

PARLIAMENT OF CEYLON

5th Session 1969-70



Ceylon Tea Board Act, No. 15 of 1970

Date of Assent : March 24, 1970

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Ceylon Tea Board Act, No. 15 of 1970

L. D.—O. 56/68.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
CEYLON TEA BOARD AND FOR MATTERS CONNECTED
THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: March 24, 1970]

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
the House of Representatives of Ceylon in this
present Parliament assembled, and by the authority
of the same, as follows:—

1. (1) This Act may be cited as the Ceylon Tea
Board Act, No. 15 of 1970.

Short title
and date of
operation.

(2) The provisions of this section, and of section 28,
of this Act shall come into operation on the date on
which this Act becomes an Act of Parliament.

(3) The provisions of this Act, other than this
section and section 28, shall come into operation on
such date, hereinafter referred to as the "appointed
date", as the Minister may appoint by Order
published in the *Gazette*.

2. There shall be established, in accordance with
the provisions of this Act, a Board which shall be
called and known as the Ceylon Tea Board, herein-
after referred to as "the Board".

Establishment
of the Ceylon
Tea Board.

3. (1) The Board shall be a body corporate having
perpetual succession and a common seal and may sue
and be sued in its corporate name.

The Board to
be a body
corporate.

(2) The Board shall have the power to acquire and
hold property, both movable and immovable, and to
sell and dispose of the same, to enter into contracts,
and otherwise to do and perform all such acts or
things as may be necessary for carrying out the
provisions of this Act.

4. (1) The objects of the Board shall be the
promotion, by such measures as it thinks fit, of the
development of the tea industry in Ceylon.

Objects and
powers of
the Board.

(2) The Board shall be the authority responsible for
regulating the activities of the tea industry in Ceylon,
and without prejudice to the generality of the
provisions of sub-section (1) and the other provisions
of this Act, may take measures—

(a) to regulate the production and cultivation of
tea in Ceylon including the planting of new
areas in tea, the replanting of existing

estates and small holdings with high yielding material, the rehabilitation of estates and small holdings, the diversification of estates and small holdings by the establishment and operation of dairy industries, and the replacement of tea on such estates and small holdings by other crops;

(b) to regulate the establishment and operation of tea factories including factories for the manufacture of instant tea;

(c) to regulate the sale of tea including the conduct of tea auctions;

(d) to regulate the export of tea and arrangements relating to its shipping and freight;

(e) to assist and encourage the marketing of tea in and outside Ceylon and to promote the demand for tea in the world markets;

(f) to conduct, assist and encourage scientific and technological research into, and investigations of, all problems and matters affecting the production and manufacture of tea, the control of diseases of tea and the improvement of the quality of tea, and to publish and disseminate information relating to the results of such research in its discretion;

(g) to conduct, assist and encourage research into the economic state of the tea industry including future economic trends in the industry in Ceylon and elsewhere;

(h) to facilitate the securing of supplies of machinery, equipment and other commodities needed for the development of the tea industry in Ceylon;

(i) to provide financial, advisory or other assistance to persons engaged in the growing or manufacture of tea;

(j) to safeguard the interests of the workers in the tea industry so as to foster increased performance as well as to ensure their economic and social well-being;

(k) to collect statistics from growers, manufacturers, dealers or other persons on any matter relating to the tea industry, and to publish such statistics in its discretion;

- (l) to provide the necessary liaison between the tea industry and the departments of Government or State Corporations, in order to promote and co-ordinate action for the development of the tea industry in Ceylon.

5. (1) Except as provided in sub-section (2), 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.

Directions to
the Board.

(2) In the exercise of its powers, the performance of its duties and the discharge of its functions in relation to matters which fall under paragraphs (a), (b), (f) and (i) of sub-section (2) of section 4, the Board shall be subject to and act in accordance with such directions as the Minister of Agriculture may from time to time issue.

6. (1) The Board shall consist of—

Constitution
of the Board.

- (a) a Chairman nominated by the Prime Minister;
- (b) the person holding office for the time being as Permanent Secretary to the Ministry of Planning and Economic Affairs or any Senior Assistant Secretary to that Ministry nominated by the Minister in charge of that Ministry;
- (c) the person holding office for the time being as Permanent Secretary to the Ministry of Finance or any Senior Assistant Secretary to that Ministry nominated by the Minister in charge of that Ministry;
- (d) the person holding office for the time being as Permanent Secretary to the Ministry of Agriculture or any Senior Assistant Secretary to that Ministry nominated by the Minister in charge of that Ministry;
- (e) the person holding office for the time being as Permanent Secretary to the Ministry of Commerce and Trade or any Senior Assistant Secretary to that Ministry nominated by the Minister in charge of that Ministry; and
- (f) six other members nominated by the Prime Minister from among persons who appear to him to have a knowledge of, and experience in, the tea industry, with special reference to planting, manufacture, sale, export and finance.

