

Rubber Replanting Subsidy (Amendment)
Act, No. 9 of 1998

[Certified on 30th March, 1998]

L. D.-O. 75/95.

AN ACT TO AMEND THE RUBBER REPLANTING SUBSIDY ACT

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

1. 'This Act may be cited as the Rubber Replanting (Amendment) Subsidy Act, No. 9 of 1998.

Short title.

2. The long title to the Rubber Replanting Subsidy Act (Chapter 437) (hereinafter referred to as the "principal enactment") is hereby repealed and the following long title substituted **therefor** :—

Replacement of long title to chapter 437.

" An Act to provide for the establishment of a Fund for the purpose of subsidising the replanting of rubber estates and rubber smallholdings; the rehabilitation of rubber estates and rubber smallholdings; the processing of raw natural rubber including the purchase of machinery and equipment used in the processing of raw natural rubber; the provision of welfare facilities to rubber smallholders and for matters connected therewith or incidental thereto ".

3. Section 2 of the principal enactment **is** hereby amended by the substitution for all the words from the " processing " to the end of that section, of the words "the processing of raw natural rubber, including the purchase of machinery and equipment used in the processing of raw natural rubber and the provision of welfare facilities to rubber smallholders ".

Amendment of section 2 of the principal enactment.

4. Sections **2A** and **2B** of the principal enactment are hereby repealed.

Repeal of sections 2A and 2B of the principal enactment.

5. Section 3 of the principal enactment is hereby amended as follows :—

Amendment of section 3 of the principal enactment.

(1) in subsection (1) of that **section**—

(a) by the repeal of paragraphs (a) and (b) of that subsection ;

*Rubber Replanting Subsidy (Amendment)
Act, No. 9 of 1998*

- (b) by the relettering of paragraphs (c), (d) and (e) of that subsection as paragraphs (a), (b) and (c) of that subsection, respectively ; and
- (c) in the relettered paragraph (b) of that subsection by the substitution for the words “ all export duties ”, of the word “ cess ” ;
- (d) by the substitution, in the relettered paragraph (c) of that subsection for all the words from “ advanced ” to the end of that paragraph, of the words “ voted to the fund by, Parliament; ” ; and
- (2) in subsection (2) of that section —
- (a) by the substitution, in paragraph (a) of that subsection for all the words from “ and the processing ” to the end of that paragraph of the words, “ the processing of raw natural rubber, including the purchase of machinery and equipment used in the processing of raw natural rubber and the provision of welfare facilities to rubber smallholders ; ” ;
- (b) by the substitution, in paragraph (c) of that subsection for the words “ dependants ; and ” of the words, “ dependants ; ” ;
- (c) by the substitution in paragraph (d) of that subsection for the words “ this Act ”, of the words “ this Act; and ” ;
- (d) by the addition immediately after paragraph (d) of that subsection, of the following new paragraph—
- “(e) such amounts as are authorized by regulations to be paid as rebate to persons who are not entitled to receive any subsidy payments under this Act for replanting of rubber estates.”.

6. Section 7 of the principal enactment is hereby amended as follows :—

- (1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—
- “(1) There shall be charged, levied and paid a cess, at such rate as may be determined by a resolution of Parliament, for every kilogramme of raw natural rubber exported from Sri Lanka. ” ;

- (2) by the repeal of subsections **(2)**, (3) and (4) of that section ;
- (3) by the renumbering of subsections (6) and (7) of that section as subsections (2) and (3) respectively of that section ;
- (4) in the renumbered subsection (2) of that section by the substitution for the words “ export duties ” of the word “**cesses**”.
- (5) in the renumbered subsection (3) of that section, by the substitution for the words “export duties” and “ Principal Collector of Customs ”, of the words “ **cesses** ” and “ **Director-General** of Customs ” respectively.
- (6) by the substitution for the marginal note to that section of the following marginal note :-

“ Levy of **cess for providing** the fund with income. ” .

7. Section 8 of the **principal** enactment is hereby amended as follows :—

Amendment of section 8 of the principal enactment.

(I) in subsection **(2)** of that **section**—

- (a) in paragraph (a) of that subsection by the substitution for **all** the words from the words “and the processing” to the end of that paragraph, of the words “the processing of raw natural rubber, including the purchase of ‘machinery and equipment used in the processing of raw natural rubber and the provision of welfare facilities to rubber smallholders ” ;
- (b) -in paragraph (c) of that subsection by the substitution for **the** words “ from the fund ” of the words “ from the fund’; and ” ;

Rubber Replanting Subsidy [Amendment]
Act, No. 9 of 1998

(c) by the **addition immediately** after paragraph (c) of that subsection of the following new paragraph :-

“(d) **specify the** amounts to be paid by way of **rebate** to persons Who are not entitled to receive subsidy payment ;” ;

(2) in subsection (3) of that section-

(a) **in** paragraph (b) of that subsection, by the substitution, for all the words **from** the words “one thousand” to the end of **that paragraph**, of the words “five thousand rupees or a term of imprisonment of either description not exceeding six months or to both **such** fine **and** imprisonment,” and

(b) by the **addition immediately** after paragraph (b) of that subsection of the following new **paragraph:—**

“(c) provided that the amount paid by the **Rubber** Controller, to any person under any **such** scheme by way of subsidy. cost of planting material, **fertilizer** or other inputs not repaid, may be recovered in the same manner as a fine imposed by the Court and a certificate **issued** by the Rubber Controller to the effect that any person has abandoned a smallholding after obtaining one or more subsidy instalments and has not repaid such instalments shall be admissible as proof of such fact.”.

Amendment of section 13 of the principal enactment.

8. Section 13 of the principal enactment is hereby amended **as follows :—**

(I) by the insertion immediately **after** the definition of the **expression “Fund”**, of the **following** new definitions :—

“ person ” includes a body of persons ;

“ raw natural rubber ” means all natural rubber **classified** under the H. S. Heading 40.01 of Customs Notification **(RPO) No: 91/1** 1 and published in Gazette Extraordinary No. **682/16** of October 1, 1991 **;** and

Rubber Replanting Subsidy (Amendment)
Act, No. 9 of 1998

5

- (2) by the repeal of the definition of **the** expression “Rubber Controller”, and the substitution **therefor** of the following definition :-

‘ “Rubber Controller” means the Rubber Controller appointed or deemed to have been appointed under the Rubber Control Act and includes the Director-General of the Rubber Development Department ; ’ .

9. In the event of any inconsistency between **the Sinhala** and **Tamil** texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsiskncy.