

CHAPTER 259

COCONUT RESEARCH

**Ordinances** AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A COCONUT RESEARCH  
 Nos. 29 of 1928, SCHEME AND FOR THE INCORPORATION OF A BOARD OF MANAGEMENT  
 77 of 1938, THEREOF.  
 30 of 1940.  
 14 of 1941,  
 62 of 1946,

**Acts**  
 No. 31 of 1950,  
 31 of 1951,  
 22 of 1954,  
 8 of 1957,  
 2 of 1959,  
 53 of 1961.

[5th December, 1928.1

Short title. 1. This Ordinance may be cited as the Coconut Research Ordinance. The Commissioner of Coconut Rehabilitation. [§ 2, 53 of 1961.]

Establishment of board. 2. There shall be established in Sri Lanka a board, hereinafter called "the board", for the purpose of establishing and maintaining a coconut research institute and otherwise managing, conducting, and furthering scientific research in respect of coconuts and problems connected with the coconut industry, and in particular the growth and cultivation of coconut palms, the prevention and cure of diseases and pests, and the utilization and marketing of the products of coconut palms, and for the purpose of exercising the powers and carrying out the duties conferred and imposed upon it by this Ordinance.

(b) Nominated members-

Two persons selected from among Members of Parliament and nominated by the Minister.

Two members of the Low-country Products Association of Ceylon nominated by that association.

Two members of the Planters' Association of Ceylon nominated by that association.

Two members nominated by the Minister to represent the small holders.

Constitution and proceedings of the board. 3. (1) The board shall consist of the following persons :

(a) *Ex officio* members-

The Director of Agriculture.

The Minister in charge of the subject of Finance, or a person deputed by him.

The Chairman of the Low-country Products Association of Ceylon.

The Director of the Coconut Research Institute.

(2) Members of the board who are nominated under subsection (1) (b) from among Members of Parliament and from the members of the Low-country Products Association of Ceylon and the Planters' Association of Ceylon shall hold office for a period of three years, or for such period as they continue to be members of those bodies, whichever period may be the shorter.

Any other nominated member shall hold office for three years, and all nominated members may be renominated from time to time.

[§ 2, 53 of 1961.]

§ 2. 53 of  
1961.1

(2A) The chairman of the board shall be elected by the members of the board from themselves.

(3) The proceedings of the board and the method of filling such vacancies as may occur in its membership shall be determined in accordance with the provisions of the First Schedule.\*

(4) The Minister may by regulation revoke, amend or add to the First Schedule,\* and all such regulations shall be laid, as soon as conveniently may be, on the table of Parliament at two successive meetings of Parliament, and shall be brought before Parliament at the next subsequent meeting held thereafter by a motion that the said regulations shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations are disapproved by Parliament, such regulations shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such regulations, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

Incorporation  
and powers  
and duties of  
the board.

4. (1) The members of the board for the time being shall be a body corporate and shall have the name of "The Coconut Research Board ", and in that name shall have perpetual succession and shall and may sue and be sued in all courts in Sri Lanka, and may have and use a common seal.

(2) The seal of the board shall be authenticated by the signature of the chairman and one member of the board, and when so authenticated shall be judicially noticed.

(3) The board may acquire and hold property, movable and immovable, and may sell, transfer, lease, mortgage, or otherwise dispose of the same, or any produce thereof, and may direct and do all things necessary for or incidental to the purposes of its constitution.

(4) The board may establish experimental stations for the purposes of this Ordinance, and may equip the same with buildings,

houses, laboratories, factories, and all other appurtenances or accessories as it may think fit.

(5) The board shall, by the provision and publication of information, as well as by advice and demonstration and the inspection of plantations, give practical assistance to persons engaged in the coconut industry.

(6) The board shall also provide such facilities for the education of students in coconut research as the Minister may from time to time direct.

(7) The board shall have full power and authority generally to govern, direct, and decide all matters connected with the appointment of its officers and servants, the administration of its affairs, and the accomplishment of its objects and purposes :

Provided that any such officers or servants when appointed shall, for the purposes of discipline and otherwise, be subject to the control and supervision of the chairman of the board.