(2) A person shall be disqualified for nomination, or for continuing, as a member of the Board—

(a) if he is or becomes a Senator or a Member of Parliament; or

(b) if he is not, or ceases to be, a citizen of Ceylon.

(3) The Chairman and the members nominated under paragraph (f) of sub-section (1) shall hold office for a term of five years but shall be eligible for renomination.

(4) The Prime Minister may remove the Chairman or any other nominated member of the Board from office—

(a) if he becomes subject to the disqualification mentioned in sub-section (2); or

(b) if he becomes permanently incapable of performing his duties owing to physical disability or unsoundness of mind; or

(c) if he has done any act or thing which, in the opinion of the Prime Minister, is likely to bring the Board into disrepute.

(5) In the event of the vacation of office by the Chairman or any other nominated member of the Board, or his removal from office under the provisions of the preceding sub-section, another person shall be nominated by the Prime Minister in his place to hold office during the unexpired part of his term of office.

(6) If the Chairman or any other nominated member of the Board is temporarily unable to discharge the duties of his office due to ill health or absence from Ceylon or for any other cause, the Prime Minister may nominate some other person to act in his place as Chairman or as a member.

(7) The members of the Board shall be remunerated in such manner and at such rates, and shall be subject to such other conditions of service, as may be determined by the Minister, with the concurrence of the Minister of Finance.

(8) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the nomination of a member thereof.

7. (1) 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 Board's responsibilities under this Act.

Meetings of
the Board.

(2) At any meeting of the Board five members shall constitute a quorum.

(3) The Board shall cause minutes of its meetings to be recorded and shall send copies of such minutes to the Minister and the Minister of Agriculture.

8. (1) The Minister may in consultation with the Board appoint committees consisting of the members of the Board and other persons who appear to him to have a knowledge of, and experience in, the matters for which such committees are appointed to which it may delegate some of its functions. In particular, the Board may appoint a committee on tea promotion to which the Board may delegate all or any of its powers under paragraph (e) of sub-section (2) of section 4, and a committee on tea research to which the Board may delegate all or any of its powers under paragraph (f) of that sub-section.

Committees,
departments
and employees
of the Board.

(2) Every committee appointed in pursuance of the provisions of sub-section (1) shall have a Chairman appointed by the Minister from among the members of the Board.

(3) The Board may establish such departments or divisions as may be necessary for the proper exercise, discharge, and performance of its powers, functions and duties.

(4) The Board may appoint such officers and servants as it considers necessary for the efficient exercise, discharge and performance of its powers, functions and duties, and may pay them such salaries and allowances and prescribe such conditions of service for them as it may determine from time to time.

(5) The Board may establish and regulate a provident fund, medical aid schemes, credit schemes and other welfare schemes, for the benefit of its officers and servants and their dependants and nominees and may make contributions to any such fund or scheme.

(6) The Chairman and members of any committee appointed under the provisions of this section shall, unless earlier removed from office, ordinarily hold office for a term of five years but shall be eligible for renomination.

Tea
Commissioner.

9. (1) There may be appointed, for the purposes of this Act, a person, by name or by office, to be or to act as Tea Commissioner who shall, subject to the provisions of this Act or any other written law,—

- (a) exercise, discharge and perform the powers, functions and duties vested in, and imposed on, the Tea Controller under any other written law; and
- (b) exercise, discharge and perform the powers, functions and duties vested in, and imposed on, the Commissioner of Tea Exports under any other written law.

(2) The office of Tea Controller, and the office of Commissioner of Tea Exports are hereby abolished, and accordingly shall cease to exist.

Appointment of
officers in the
public service
to the staff of
the Board.

10. (1) At the request of the Board, any officer in the public service, other than an officer to whom section 28 applies, may, with the consent of that officer and the Secretary to the Treasury, 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) The provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply in relation to any officer in the public service who is temporarily appointed to the staff of the Board under sub-section (1), and the provisions of sub-section (3) of the aforesaid section 9 shall, *mutatis mutandis*, apply in relation to any officer in the public service who is permanently appointed to such staff under that sub-section.

