

RUBBER CONTROL ACT

Arrangement of Sections

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11 of 1956,
16 of 1957,
45 of 1957,
14 of 1961,
30 of 1966,
10 of 1983.

AN ACT to provide for the registration of rubber plantations and the proprietors thereof, for the control of the planting and replanting of rubber, the possession, sale and purchase of rubber, and the exportation of rubber seed and such parts of the rubber plant as are capable of being used for propagation, for the imposition of an export duty on rubber, for the establishment of a Rubber Advisory Board, and for matters connected therewith.

[Date of Commencement: *1st May, 1956*]

1. Short title.

This Act may be cited as the Rubber Control Act.

PART I

REGISTRATION OF RUBBER PLANTATIONS AND THE PROPRIETORS THEREOF

2. Register of Estates and Register of Small Holdings.

(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.

(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 Rubber Control Ordinance 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 Rubber Control Ordinance 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 Rubber Control Ordinance 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 Rubber Control Ordinance 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 Rubber Control Ordinance 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.

3. Returns to be furnished before registration.

(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 Rubber Control Ordinance 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 rubber on any land which is not a nursery shall, within three months after the completion of the planting of rubber on that land, 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 has, under the preceding provisions of this section, in relation to any person, fixed a later date, such person shall furnish the return before that date.

4. Determination of questions relating to registration.

(1) The Controller shall decide—

- (a) whether any land planted with rubber 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.

(2) No decision of the Controller under subsection (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 adjudicate* 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. Amendment of registers.

(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 Rubber Control Ordinance 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 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) Without prejudice to the preceding provisions of this section, 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.

6. Registered proprietors to furnish returns in respect of certain matters periodically.

Where the extent of an estate exceeds the prescribed extent, the registered proprietor, or any one of the registered proprietors, of that estate shall, on or before the tenth day of each month, furnish to the Controller in respect of that estate a return setting out the following particulars—

- (a) the quantity of rubber from that estate produced during the preceding month;
- (b) the quantity of rubber from that estate sold during the preceding month;
- (c) the quantity of rubber from that estate in stock at midnight on the last day of the preceding month; and
- (d) such other particulars as may be prescribed.

PART II

CONTROL OF THE PLANTING AND REPLANTING OF RUBBER

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

(1) Except under the authority of a permit issued by the Controller and except in accordance with such conditions as are specified in subsection (2) of section 9 and any other conditions which may be prescribed, no person shall plant or replant rubber on any land which is not a nursery:

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

[S 7(1) proviso amended by s 2 of Act 16 of 1957.]

(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 rubber for the purposes of a nursery.

8. Applications for permits.

Every application for a permit referred to in section 7 shall be in the prescribed form and shall be made to the Controller.

9. Rubber planting permits.

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

(2) Every permit to plant or replant rubber on any land other than a permit to plant rubber for the purposes of a nursery shall—

(a) unless there is special provision in that permit giving leave to plant that land with ordinary rubber seeds or seedlings, be subject to the condition that such land shall be planted with—

- (i) any of the specified clonal seeds or clonal seedlings, or
- (ii) budded rubber stumps of any of the specified varieties, or
- (iii) stumped buddings of any of the specified varieties; and

(b) where there is special provision in the permit giving leave to plant that land with ordinary rubber seeds or seedlings, be subject to the condition that the plants growing from such seeds or seedlings on that land shall be budded with any of the specified clones before a specified date.

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

(4) Any permit to plant or replant rubber which has been issued under any enactment repealed by Act No. 11 of 1956 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 III

CONTROL OF THE POSSESSION, SALE AND PURCHASE OF RUBBER

10. Possession of rubber exceeding a prescribed quantity.

No person, other than a licensed dealer, or a licensed manufacturer, or the registered proprietor of an estate or small holding, shall have in his possession any quantity of rubber in excess of the prescribed quantity.

11. Sale of rubber exceeding a prescribed quantity.

No person, other than a licensed dealer or a registered proprietor of an estate or a small holding, shall sell any quantity of rubber exceeding the prescribed quantity to any other person.

12. Purchase of rubber exceeding a prescribed quantity.

No person, other than a licensed dealer or a licensed manufacturer, shall purchase any quantity of rubber exceeding the prescribed quantity from any other person.

