

CHAPTER 251

TEA CONTROL (AMENDMENT)

Acts
Nos. 3 of 1983,
10 of 1983.

AN ACT TO AMEND THE TEA CONTROL ACT.

[Act No. 3 of 1983—Commencement and Operation—27th January, 1983.]
[Act No. 10 of 1983—Commencement—10th February, 1983; Operation—1st April, 1983.]

- Short title.** 1. This Act may be cited as the Tea Control (Amendment) Act.
- Amendment of the long title to the Tea Control Act. [Chapter 251] [§ 2, 3 of 1983.]** 2. The long title to the Tea Control Act (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the words “POSSESSION, SALE”, of the words “POSSESSION, SALE, TRANSPORT”.
- Amendment of heading appearing in Part IV of the principal enactment. [§ 3, 3 of 1983.]** 3. The heading appearing in Part IV of the principal enactment is hereby amended by the substitution for the words “POSSESSION, SALE”, of the words “POSSESSION, SALE, TRANSPORT”.
- Amendment of section 15 of the principal enactment. [§ 4, 3 of 1983.]** 4. Section 15 of the principal enactment is hereby amended by the substitution in subsection (1) of that section, for the words “or a person acting on behalf of such licensed dealer”, of the words “or a person duly authorized in writing to act on behalf of such licensed dealer”.
- Amendment of section 16 of the principal enactment. [§ 5, 3 of 1983.]** 5. Section 16 of the principal enactment is hereby amended by the substitution in subsection (1) and subsection (3) of that section, for the words “or a person acting on behalf of such licensed dealer”, of the words “or a person duly authorized in writing to act on behalf of such licensed dealer”.
- Insertion of new section 16A in the principal enactment. [§ 6, 3 of 1983.]** 6. The following new section is hereby inserted immediately after section 16 of the principal enactment and shall have effect as section 16A of that enactment :-
- “Transport of tea. 16A. (1) No person other than a licensed dealer in made tea or a registered manufacturer, or a person duly authorized in writing to act on behalf of such licensed dealer, shall transport or cause to be transported from one place to another 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 transporting or causing the transport of any quantity of 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 the registered proprietor of a registered estate or small holding or a registered manufacturer or a person duly authorized in writing to act on behalf of such licensed dealer, registered proprietor or registered manufacturer shall transport or **cause to be transported** any quantity of green tea leaf.”
7. Section 18 of the principal enactment is hereby amended by the substitution for subsection (4) of that section, the following subsection :-
- “ (4) Every licensed dealer shall keep in his licensed premises, and every

Amendment of section 18 of the principal enactment. [§ 2, 10 of 1983.]

manufacturer to whom subsection (3) of this section applies shall keep in his tea factory, scales capable of weighing up to fifty kilogrammes :

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. ”.

Amendment of section 22 of the principal enactment. [§ 7, 3 of 1983.1

8. Section 22 of the principal enactment is hereby amended by the substitution in subsection (1) and subsection (2) of that section, for the words “or a person acting on behalf”, of the words “or a person duly authorized in writing to act on behalf”.

Amendment of section 23 of the principal enactment. [§ 8, 3 of 1983.1

9. Section 23 of the principal enactment is hereby amended by the substitution in subsection (1) and subsection (2) of that section, for the words “or a person acting on behalf”, of the words “or a person duly authorized in writing to act on behalf”.

Replacement of section 45 of the principal enactment. [§ 9, 3 of 1983.1

10. Section 45 of the principal enactment is hereby repealed and the following section substituted **therefor** :—

“ **Punishment of offences under this Act.**

45. (1) 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 fifty thousand rupees or to imprisonment of either description for a period not exceeding one year, or to both such fine and imprisonment, notwithstanding that the fine exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction.

(2) Upon the conviction of any person for an **offence**, the Magistrate may, in addition to any punishment which he may impose-

(u) where the **offence** is a contravention of section 15, section 16,

section **16A**, section 19, section 20, section 43 and section 44, order that the made tea or green tea leaf in respect of which the **offence** was committed, be forfeited to the State ; and

(b) where the **offence** is a contravention of section **16A**, order that the vehicle in which the made tea or green tea leaf was transported or attempted to be transported, be forfeited to the State. ”.

11. Section 48 of the principal enactment is hereby repealed and the following new section substituted **therefor** :—

Replacement of section 48 of the principal enactment. [§ 10, 3 of 1983.]

“ **Compounding of offences.**

48. The Commissioner may, where he considers it just and equitable in the circumstances of the case, compound any **offence** under this Act-

(i) in respect of **offences** committed under section 15, section 16, section **16A**, section 19, section 20, section 43 and section 44, by accepting from the offender an amount of money which is equivalent to twice the market value (as determined by the Commissioner) of the quantity of made tea or green tea leaf in respect of which the **offence** was committed ; and

(ii) in respect of **any offences** other than those mentioned in paragraph (i) by

accepting from the offender an amount of money which will not exceed ten thousand rupees :

Provided that where an action in respect of any **offence** has already been instituted in a court of law, the Commissioner may compound such **offence** only with the consent of the Magistrate. ”.

Amendment of section 63 of the principal enactment. [§ 11, 3 of 1983.1

12. Section 63 of the principal enactment is hereby amended in subsection (1) thereof—

(a) by the insertion immediately after the definition of the expression “ appointed

date ” of the following definition :-

‘ “ Commissioner ” means the person appointed to be or to act as Tea Commissioner under the Sri Lanka [Cap. 253.1 Tea Board Law, ’

(b) by the substitution for the definitions [§ 2, 10 of 1983.1 respectively of “ estate ” and “ small holding ”, the following definitions :-

‘ “ estate ” means an area of land, four hectares or more in extent, on which tea plants are grown for the purposes of harvesting the leaf thereof for conversion into made tea ;

“ small holding ” means an area of land less than four hectares in extent on which tea plants are grown for the purpose of harvesting the leaf thereof for conversion into made tea ;’