

## CHAPTER 251

## TEA CONTROL

*Acts*  
Nos. 51 of 1957,  
26 of 1962,  
32 of 1966,  
*Laws*  
Nos. 39 of 1974,  
14 of 1975.

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 DEVELOPMENT AND MAINTENANCE OF TEA PLANTATIONS AND TEA FACTORIES AND CONSEQUENCES FOR NON-COMPLIANCE WITH ORDERS ISSUED BY THE CONTROLLER; 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 OR INCIDENTAL THERETO.

[1st January, 1958.]

Short title.

1. This Act may be cited as the Tea Control Act.

## PART I

REGISTRATION OF TEA PLANTATIONS  
AND THE PROPRIETORS THEREOF

Register of  
Estates and  
Register of  
Small  
Holdings.

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.

(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 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 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 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 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 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.

urns to be  
ished  
re  
stration.

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 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 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 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 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 estate or small holding in the Register of Estates or the Register of Small Holdings.

Amendment of Registers.

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

Determination of question relating to registration.

(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, or that the owner of such factory has paid for green tea leaf bought by him for manufacture at such factory a price which is

[§2, 26 of 1962.]

unreasonably low having regard to the price fetched by the made tea manufactured at that factory.

Manufacture of made tea in registered factories.

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

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 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 IIA

DEVELOPMENT AND MAINTENANCE OF TEA PLANTATIONS AND TEA FACTORIES AND CONSEQUENCES FOR NON-COMPLIANCE WITH ORDERS ISSUED BY THE CONTROLLER

11A. It shall be the duty of—

- (a) every registered proprietor of an estate or small holding, to develop such estate or small holding; and
- (b) every registered manufacturer to develop the tea factory in respect of which he is registered,

Duties of registered proprietors and registered manufacturers with regard to development and maintenance of estates, small holdings and factories. [§3, Law 39 of 1974.]

up to such standard (hereinafter referred to as the "required standard") of production and management as the Controller deems satisfactory and to maintain the required standard of production and management.

11B. For the purpose of assisting him in determining whether any registered estate or registered small holding or registered factory is developed to and maintained at the required standard, the Controller may by written notice direct—

Controller's power to call for information relating to estates, small holdings and factories. [§3, Law 39 of 1974.]

- (a) in the case of an estate or small holding, the registered proprietor thereof; and
- (b) in the case of a factory, the person who is the registered manufacturer in respect of that factory,

to furnish such information or produce or cause to be produced such documents relating to the estate, small holding or factory, as the case may be, within such time as may be specified in the notice.

Matters to be taken into consideration by Controller in determining required standard. [§3, Law 39 of 1974.]

**11C.** (1) In determining whether a registered estate or a registered small holding is developed to and maintained at the required standard of production and management the Controller shall, *inter alia*, have regard to the following :—

- (a) the quantity and quality of the tea produced ;
- (b) the application of sufficient fertilizer to ensure a high yield ;
- (c) replanting with high yielding varieties of approved clones ;
- (d) the construction of drains and terraces, filling of vacancies, control of pests and diseases, removal of weeds, and planting of wind belts ;
- (e) other such steps taken to maintain the estate or small holding in good agricultural condition ;
- (f) the provision of suitable living accommodation for employees and the carrying out of repairs necessary to maintain them in proper condition ;
- (g) the construction of roads where necessary and maintaining them in good condition ; and
- (h) the diversification to other approved crops of areas which are unsuitable for cultivation in tea.

(2) In determining whether a registered factory is developed to and maintained at the required standard of production and management the Controller shall, *inter alia*, have regard to the following :—

- (a) the condition of the factory building and the carrying out of repairs necessary to maintain it in proper condition ;

(b) the provision of machinery and other equipment in keeping with technological developments for the manufacture of made tea of good quality and the carrying out of repairs necessary to maintain such machinery and equipment in proper condition ;

(c) in the case of a registered factory belonging to any registered estate or registered small holding, that the manufacturing capacity is increased to meet the increase in the production of green tea leaf on the estate or small holding, and the intake, if any, of green tea leaf from other estates or small holdings for the manufacture of made tea ; and

(d) in the case of a registered factory not belonging to any registered estate or registered small holding, that the manufacturing capacity is increased to meet any increase in the intake of green tea leaf for the manufacture of made tea.