13. Licensed dealers.

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

(2) The Controller may refuse to issue and may revoke 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 rubber.

(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.

(8) No person or firm shall carry on the business of a dealer in rubber in any premises unless that person or firm has a dealer's licence authorising the carrying on of such business in those premises.

(9) 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) describe the premises (hereinafter referred to as the "licensed premises") at which the business of a dealer in rubber is authorised to be carried on; and

(d) unless it earlier ceases to be in force, expire on such date as shall be specified therein.

[S 13(9)(d) am by s 3 of Act 16 of 1957.]

(10) A person or firm in respect of whom a dealer's licence is issued shall display in a conspicuous position in the licensed premises a board bearing the Tamil and English equivalents of the expression and also that expression in Sinhala.

14. Furnishing of monthly return by licensed dealers.

Every licensed dealer shall, on or before the fifth day of each month, transmit to the Controller a return in the prescribed form specifying the quantity of rubber which, in the preceding month, was purchased or sold by him.

15. Record of rubber delivered to or from licensed premises.

Every licensed dealer shall maintain in his premises a record in the prescribed form relating to each quantity of rubber delivered to or from those premises.

16. Scales to be kept in licensed premises.

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 authorised 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 authorised officer to compare the weight of the stock of rubber in those premises with the weights as shown in the record mentioned under section 15.

[S 16 subs by sch of Act 10 of 1983.]

17. Declaration to be received with rubber delivered to licensed premises.

(1) No licensed dealer shall take delivery, or cause or permit delivery to be taken, of any rubber which is not the produce of any estate or small holding of which he is the registered proprietor, unless such rubber is accompanied by a declaration signed by the supplier of such rubber or by any person on behalf of such supplier and specifying the name and address of such supplier, the quantity of such rubber, and the place from which such rubber is delivered.

(2) Every licensed dealer shall retain in his possession and declaration furnished to him under subsection (1) for at least one year from the date on which the declaration is made.

18. Taking or making delivery, and storing of rubber by licensed dealer.

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

- (a) where he purchases any rubber from the registered proprietor of any estate or small holding, take delivery or cause or permit delivery to be taken of that rubber at any place other than his licensed premises,
- (b) where he purchases any rubber from any other licensed dealer, take delivery or cause or permit delivery to be taken of that rubber at any place other than his licensed premises or the licensed premises of that other licensed dealer;
- (c) where he sells any rubber to any licensed manufacturer, make delivery or cause or permit delivery to be made of that rubber at any place other than his licensed premises; and
- (d) where he sells any rubber to any other licensed dealer, make delivery or cause or permit delivery to be made of that rubber to any place other than his licensed premises or the licensed premises of that other licensed dealer:

Provided, however, that no such permit shall be required in any case where a licensed dealer takes or makes delivery or causes or permits delivery to be taken or made of any rubber within any customs premises for the purpose of shipment from Sri Lanka.

(2) No licensed dealer shall store any rubber at any place other than his licensed premises,

[S 18 subs by s 4 of Act 16 of 1957.]

19. Licensed manufacturers.

(1) The Controller may issue a licence (hereafter in this section referred to as a "manufacturer's licence") to any person manufacturing, or to any body of persons (in this section referred to as a "firm") carrying on in partnership the business of manufacturing, any articles made wholly or partly of rubber, authorising the purchase of rubber required for the manufacture of such articles.

In this subsection, the expression "articles made wholly or partly of rubber" includes sheet rubber, crepe rubber and scrap crepe rubber.

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

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

(4) A manufacturer'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 purchase rubber jointly and not severally for the manufacture of the articles made by that firm wholly or partly of rubber.

(5) Where a manufacturer's licence issued in respect of a 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 manufacturer'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 manufacturer's licence, other than a manufacturer's licence issued in respect of a firm, shall, if during the period of its validity the licensee dies, cease to be in force.

(8) Every manufacturer'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; 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.

20. Furnishing of monthly returns by licensed manufacturers.

Every licensed manufacturer shall, on or before the fifth day of each month, transmit to the Controller a return, specifying the quantity of rubber which was purchased by him in the preceding month.