(8) The board may establish and maintain a provident fund for the benefit of all or any of its officers and servants, make contributions out of the moneys at its disposal to that fund, regulate the management and investment thereof, and prescribe the contributions to be made thereto by, and the payments to be made therefrom to, such officers and servants.

(8A) The board may establish and maintain a Medical Aid Fund for the benefit of its officers and servants and their wives and children, make contributions to such fund out of the moneys at the disposal of the board, regulate the management and investment of such moneys, and prescribe the contributions to be made to such fund by, and the payments to be made from such fund to, such officers and servants. [§ 3, 53 of 1961.]

(9) Such power and authority shall include a power to make rules subject to the approval of the Minister for any such matters, affairs, objects or purposes ; and all such rules shall be laid, as soon as

\* First Schedule is omitted.

conveniently may be, on the table of Parliament at two successive meetings of Parliament, and shall be brought before Parliament at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by Parliament, such rules shall be deemed to be rescinded, but without prejudice to anything already done thereunder ; and such rules if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette

Grant and loan to the board.

5. (1) The Deputy Secretary to the Treasury shall, out of money to be provided for that purpose by Parliament, pay to the board the sum of four hundred thousand rupees, one-half of which shall be deemed to be a grant to the board (hereinafter referred to as "the grant "), and the other half of which shall be deemed to be a loan to the board (hereinafter referred to as " the loan "), and such sum shall be applied by the board for the purpose of acquiring any lands for experiment and research in relation to coconuts and for the capital expenditure of equipping the same for experimental and research work.

(2) The grant shall be paid to the board by the Deputy Secretary to the Treasury on application.

(3) The loan shall be paid to the board in such instalments and on such dates as the Minister may consider suitable to the requirements of the board.

(4) The board shall repay the principal amount of the loan or of any instalment thereof by means of ten equal annual payments, the first of which payments shall be due on the expiry of a period of one year from the date on which the loan or the instalment thereof, as the case may be, is paid to the board.

Together with each such annual payment the board shall also pay interest, at such rate as the Minister with the concurrence of the Minister in charge of the subject of Finance may fix, on the amount of the loan or of the instalment thereof, as the case may

be, which was outstanding during the year preceding the date on which such payment is made.

The Minister with the concurrence of the Minister in charge of the subject of Finance may, at any time before repayment of the loan or of the instalment thereof, as the case may be, is completed, reduce the rate of interest so fixed, with effect from a specified date.

(5) Without prejudice to any other right or remedy, the State is hereby given a first hypothecary charge (which shall not require registration) on all the property and assets of the board for the amount of the loan and any interest due thereon.

6. (1) In order to provide an annual income for the **board**— Annual income of the board.

(a) there shall be charged, levied, and paid, in addition to the export duties charged or chargeable under the Customs Ordinance, or any enactment amending the same, or under any resolution of Parliament duly made under the said Ordinance or any of the said enactments, the export duties specified in the Second Schedule and the proceeds thereof shall be paid over monthly to the board by the Principal Collector of Customs, no part thereof being credited to the Consolidated Fund ; and

(b) the Deputy Secretary to the Treasury shall, on or before the first day of February in each year, pay to the board as a grant-in-aid from the Consolidated Fund, until such date as may be specified by the Minister under subsection (3), a sum of thirty thousand rupees, or a sum equal to the total of the export duties levied under subsection (1) (a) during the year ending on the last preceding thirty first day of December, whichever sum may be the less :

Provided that the Deputy Secretary to the Treasury may, subject to any subsequent

adjustments that may be necessary, pay to the board any portion or portions of the said sum from time to time during the year if he deems it expedient to do so.

(2) Subsection (1) (a) shall have effect as though it formed a part of the Customs Ordinance, and that Ordinance shall apply accordingly.

(3) The Minister may by Order published in the Gazette direct that on and after such date as may be specified in the Order, no further payments under subsection (1) (6) shall be made by the Deputy Secretary to the Treasury to the board.

