any land which is not a nursery:

Planting or replanting of tea to be under the authority of a permit issued by the Controller.

Provided, however, that no permit shall be required for replanting tea for the purpose of filling up such vacancy in a registered estate or registered small holding as is caused by the eradication of a tea plant that is dead or affected by any disease.

(2) Except under the authority of a permit issued by the Controller and except in accordance with such conditions as may be prescribed, no person shall plant tea for the purposes of a nursery.

13. Every application for a permit referred to in section 12 shall be in the prescribed form and shall be made to the Controller.

Application for permits.

14. (1) The Controller may issue, or refuse to issue, a permit, or may issue a permit to plant or replant tea on only a portion of the land to which the application for the permit relates.

Tea planting or replanting permits.

(2) Every permit to plant or replant tea on any land other than a permit to plant tea for the purposes of a nursery shall, unless there is special provision in the permit giving leave to plant that land with ordinary tea seeds or cuttings, be subject to the condition that such land shall be planted with tea seeds or cuttings of varieties approved by the Controller.

(3) Every permit to plant or replant tea shall be in the prescribed form.

(4) Any permit to plant or replant tea which has been issued under the Tea Control Act, No. 28 of 1949, and which is in force on the day immediately preceding the appointed date, shall have effect as if it were a permit issued under this section.

PART IV.

CONTROL OF THE POSSESSION, SALE AND PURCHASE OF MADE TEA, GREEN TEA LEAF AND REFUSE TEA.

Possession
of tea.

15. (1) No person other than a licensed dealer in made tea, or a registered manufacturer, or a person acting on behalf of such licensed dealer or registered manufacturer, shall have in his possession any quantity of made tea in excess of the prescribed quantity:

Provided, however, that nothing in the preceding provisions of this sub-section shall be deemed to prohibit the registered proprietor of a registered estate or small holding who is not a registered manufacturer from having in his possession any quantity of made tea manufactured for him from green tea leaf which is the produce of that estate or small holding.

(2) No person other than a licensed dealer in green tea leaf, or the registered proprietor of an estate or small holding, or a registered manufacturer, or a person acting on behalf of such licensed dealer, registered proprietor or registered manufacturer, shall have in his possession any quantity of green tea leaf.

Sale and
purchase
of tea.

16. (1) No person other than a licensed dealer in made tea or a registered manufacturer, or a person acting on behalf of such licensed dealer or registered manufacturer, shall sell or deliver any quantity of made tea exceeding the prescribed quantity to any other person:

Provided, however, that nothing in the preceding provisions of this sub-section shall be deemed to prohibit the registered proprietor of a registered estate or small holding from selling or delivering any made tea manufactured for him by a registered manufacturer from green tea leaf which is the produce of that estate or small holding.

(2) No person other than a licensed dealer in green tea leaf, or a person acting on behalf of such licensed dealer, shall sell or deliver any green tea leaf to any other person:

Provided, however, that nothing in the preceding provisions of this sub-section shall be deemed to prohibit the registered proprietor of any estate or small holding from selling or delivering any green tea leaf which is the produce of that estate or small holding.

(3) No person other than a licensed dealer in made tea, or a person acting on behalf of such a dealer, shall purchase or take delivery of any quantity of made tea in excess of the prescribed quantity from any other person:

Provided, however, that nothing in the preceding provisions of this sub-section shall be deemed to prohibit a registered proprietor of any estate or small holding who is not a registered manufacturer, from taking delivery of any made tea manufactured for him by a registered manufacturer from green tea leaf which is the produce of that estate or small holding.

(4) No person other than a licensed dealer in green tea leaf, or a registered manufacturer, shall purchase or take delivery of any green tea leaf from any other person.

17. (1) The Controller may, on application made in the prescribed form, issue a licence (hereafter in this Act referred to as a "dealer's licence") to any person or any body of persons carrying on business in partnership (hereafter in this section referred to as a "firm"), to carry on the business of a dealer in made tea or green tea leaf or in both those commodities.

Licensed
dealers.

(2) The Controller may refuse to issue and may revoke or suspend a dealer's licence.

(3) No dealer's licence shall be issued until the prescribed fee for such licence is paid.