(3) 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. 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. Cap. 19.

12. 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 deemed to be a scheduled institution within the meaning of the Bribery Act. Cap. 26.

13. (1) (a) There shall be charged, levied and paid an export duty calculated at the rate of rupees ten and cents fifteen only for every one hundred pounds of tea exported from Ceylon:

Export duty.

Provided, however, that no such duty shall be charged or levied on any tea which is proved to the satisfaction of the Principal Collector to have been imported into Ceylon for the purpose of re-export.

(b) The amount of the export duty imposed by this section may be varied, or any such duty may be rescinded, by Order made by the Minister. Such Order shall be published in the *Gazette*, and shall come into force on the date of such publication.

(c) Every Order made by the Minister under this sub-section shall, as soon as convenient after its publication in the *Gazette*, be brought before the House of Representatives for approval within four months. 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.

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

Cap. 235.

(e) The proceeds of the export duty on tea recovered under this section shall be paid monthly by the Principal Collector to the credit of the Central Tea Fund.

(2) The export duty on tea imposed under this section shall be in addition to any export duty on tea levied under any other written law.

Constitution
of the
Central Tea
Fund.

14. (1) There shall be established a Fund to be called "the Central Tea Fund". There shall be paid into that Fund—

(a) all sums lying, on the appointed date, to the credit of the Tea Control Fund;

(b) all sums lying, on the appointed date, to the credit of the Tea Subsidy Fund;

(c) all sums lying, on the appointed date, to the credit of the Ceylon Tea Propaganda Board;

(d) all sums lying, on the appointed date, to the credit of the Tea Research Board;

(e) the proceeds of—

(i) all export duties on tea imposed under this Act,

(ii) all fees levied and collected in respect of licences and permits issued under this Act or the Tea Control Act, No. 51 of 1957, or the Tea (Tax and Control of Export) Act, No. 16 of 1959, or in respect of dealings in tea under any other written law,

(iii) the sale of seed, cuttings, plants and fertilizers by the Tea Commissioner to proprietors of estates and small holdings;

(f) such sums as may from time to time be granted by resolution of the House of Representatives for the purposes of this Act;

(g) all sums accepted by the Tea Commissioner by the compounding of offences under the Tea Control Act, No. 51 of 1957, or the Tea (Tax and Control of Export) Act, No. 16 of 1959; and

(h) all such other sums as may accrue to the Board by the sales of property belonging to the Board, gifts, and income from investments or otherwise.

(2) There shall be paid out of the Central Tea Fund such sums as may be authorized by the Board for the purpose of meeting expenditure incurred in the exercise, discharge and performance of its powers, functions and duties under this Act, including—

- (i) the remuneration of all officers and servants employed by the Board for carrying out the provisions of this Act and all other expenses of the administration of this Act;
- (ii) the sums approved by the Board for the purpose of providing financial assistance, by way of grant or loan, for the planting of tea, for the replanting and the rehabilitation of estates and small holdings, for the diversification of estates and small holdings by the replacement of tea on such estates and small holdings with other crops or livestock farming, for the marketing of the green tea leaf of estates and small holdings and for the manufacture of made tea or instant tea;
- (iii) the sums approved by the Board in order to provide advisory services to owners of estates and small holdings, to manufacturers of tea, and dealers in tea;
- (iv) such expenses as may be incurred in connection with Ceylon's membership of the International Tea Committee, or any other international organization dealing with problems connected with tea.

(3) All surplus moneys in the Central Tea Fund which are not required to meet any immediate expenditure incurred or to be incurred by the Board shall be deposited by the Board in the General Treasury on such terms as may be determined by the Minister of Finance.

15. (1) The Board shall have the power to borrow money, by way of loan, on the security of the Central Tea Fund or any other assets, for any purposes for which that Fund may be applied.

Borrowing
powers.

(2) The amount of any such loan, the terms and conditions relating to the rate and payment of interest, and the purposes to which such loan is to be applied shall be reported to the Minister for his approval before the transaction relating to such loan is completed.

Estimates of
income and
expenditure.

16. (1) The Board shall prepare before the end of November of each year estimates of the income and expenditure of the Board for the next succeeding year including the income and expenditure of each committee which has been appointed in pursuance of section 8.

(2) The Board shall forward copies of the estimates of its income and expenditure for each year prepared under sub-section (1) to the Minister and the Minister of Agriculture.

Accounts of
the Board and
financial
year.