**11D.** There shall be established a Special Advisory Committee consisting of the Controller, who shall be the Chairman, and four other members appointed by the Minister. Where the Controller is not satisfied that a registered estate or registered small holding or registered factory is developed to and maintained at the required standard of production and management, he shall refer the matter to the Advisory Committee for its advice regarding the action that should be taken to ensure that such estate, small holding or factory is developed to and maintained at the required standard of production and management.

Advisory Committee on norms of maintenance and development. [§3, Law 39 of 1974.]

**11E.** (1) Where in the opinion of the Controller, a registered estate or registered small holding or registered factory has not been developed to or maintained at the required standard of production or management, he may, after consultation with the Advisory Committee, by order in writing addressed to the registered

Controller's power to issue orders, and appeals to Minister. [§3, Law 39 of 1974.]

proprietor or registered manufacturer of the estate, small holding or factory, as the case may be,—

- (a) direct him to effect such improvements or carry out such requirements, or
- (b) impose such restrictions or prohibitions,

as may be specified in such order which he deems necessary for the development of the estate, small holding or tea factory, as the case may be, to the required standard of production and management or to maintain it at the required standard.

(2) Every order made by the Controller under subsection (1) shall be complied with by the registered proprietor or registered manufacturer, as the case may be, within such time, being not less than thirty days, as may be specified therein, unless an appeal is preferred to the Minister under subsection (3), within the appealable period.

(3) Any registered proprietor or registered manufacturer may within thirty days of the date of communication to him of an order made by the Controller appeal from such order to the Minister who may affirm, vary or cancel such order.

(4) The Minister shall, before deciding any appeal, give the person making the appeal the opportunity of placing his case before the Minister either in person or by his representative.

(5) The decision of the Minister on any appeal under this section shall be final and shall not be called in question in any court.

(6) Where the Minister on appeal affirms or varies any order made by the Controller he shall specify the date before which such order or the order as varied shall be complied with and it shall be the duty of the registered proprietor or registered manufacturer to comply with such order within the specified period.

11F. Where the Controller is satisfied that any registered estate or registered small holding cannot be developed to or maintained at the required standard of production or management due to reasons

beyond the control of the registered proprietor of such estate or small holding, he may on application made in that behalf by the proprietor of such estate or small holding authorize him to replant such estate or small holding with any crop approved by the Controller.

11G. (1) Where the Minister is of opinion that—

- (a) in respect of any registered estate or registered factory, the registered owner or registered manufacturer, as the case may be, has failed to comply satisfactorily with an order,
- (b) in respect of any registered small holding, the registered owner has repeatedly failed to comply satisfactorily with orders,

made by the Controller under section 11E in respect of such estate, factory or small holding or such order or orders, as the case may be, as varied by him, he may by Order (hereinafter referred to as a “vesting Order”) published in the Gazette vest such registered estate, registered factory or registered small holding in the Government with effect from such date as shall be specified in the Order.

(2) A vesting Order shall have the effect of giving the Government absolute title to any registered estate, registered small holding or registered factory specified in the Order with effect from the date specified therein, and free from all encumbrances.

(3) Any registered estate or registered small holding or registered factory in respect of which a vesting Order has been made under subsection (1) is hereafter in this Part referred to as “registered property”.

11H. (1) Notwithstanding that any registered property has vested in the Government by virtue of a vesting Order, the Minister may, at any time before a determination as to compensation is made in respect of that registered property under this Act, by a subsequent Order published in the Gazette revoke that vesting Order.

(2) Where a vesting Order in respect of any registered property is revoked under subsection (1) the registered property to

Acquisition of registered estates, registered factories and registered small holdings. [§3, Law 39 of 1974.]

Revocation of vesting Order. [§3, Law 39 of 1974.]

Diversification to approved crops. [§3, Law 39 of 1974.]

which it relates shall be deemed never to have vested in the Government by virtue of that vesting Order, and any question which may arise as to any right, title or interest, over that registered property shall be determined accordingly.