(4) A dealer's licence issued in respect of a firm shall authorise the persons who are for the time being specified in that licence as the partners of that firm to carry on jointly and not severally the business of a dealer in tea.

(5) Where a dealer's licence issued in respect of any firm is in force, the fact that any person has ceased to be, or has become, a partner of that firm shall forthwith be notified in writing to the Controller by

the other partners of that firm, and when notifying that fact the other partners of that firm shall return that licence to the Controller for amendment of such particulars in it as relate to the partners of that firm.

(6) A dealer's licence issued in respect of a firm shall not cease to be in force by reason only of the death or retirement of any of the partners of that firm, but, if during the period of validity of that licence that firm is dissolved, that licence shall cease to be in force.

(7) A dealer's licence, other than a dealer's licence issued in respect of a firm, shall, if during the period of its validity the licensee dies, cease to be in force:

Provided, however, that where a licensee dies before the expiry of his licence, the executor, administrator or other person administering the estate of the deceased licensee, or any person authorised in writing by such executor, administrator or other person, may, if he makes an application to the Controller for a dealer's licence, continue to carry on for a period of two months commencing on the date of the death of the licensee or for the unexpired period of the licence, whichever is less, the business of the deceased licensee in made tea or green tea leaf, as the case may be, in the premises in which the deceased licensee was carrying on such business.

(8) Every dealer's licence shall—

- (a) be in the prescribed form;
- (b) state the name and address of the licensee, or if such licence is in respect of a firm, the names and addresses of the partners of that firm;
- (c) state whether the licence is in respect of made tea, green tea leaf or both those commodities;
- (d) describe the premises (hereafter in this Act referred to as the "licensed premises") at which the business of a dealer is authorised to be carried on; and
- (e) state the period for which the licence is valid.

18. (1) Every licensed dealer shall display in a conspicuous position in his licensed premises a board bearing—

- (a) where he is a licensed dealer in made tea, the Sinhala and Tamil equivalents of the words "Licensed Dealer in Made Tea" and also those words in English,

Duties of licensed dealers and manufacturers manufacturing made tea from green tea leaf which is not the produce of their estates or small holdings.

(b) where he is a licensed dealer in green tea leaf, the Sinhala and Tamil equivalents of the words "Licensed Dealer in Green Tea Leaf" and also those words in English, and

(c) where he is a licensed dealer in both made tea and green tea leaf, the Sinhala and Tamil equivalents of the words "Licensed Dealer in Made Tea and Green Tea Leaf" and also those words in English.

(2) Every licensed dealer shall keep in his licensed premises a register in the prescribed form and shall enter therein the prescribed particulars immediately upon the purchase or taking delivery or the sale or making delivery of any made tea or green tea leaf.

(3) Where any manufacturer manufactures made tea out of green tea leaf which is not the produce of any estate or small holding of which he is the registered proprietor, he shall maintain in his tea factory a register in the prescribed form and shall enter therein the prescribed particulars immediately upon the purchase or taking delivery of any such green tea leaf or the sale or making delivery of any made tea manufactured by him out of any such green tea leaf.

(4) Every licensed dealer shall keep in his licensed premises, and every manufacturer to whom sub-section (3) of this section applies, shall keep in his tea factory, scales capable of weighing up to one hundredweight avoirdupois:

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 sub-section.

(5) Any licensed dealer or any manufacturer shall, on being requested to do so at any time between sunrise and sunset by the Controller, or any officer authorised by the Controller, or any police officer of a rank not below that of sergeant, weigh or cause to be weighed any made tea or green tea leaf that is stored in the licensed premises of that dealer or the tea factory of that manufacturer and afford or cause to be afforded every facility and assistance to the Controller or such authorised officer or such police officer to compare the weight of the made tea or green tea leaf weighed with the weight as shown in the register required by the preceding provisions of this section to be kept in such licensed premises or such tea factory.

(6) Every licensed dealer shall, on or before the fifth day of each month, prepare and transmit to the Controller a return in the prescribed form relating to the quantity of made tea or green tea leaf purchased by or delivered to or sold or delivered by him in the preceding month.

Declaration to be received with made tea or green tea leaf delivered.

