

CHAPTER 256

RUBBER REPLANTING SUBSIDY

*Acts*  
Nos. 36 of 1953,  
1 of 1955,  
54 of 1956,  
5 of 1958,  
66 of 1961,  
21 of 1964,  
31 of 1966,  
3 of 1967,  
4 of 1970,  
*Law*  
No. 2 of 1977.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FUND FOR THE PURPOSE OF SUBSIDIZING THE REPLANTING OF RUBBER ESTATES AND RUBBER SMALL HOLDINGS, THE REHABILITATION OF RUBBER ESTATES AND SMALL HOLDINGS AND THE PROCESSING OF RAW RUBBER INCLUDING THE PURCHASE OF MACHINERY AND EQUIPMENT USED IN THE PROCESSING OF RAW RUBBER.

[5th October, 1953.]

Short title.

1. This Act may be cited as the Rubber Replanting Subsidy Act.

Rubber Replanting Subsidy Fund.  
[§ 3, Law 2 of 1977.1

2. There shall be established a fund called the Rubber Replanting Subsidy Fund for the purpose of subsidizing, in accordance with such regulations as may be made in that behalf, the replanting of rubber estates and rubber small holdings, the rehabilitation of rubber estates and rubber small holdings and the processing of raw rubber including the purchase of machinery and equipment used in the processing of raw rubber.

Advances to the fund from the Consolidated Fund.  
[§ 2, 5 of 1958.1  
[§ 2, 3 of 1967.1

2A. (1) Such sums, not exceeding in the aggregate forty million rupees in any year, as may be determined by resolution of Parliament may be advanced from time to time to the fund from the Consolidated Fund.

(2) Such part of the sums advanced to the fund from the Consolidated Fund in accordance with the provisions of subsection (1) as can be replaced in the Consolidated Fund out of the net proceeds of the sale of the commodities referred to in section 2B shall be so replaced, and such part of those sums as cannot be so replaced shall be deemed to have been appropriated to the fund from the Consolidated Fund.

2B. The net proceeds of the sale by the Government of Sri Lanka of the commodities gifted to the Government of Sri Lanka by the Government of the People's Republic of China under the Economic Aid Agreement dated the nineteenth day of September, 1957, or under any other Economic Aid Agreement subsequent to the said Agreement, entered into by those two Governments are hereby allocated to the purpose of replacing, to the extent that the amount of those net proceeds permits, the sums which may be advanced to the fund from the Consolidated Fund in accordance with the provisions of section 2A.

Allocation of certain monies to the purpose of replacing advances which may be made to the fund from the Consolidated Fund.  
[§ 2, 5 of 1958.1  
[§ 2, 21 of 1964.1

3. (1) There shall be paid into the fund-

Payments into and out of the fund.

(u) such sum as may be determined by the Minister out of the moneys retained by the Rubber Commissioner from the proceeds of the sale of sheet rubber purchased by him during the period commencing on the 1st day of January, 1953, and ending on the appointed date ;

(b) the sum of two hundred and eighty-two thousand three hundred and thirty-seven rupees and forty-nine cents constituting the balance of the fund known as the Fund of the Capital Compensation Scheme ;

[§ 2, 54 of 1956.]

(c) the profits made by the Rubber Controller by the sale of rubber plants and fertilizers for the replanting of rubber plants ;

[§ 3, 5 of 1958.1

(d) the proceeds of all export duties levied under this Act ; and

[§ 3, 5 of 1958.]

(e) such sums as may from time to time be advanced to the fund from the Consolidated Fund in accordance with the provisions of subsection (1) of section 2A.

(2) There shall be paid out of the fund—

[§ 4, Law 2 of 1977.]

