

Tea Research Board Act, No. 52 of 1993

[Certified on 12th November, 1993]

L. D.-O. 62/91.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TEA RESEARCH BOARD; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERE TO

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 Research Board Act, No. 52 of 1993, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette (hereinafter referred to as the "appointed date").

Short title and date of operation.

PART I

ESTABLISHMENT OF TEA RESEARCH BOARD

2. There shall be established, in accordance with the provisions of this Act, a Board which shall be called the Tea Research Board (hereinafter referred to as "the Board").

Establishment of Tea Research Board.

3. (1) The Board shall by the name assigned to it, by section 2 be a body corporate having perpetual succession and a common seal and may sue and be sued in such name.

Board to be a body corporate.

(2) The headquarters of the Board shall be at Talawakale or such other place as may be determined by the Board with the approval of the Minister.

4. The seal of the Board—

(a) shall be in the custody of the Chairman of the Board ;

(b) shall be of such design as shall be approved by the Board and may be altered in such manner as may be determined by the Board ; and

(c) shall not be affixed to any document except in accordance with the rules of the Board.

Seal of the Board.

6. The functions of the Board shall be to engage in, and to encourage, foster and facilitate, research into the planting and manufacturing of tea and in particular--

Functions of the Board.

(a) to conduct, assist and encourage, scientific and technological research into, and investigations of, all problems and matters affecting the production and manufacture of tea, including the prevention and control of pests affecting tea, the prevention and control of diseases affecting tea and the improvement of the quality of tea ; as well as the diversification of products manufactured from tea ; and to

disseminate and publish at its discretion, the results of such research ;

(b) to conduct, assist and encourage, research, into the economic viability of the tea industry in Sri Lanka including future economic trends in such industry ;

(c) to maintain and administer the Tea Research Institute situated at Talawakale, and its substations, in accordance with the rules of the Board ;

(d) to establish maintain, relations with research institutions, in Sri Lanka and abroad ;

(e) to conduct, in the discharge of its functions, joint study programmes, seminars or symposia, with foreign research institutions and research institutions in Sri Lanka.

Powers of the Board.

6. The Board shall have such powers as may be necessary for the discharge of its functions and in particular, shall have the power to do all or any of the following :-

(a) to acquire and hold, property movable or immovable, which may become vested in it by virtue of any lease, purchase, grant, donation, bequest or otherwise and subject to the rules of the Board, to lease, sell, assign, exchange or otherwise dispose of, the same ;

(b) to open and maintain, current, savings or deposit accounts in any bank or banks ;

(c) to apply for, purchase or otherwise acquire, any patents, brevets d' invention, or concessions conferring an exclusive, or non exclusive, or limited, right to use or sell any information as to any invention which is capable of being used for the discharge of the functions of the Board, or the acquisition of which may facilitate the discharge of such functions, and to use, develop or grant licences in respect of, the property rights and information so acquired ;

(d) to establish and maintain experimental stations for the purposes of research and to equip such stations with all such appurtenances, accessories or equipment as may be necessary for such research;

(e) to maintain and manage tea estates and tea factories, for research and connected purposes ;

- (f) to borrow such sums of money as may be necessary for the purpose of discharging its functions ;
- (g) to enter into agreements for co-operation with educational and other institutions, whether in Sri Lanka or abroad, having objects wholly or partly similar to those of the Board, for the exchange of **personnel**, research and advisory services and the training of personnel ; and generally, for such purposes as may be in furtherance of their common objects ;
- (h) to invest its funds in such securities, as may be determined by the Board with the approval of the **Minister** and the Minister in charge of the **Subject** of Finance ;
- (i) to provide practical assistance, by way of advice, demonstrations, inspection of plantations and analysis, for persons engaged in the planting and manufacturing of tea ;
- (j) to provide services including inspections, informatinn and reports, on the payment of the prescribed fee or free of charge ;
- (k) to appoint, employ, remunerate **and** exercise disciplinary control over, and dismissal of such **officers**, servants or agents as are necessary, for the discharge of the functions of the Board ;
- (l) to accept and receive, grants, donations, bequests both movable and immovable, from sources, in Sri Lanka and abroad and to apply them for the discharge of its functions ;
- (m) to establish a provident fund, pension scheme or medical scheme for the benefit of the officers and servants of the Board and to make contributions to any such fund or scheme ;
- (n) to enter into such contracts and agreements as are **necessary for** the discharge of it's functions ; and
- (o) to make rules in respect of the management of the **affairs** of the Board.

