

CHAPTER 438

TEA RESEARCH (AMENDMENT)

AN ACT TO AMEND THE TEA RESEARCH ORDINANCE.

[Act No. 8 of 1957—18th March, 1957.]

[Act No. 2 of 1959—21st January, 1959.]

[Act No. 3 of 1959—21st January, 1959.]

[Act No. 57 of 1961—19th June, 1961.]

Acts
Nos. 8 of 1957,
2 of 1959,
3 of 1959,
57 of 1961.

1. This Act may be cited as the Tea Research (Amendment) Act.

Short title.

2. Section 5 of the Tea Research Ordinance, hereinafter referred to as the principal enactment, is hereby amended in paragraph (a) of subsection (1) of that section, by the addition, at the end of that paragraph, of the following:—

Amendment
of section
5 of
Chapter 438.
[§ 2, 3 of 1959.]

“The Director of the Tea Research Institute of Ceylon.”

3. Section 12 of the principal enactment is hereby amended as follows:—

Amendment
of section 12
of the
principal
enactment.
[§ 3, 57 of 1961.]

(1) by the addition, at the end of subsection (1) of that section, of the following:—

“Such power and authority shall include the power to make rules subject to the approval of the Minister for any such matters, affairs, objects or purposes.”;

(2) by the renumbering of subsection (2) of that section as subsection (3);

[§ 3, 3 of 1959.]

(3) by the insertion, immediately after subsection (1) of that section, of the following new subsection:—

[§ 3, 3 of 1959.]

“ (2) The board shall have full power to fix the rates of emoluments, bonus, royalties and other remuneration payable to its officers and servants, and to apportion monies derived

from patents, brevets d'invention and other similar rights and privileges between itself and its officers and servants in such manner as it may deem equitable." ; and

[§ 3, 57 of 1961.]

(4) by the addition, immediately after subsection (3) of that section, of the following new subsection :—

" (4) All rules made under subsection (1) of this section shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives at two successive meetings of the Senate and the House of Representatives, and shall be brought before the Senate and the House of Representatives at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of such motion, or upon any adjournment thereof, the said rules are disapproved by the Senate or the House of Representatives, such rules shall be deemed to be rescinded, but without prejudice to anything already done thereunder ; and such rules, if not so disapproved, shall continue to be of full force and effect. Notice of every such disapproval shall be published in the Gazette."

Insertion of new section 13A of the principal enactment.
[§ 4, 57 of 1961.]

4. The following new section is hereby inserted immediately after section 13, and shall have effect as section 13A, of the principal enactment :—

"Medical Aid Scheme and Medical Aid Fund.

13A. The board may establish and regulate a Medical Aid Scheme for the benefit of the officers and servants of the institute and their wives and children, establish, maintain and regulate a Medical Aid Fund for the purposes of such scheme, make contributions to that fund out of the moneys at the disposal of the board, regulate the management and investment of such moneys,

and prescribe the contributions to be made to such fund by, and the payments to be made from such fund to, such officers and servants.”.

5. The amendments made in the principal enactment by paragraph (1) of section 3 and by section 4 of Act No. 57 of 1961 shall be deemed for all purposes to have had effect from the date of commencement of that enactment and accordingly—

Validation of past acts done and rules made in relation to the Medical Aid Scheme and the Medical Aid Fund.

[§ 5, 57 of 1961.]

- (a) the Medical Aid Scheme and the Medical Aid Fund heretofore established for the officers and servants of the Tea Research Institute of Ceylon and their wives and children, shall be deemed to have been duly established, and all contributions made to and payments made from that fund and all acts done in the course of the management and conduct of such scheme and such fund prior to the date of commencement of Act No. 57 of 1961 shall be deemed to have been duly made and done under powers conferred by the principal enactment ;
- (b) the rules heretofore made by the board of the Tea Research Institute of Ceylon for the management and regulation of the Junior Staff Medical Scheme and the Junior Staff Medical Fund of the aforesaid institute shall be deemed to have been duly made under the principal enactment and to have been valid and effectual for the purposes for which they were made at all material times prior to the date of commencement of Act No. 57 of 1961 ; and
- (c) from the date of commencement of Act No. 57 of 1961, the aforesaid rules shall be in force as if they were rules duly made under the principal enactment and may be amended, rescinded, added to, or replaced by rules made under that enactment.

Replacement
of section 14
of the
principal
enactment.

[§ 6, 57 of 1961.]

6. Section 14 of the principal enactment is hereby repealed and the following new section is substituted therefor :—

' Accounts,
audit and
annual
report.

14. (1) The board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance sheet containing a summary of the assets and liabilities of the board made up to the first-mentioned date. The revenue and expenditure account and the balance sheet shall be signed by the chairman of the board and by such officer of the board as may be authorized by the board to do so.

(3) The accounts of the board shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The auditor shall receive such remuneration from the funds of the board as the Minister may, with the concurrence of the Minister of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the board shall be audited by the auditor and to give the auditor instructions with regard to any matter relating to the performance of his functions as auditor, and

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- (b) to conduct a supplementary or test audit of the accounts of the board by such person or persons as the Auditor-General may authorize in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorized, on such matters, by such person or persons, and in such form as the Auditor-General may, by general or special order, direct.
- (5) The auditor shall examine the accounts of the board and ascertain the correctness of the balance sheet and furnish a report to the Auditor-General stating—
- (a) whether he has or has not obtained all the information and explanations required by him, and
- (b) whether in his opinion the balance sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the board.
- (6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.
- (7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the board.

(8) The board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

- (a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,
- (b) a copy of the revenue and expenditure account,
- (c) a copy of the balance sheet, and
- (d) a report by such board on its work for the period for which the revenue and expenditure account and the balance sheet have been made up.

(9) The Minister shall cause copies of each of the documents specified in subsection (8) of this section to be laid before the Senate and the House of Representatives.”.

Addition of new sections 15, 16, 17 and 18 to the principal enactment.

7. (1) The following new sections are hereby inserted immediately after section 14, and shall have effect as sections 15, 16, 17 and 18, of the principal enactment :—

[§ 2, 8 of 1957.]

“Minister's directions to the board.

15. In the exercise of its powers, the performance of its duties and the discharge of its functions, the board shall be subject to, and act in accordance with, such general directions as the Minister may issue from time to time.

[§ 2, 2 of 1959.]

Acquisition of immovable property under the Land Acquisition Act for the board.

16. (1) Where any immovable property is required to be acquired for any purpose of the board and the Minister, by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may

accordingly be acquired under the Land Acquisition Act, and be transferred to the board. Cap. 460.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the board shall be paid by the board.

Exemption
from
customs duty.

17. The board shall be exempt from the payment of any customs duty on any goods imported or purchased out of bond by the board for the purposes of the board, if the Minister in consultation with the Minister of Finance approves of such exemption. [§ 7, 57 of 1981.]

Appointment
of public
officers to
the staff
of the
institute.

18. (1) At the request of the board, any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the institute for such period as may be determined by the board with like consent, or be permanently appointed to such staff. The provisions of subsections (2) and (3) of section 26 of the Government-Sponsored Corporations Act shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is temporarily or permanently appointed to the staff of the institute. [§ 7, 57 of 1981.]

Cap. 146.

(2) Where the institute employs any person who has entered into a contract with the Government by which he has

agreed to serve the Government for a specified period, any period of service to the institute by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.”.

[§ 2, 2 of 1959.]

(2) The amendment made in the principal enactment by the new section 16 shall be deemed to have taken effect on the date of commencement of that enactment.