19. (1) No licensed dealer shall take delivery, or cause or permit delivery to be taken, of any made tea or green tea leaf which is not the produce of any estate or small holding of which he is the registered proprietor, unless there is furnished to him by the person delivering such tea or leaf a valid declaration in respect of such tea or leaf:

Provided, however, that the Controller may by writing under his hand exempt any licensed dealer from compliance with the preceding provisions of this sub-section.

(2) No manufacturer shall take delivery, or cause or permit delivery to be taken, of any green tea leaf which is not the produce of any estate or small holding of which he is the registered proprietor, unless there is furnished to him by the person delivering such tea leaf a valid declaration in respect of such tea leaf.

(3) A declaration made for the purposes of any of the preceding sub-sections of this section shall not be valid unless it—

(a) is in the prescribed form, and

(b) is signed by a person legally entitled to sell or deliver the articles to which the declaration relates or by any other person authorised by him to sign such declarations on his behalf.

(4) Every person to whom a declaration is furnished under this section shall retain that declaration for a period of one year.

Taking or making delivery of tea or possession of tea in excess of the prescribed quantity.

20. (1) Except under the authority of a permit issued by the Controller, no licensed dealer shall—

(a) where he purchases any made tea from any other licensed dealer, take delivery or cause or permit delivery to be taken of that tea at any place other than his licensed premises or the licensed premises of such other licensed dealer;

- (b) where he purchases any made tea from a registered manufacturer, take delivery or cause or permit delivery to be taken of that tea at any place other than his licensed premises or at a registered tea factory; and
- (c) where he sells any made tea to any other licensed dealer, make delivery or cause or permit delivery to be made of that tea at any place other than his licensed premises or the licensed premises of such other licensed dealer.

(2) No licensed dealer shall have in his possession any quantity of made tea in excess of the prescribed quantity at any place other than his licensed premises.

21. Every licence to deal in made tea or green tea leaf issued under the Tea Thefts Prevention Act, No. 45 of 1953, and in force on the day immediately preceding the appointed date, shall have effect as if it were a dealer's licence issued under this Act.

Licences issued under the Tea Thefts Prevention Act, No. 45 of 1953.

22. (1) No person other than a registered manufacturer, or a holder of a permit issued under section 24, or a person acting on behalf of such registered manufacturer or permit holder shall have in his possession any quantity of refuse tea.

Restriction of possession of refuse tea.

(2) A person to whom a permit under section 24 is issued, or any person acting on behalf of such person, shall not have in his possession any quantity of refuse tea in excess of the quantity specified in the permit.

23. (1) No person other than a registered manufacturer, or a person acting on behalf of such registered manufacturer, shall sell or deliver any refuse tea to any other person.

Restriction of sale or purchase of refuse tea.

(2) No person other than a holder of a permit issued under section 24, or a person acting on behalf of such permit holder, shall purchase or take delivery of any refuse tea from any other person.

24. (1) The Controller may, on application made in that behalf, issue a permit to any person to purchase or take delivery of refuse tea.

Permits for purchase of refuse tea.

(2) Every permit issued under sub-section (1) shall—

- (a) specify the maximum quantity of refuse tea which may be purchased under the authority thereof;

- (b) specify the manufacturer from whom such a quantity may be purchased;
- (c) specify the date on which the permit shall cease to be valid; and
- (d) contain such conditions as the Controller may consider necessary, including conditions specifying or restricting the purposes for which the refuse tea may be used by the holder.

PART V.

CONTROL OF THE EXPORT OF TEA AND OF TEA PLANTING MATERIAL.

Export of
made tea.

25. Except under the authority of a general or special licence (hereafter in this Part referred to as an "export licence") issued by the Controller, and except in accordance with such conditions as may be prescribed, no person shall export made tea from Ceylon; and no made tea shall be received or accepted for exportation or shipment by any Customs or other officer unless the exportation thereof is authorised by such licence:

Provided, however, that no licence shall be required to authorise—

- (a) the re-export from Ceylon of any made tea which is proved to the satisfaction of the Principal Collector of Customs to have been imported into Ceylon, or
- (b) the export from Ceylon of any quantity of made tea—
 - (i) shipped as stores on board any vessel or aircraft, or
 - (ii) despatched by parcel post, or
 - (iii) taken as part of the personal baggage of a passenger on any vessel or aircraft, or
 - (iv) sent as commercial samples.