Application of  
income and  
other moneys.

7. All moneys paid to the board under this Ordinance and all moneys otherwise lawfully acquired by the board shall be **vested** in the board and shall form a fund to be administered and applied by the board in its discretion for the carrying out of this Ordinance.

Accounts,  
audit and  
annual report.  
[§ 5, 53 of  
1961.]

8. (1) The board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance sheet containing a summary of the assets and liabilities of the board made up to the **first-mentioned date**. The revenue and expenditure account and the balance sheet shall be signed by the chairman of the board and by such officer of the board as may be authorized by the board to do so.

(3) The accounts of the board shall be audited annually by an auditor (hereinafter referred to as "the auditor ") appointed by the Minister on the advice of the **Auditor-General**. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Sri Lanka. The auditor shall receive such remuneration from the funds of the board as the Minister may, with the concurrence of the Minister in charge of the subject of Finance, determine.

(4) The Auditor-General shall have power-

- (a) to direct the manner in which the accounts of the board shall be audited by the auditor and to give the auditor instructions in regard to **any** matter relating to the performance of his functions as the auditor, and
- (b) to conduct a supplementary or test audit of the accounts of the board by such person or persons as the Auditor-General may authorize in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorized, on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the board and ascertain the correctness of the balance sheet and furnish a report to the Auditor-General stating-

- (u) whether he has or has not obtained all the information and explanations required by him, and
- (b) whether in his opinion the balance sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the board.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the board.

(8) The board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister-

- (a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,

(6) a copy of the revenue and expenditure account,

(c) a copy of the balance sheet, and

(d) a report by such board on its work for the period for which the revenue and expenditure account and the balance sheet have been made up.

(9) The Minister shall cause copies of each of the documents specified in subsection (8) of this section to be laid before Parliament.

9. If any question arises whether any act or omission of the board is or is not within the powers conferred on the board by this Ordinance, the decision of the Minister thereon shall be final and conclusive.

10. No civil or criminal proceedings shall be instituted against any member of the board or any person employed thereby in respect of any act bona fide done or omitted to be done in pursuance of this Ordinance, or in furtherance of the objects and purposes of the board or the administration of its affairs.

**10A.** In the exercise of its powers, the performance of its duties and the discharge of its functions, the board shall be subject to, and act in accordance with, such general directions as the Minister may issue from time to time.

**10B.** (1) Where any immovable property is required to be acquired for any purpose of the board and the Minister, by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act, and be transferred to the board.

(2) Any sum payable for the acquisition of any immovable property under the Land

Acquisition Act for the board shall be paid by the board.

**10C.** The board shall be exempt from the payment of any customs duty on any goods imported or purchased out of bond by the board for the purposes of the board, if the Minister in consultation with the Minister in charge of the subject of Finance approves of such exemption.

**10D.** (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 charged with 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 be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the board, subsection (2) of section 26 of the Government-sponsored Corporations Act, shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the board, subsection (3) of section 26 of the Government-sponsored Corporations Act, shall *mutatis mutandis*, apply to and in relation to him.

(4) Where the board employs any 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 contract.

11. Nothing in this Ordinance shall be deemed to affect the rights of the Republic, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

Minister to decide questions.

Protection for the members of the board and its employees.

Minister's directions to the board. [§ 4, 8 of 1957.]

Acquisition of immovable property under the Land Acquisition Act for the board. [§ 4. 2 of 1959.]

Exemption from customs duty. [§ 6, 53 of 1961.]

Appointment of public officers to the staff of the board. [§ 6, 53 of 1961.]

Savings of rights of the Republic and of certain other rights.

## \*SECOND SCHEDULE

[Section 6 (I)  
(a).]

## EXPORT DUTIES

Desiccated Coconut	..	35 cts. per cwt. exported
Fresh Coconut	..	Re 1 .00 per 1,000 exported
Coconut Oil	..	37½ cts. per cwt. exported
Copra	.	25 cts. per cwt. exported

And in proportion for less weights or numbers

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\* First Schedule is omitted.