21. Declaration to be received with rubber delivered to a licensed manufacturer.

No licensed manufacturer shall take delivery, or cause or permit delivery to be taken, of any rubber which is not the produce of any estate or a small holding of which he is the registered proprietor, unless such rubber is accompanied by a declaration signed by the supplier of such rubber or by any person on behalf of such supplier and specifying the name and address of such supplier, the quantity of such rubber, and the place from which such rubber is delivered.

22. Licenses and permits issued under the Rubber Thefts Prevention Ordinance, 1908.

(1) Every licence to deal in rubber issued under the Rubber Thefts Prevention Ordinance, 1908¹, 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.

(2) Every permit to purchase rubber issued under the Rubber Thefts Prevention Ordinance, 1908*, and in force on the day immediately preceding the appointed date shall have effect as if it were a manufacturer's licence issued under this Act.

PART IV

CONTROL OF THE EXPORTATION OF RUBBER SEED AND IMPOSITION OF EXPORT DUTY ON RUBBER

23. Export of rubber seed.

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

24. Application for export permits.

(1) Every application for an export permit shall be in the prescribed form and shall be made to the Controller.

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

(3) Every export permit shall—

(a) be in the prescribed form,

(b) state the name and address of the person to whom it is issued or, if such permit is in respect of a firm, the names and addresses of the partners of that firm, 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.

25. Export duty on rubber.

(1) There shall be charged, levied and paid an export duty on rubber calculated at such rate as may be determined by a resolution of Parliament on every hundred kilogramme of rubber exported from Sri Lanka. Every such resolution shall be published in the *Gazette*:

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 into Sri Lanka for the purpose of re-export.

[S 25 (1) subs by sch of Act 10 of 1983.]

(2) The amount of duty imposed under sub-section (1) of this section may be varied, or the duty imposed may be rescinded at any time by a resolution of Parliament. Such resolution shall be published in the *Gazette* and shall come into effect from the date of such publication.

[S 25 (2) subs by sch of Act 10 of 1983.]

(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 rubber imposed under this section shall be in addition to the export duties on rubber levied under any other written law.

26. Proceeds of export duty to be paid to Rubber Control Fund.

The proceeds of the export duty on rubber recovered under this Act are hereby allocated to the purposes of the Rubber Control Fund established under this Act, and accordingly such proceeds shall not form part of the Consolidated Fund and shall be paid monthly to the Controller by the Principal Collector of Customs to be credited to such Rubber Control Fund.

PART V

APPEALS AND OFFENCES

27. Appeals.

(1) Any person aggrieved—

- (a) by the decision of the Controller on any application for a licence or permit under this Act, or by the decision of the Controller to revoke any such licence or permit; or
 - (b) by the decision of the Controller to amend under subsection (4) of section 5 any entry in the Register of Estates or the Register of Small Holdings,
- may, within twenty-eight days after the date of such decision, appeal in writing from such decision to the Minister.

(2) The Minister shall, before reaching his decision, give the person making an appeal under this section the opportunity of placing his case before the Minister either in person or by his representative.

(3) The Minister's decision on any appeal under this section shall be final and shall not be called in question in any court.

28. Contravention of this Act or of any regulation made thereunder to be an offence.

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 under this Act.

29. Non-compliance with directions under this Act to be an offence.

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

30. Resistance or obstruction of persons performing duties or exercising powers under this Act to be an offence.

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 under this Act.

31. Making false declaration, return or record to be an offence.

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 under this Act.

32. Offence connected with declaration accompanying rubber delivered to a licensed dealer or to a licensed manufacturer.

If the quantity of rubber specified in a declaration made under section 17 or section 21 by or on behalf of a registered proprietor of any estate or small holding or by or on behalf of a registered dealer exceeds the total quantity of rubber which could reasonably have been produced in that estate or small holding or could reasonably have been supplied by that dealer, as the case may be, the declarant and, if the declaration is made on behalf of any other person, such other person also, shall be guilty of an offence under this Act unless the excess is accounted for to the satisfaction of the court.

33. Offence connected with discrepancy in weight of rubber stocked and weight of rubber recorded.

If there is a discrepancy in the weight of rubber found on the licensed premises of a licensed dealer and the weight of rubber which, according to the record maintained by him under section 15 in respect of those premises, ought to be on those premises, he shall be guilty of an offence under this Act unless he satisfies the court that such discrepancy is due to natural causes, or to some loss, or has arisen through some *bona fide* mistake.