Application
for permits.

26. (1) Every application for an export licence shall be in writing and shall be made to the Controller.

(2) The Controller may refuse to issue and may revoke an export licence.

(3) Every export licence shall—

- (a) be in the prescribed form;
- (b) state the name and address of the person to whom it is issued; and

- (c) unless it ceases to be in force earlier, be in force during the period specified in it, or if no such period is so specified, until it is revoked by the Controller.

27. Every person to whom an export licence is issued shall, on or before the fifth day of each month, transmit to the Controller a return in the prescribed form stating the quantity of made tea exported by him during the preceding month under the authority of that licence.

Furnishing of monthly returns of made tea exported.

28. Except under the authority of a permit (hereafter in this Part referred to as a "planting material export permit") issued by the Controller, and except in accordance with such conditions as may be prescribed, no person shall export from Ceylon any seed, root, stump, or bud of any tea plant, or any such cutting from any living portion of any tea plant as may be capable of being used for propagation.

Export of tea seed, etc.

29. (1) Every application for a planting material export permit shall be in the prescribed form and shall be made to the Controller.

Applications for planting material export permits.

(2) The Controller may refuse to issue and may revoke a planting material export permit.

(3) Every planting material export permit shall—

- (a) be in the prescribed form;
- (b) state the name and address of the person to whom it is issued; and
- (c) unless it ceases to be in force earlier, be in force during the period specified in it, or if no such period is so specified, until it is revoked by the Controller.

PART VI.

ESTABLISHMENT OF A TEA CONTROL FUND AND IMPOSITION OF AN EXPORT DUTY ON TEA.

30. There shall be established a Tea Control Fund for the purposes of this Act.

Establishment of Tea Control Fund.

31. There shall be paid to the Tea Control Fund—

Sums to be paid to the Tea Control Fund.

- (a) all sums lying on the appointed date to the credit of the Tea Control Fund established under the Tea Control Act, No. 28 of 1949;

- (b) all sums which have been paid as fees for dealers' licences issued under section 2 (1) of the Tea Thefts Prevention Act, No. 45 of 1953, and which have been credited without legal authority to the Tea Control Fund established under the Tea Control Act, No. 28 of 1949;
- (c) all sums which were payable under the Tea Control Act, No. 28 of 1949, to the Tea Control Fund established under that Act, and which remain unpaid on the appointed date;
- (d) fees paid for dealers' licences issued under this Act;
- (e) all sums required by section 36 of this Act to be credited to the Tea Control Fund;
- (f) all sums accepted by the Controller under section 48 of this Act; and
- (g) the sum of three hundred and fifty thousand rupees payable annually by the Board of the Tea Research Institute to the Tea Control Department for advisory services rendered by that Department to owners of estates and small holdings.

Sums to be paid out of the Tea Control Fund.

32. There shall be paid out of the Tea Control Fund—

- (a) the remuneration payable to persons employed for the purposes of this Act;
- (b) all other expenses of the administration of this Act;
- (c) the prescribed contributions to any gratuity scheme established or deemed to be established under this Act; and
- (d) such expenses as may be incurred in connection with Ceylon's membership of the International Tea Committee.

Estimates of the income and expenditure of the Tea Control Fund.

33. (1) The Controller shall, forthwith after the appointed date, transmit to the Minister estimates of the income likely to accrue to, and the expenditure likely to be incurred out of, the Tea Control Fund during the period commencing on the appointed date and ending on the last day of the year in which the appointed date occurs.

(2) The Controller shall transmit to the Minister, not later than the fifteenth day of November in each year, estimates of the income likely to accrue to, and the expenditure likely to be incurred out of, the Tea Control Fund in the next succeeding year:

Provided, however, that where this Act comes into operation after the last day of October in any year, the Controller shall, before the end of that year, transmit to the Minister such estimates in respect of the next succeeding year.

(3) The Minister shall, at the first convenient opportunity, place before the House of Representatives the estimates transmitted to him by the Controller under sub-section (1) or sub-section (2).