PART II

CONSTITUTION OF THE BOARD

7. (1) The Board shall consist of—

- (a) the following **ex-officio** members :-

**Constitution
of the Board.**

- (i) the person holding office for the time being as the Director of the Tea Research Institute, Talawakale ;
- (ii) the person holding office for the time being as the Chairman of the Tea Small Holdings Development Authority established by the Tea Small Holdings Development Law No. 35 of 1975 ; and

(b) the following nominated members :

- (i) a representative of the Ministry of the Minister in charge of the subject of Finance, nominated by that Minister ;
- (ii) a representative of the Ministry of the Minister *in* charge of the subject of Plantation Industries, nominated by that **Minister** ;
- (iii) a representative of the Sri Lanka Tea Board, nominated by the Chairman of that **Board** in consultation with the Minister ;
- (iv) two members nominated by the Minister from amongst person who have gained eminence in the field of science ;
- (v) two members nominated by the Minister from amongst person who have experience and have shown capacity in relation to the tea industry ;
- (vi) three members nominated by the Minister from amongst persons representing plantation management agents or contractors ;
- (vii) two **members** nominated by the Minister in consultation with the executive of every trade union having more than one hundred thousand members.

For the purpose of this paragraph, " executive " **in** relation to a trade union **has** the same **meaning** as in the Trade Unions Ordinance :

(2) The Minister shall nominate one of the members of **the** Board to be the Chairman of the Board

(3) No Person shall be qualified to be **appointed** a member of the Board unless he is a **citizen of** Sri Lanka,

8. (1) A member of the Board nominated under sub-section (1) (b) of section 7 shall hold office for a period of three years reckoned from the date of his nomination.

Term of
office.

(2) The Minister may remove any member of the Board, nominated under sub-section (1) (b) of section 7, from **office**—

(a) if he is adjudged by a competent court to be of unsound mind; or

(b) if he **is** adjudged by a competent court to be insolvent or guilty of an offence involving moral turpitude.

(3) A member of the Board nominated under sub-section (1) (b) of section 7 may at any time resign his office by letter addressed to the person nominating such member.

(4) In the event of a vacancy **occurring** in the membership of the Board as a result of any member of the Board nominated under sub-section (1) (b) of section 7 vacating office, by death, resignation, removal from **office**, or otherwise, another person **shall**, having regard to the provisions of section 7, be nominated to **fill** such vacancy.

(5) Where another person is nominated to fill a vacancy caused by the death, resignation, removal from office, or otherwise, of a member nominated under sub-section (1) (b) of section 7, the person so nominated shall hold such **office** during the unexpired part **of** the term of office of the member of the Board whom he succeeds.

(6) Where any member of the Board nominated under sub-section (1) (b) of section 7, is by reason of illness, infirmity or absences **from** Sri Lanka for a period of not less than three months, temporarily unable to perform his duties, another person, may, having regard to the provisions of section 7, be nominated to act in his place.

(7) Any member **of** the Board nominated under sub-section (1) **(b)** of section 7, who is absent without leave from three consecutive ordinary meetings **of** the Board, shall be deemed to have vacated his **office**.

9. (1) The Chairman may at any time resign from the **office** of Chairman by letter addressed to the **Minister**.

Chairman
of the
Board.

(2) **The** Minister may at any time, remove the Chairman from the **office** of Chairman, without assigning any reason **therefor**.

(3) If the Chairman is by reason of illness or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another member of the Board to act in his place.

(4) Subject to the provisions of **subsections** (1) and (2 j), the term of office of the Chairman shall be the period of his membership of the Board.

**Meetings
of the
Board.**

10. (1) The Chairman shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board, a member chosen by the members of the Board present at **such** meeting, shall preside at such meeting.

(2) In the event of any equality of votes at any meeting of the Board, the Chairman or the member presiding at such meeting shall in **addition** to **his** vote have a casting vote.

(3) The Board may delegate to the Chairman any power, duty or function conferred or imposed on, or assigned to, the Board by this Act.

(4) The **meetings** of the Board shall be convened by the Chairman and shall be held as frequently as is necessary for the purpose of the discharge of the functions of the Board under this Act.

(5) The quorum for a meeting of the Board shall be five members.

(6) The members of the Board shall be remunerated in such manner and **at** such rates as may be determined by the **Minister**, in **consultation** with the Minister in charge of the subject of Finance.

(7) Subject to the provisions of this Act, regulations may be made, regulating the procedure to be followed **with** regard to the conduct of its meetings and the **transaction** of business at such meetings.

(8) The Board shall in the exercise of its powers, the performance of its duties and the discharge of its functions, **be** subject to, and **act** in **accordance with, such directions** as the Minister may from time to time issue.

11. Subject to the provisions of subsection (5) of section 10, the Board shall have the power to act notwithstanding any vacancy in its membership, and no act or proceeding of the Board shall be invalid by reason only of the existence of any such vacancy or any defect in the nomination of a member thereof.