(a) such amounts as are authorized by regulations to be paid for the purpose of subsidizing the replanting of rubber estates and rubber small holdings, the rehabilitation of rubber estates and rubber small holdings and the processing of raw rubber including the purchase of machinery and equipment used in the processing of raw rubber ;

[§ 6, 66 of 1961.1

(aa) such amount as may be authorized from time to time by the Minister to be paid to the credit of the Tea Subsidy Fund established under the Tea Subsidy Act, No. 12 of 1958\* ;

[§ 4, 4 of 1970.1

(aaa) such amounts as may be authorized from time to time by the Minister to be paid for the purpose of subsidizing the replanting of rubber estates and rubber small holdings with approved crops ;

(b) the expenses of the administration of this Act ;

(c) the prescribed contributions to any provident fund or scheme established for the payment of gratuities or such sums to the Consolidated Fund for the payment of pension to any or all of the officers and servants employed for the purposes of this Act and their dependants ; and

(d) such remuneration as may be payable to members of the Rubber

Replanting Advisory Board established under this Act.

4. (1) The Rubber Controller shall, Administration subject to the direction and control of the Minister, administer the fund. of the fund.

(2) There may be appointed such officers and servants as may be necessary for the administration of the fund.

5. Any moneys of the fund may be invested in such manner as may be approved by the Minister with the concurrence of the Minister in charge of the subject of Finance. Investment of moneys of the fund.

6. (1) The Rubber Controller shall cause full accounts of the fund to be kept. Accounts of the fund.

(2) The accounts of the fund shall be audited by the Auditor-General.

(3) The Rubber Controller shall, as soon as possible after the thirty-first day of December of each year, issue a report on the administration of the fund together with a statement of the income and expenditure of the fund and of the investments of moneys of the fund during the preceding year.

(4) Every report and statement of the Rubber Controller under subsection (3) shall be transmitted by him to the Minister who shall cause them to be laid before Parliament.

7. (1) There shall be charged, levied and paid an export duty of ten cents for every pound of sheet rubber exported from Sri Lanka. Special export duties for providing the fund with an income.

(2) There shall be charged, levied and paid an export duty of four cents for every pound of scrap crepe rubber exported from Sri Lanka.

(3) There shall be charged, levied and paid an export duty of ten cents for every pound of crepe rubber (other than scrap crepe rubber) exported from Sri Lanka.

(4) The question whether any crepe rubber is of any particular description shall be determined by the Rubber Controller and his decision shall be final.

\* Repealed by Law No. 14 of 1975.

(5) The amount of any export duty imposed by this section may be varied or any such export duty may be rescinded by resolution of Parliament.

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

Provided that the export duties imposed by this Act shall be in addition to any export duty imposed by or under that Ordinance or any other written law.

(7) The proceeds of all export duties imposed by this Act shall be paid monthly to the Rubber Controller by the Principal Collector of Customs and shall be credited to the fund.

Regulations.

8. (1) The Minister may make regulations for the purpose of carrying out or 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 :--

(u) a scheme of subsidizing with moneys of the fund the replanting of rubber estates and rubber small holdings, the rehabilitation of rubber estates and rubber small holdings and the processing of raw rubber including the purchase of machinery and equipment used in the processing of raw rubber ;

(6) all matters stated or required in this Act to be prescribed ;

(c) the establishment and regulation of a provident fund or scheme for the payment of gratuities to any or all of the officers and servants employed for the purposes of this Act and their dependants, and the determination of the amounts to be paid to such provident fund or scheme from the fund.

(3) Regulations in respect of the scheme referred to in paragraph (a) of subsection (2) may -

(a) contain such conditions, prohibitions and other provisions as may be necessary for securing the due operation and enforcement of the scheme, and

(b) declare the contravention of, or the failure to comply with, any prescribed provisions of the regulations, and the furnishing of false information or returns to be an offence triable summarily by a Magistrate and specify as punishment for such offence a fine of an amount not exceeding one thousand rupees or a term of imprisonment of either description not exceeding six months or both such fine and such imprisonment.

(4) All regulations shall be published in the Gazette and shall come into operation on a date specified in that behalf in the regulations or, if no date is so specified, upon such publication, and shall, as soon as practicable after their publication in the Gazette, be brought before Parliament for approval. Where any regulation is not approved by Parliament it shall be deemed to be rescinded and the rescission shall take effect on the date on which the regulation is not approved.