(3) The preceding provisions of this section shall have effect notwithstanding anything in any other provision of this Act or in any other written law.

Taking possession of registered property. [§3, Law 39 of 1974.]

**11J.** (1) Any officer specially or generally authorized in that behalf by the Controller (hereinafter referred to as the "authorized officer") may take possession of any registered property vested in the Government.

(2) Any authorized officer shall, by notice, given to the registered proprietor or registered manufacturer, as the case may be, and the person in occupation of any registered property vested in the Government, or exhibited in some conspicuous place on or in the vicinity of such registered property—

- (a) inform such persons that such authorized officer intends to take possession of such registered property for and on behalf of the Government on such date and at such time and place as shall be specified in the notice ; and
- (b) require any person interested or his authorized agent to be present on the date and at the time and place so specified, and to allow and assist such authorized officer to take possession of such registered property for and on behalf of the Government.

(3) Any notice required to be given to any person under the preceding provisions of this section shall be deemed to be given to him if such notice is sent to him by registered letter through the post.

(4) Any person who contravenes any requirement of any notice given to him under this section shall be guilty of an offence under this Act.

**11K.** (1) Any person who—

- (a) prevents, obstructs, or resists ; or
- (b) directly or indirectly causes anyone to prevent, obstruct or resist,

any authorized officer from or in taking possession under section 11J (1) of any registered property for and on behalf of the Government shall be guilty of an offence under this Act.

(2) Where an authorized officer who is authorized to take possession of any registered property for and on behalf of the Government is unable, or apprehends that he will be unable, to take possession of such registered property because of any obstruction or resistance that has been or is likely to be offered, he shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that registered property or part thereof is situated, be entitled to an order of the Court directing the Fiscal to deliver possession of that registered property to him for and on behalf of the Government.

(3) Where an order under subsection (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the Court the manner in which that order was executed.

(4) Where an order under subsection (2) is issued to the Fiscal by a Magistrate's Court the execution of such order shall not be stayed in any manner by reason of any step taken or proposed to be commenced in any court with a view to questioning, varying or setting aside such order.

(5) For the purpose of executing an order issued by a Magistrate's Court under subsection (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter the registered property to which that order relates and eject any person in occupation thereof, and to deliver possession of such registered property to the person who is authorized to take possession thereof for and on behalf of the Government.

Prevention of or obstruction to taking possession of any registered property for and on behalf of the Government. [§3, Law 39 of 1974.]

Compensation in respect of registered property vested in the Government. [§3, Law 39 of 1974.]

**11L.** The amount of compensation to be paid under this Act in respect of any registered property vested on any date in the Government shall be such sum as in the opinion of the Chief Valuer constitutes the reasonable value of such registered property as on such date.

Interest on compensation. [§3, Law 39 of 1974.]

**11M.** Any compensation payable, less any deductions that may be made from such compensation under this Act, shall carry interest, as from the date on which it accrues due until payment, at such rate as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Date of commencement of accrument of compensation. [§3, Law 39 of 1974.]

**11N.** The compensation payable in respect of any registered property shall be considered as accruing due from the date on which that registered property was vested in the Government.

Manner and mode of payment of compensation. [§3, Law 39 of 1974.]

**11P.** The manner and mode of payment of compensation shall be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Determination of compensation. [§3, Law 39 of 1974.]

**11Q.** (1) The Controller shall refer to the Chief Valuer the determination of compensation payable in respect of any registered property vested in the Government, and such Valuer shall submit his determination to the Controller.

(2) The Chief Valuer shall, before making his determination of the compensation payable in respect of any registered property vested in the Government, give the person from whom that registered property was acquired as well as the Controller, an opportunity to adduce before such Valuer, by himself or by a representative authorized by him in that behalf, evidence with regard to the value of that registered property.

(3) The Controller shall communicate in writing to the person from whom the registered property was acquired, the determination of the compensation payable in respect of that registered property made by the Chief Valuer.

(4) The Controller shall cause a notice to be published in the Gazette and in at least

one Sinhala newspaper, Tamil newspaper and English newspaper, specifying the compensation that he proposes to pay in respect of the registered property, being the compensation determined by the Chief Valuer, and inviting any person who has any interest in that registered property, immediately before that registered property was vested in the Government and who claims any compensation in respect of that registered property to communicate to the Controller his claim in writing, stating the nature and basis thereof, before such date as shall be specified in the notice.

