

Promotion of Export Agriculture

Act, No. 46 of 1992

[Certified on 22 September, 1992]

L. D.--o. 47/69. '

AN ACT TO PROVIDE FOR THE PROMOTION OF EXPORT AGRICULTURE AND THE REDESIGNATION OF THE DEPARTMENT OF MINOR EXPORT CROPS: AS THE DEPARTMENT OF EXPORT AGRICULTURE; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

1. This Act may be cited as the Promotion of Export Agriculture Act, No. 46 of 1992.

2. The Minister may, by Order published in the *Gazette*, declare the export agricultural crops to which the provisions of this Act shall apply.

An export agricultural crop in respect of which an Order under this section has been made is hereinafter referred to as "a notified agricultural crop".

(1) There may be appointed, by name or by office, for the purposes of this Act, a Director of Export Agriculture and such number of Deputy Directors and Assistant Directors of Export Agriculture and other officers as may be necessary.

(2) The act of appointment of any Deputy Director or Assistant Director of Export Agriculture shall specify whether he is appointed as such for the whole of Sri Lanka or for any part thereof.

(3) There may also be appointed such clerical and minor staff as may be necessary to assist the aforesaid officers in the administration of this Act.

(1) Every Deputy Director or Assistant Director of Export Agriculture shall, in the exercise of his powers, the performance of his duties or the discharge of his functions, be subject to the general direction and control of the Director.

(2) Every Deputy Director or Assistant Director of Export Agriculture may, subject to the general direction and control of the Director, within the area for which he is appointed, exercise, perform or discharge all or any of the powers, duties or functions conferred or imposed on, or assigned to, the Director by or under this Act.

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Registration

5. (1) From and after the expiration of a period of three months from the date on which an Order under section 2 is made in respect of an export agricultural crop, no person shall-

(a) engage in the primary processing of such crop; or

(b) engage in the wholesale purchase or sale, whether on his own account or as a broker or commission agent, of such crop either in the raw or processed form; or

(c) have in his possession or transport a quantity of such crop either in the raw or processed form in excess of the prescribed quantity, unless such person is registered for the purpose of this Act with the Director. In prescribing the quantity for the purpose of paragraph (c) regard shall be had to the reasonable requirements of the consumers of such crop.

(2) (a) An application for registration shall be made to the Director in the prescribed manner and in the prescribed form, and shall be accompanied by the prescribed fee.

(b) The Director shall issue to every person registered under this Act a certificate of registration in the prescribed form.

Power to require

maintenance of records and the furnishing of returns.

Powers of Director to call for information.

6. The Director may require any person registered under this Act as a processor, buyer, possessor or seller of a notified agricultural crop—

(a) to maintain records in respect of such crop in the prescribed form; and

(b) to furnish to the Director, returns in respect of such crop, at the prescribed intervals and in the prescribed form.

7. (1) The Director may, by notice, require any person to furnish any such information or to produce any such document as the Director may consider necessary for the exercise of his powers or the discharge of his functions under this Act, and it shall be the duty of any person who receives such notice to comply with the terms of such notice. *Promotion of Export Agriculture*

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Provided, however, that nothing in this subsection shall be read and construed as enabling the Director by notice to require any person to furnish any information or to produce any document, if the disclosure of such information or the production of such document by such person is prohibited by any provision of law.

(2) No information contained in a return furnished under section 8 and no information furnished or the contents of a document produced in compliance with the terms of a notice issued under this section shall be published or communicated by the Director to any other person except with the consent of the person furnishing such return or information, or producing such document, as the case may be, or in the course of the discharge of the functions of the Director.

S. The Director or any person acting with the written

authority of the Director may, for the purpose of this Act enter into or upon any land or building where any notified agricultural crop is processed or stored or which is suitable for the cultivation of any export agricultural crop or any vehicle in which any such crop is transported and make such inspections, surveys and examinations thereon or make such inquiries from any person found thereon as may be necessary to ascertain whether the provisions of this Act or any regulation made thereunder are being complied with or the accuracy of any statement made in any return or information furnished under this Act or the suitability of any such land for the cultivation of any export agricultural crop.

Power of Director to enter and inspect land or building notified agricultural crops are processed or stored.

9. The Director shall be responsible for the conduct of research and training relating to export agricultural crops and the Department of Export Agriculture is hereby designated as a National Agricultural Research Institution.

10. (1) For the purpose of enabling the Department of Export Agriculture to discharge its research and development functions, there shall be charged, levied and paid, in addition to any tax or export duty imposed under any written law other than this Act, a cess called the Export Agriculture Cess in respect of every notified agricultural crop, in such manner and of such amount, as may be determined by the Minister by Order published in the *Gazette*, made with the concurrence of the Minister in charge of the subject of Finance.

Deemed to be a prescribed officer under the Act.

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(2) The amount of cess imposed by this section may be varied, or any such cess may be rescinded by Order made by the Minister and published in the *Gazette*.

(3) Every Order made by the Minister under this section shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any such Order which is not so approved shall be deemed to be revoked as from the date of its disapproval but without prejudice to the validity of anything previously done thereunder.

(4) This section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

(5) The proceeds of the cess recovered under this section shall be paid monthly by the Director-General of Customs to the Director, no part thereof being credited to the Consolidated Fund.

11. The Director shall be deemed to be a "prescribed officer" within the meaning of section 105 of the Crown

Lands Ordinance.

12. Every person who-

- a) processes, has in his possession, transports, buys or sells any export agricultural crop in contravention of section 5 ;
- (b) fails without reasonable cause to maintain any records or to furnish any return or information when required to do so by the Director under section 6 or section 7 ;
- (c) resists or obstructs the Director or any person acting with the written authority of the Director, in the *exercise* of his powers under section 8 ;
- (d) knowingly makes any false or incorrect statement in any record maintained by him under section 6, or in any return or information furnished by him under section 6 or section 7 ; or. *Promotion of Expt Agriculture Act, No. 46 of 1992*

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(e) fails to comply with any regulation made under this

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shall be guilty of an offence under this Act.

13. Every person who is guilty of an offence under this Act, shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding three months or to a fine not exceeding five thousand rupees or to both such fine and imprisonment.

14. Where any offence under this Act or any regulations made thereunder is committed by a body of persons, then- **by bodies** of persons.

(a) if that body of persons is a body corporate, every person who at the time of the commission of the offence was a director or officer of that body corporate ; or c '

(b) if that body of persons is a body other than a body corporate, every person who, at the time of the commission of the offence, was a member or partner of that body,

shall be deemed to be guilty of such offence unless he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

15. (1) The Minister may make regulations for or in respect of all or any of the following matters : -(

- a) prescribing the form of contracts to be entered into with growers of notified agricultural crops, for the growing of such crops ;
- (b) providing for extension services for growers of notified agricultural crops ;
- (c) providing for schemes for the grant of subsidies and other assistance, financial or otherwise, to persons who cultivate and process notified agricultural crops ;

'Export agricultural crop' means any perennial crop other than tea, rubber, coconut and cashew, at least fifty per cent of the total annual production of which is exported ;
'prescribed' means prescribed by regulations made under this Act.