33A. Offence connected with rubber in possession of certain registered proprietors.

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

[S 33A ins by s 5 of Act 16 of 1957.]

34. Punishment for offences under this Act.

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.

34A. Transmission to Controller of proceedings on conviction of licensed dealer.

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.

[S 34A ins by s 2 of Act 14 of 1961.]

35. Controller's sanction necessary for prosecution.

No prosecution for an offence under this Act shall be instituted except with the written sanction of the Controller,

35A. Compounding of offences.

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

[S 35A ins by s 3 of Act 14 of 1961.]

PART VI

RUBBER CONTROL FUND AND RUBBER ADVISORY BOARD

36. Establishment of Rubber Control Fund.

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

37. Sums to be paid to the Rubber Control Fund.

There shall be paid to the Rubber Control Fund established under this Act—

- (a) all sums lying on the appointed date to the credit of the Rubber Control Fund established under the Rubber Control Ordinance,
- (b) all sums which are payable under the Rubber Control Ordinance to the Rubber Control Fund established under that Ordinance and which remain unpaid on the appointed date, and
- (c) all sums required by any other provision of this Act to be credited to the Rubber Control Fund established under this Act.

38. Sums to be paid to the Rubber Control Fund.

There shall be paid out of the Rubber Control Fund established under this Act—

- (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 or such sums to the Consolidated Fund for the payment of pension to all or any of the officers and servants employed for the purposes of this Act and their dependents; and

[S 38(c) am by s 2 of Act 30 of 1966.]

- (d) such expenses as may be incurred in connection with Sri Lanka's membership of the International Rubber Study Group.

39. Application of surplus in the Rubber Control Fund.

Any surplus which may, at the end of each year, be found to the credit of the Rubber Control Fund established under this Act 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 rubber industry and to purposes connected therewith or incidental thereto.

39A. Accounts of the Rubber Control Fund.

- (1) The Controller shall cause accounts of the Rubber Control Fund to be kept.
- (2) The accounts of the Rubber 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 Rubber Control Fund in respect of each financial year shall be laid, together with the report of the Auditor-General thereon, before Parliament.
- (4) In this section, "financial year" means the period of twelve months commencing on the first day of January.

[S 39A ins by s 2 of Act 45 of 1957.]

40. Establishment of Rubber Advisory Board.

There shall be established a Rubber 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 and one member appointed by him shall be a public officer attached to the Ministry charged with the subject of Trade.

41. Duties of the Rubber Advisory.

- (1) The Rubber 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 rubber industry as may be placed before such board for consideration at the request of any member of such board; and
- (c) advise on any appeal under this Act which may be referred to such board by the Minister for advice.
- (2) Regulations may be made prescribing the procedure in regard to the conduct of the business of the Rubber Advisory Board. Subject to any such regulations, such board may regulate its own procedure.

PART VII

GENERAL

42. Regulation.

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

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) of this section, 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 Parliament. Every regulation so approved shall be published in the *Gazette* and shall come into operation upon such publication.

43. Appointment of Controller and other officers.

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

- (a) a person, by name or by office, to be or to act as the Rubber 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 Rubber Control Ordinance shall be deemed to be an officer or servant appointed for the purposes of this Act.

43A. Appointment of holders of pensionable posts in the public service to the staff of the Rubber Control Department.

Where the holder of any post in the public service which is declared to be pensionable under the Minutes on Pensions is permanently appointed to the staff of the Rubber 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 in charge of the subject of public Administration; 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.

[S 43A ins by s 3 of Act 45 of 1957.]

44. Controller to be subject to general direction of the Minister.

The Controller shall, in the exercise of the Powers and the discharge of his direction of the duties under this Act, be subject to the Minister.

45. Delegation of Controller's powers.

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.

