

Rubber Act 1953

Chapter 222.

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Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 222.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

Rubber Act 1953,

Being an Act relating to rubber.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**the Board**” means the Rubber Board established by Section 7;

“**grade**” means a type adopted by the Rubber Manufacturers Association Inc, or such other type as is prescribed;

“**Inspector**” means the Departmental Head or an Inspector appointed under Section 3;

“**person**” includes a partnership;

“**the regulations**” means any regulations made under this Act;

“rubber” means marketable rubber prepared from the leaves, bark or latex of a rubber plant, but does not include a manufactured article made wholly or partly of rubber;

“rubber plant” means—

- (a) *Hevea Brasiliensis* (Para Rubber); or
- (b) *Manihot Glaziovii* (Ceara Rubber); or
- (c) *Castilloa Elastica*; or
- (d) *Ficus Elastica* (Assam); or
- (e) any other plant declared to be a rubber plant under Section 2;

“this Act” includes the regulations.

2. DECLARATION OF RUBBER PLANTS.

The Minister may, by notice in the National Gazette, declare a plant to be a rubber plant for the purposes of this Act.

3. APPOINTMENT OF INSPECTORS.

The Minister may, by notice in the National Gazette, appoint a person to be an Inspector for the purposes of this Act.

4. INSPECTION OF RUBBER, ETC.

(1) An Inspector may, at all reasonable times—

- (a) enter any place, factory, premises or ship for the purposes of this Act; and
- (b) examine and take extracts from or copies of a delivery docket, way-bill, book or other writing evidencing the purchase, sale, delivery, ownership, place of production or destination of rubber found in a place or factory or on any premises or ship.

(2) A person who—

- (a) hinders or obstructs an Inspector in the performance of his duties under this Act; or
- (b) on request by an Inspector, fails to produce any documents in his possession or under his control for examination by the Inspector under Subsection (1)(b),

is guilty of an offence.

(3) A person who makes a false entry in a book, record or document relating to the purchase, sale, delivery, ownership, place of production or destination of rubber is guilty of an offence.

(4) A person in charge of any place, factory, premises, vehicle, container or ship on or in which rubber is produced, treated, handled, packed or stored who fails to give all reasonable assistance to an Inspector for the performance of his duties under this Act is guilty of an offence.

Penalty: A fine not exceeding K100.00.

5. MARKING OF RUBBER FOR EXPORT.

(1) Rubber must not be shipped for export unless it is—

- (a) classified into a prescribed grade; and
- (b) marked with the prescribed mark appropriate to its grade.

(2) Whether or not the rubber has previously been classified or marked by any other person, an Inspector may at any time—

- (a) examine the rubber intended for export; and
- (b) classify it into a prescribed grade; and
- (c) mark it with the prescribed mark appropriate to its grade,

by any means that are reasonable and will not cause damage to the rubber.

(3) Where rubber that has been marked under this section is classified by an Inspector as being of a grade other than the grade denoted by the mark, the Inspector shall obliterate the mark and mark it with the prescribed mark appropriate to the grade into which he classifies it.

(4) If rubber is wilfully or negligently shipped for export without marking as required by this section, the shipper and the exporter are each guilty of an offence.

Penalty: A fine not exceeding K200.00.

(5) A person, other than an Inspector, who wilfully or negligently alters, defaces or obliterates a mark placed on rubber under this section is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(6) It is a defence to a charge of an offence against Subsection (5) if the defendant establishes that—

- (a) the mark altered, defaced or obliterated was placed on the rubber inadvertently; or
- (b) the classification as a consequence of which the mark was placed on the rubber was incorrect,

unless the marking or classification was placed or made by an Inspector.

6. DOWN-GRADING.

Where an Inspector classifies rubber into a grade other than that denoted by the mark on the rubber, he shall furnish the owner or exporter or his agent with a written statement of the reasons why he so classified it.

7. RUBBER BOARD.

(1) For the purposes of this Act, there shall be a Rubber Board consisting of—

- (a) two officers; and
- (b) three persons other than officers, who shall be representatives of the rubber producers,

appointed by the Minister by notice in the National Gazette.

- (2) The Minister may appoint a member of the Board to be Chairman of the Board.
- (3) The Minister may appoint a person to be the deputy of a member of the Board.
- (4) A deputy appointed under this section has, in the event of the inability of the member of whom he is the deputy to attend a meeting, all the powers of the member, and shall be counted in the place of the member for the purpose of a quorum.
- (5) The person appointed to be the deputy of the Chairman has and may exercise, in the event of the illness or absence of the Chairman, all the powers and functions of the Chairman under this Act.
- (6) An appointment of a deputy under this section, and an act done by him as such, shall not be questioned in any proceedings on the ground that the occasion for his appointment or the exercise of his powers had not arisen or had ceased.

8. MEETINGS OF THE BOARD.

- (1) Subject to the regulations, meetings of the Board shall be held at such times and places and shall be called in such manner as the Board determines.
- (2) At a meeting of the Board—
 - (a) three members, of whom one is the Chairman, are a quorum; and
 - (b) the Chairman shall preside; and
 - (c) all questions shall be decided in accordance with the votes of the majority of the members present; and
 - (d) the Chairman has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.
- (3) Subject to this Act, the procedures at a meeting of the Board are as determined by the Board.

9. APPEAL.

- (1) If an Inspector classifies rubber into a grade other than the grade into which the owner, exporter or other person has classified it, the owner or exporter, or the person who classified it, may appeal to the Board against the classification.
- (2) The method of appeal and the time within which an appeal may be brought are as prescribed or, until so prescribed, as the Board from time to time determines.
- (3) On an appeal under this section the Board shall hear such evidence and inform itself in such manner as it thinks fit.
- (4) The Board is not bound to observe strict legal procedure or apply technical rules of evidence.
- (5) A decision of the Board is final.

10. IMMUNITY OF INSPECTOR.

An Inspector is not liable for damage occasioned by carrying out the provisions of this Act unless the damage was occasioned maliciously or without reasonable cause.

11. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular prescribing matters for and in relation to—

- (a) the classification of rubber into grades and the method of marking appropriate to each grade; and
- (b) plantation or other distinguishing marks that may be placed on rubber for export; and
- (c) the registration of plantation or other distinguishing marks; and
- (d) the inspection of any place, factory or premises used in connection with the production, treatment, handling or packing of rubber for export; and
- (e) the imposition of penalties of fines not exceeding K100.00 for offences against the regulations.

Office of Legislative Counsel, PNG