Proceedings of the Board not to be invalid by reason of any vacancy or defect in nomination of a member.

PART III

POWERS AND FUNCTIONS OF THE DIRECTOR

12. The Director of the Tea Research Institute referred to in section 7 (1) (a) (i) shall--

The Director

- (u) be responsible for the administration of the affairs of that Institute, subject to the general direction and control of the Board ;
- (b) exercise, perform and discharge any such powers, functions and duties of the Board as may be delegated to him by the Board.

PART IV

FINANCE

13. (a) There shall be charged, levied and paid on every kilogramme of tea exported from Sri Lanka a **cess** calculated at such rate as may be fixed by the Minister in consultation with the Minister in charge of the subject of Finance, by Order published in the *Gazette* :

Levy of Cess on tea exported.

Provided that no such **cess** shall be charged or levied on any tea, which is proved to the satisfaction of the Director-General of Customs to have been imported into Sri Lanka for the purpose of re-export.

(b) The amount of the **cess** imposed under this section may be varied, or any such **cess** may be rescinded, by the Minister, in consultation with the Minister in charge of the subject of Finance, by Order published in the *Gazette*.

(c) Every Order made by the Minister under this section shall come into force on the date of its publication in the *Gazette* or on such later date as may be **specified** therein, and shall be brought before Parliament for approval within four months of the date of its publication in the *Gazette*. 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~~, **Notification** of the date on which any such Order is deemed to be revoked shall be published in the Gazette.

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

(e) The proceeds of the **cess** recovered under this section shall be paid monthly by the Director-General of Customs, to the credit of the Tea Research Fund established by section 14. Every such payment **shall** be accompanied by the supporting documents

(f) The **cess** on tea imposed under this section shall be in addition, to any export duty or **cess** on tea levied under any other written law.

**The Fund
of the
Board.**

14. (1) There shall be established' a Fund to be called the **Tea Reasearch** Fund (hereinafter referred to as "the Fund ") .

(2) There shall be paid into the Fund-

(U) such sums of money ~~as~~ may be received by the Board in the exercise, performance and discharge of its powers, duties and functions under this Act ;

(b) such sums of money as may be received by the Board, by way of grants, donations, bequests from any source whatever, whether in Sri Lanka or abroad ;

(c) The proceeds of the **cess** on tea imposed under section 13.

(3) There shall be paid out of the Fund all sums of money as may be authorised by the **Board** for the purpose of defraying any expenditure incurred by the Board, in the exercise, performance and discharge of its powers, duties and functions under this Act.

**Audit of
accounts.**

15. (1) The Board shall cause proper accounts to be kept of the income and expenditure, assets and **liabilities** and all other transactions of the Board.

(2) The **financial year** of the Board shall be the **calendar** year.

(3) The Auditor-General shall audit the accounts of **the** Board every year. For the purpose **of** assisting **him** in the

audit of such accounts, the Auditor-General may employ the services of any qualified auditor who shall act under his direction and control.

(4) For the purposes of meeting the expenses incurred by him in the audit of accounts of the Board, the Auditor-General shall be paid out of the Fund such remuneration as may be determined by the Board. Any remuneration received by the Auditor-General shall, after deduction therefrom of any sums paid by him to any qualified auditor or auditors employed by him for the purpose of conducting such audit, be credited to the Consolidated Fund.

(5) The Auditor-General shall, as soon as practicable after the thirty-first day of December of each year prepare a report on the administration of the affairs of the Board during that year, together with a statement of the income and expenditure of the Board and of the investment of the moneys belonging to the Board during that year.

(6) In this section, the expression "qualified auditor" means-

(a) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka or any other institute established by law, possesses a certificate to practise as an Accountant, issued by the Council of such Institute, or

(b) a firm of chartered accountants each of the partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law, possesses a certificate to practise as an Accountant, issued by the Council of such Institute.

16. The Auditor-General shall transmit the report prepared by him in pursuance of section 15 to the Minister in charge of the subject of Plantation Industries who shall cause such report and statement to be placed before Parliament.

Auditor-General's statement and report to be placed before Parliament.

17. The Minister may in consultation with the Minister in charge of the subject of Finance waive any charges leviable on an import licence, in respect of goods imported by the Board, for utilisation by the Board.

Exemption from taxes.

PART V

Miscellaneous

Regulations.

18. (1) The Minister may make regulations in respect of ~~matters~~, for which **regulations** are required or **authoriz-** ed by this Act to be made, or which are required by this Act to be prescribed.

(2) Every **regulation** made under subsection (1) shall be published in the *Gazette* and shall come into operation on the date ~~of~~ such publication or on such later date as may be **specified** in such regulation.