(5) The validity of anything done under a regulation shall not be affected by the subsequent rescission of the regulation under subsection (4).

(6) Notification of the date on which the rescission of a regulation under subsection (4) takes effect shall be published in the Gazette.

9. The Minister may, in such manner as may be approved by Parliament, wind up the fund and dispose of any moneys left therein. Winding up of the fund.

10. (1) There shall be established a board (hereinafter referred to as the "board") which shall be called the Rubber Replanting Advisory Board and which shall Rubber Replanting Advisory Board.

consist of the Rubber Controller, who shall be the chairman of the board, and such other members as the Minister may appoint.

(2) Every member of the board, other than the chairman of the board, shall, unless his appointment is revoked earlier under subsection (3), hold office for such period as may be specified in the letter of appointment issued to him by the Minister.

(3) The Minister may revoke any appointment of a member of the board.

(4) It shall be the duty of the board to advise the Minister on the administration of this Act and on any such matter to which this Act relates as may be referred by the Minister to the board for advice.

(5) The members of the board may be paid such remuneration as the Minister may determine with the concurrence of the Minister in charge of the subject of Finance.

**\*12.** This Act shall expire on such date as may be appointed by the Minister by Order published in the Gazette :

Provided, however, that the expiration of this Act shall not affect any fine, penalty, forfeiture or punishment previously incurred under this Act or under any regulation, or affect any legal proceedings or remedy in respect of any such fine, penalty, forfeiture or punishment, and any such legal proceeding may be instituted, continued or enforced and such fine, penalty, forfeiture or punishment may be imposed as if this Act had not expired.

13. In this Act, unless the context otherwise requires-

“ appointed date ” means the 5th day of October, 1953 ;

“ approved crops ” means such crops as may be approved for the purposes of this Act by the Minister by notification published in the Gazette ;

“ fund ” means the Rubber Replanting Subsidy Fund established under this Act ;

“ prescribed ” means prescribed by regulation ;

“ regulation ” means a regulation made under this Act ;

“ rehabilitation ” when used with reference to a rubber estate or rubber small holding means any operation designed to improve the agricultural conditions of such estate or small holding and includes the application of fertilizers, the adoption of improved agricultural practices and the planting of additional rubber plants and any other useful plants in such estate or small holding ;

“ replanting ”—

(a) when used with reference to any rubber estate or rubber small holding means the uprooting of all existing rubber plants and other vegetation in the whole or any part of such estate or small holding and the replacement with new rubber plants or with approved crops and includes the planting of rubber plants or approved crops in an area which does not form part of such estate or small holding if the rubber plants in an equivalent area of such estate or small holding are eradicated within such time as the Rubber Controller may specify ; and

(b) when used with reference to any other land means the planting of such land with rubber for the first time ;

“ Rubber Commissioner ” means the Commissioner who purchases sheet rubber in Sri Lanka on behalf of the Government of Sri Lanka ;

“ Rubber Controller ” means the Rubber Controller appointed or deemed to have been appointed under the Rubber Control Act ;

[§6, Law 2 of 1977.1

[§6, 4 of 1970.1

Duration of Act.

Interpretation.

[§6, 4 of 1970.1

\* Section I I (Validating Provision) is omitted.

[§6, 4 of 1970.1

“ rubber estate ” means any rubber estate registered or deemed to have been registered under the Rubber Control Act ;

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

(a) Hevea Braziliensis (Para Rubber),

(b) Manihot Glaziovii (Ceara Rubber),

(c) Castilloa Elastica,

(d) Ficus Elastica (Rambong),

(e) any other plant, tree, shrub or vine which the Rubber Controller may by notification published in the Gazette declare to be a rubber plant for the purposes of this Act.

“ rubber small holding ” means any [§6, 4 of 1970.1 rubber small holding registered or deemed to have been registered under the Rubber Control Act.