**11R.** (1) Where no claim to the compensation payable in respect of any registered property is received in response to the notice under section 11Q from any person other than the person from whom that registered property was acquired, the Controller shall cause such compensation, less any sum required by or under this Act to be deducted therefrom, to be paid to the person from whom that registered property was so acquired.

(2) Where any claim to compensation payable in respect of any such registered property is received in response to the notice under section 11Q from any person other than the person from whom that registered property was acquired, then, if every such claimant and the person from whom that property was so acquired amicably agree in writing as to the persons entitled to the compensation and the apportionment of the compensation among them, the Controller shall cause the compensation, less any sum required by or under this Act to be deducted therefrom, to be apportioned and paid to such persons according to such agreement. If there is no such agreement, the Controller shall cause the compensation, less any sum required by or under this Act to be deducted therefrom, to be paid to any District Court or Primary Court according as the amount to be so paid exceeds or does not exceed one thousand five hundred rupees, to be drawn by the persons entitled thereto.

**11S.** Where any compensation payable to any person under this Act is not accepted by him when it is tendered to him, or where such person is dead or is not in existence or is not known, it shall be paid to any District

Payment of compensation. [§3, Law 39 of 1974.]

Provision for cases where compensation is not accepted, &c. [§3, Law 39 of 1974.]

Court or Primary Court according as the amount of compensation exceeds or does not exceed one thousand five hundred rupees, to be drawn by the person or persons entitled thereto.

Deductions from compensation. [§3, Law 39 of 1974.]

11T. (1) Where a person is entitled to compensation in respect of any registered property vested in the Government the Controller shall—

(a) pay from the amount of such compensation—

(i) to the Commissioner-General of Inland Revenue, any sum certified under the hand of the Commissioner-General of Inland Revenue to the Controller to be due from such person as tax on income or profits, or as personal tax,

(ii) to the Commissioner of Labour, any sum certified under the hand of the Commissioner of Labour to the Controller to be due from such person as arrears of salary, provident fund contributions, gratuity or other monetary benefit to any other person whose employment in such registered property has been terminated after the date of publication of the vesting Order or who continues to be employed in such property thereafter ;

(b) deduct from the amount of such compensation any sum due or deemed to be due to the Controller from such person under the Sri Lanka Tea Board Law and the regulations made or deemed to be made thereunder.

(2) For the purposes of this section, the expression "compensation" includes any interest which has accrued due on such compensation.

## 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 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 subsection 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 subsection 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 subsection 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 subsection 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 authorize 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 authorized 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 authorized 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—

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

(a) where he is a licensed dealer in made tea, the English and Tamil equivalents of the words " බල පත්‍ර ලත් සකස් කළ තේ වෙළෙඳ " and also those words in Sinhala,

(b) where he is a licensed dealer in green tea leaf, the English and Tamil equivalents of the words " බල පත්‍ර ලත් අමු තේ කොළ වෙළෙඳ " and also those words in Sinhala, and

(c) where he is a licensed dealer in both made tea and green tea leaf, the English and Tamil equivalents of the words " බල පත්‍ර ලත් සකස් කළ තේ සහ අමු තේ කොළ වෙළෙඳ " and also those words in Sinhala.

(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 subsection (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 subsection.

(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 authorized 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 authorized 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 subsection.

(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 subsections 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 relate or by any other person authorized by him to sign such declaration 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.

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

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

- (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 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.

PART V

CONTROL OF THE EXPORT OF TEA AND OF  
TEA PLANTING MATERIAL

Restriction of possession of refuse tea.

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.

(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.

Restriction of sale or purchase of refuse tea.

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.

(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.

Permits for purchase of refuse tea.

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.

(2) Every permit issued under subsection (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.

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 Sri Lanka ; and no made tea shall be received or accepted for exportation or shipment by any customs or other officer unless the exportation thereof is authorized by such licence :

Export of made tea.

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

- (a) the re-export from Sri Lanka of any made tea which is proved to the satisfaction of the Principal Collector of Customs to have been imported into Sri Lanka, or
- (b) the export from Sri Lanka 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.