46. Controller's power to call for information.

(1) The Controller may, by written notice, direct an applicant for registration as the proprietor of any estate or small holding or for a licence or permit under this Act, or a registered proprietor of any estate or small holding, or a licensed dealer, or a licensed manufacturer, or the holder of a permit 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 subsection (1) of this section shall be deemed to have been served on that person if it has been sent by post by registered letter—

- (a) where that person is a registered proprietor, to his address as specified in the Register of Estates or the Register of Small Holdings, as the case may be; or
- (b) where that person is not a registered proprietor, to his residence or place of business.

47. Powers of Controller and certain officers in respect of estates, small holdings and premises.

(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 any estate, small holding, licensed premises or other premises in which rubber is or is reasonably believed to be stored for carrying out an inspection or making a survey plan for the purposes of this Act, 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 such estate, small holding, or premises.

[S 47(1) am by s 6 of Act 16 of 1957.]

(2) The person for the time being in charge of any estate, small holding, or premises shall admit thereto any officer who is empowered by subsection (1) of this section to enter such estate, small holding 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 such estate, small holding, or premises and permit such officer to make a copy of any entries in such record.

[S 47(2) am by s 6 of Act 16 of 1957.]

48. Verification of returns, explanations and information.

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.

49. No stamp duty on declarations.

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

50. Estimates of the income and expenditure of the Rubber Control Fund.

(1) 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 Rubber Control Fund in the next succeeding year.

(2) The Minister shall, at the first convenient opportunity, place the estimates transmitted to him by the Controller under subsection (1) of this section before Parliament for its approval.

(3) Notwithstanding anything to the contrary contained in the preceding provisions of this section—

(a) the Controller shall transmit to the Minister, not later than two months after the appointed date, estimates of the income likely to accrue to, and the expenditure likely to be incurred out of, the Rubber Control Fund during the period commencing on the appointed date and ending on the thirty-first day of December immediately succeeding that date; and

(b) the Minister shall, at the first convenient opportunity, place the estimates transmitted to him by the Controller under paragraph (a) of this subsection before the House of Representatives for its approval.

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

51. Gratuity scheme.

(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 dependents.

(2) The gratuity scheme established under the Rubber Control Ordinance 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 Rubber Control Ordinance 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.

52. Interpretation.

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

"appointed date" means the 1st day of May, 1956;

"Controller" means the person appointed or deemed to have been appointed under this Act to be or to act as the Rubber Controller;

"estate" means any area of land which is not less than four hectares in extent and on which rubber plants are grown for the purposes of collecting latex therefrom;

[Subs by sch of Act 10 of 1983.]

"licensed dealer" means a person or body of persons authorised by a dealer's licence to carry on the business of a dealer in rubber;

"licensed manufacturer" means a person or body of persons authorised by a manufacturer's licence to purchase rubber required for the manufacture of any articles made wholly or partly of rubber;

"proprietor" means an owner or a 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;

"registered" means registered or deemed to be registered under this Act;

"rubber"—

(a) with reference to planting, means rubber seeds, or seedlings, clonal seeds, budded rubber stumps, stumped buddings, rubber plants, or any such cuttings from any living portions of any rubber plants as may be capable of being used for propagation; and

(b) in any other context, means—

(i) rubber prepared from the latex of any rubber plant; or

(ii) latex of any rubber plant whether fluid or coagulated in any stage of the treatment to which it is subjected during the process of conversion into rubber; or

(iii) latex in any stage of concentration, but does not include any manufactured article made wholly or partly of rubber;

"Rubber Control Ordinance" means the Rubber Control Ordinance, No. 63 of 1938;

"rubber plant" means a plant, tree, shrub or vine and includes any leaf, flower, seed, bud, twig, branch, root or any living portion of any plant, tree, shrub or vine which may be used to propagate any of the following—

(a) *Hevea Brasiliensis* (Para Rubber);

(b) *Manihot Glaziovii* (Ceara Rubber);

(c) *Castilloa Elastica*; and

(d) *Ficus Elastica* (Rambong);

"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; and

[Subs by sch of Act 10 of 1983.]

"specified clonal seeds", "specified clones", "specified date" and "specified measures" means respectively such clonal seeds, clones, date and measures as may be specified by the Controller for the purposes of subsection (2) of section 9 by notice published in the *Gazette* and in at least one Sinhala newspaper, one Tamil newspaper and one English newspaper circulating in Sri Lanka.

(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.

[1](#) Repealed by Act No. 11 of 1956.