(4) In this section, "year" means the period of twelve months commencing on the first day of January.

34. (1) The Controller shall cause accounts of the Tea Control Fund to be kept.

Accounts of the Tea Control Fund.

(2) The accounts of the Tea Control Fund in respect of each financial year shall be audited by, or under the direction of, the Auditor-General.

(3) The accounts of the Tea Control Fund in respect of each financial year shall be laid, together with the report of the Auditor-General thereon, before the House of Representatives not later than the thirtieth day of June of the following year.

(4) In this section "financial year" means the period of twelve months commencing on the first day of January.

35. Any surplus which may, at the end of each year, be found to the credit of the Tea Control Fund after all the payments authorised by this Act to be made out of that Fund have been made may be applied wholly or in part, in such manner as the Minister may from time to time determine, to the furtherance and development of the tea industry and to purposes connected therewith or incidental thereto.

Application of surplus in the Tea Control Fund.

36. (1) There shall be charged, levied and paid an export duty calculated at the rate of fifteen cents for every one hundred pounds of tea exported from Ceylon:

Export duty of tea.

Provided, however, that no such duty shall be charged or levied on any tea which is proved to the satisfaction of the Principal Collector of Customs to have been imported into Ceylon for the purposes of re-export.

(2) The amount of the duty imposed by this section may be varied, or any such duty may be rescinded, by a resolution of the House of Representatives; such resolution shall be published in the *Gazette* and shall come into effect on the date of such publication.

Cap. 185.

(3) This section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

(4) The export duty on tea imposed under this section shall be in addition to any export duty on tea levied under any other written law.

(5) The proceeds of the export duty on tea recovered under this section shall be paid monthly to the Controller by the Principal Collector of Customs to be credited to the Tea Control Fund.

PART VII.

APPEALS AND OFFENCES.

Appeals.

37. (1) Any person aggrieved—

(a) by the decision of the Controller on any application for a licence or permit under this Act other than on an application for a licence under section 26 or for a permit under section 24, or by the decision of the Controller to revoke or suspend any licence or permit other than a licence issued under section 26 or a permit issued under section 24, or

(b) by the decision of the Controller under paragraph (a) or paragraph (b) of sub-section (1) of section 4, or

(c) by the decision of the Controller to amend under sub-section (4) of section 5 any entry in the Register of Estates or the Register of Small Holdings, or

(d) by the decision of the Controller under sub-section (1) of section 8, or

(e) by the cancellation by the Controller under sub-section (2) of section 8 of the registration of any registered tea factory,

may, within twenty-eight days after the communication of such decision or cancellation to such person, appeal in writing from such decision or cancellation to the Minister.

(2) Any person aggrieved by the decision of the Controller on any application for a licence under section 26 or for a permit under section 24, or by the decision of the Controller to revoke or suspend any such licence or permit may, within twenty-eight days after the communication of such decision to such person, appeal in writing from such decision to the Minister of Commerce and Trade.

(3) The Minister or the Minister of Commerce and Trade shall, before deciding any appeal, give the person making the appeal the opportunity of placing his case before such Minister either in person or by his representative, and may obtain from the Tea Advisory Board advice on any matter to which an appeal relates.

(4) The decision of the Minister or of the Minister of Commerce and Trade on any appeal under this section shall be final and shall not be called in question in any Court.

38. Every person who commits a breach of any of the provisions of this Act or of any regulation made thereunder shall be guilty of an offence.

Contraventions of provisions of this Act or of regulations.

39. Every person who makes default in complying with any direction or requirement given or made under this Act shall be guilty of an offence.

Non-compliance with directions or requirements under this Act.

40. Every person who resists or obstructs any other person in the performance or exercise of any duty or power imposed or conferred on that other person by or under this Act shall be guilty of an offence.

Resistance to or obstruction of persons performing duties etc., under this Act.

41. Every person who states in any declaration, record, or return required by or under this Act any particular which is false and which he knows to be false or does not believe to be true, shall be guilty of an offence.

Making of false declarations, records, or returns.

