

PROTECTION OF PRODUCE [Cap. 46

CHAPTER 46

PROTECTION OF PRODUCE

Ordinance ANORDINANCE TO PROVIDE FOR THE PROTECTION OF PRODUCE.

Nos. 38 of 1917,

12 of 1945.

Short title. 1. This Ordinance may be cited as the Protection of Produce Ordinance.

Interpretation. 2. For the purposes of this Ordinance the following terms shall have the meanings hereby assigned to them :-“

labourer ” shall include all persons,

except superintendents and

assistant superintendents,

temporarily or permanently

employed on any plantation in any

capacity, whether agricultural or

menial or otherwise howsoever ;

“ plantation ” shall include any land of

not less than ten acres in extent

on which coffee, tea, cacao,

cardamoms, rubber, or coconuts

are growing ;

“ produce ” shall include any plant or tree

of any of the descriptions referred

to in the last preceding definition

and the fruit, leaf, bark, root, stem,

latex, or other portion of any such

plant or tree, whether in a natural

or manufactured state.

Loitering or lurking in 3. Every person found loitering or lurking in

plantation to lurking about in a plantation, unless he can

be an offence. give a satisfactory reason to the Magistrate

before whom he is tried for such loitering or

lurking, shall be guilty of an offence, and

shall be liable on conviction before such

Magistrate to imprisonment of either

description for any term not exceeding six

weeks, or to a fine not exceeding twenty-five

rupees.

Possessor of 4. Whenever anyone is found in certain

descriptions of possession of any of the following

produce to be descriptions of produce, that is to say :-deemed

guilty

of offence till

contrary be

(a) any tea plant, tea stump, tea seed, or tea leaf (whether in a ‘natural or

shown. manufactured state) ;

(b) any rubber plant, rubber stump, or

rubber seed ;

(c) the fruit of the coffee plant ;

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(d) the fruit of the cardamom’ plant,

under such circumstances that there is reason to suspect that the same is not honestly in his possession, and he is unable to give to the court before whom he is tried a satisfactory account of his possession thereof, such person shall be guilty of an offence, and shall be liable, on summary conviction before a Magistrate, to imprisonment of either description for a period not exceeding six months, or to a fine not exceeding two hundred rupees, or to both ; and in the event of a second or subsequent offence shall be liable on conviction to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding five hundred rupees, or to both.

5. (1) It shall not be lawful for anyone to purchase or **take** in barter or exchange or receive any produce from any labourer employed on any plantation, except under the written authority of the owner or other person for the time being in charge of the plantation.

(2) Any person committing a breach of the provisions of this section shall be guilty of an offence, and shall be liable on conviction before a Magistrate to rigorous or simple imprisonment for a period not exceeding six months, or to a fine not exceeding one hundred rupees.

6. In any district of Sri Lanka the Minister in charge of the subject of Justice, by Order notified in the Gazette, may direct that a Magistrate's Court shall have jurisdiction to try, or inquire into, any case in which the accused is charged with the theft of any produce, or of any particular description of produce, and which would otherwise be triable by a Primary Court, and thereupon the said Magistrate's Court shall have exclusive jurisdiction to try, or inquire into, all such cases.

Restriction on purchase of produce. Magistrates Courts to have exclusive jurisdiction in respect of thefts of praedial produce in certain proclaimed districts.