(3) Every regulation made under subsection (1) shall as soon as convenient after its publication in the Gazette be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be rescinded with effect from the date of such disapproval, but without prejudice ~~to~~ anything previously done thereunder.

(4) Notification of the date on which any regulation is deemed to be rescinded shall be published ~~in the~~ Gazette.

Action or Proceeding not to lie against Board, or officer or servant, &c. in certain circumstances.

19. (1) No action or proceeding shall lie against the Board for any act which in good **faith** is done, or purported to be done, by the Board under this Act.

(2) No action or proceeding shall lie against any member, **officer**, servant or agent of the Board for any act which in good faith is done or purported to be done, by him under this Act or on the direction of the Board,

(3) Any expense incurred by the Board in any action or proceeding brought by or against the Board before any Court, shall be paid out of the Fund and any costs paid to, or recovered by, the Board in any such action or proceeding shall be credited to the Fund.

(4) Any expense **incurred** by any such person as is referred to in subsection (2) in any action or proceeding brought against him before any court in respect of any act, which is done or **purported** to be done by him under this Act or on the direction of the Board, shall if the 'Court holds that the act was so done ~~or~~ purported to be done, in good faith, be paid out of the **Fund**, unless such expense is recovered by him in such action or proceeding

20. (1) At the request of the Board any **officer** in the **public** service may, with the consent of that officer and of the **Secretary** to the Ministry of the **Minister** in **charge** of the subject of Public Administration, be temporarily appointed to the staff of **the Board**, for such period as may be **determined** by the Board with like consent, or with **like** consent be permanently appointed to such staff.

Appointment of public officers, to & he of the Board.

(2) Where any public **officer** is temporarily appointed to the **staff** of the Board, the provisions of section 13 (2) of the Transport **Board** Law, No. 19 of 1978, shall apply to, **and** in relation to, him,

(3) Where any public officer is permanently appointed to ~~the~~ **staff** of the Board, the provisions of section 13 (3) of the Transport Board Law, No. 19 of 1978, shall apply to, and in relation to, him.

(3) Where the Board employs a person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any **period** of service to the Board by that person **shall be** regarded as service to the Government for the purpose of discharging the obligations of such person under such **contract**.

21. All officers and **servants** of the **Board** shall be deemed to be public servants within the meaning and for the **purposes** of the Penal Code.

Officers and servants of the Board deemed to be public servants.

22. The Board shall be deemed to be a scheduled institution within the **meaning** of the Bribery Act and the provisions of that Act shall be construed accordingly.

Board to be a scheduled institution within the meaning of the Bribery Act.

23. (1) The Board may for the purpose of discharging its functions under this **Act**, require any person to furnish to the Board, such returns and **information** in respect of such matters and in such form as may be determined by **the Board**.

Returns.

(2) Any person **who—**

(a) fails to furnish **any** return or information in compliance with any requirement imposed on him under subsection (1) ;

(b) knowingly makes any false statement in **any** return or information furnished by him in compliance with any requirements imposed on him under subsection (1) ; or

(c) williully omits any matter in any return **or** information furnished by him in compliance with **any** requirement imposed on him under subsection (1) ,

shall be guilty of an offence under this Act and shall on conviction, after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees.

Transitional provisions.

24. (1) All property, movable and immovable, vested in the Sri Lanka Tea Board and used on the day preceding the appointed date, for the purposes of the Tea Research Institute maintained by the Sri Lanka Tea Board (in this section referred to as the "Tea Research Institute"), shall vest in the Board, with **effect** from the appointed date.

(2) All contracts and agreements entered into, by, 'or with, the Sri Lanka Tea Board for the purposes of the Tea Research Institute, and all liabilities incurred by the Sri Lanka Tea Board in respect of the Tea Research Institute, and subsisting on the day preceding the appointed date, shall be deemed, with **effect from** the appointed **date** to be contracts agreements and liabilities entered into, by, or with the Board, and may be enforced accordingly.

(3) All actions and proceedings instituted by, or against, the Sri Lanka Tea Board relating to the Tea Research Institute and pending on the day preceding the appointed date shall, with **effect** from the appointed date, be deemed to be actions and proceedings instituted by or against, the Board and may be **continued** accordingly.

Sinhala text to prevail in case of inconsistency.

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

Interpretation.

26. In this Act, unless **the** context otherwise requires- "Chairman" means the Chairman **of** the Board, nominated under section 7 (2) ;

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“ **Sri Lanka Tea Board** ” means the Sri Lanka Tea Board established by the Sri Lanka Tea Board Law, No. 14 of 1975 ; and

the expressions “made tea ”, “ tea ”, “ tea factory ” and “ tea plant ” shall have the respective meanings assigned to them by the Tea Control Act, No. 51 of 1957.