42. In any case where the registered proprietor of any estate or small holding furnishes a declaration for the purposes of section 19 in respect of any articles alleged in the declaration to be the produce of that estate or holding and the total quantity of those articles specified in the declaration is substantially in excess of the total quantity of such articles which could reasonably have been produced by that estate or holding, that proprietor and the person by whom the declaration was signed shall each be guilty of an offence.

Possession by registered proprietor of estate or small holding of articles in excess of the quantity specified in declaration for purposes of section 19.

Discrepancy in quantity of made tea or green tea leaf in licensed premises of licensed dealer or in tea factory of manufacturer and quantity entered in the register.

43. (a) Where there is a discrepancy between the quantity of made tea or green tea leaf found in the licensed premises of a licensed dealer and the quantity thereof which according to the entries in the register maintained by him under sub-section (2) of section 18 should be in such premises, or
- (b) where there is a discrepancy between the quantity of made tea or green tea leaf found in the tea factory of a manufacturer to whom sub-section (3) of section 18 applies and the quantity thereof which according to the register maintained by him under that sub-section should be in such tea factory,

such licensed dealer or such manufacturer, as the case may be, shall be guilty of an offence :

Provided, however, that no prosecution shall be entered if such dealer or manufacturer proves to the satisfaction of the Controller that such discrepancy is due to natural causes, or has been occasioned by some loss, or has arisen through some *bona fide* mistake, or in the case of made tea, has been caused in the normal manufacture of such tea.

Possession by certain registered proprietors of quantity of made tea or green tea leaf which he cannot reasonably account for to be an offence.

44. The registered proprietor of any estate or small holding who, not being a manufacturer of, or a licensed dealer in, made tea or green tea leaf, has in his possession such quantity of made tea or green tea leaf as he cannot reasonably account for shall be guilty of an offence.

Punishment of offences under this Act.

45. Every person who is guilty of an offence under this Act 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 period not exceeding six months, or to both such fine and imprisonment.

Transmission to Controller of proceedings on conviction of licensed dealer.

46. Where a licensed dealer is convicted of an offence under this Act, the Magistrate shall transmit a copy of the proceedings to the Controller for such action as he may deem necessary.

Controller's sanction necessary for prosecution.

47. No prosecution for an offence under this Act shall be instituted without the written sanction of the Controller.

48. The Controller may compound any offence under this Act by accepting from the offender a sum not exceeding one thousand rupees.

Compounding
of offences.

PART VIII.

GENERAL.

49. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations in respect of all or any of the following matters:—

- (a) all matters stated or required by this Act to be prescribed;
- (b) all matters for which regulations are authorised by this Act to be made;
- (c) the forms of the registers, records, returns, declarations and other documents required for the purposes of this Act; and
- (d) the procedure to be observed in the hearing of appeals under this Act.

(3) No regulation made by the Minister shall have effect until it has been approved by the Senate and the House of Representatives. Every regulation so approved shall be published in the *Gazette* and shall come into operation upon such publication.

50. (1) There may be appointed for the purposes of this Act—

Appointment of
Controller and
other officers.

- (a) a person, by name or by office, to be or to act as the Tea Controller, and
- (b) such other officers and servants as may from time to time be required for the purposes of this Act.

(2) Every person functioning on the day immediately preceding the appointed date as an officer or servant for the purposes of the Tea Control Act, No. 28 of 1949, shall be deemed to be an officer or servant appointed for the purposes of this Act.

51. Where the holder of a post in the public service which is declared to be pensionable under the Minutes on Pensions is permanently appointed to the staff of the Tea Control Department—

Appointment of
holders of
pensionable
posts in the
public service
to the staff
of the Tea
Control
Department.

- (a) he shall be eligible for such an award under those Minutes as might have been made to him if he had been retired from that post

on the ground of ill-health on the date of his permanent appointment to the staff of that Department,

(b) the amount of any such award made under those Minutes shall not be paid to him unless his employment in that Department is terminated by retirement on account of age or ill-health or by the abolition of the post held by him in that Department or on any other ground approved by the Minister of Finance, and

(c) in the event of his death while he is employed in that Department, such an award as might have been made in respect of him under those Minutes if he had died immediately before his permanent appointment to the staff of that Department may be made in respect of him.

Powers of the Minister and of the Minister of Commerce and Trade in regard to the Controller.