17. (1) The Board shall cause proper accounts to be kept of all the transactions of the Board and of each committee appointed under section 8, and shall prepare an annual statement of such accounts and a balance sheet in such form and containing such particulars as the Minister, with the concurrence of the Minister of Finance, may from time to time specify.

(2) The financial year of the Board and of each committee appointed under section 8, shall be the period of twelve months commencing on the first day of January.

Duty of the
Board to report
to the Minister
on the state of
the tea
industry, &c.

18. It shall be the duty of the Board to report to the Minister, from time to time, on the state of the tea industry and the general welfare of the workers in the industry, particularly in relation to their minimum conditions of work and life assured by law, to facilitate the tabling of such reports in Parliament.

Audit of the
accounts of
the Board, &c.

19. (1) The Board shall have its accounts and the accounts of each committee appointed under section 8, and of any company or other subsidiary organization established by the Board or such committee, for each financial year audited by the Auditor-General.

(2) For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(3) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Board, the Auditor-General shall be paid from the funds of the Board such remuneration as the Minister may determine with the concurrence of the Minister of Finance.

(4) For the purpose of this section, the expression "qualified auditor" means—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or
- (b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

20. (1) The Auditor-General and any person assisting him in the audit of the accounts of the Board shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the members or officers of the Board with such information within their knowledge as may be required for such purposes.

Powers of the Auditor-General and his assistants.

(2) The Auditor-General and any person assisting him in the audit of the accounts of any committee appointed under the provisions of section 8 or any company or subsidiary organization established by the Board or such committee shall have access to all such books, deeds, contracts, accounts, vouchers and other documents as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the members and officers of such committee or such company or subsidiary organization with such information within their knowledge as may be required for such purposes.

21. The Auditor-General shall examine the accounts of the Board specified in sections 19 and 20 and furnish a report—

The Auditor-General's report.

- (a) stating whether he has or has not obtained all the information and explanations required by him;
- (b) stating whether the 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 or the committee or the company or the subsidiary organization; and

- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Board or the committee or the company or the subsidiary organization, as the case may be.

Annual accounts with the auditor's report and a report of the annual activities of the Board to be transmitted to the Minister.

22. The Board shall, on receipt of the Auditor-General's report on the accounts for each financial year, transmit such report together with the annual statement of accounts and the balance sheet to which the report relates, and a report by the Board of its activities, the activities of each committee appointed under section 8 or any company or subsidiary organization established by the Board or such committee, during that financial year to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives before the end of the year next following the year to which such report and accounts relate.

Acquisition of property.

Cap. 460.

23. (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 from the Central Tea Fund.

Waiver of customs duty.

24. Notwithstanding anything in any other written law, the Principal Collector may, with the sanction of the Secretary to the Treasury, waive the customs duty on any articles imported by or for the Board, or purchased out of bond by the Board, for any of its purposes.

Amendment of Act No. 51 of 1957.

25. The Tea Control Act, No. 51 of 1957, is hereby amended as follows:—

- (1) by the substitution, for the term "Controller" wherever that term occurs in that Act, other than in section 63, of the term "Commissioner";

- (2) in section 49 of that Act, by the repeal of sub-section (3) of that section and the substitution therefor of the following new sub-section:—

“ (3) (a) Every regulation made by the Ceylon Tea Board shall be approved by the Minister of Agriculture. Every regulation so approved 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 therein.

(b) Every regulation made by the Ceylon Tea Board and approved by the Minister of Agriculture shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to the validity of anything previously done thereunder.”;

- (3) by the substitution, for the terms “ Minister ” and “ Minister of Commerce and Trade ” wherever those terms occur in that Act, other than in sections 37 and 49 (3), of the term “ Ceylon Tea Board ”;

- (4) in section 37 of that Act—

(a) by the substitution in sub-section (1) of that section, for the term “ Minister ”, of the term “ Ceylon Tea Board ”;

(b) by the substitution in sub-section (2) of that section, for the term “ Minister of Commerce and Trade ”, of the term “ Ceylon Tea Board ”;

(c) by the substitution in sub-section (3) of that section, for the expression “ Minister or the Minister of Commerce and Trade ”, of the expression “ Ceylon Tea Board ”;

(d) by the substitution in sub-section (4) of that section, for the expression "Minister or of the Minister of Commerce and Trade", of the expression "Ceylon Tea Board"; and

(e) by the repeal of Part VI, and of sections 50, 51, 56 and 57, of that Act; and