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

Application for licences.

(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

\* During the operation of the Tea (Tax and Control of Export) Act section 25 shall have effect as though it is repealed—See section 21 of that Act.

† During the operation of the Tea (Tax and Control of Export) Act sections 26 and 27 shall have effect as though they were repealed—See section 21 of that Act.

- (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.

Furnishing of monthly returns of made tea exported.

**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.

Export of tea seed, &c.

**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 Sri Lanka 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.

Applications for planting material export permits.

**29.** (1) Every application for a planting material 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 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 VII

APPEALS AND OFFENCES

37§. (1) Any person aggrieved— Appeals.

(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) or subsection (1) of section 4, or

(c) 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, or

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

(e) by the decision of the Controller under subsection (2) of section 8 of the cancellation 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,

\* During the operation of the Tea (Tax and Control of Export) Act sections 26 and 27 shall have effect as though they were repealed—See section 21 of that Act.

† Part VI of this Act, which establishes the Tea Control Fund has been repealed by section 30 of Law No. 14 of 1975, (Sri Lanka Tea Board Law) now Chapter 253 of this Edition.

§ During the operation of the Tea (Tax and Control of Export) Act section 37 shall have effect as though—

(i) there were omitted from paragraph (a) of subsection (1) of that section the expression "for a licence under section 26 or" and the expression "a licence issued under section 26 or"; and  
 (ii) there were omitted from subsection (2) of that section the expression "for a licence under section 26 or" and the expression "licence or"—See section 21 of that Act.

within twenty-eight days after the communication of such decision to such person, appeal in writing from such decision to the Minister in charge of the subjects of Commerce and Trade.

(3) The Minister or the Minister in charge of the subjects 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 in charge of the subjects of Commerce and Trade on any appeal under this section shall be final and shall not be called in question in any court.

Contraventions of provisions of this Act or of regulations.

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.

Non-compliance with directions, requirements, prohibitions or restrictions under this Act. [§4, Law 39 of 1974.]

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

Resistance to or obstruction of persons performing duties, &c., 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.

Making of false declarations records, or returns.

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.

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

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.

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 subsection (2) of section 18 should be in such premises, or

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.

(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 subsection (3) of section 18 applies and the quantity thereof which according to the register maintained by him under that subsection 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.

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.

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

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.

Punishment of offences under this Act.

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.

Compounding of offences.

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

PART VIII

GENERAL

Regulations.

49. (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), 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 authorized 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.

Appointment of Controller and other officers.

50. (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 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 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—

- (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 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.

52. (1) Except as provided in subsection (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

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

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

be subject to the general direction and control of the Minister in charge of the subjects of Commerce and Trade.

or the Register of Small Holdings, or the Register of Manufacturers, as the case may be, or

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.

(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

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—

(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.

(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) 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

55. (1) The Controller or any officer authorized 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 subsection (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 subsection (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 subsection (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 subsection, 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 subsection, 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.

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 charged with the subjects of Commerce and Trade.

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 in charge of the subjects 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.

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

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.

(2) The gratuity scheme established under the Tea Control Act 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 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 of 1949 and the Tea Thefts Prevention Act of 1953 are hereby repealed.

62. Notwithstanding the repeal of the Tea Control Act of 1949 and the Tea Thefts Prevention Act 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.

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

“appointed date” means the 1st day of January, 1958;

“Controller” means the person appointed or deemed to have been appointed under this Act to be or to act as Tea Controller;

Verification of returns, explanations and information.

No stamp duty on declarations.

Gratuity scheme.

Repeals.

Savings.

Interpretation.

Establishment of Tea Advisory Board.

Duties of the Tea Advisory Board.

- “estate” means an area of land, ten 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 authorized 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 or deemed to be made under the Food and Drugs Act ;
- “regulation” means a regulation made under this Act ;
- “small holding” means an area of land less than ten 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 *camelia 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.

\* Part VI of this Act, which establishes the Tea Control Fund has been repealed by section 30 of Law No. 14 of 1975, (Sri Lanka Tea Board Law) now Chapter 253 of this Edition.