52. (1) Except as provided in sub-section (2), in the exercise of his powers and in the discharge of his duties under this Act the Controller shall be subject to the general direction and control of the Minister.

(2) In the exercise of his powers and the discharge of his duties under section 24 or section 26 of this Act, the Controller shall be subject to the general direction and control of the Minister of Commerce and Trade.

Delegation of Controller's powers.

53. In relation to any matter or to any class of matters or to any area or district, the Controller may, with the approval of the Minister, delegate by writing under his hand any of his powers under this Act, except the power of delegation under this section. Any power so delegated may be exercised by the delegate with respect to the matter or class of matters, or to the area or district, specified in the instrument of delegation.

Controller's power to call for information.

54. (1) The Controller may, by written notice, direct an applicant for registration as the proprietor of any estate or small holding, or for registration as a manufacturer, or for a licence or permit under this Act, or a registered proprietor of any estate or small holding, or a registered manufacturer or a licensed dealer, or the holder of a permit or a licence under this Act—

(a) to furnish before a date specified in the notice such information as the Controller may by the notice require for any purpose of this

Act or such information or explanation as the Controller may by the notice require in respect of any particulars stated in any return, declaration or other document furnished by the person to whom the direction is given, and

(b) to produce or cause to be produced before a date specified in the notice such documentary or other evidence as the Controller may require for the purpose of verifying any information furnished by such person.

(2) A notice to any person under sub-section (1) shall be deemed to have been served on that person if it has been sent by registered letter—

(a) where that person is a registered proprietor or a registered manufacturer to his address as specified in the Register of Estates or the Register of Small Holdings, or the Register of Manufacturers, as the case may be, or

(b) where that person is a licensed dealer, to the address specified by him in his application for a dealer's licence, or

(c) where he is the holder of a permit issued under Part III of this Act, to the address specified by him in his application for such permit, or

(d) where he is the holder of a licence or a permit issued under Part V of this Act, to the address specified by him in his application for such licence or permit, as the case may be, or

(e) in the case of any other person, to his residence or place of business.

55. (1) The Controller or any officer authorised by him or any police officer not below the rank of sergeant may, at any time between sunrise and sunset, enter and inspect any estate, small holding, tea factory, licensed premises or any other premises in which made tea or green tea leaf is stored, and may request the production of, and make copies of any entries in, any record required by this Act to be maintained in respect of, or to be kept in, such estate, small holding, tea factory or premises.

Powers of entry and inspection.

(2) The person for the time being in charge of any estate, small holding, tea factory, licensed premises or any other premises in which made tea or green tea leaf is stored shall admit thereto any officer who is empowered by sub-section (1) to enter such estate, small holding, tea factory, or premises, and shall, if called upon to do so, produce to such officer any record required by this Act to be maintained in respect of, or to be kept in, such estate, small holding, tea factory or premises, and any declaration retained in compliance with the provisions of sub-section (4) of section 19 by the licensed dealer in possession of such licensed premises or the manufacturer in possession of such tea factory, and permit such officer to make a copy of any entries in such record or declaration.

(3) Where the Controller or any officer mentioned in sub-section (1) has reasonable grounds for believing that any offence under this Act has been or is being committed in any estate, small holding, tea factory or premises referred to in that sub-section, it shall be lawful for him to exercise at any time whatsoever in respect of such estate, small holding, factory or premises the powers conferred by that sub-section, and in any such case it shall be lawful for the Controller or such officer to break into such estate, small holding, tea factory or premises for the purpose of gaining entry thereto.

Establishment
of Tea
Advisory
Board.

56. There shall be established a Tea Advisory Board which shall consist of the Controller who shall be the Chairman of such Board, and such other members, not exceeding ten in number, as the Minister may appoint. Two of the members of such Board appointed by the Minister shall be selected to represent small holders, at least one of the members appointed by the Minister shall be selected to represent licensed dealers, at least one of the members appointed by him shall be selected to represent registered manufacturers, and one member appointed by him shall be a public officer attached to the Ministry of Commerce and Trade.

Duties of the
Tea Advisory
Board.

