

Tea Control (Amendment) Act, No. 3 of 1993

[Certified on 12th February, 1993]

L.D.—O. 4/90 .

AN ACT TO AMEND THE TEA CONTROL ACT, No. 51 OF 1957

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

1. This Act may be cited as **the Tea Control (Amendment) Act, No, 3 of 1993.** Short title

2. Section 8 of the Tea Control Act, No. 15 of 1957 (hereinafter referred to as the "principal enactment") is hereby amended, by the repeal of subsection (2) of that section and substitution, **therefor** of the following subsection :— Amendment
of section
8 of Act
No. 51 of
1957

"(2) Where the Controller is satisfied, after such inquiry as he may deem necessary:-

(a) that the building, or equipment, or manner of operation, of any tea factory is not of a standard conducive to the manufacture of made tea of good quality ; or

(b) that the owner of a tea factory has paid for green tea leaf bought by him for manufacture at such factory a price lower than the reasonable price payable as determined by the Controller having regard to the price fetched for made tea manufactured at that factory ; or

(c) that the owner of a tea factory has delayed payment of the reasonable price, referred to in paragraph (b) for green tea leaf bought by him for manufacture at that factory:

the Controller may suspend or cancel where necessary, the registration of **such tea factory or—**

~~(i) in any case referred to in paragraph (b), direct any broker to whom the owner of such tea factory has sold any made tea manufactured at that factory, to deduct from the proceeds of such sale, an amount equivalent to the difference between the reasonable price for green tea leaf as determined by the Controller and the actual price paid by such owner for the green tea leaf bought by him ;~~

(ii) in any case **referred** in paragraph (c), direct any broker to whom the owner of such tea factory has sold any made tea **manufactured** at that factory, **to** deduct from the proceeds of **such** sale, an amount equivalent to the reasonable price determined by the Controller for such green tea leaf,

and to remit the sum so deducted to him, for payment by him, to the person supplying such green leaf to such factory. ”.

Amendment
of **section**
19 of the
principal
enactment.

3. Section 19 of the principal enactment is hereby amended as follows :—

(1) by ‘the repeal of subsections (1) and (2) thereof and the substitution **therefor** of the following subsections : —

“ (1) No licensed dealer shall take delivery, or cause or permit delivery to be taken, of any made tea or green tea leaf which is not the produce of any estate or small holding of which he **is** the registered proprietor, unless—

(u) there is furnished to him by the person delivering such tea or leaf a valid declaration in respect of such tea or leaf ; and

(b) he furnishes to the person delivering such tea or leaf a valid declaration to the effect that he has accepted such tea or leaf.

(2) No manufacturer shall take delivery, or cause or permit delivery to be taken, of any green tea leaf which is not the produce of **any** estate **or** **small** holding of which , he **is** the registered proprietor, **unless—**

(a) there is furnished to **him** by ~~the person~~ **delivering** such tea leaf a valid declaration in **res-**
pect of such tea leaf ; and

(b) he furnishes to the person delivering such leaf a valid declaration to the **effect** that he has accepted **such** leaf. ” ; and

(2) in paragraph (b) of subsection (3) thereof, by the substitution for the words "sell or deliver the articles", o the words "~~sell~~ or deliver or accept the articles".

4. Section 37. of the principal enactment is hereby amended in subsection (1) of **that** section **as** follows :—

Amendment of section 37 of the principal enactment.

(1) by the substitution for paragraph (e) of the following paragraph :—

'(e) by the decision of the Commissioner under subsection (2) of section 8, of the suspension or cancellation of the registration of any registered tea factory, " ; and

(2) by the substitution for all the words, from " may **within** twenty-eight days " to the end of that subsection, of the following :-

" may, within twenty-eight days after the communication to such person of the decision, or cancellation or suspension, appeal, in writing, from such decision, cancellation or suspension to the Minister."

5. **Secion 63** of the principal enactment is hereby amended in subsection (1) thereof, by the omission therefrom of the **definition** of the expression " Controller ".

Amendment of section 63 of the principal enactment,

6. Wherever, in any provision of the principal enactment, the **word** " Controller " occurs, there shall be substituted the word " Commissioner ".

General amendment of the provisions of the principal enactment,

7. 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 inconsistency.