57. (1) The Tea Advisory Board shall—

- (a) advise the Controller on all matters which he may refer to such Board for advice,
- (b) advise on any such matter relating to the tea industry as may be placed before such Board for consideration at the request of any member of such Board, and

(c) advise on any such matter to which an appeal under this Act relates as may be referred to such Board by the Minister or the Minister of Commerce and Trade for advice.

(2) Regulations may be made prescribing the procedure in regard to the conduct of the business of the Tea Advisory Board. Subject to any such regulations, such Board may regulate its own procedure.

58. A person who furnishes any return, explanation or information under this Act shall verify it by a declaration that the statements contained therein are true and accurate.

Verification of returns, explanations and information.

59. Every declaration made under this Act shall be free from stamp duty.

No stamp duty on declarations.

60. (1) A gratuity scheme may be established, in accordance with such regulations as may be made in that behalf, for the payment of gratuities to all or any of the officers and servants appointed or deemed to be appointed for the purposes of this Act and to any of their dependants.

Gratuity Scheme.

(2) The gratuity scheme established under the Tea Control Act, No. 28 of 1949, shall be deemed to be a gratuity scheme established under this section and shall be continued and maintained accordingly.

(3) Any contribution or gratuity which before the appointed date was payable under the gratuity scheme established under the Tea Control Act, No. 28 of 1949, and which on the appointed date remains unpaid shall be deemed to be a contribution or gratuity payable under the gratuity scheme deemed to be established under this section and shall be paid accordingly.

61. The Tea Control Act, No. 28 of 1949, and the Tea Thefts Prevention Act, No. 45 of 1953, are hereby repealed.

Repeals.

62. Notwithstanding the repeal of the Tea Control Act, No. 28 of 1949, and the Tea Thefts Prevention Act, No. 45 of 1953, every such regulation made under any of those Acts as is in force on the day immediately preceding the appointed date shall, in so far as that regulation is not inconsistent with the provisions of this Act, have effect as if it were a regulation made under this Act.

Savings.

Interpretation.

63. (1) In this Act, unless the context otherwise requires—

- “appointed date” means the date appointed by the Minister under section 1;
- “Controller” means the person appointed or deemed to have been appointed under this Act to be or to act as Tea Controller;
- “estate” means an area of land, 10 acres or more in extent, on which tea plants are grown for the purpose of harvesting the leaf thereof for conversion into made tea;
- “green tea leaf” includes the leaf, leaf buds and immature stalks of the tea plant before they are subjected to any of the processes (excluding that known as withering) for conversion into made tea;
- “licensed dealer” means a person or body of persons authorised by a dealer’s licence to carry on the business of a dealer in made tea, green tea leaf, or in both those commodities;
- “made tea” means tea manufactured from the leaves, leaf buds and immature stalk of the tea plant, but does not include refuse tea;
- “manufacturer” means any person who, being lawfully in possession of a tea factory, manufactures made tea at that factory;
- “prescribed” means prescribed by regulation;
- “proprietor” means any owner, lessee or usufructuary mortgagee or any other person lawfully in possession and taking the produce of any estate or small holding and, includes an accredited agent of such owner, lessee, usufructuary mortgagee or other person;
- “refuse tea” means sweepings, red leaf, fluff, mature stalk or any other product (not being made tea) obtained in the process of manufacture of tea;
- “registered” means registered or deemed to be registered under this Act;
- “registered packer” means a packer registered under the Food and Drugs (No. 5) Regulations 1952, made under the Food and Drugs Act, No. 25 of 1949;

“ regulation ” means a regulation made under this Act;

* “ small holding ” means an area of land less than 10 acres in extent on which tea plants are grown for the purpose of harvesting the leaf thereof for conversion into made tea;

“ tea ” when used with reference to planting, means tea plants, and when used in any other context means made tea;

“ Tea Control Fund ” means the Tea Control Fund established under this Act;

“ tea factory ” means any premises equipped with machinery for the conversion of green tea leaf into made tea; and

“ tea plant ” means the plant of the species *camellia sinensis* (L) O. Kuntze, also known as *camellia thea* Link and *thea sinensis* L.

(2) Any provision of Part I of this Act relating to or affecting the proprietor of any estate or small holding shall apply equally to any person who is the owner of any portion or share, whether divided or undivided, of that estate or small holding.