(5) in sub-section (1) of section 63 of that Act—

(a) by the insertion, immediately after the definition of the term "appointed date", of the following new definition:—

' "Ceylon Tea Board" means the Ceylon Tea Board established under the Ceylon Tea Board Act; ';

(b) by the substitution, for the definition of the term "Controller", of the following new definition:—

' "Commissioner" means the person appointed to be or to act as Tea Commissioner for the purposes of the Ceylon Tea Board Act; ';

(c) by the insertion, immediately after the definition of the term "green tea leaf", of the following new definition:—

' "instant tea" means any food product soluble in water made entirely or principally from made tea or green tea leaf ; ' ;

(d) by the substitution in the definition of the term "manufacturer", for the expression "made tea", of the expression "made tea or instant tea"; and

(e) by the substitution in the definition of the term "tea factory", for the expression "made tea ;", of the expression "made tea or for the production of instant tea ;".

26. (1) All property, movable or immovable, and all rights in property belonging to the Tea Control Department, on the day immediately preceding the appointed date, shall be vested in and be the property and rights of the Board on that date.

Special provisions relating to the Tea Control Department and the Tea Controller.

(2) All rights and obligations of the Tea Controller under contracts legally entered into by him which are in existence, on the day immediately preceding the appointed date, shall be deemed to be the rights and obligations of the Board on that date.

27. The Tea (Tax and Control of Export) Act, No. 16 of 1959, is hereby amended as follows:—

Amendment of Act No. 16 of 1959.

(1) in section 9, by the substitution, for the term “Minister” wherever that term occurs in that section, of the term “Ceylon Tea Board”;

(2) by the repeal of section 13;

(3) in section 15, by the substitution in sub-section (1) of that section, for the term “Minister”, of the term “Ceylon Tea Board”;

(4) in section 19, by the substitution, for the expression “Consolidated Fund of Ceylon.”, of the expression “Central Tea Fund.”; and

(5) in section 22—

(a) by the insertion, immediately after the definition of the term “approved estate”, of the following new definition:—

“ “Central Tea Fund” means the Central Tea Fund established under the Ceylon Tea Board Act;” and

(b) by the substitution, in the definition of the term “Commissioner”, for the expression “Commissioner of Tea Exports;”, of the expression “Tea Commissioner;”.

Special
provisions
relating to
certain public
officers.

28. (1) The provisions of this section shall apply to every public officer, other than any public officer in a transferable service of the Government, who was employed for the purposes of the administration of the Tea Control Act, No. 51 of 1957, or of the Tea Subsidy Act, No. 12 of 1958, or of the Tea (Tax and Control of Export) Act, No. 16 of 1959.

(2) Every public officer to whom sub-section (1) applies and who holds a post declared to be pensionable under the Minutes on Pensions shall, before the appointed date, give notice in writing to the Tea Controller or the Commissioner of Tea Exports, as the case may be, that he intends, on that date—

- (a) to leave the public service and to obtain employment under the Board in terms of section 29 (1); or
- (b) to retire from the public service and to obtain employment under the Board in terms of section 29 (2) ; or
- (c) to retire from the public service and not obtain employment under the Board.

(3) A notice given to the Tea Controller or the Commissioner of Tea Exports, as the case may be, under sub-section (2) before the appointed date by a public officer referred to in that sub-section shall be final.

Effect of a
notice given
under section
28 (2).

29. (1) Any public officer referred to in sub-section (2) of section 28 who gives notice under paragraph (a) of that sub-section before the appointed date—

- (a) shall be subject to the same disciplinary control as any other member of the staff of the Board during the period of his employment under the Board;
- (b) shall, subject to paragraph (a), be entitled to the terms and conditions of service not less favourable as respects remuneration, leave, holiday warrants, and other conditions of service as he was entitled to immediately before the appointed date during the period of his employment under the Board;

- (c) shall, so long as he is in the employ of the Board, in terms of this section, be deemed for the purposes of the Minutes on Pensions to continue to hold a post in the public service which has been declared to be pensionable under the said Minutes and shall be eligible for the grant of a pension or gratuity as though his service under the Board were service under the Government; and the Minister of Finance may grant such pension or gratuity in accordance with the terms of the said Minutes;
- (d) in respect of him, the Board shall pay out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon for every complete month of service during which he is in the employ of the Board such sum of the salary received by him in the post he holds in the service of the Board as the Minister of Finance may determine;
- (e) shall, notwithstanding anything in the Widows' and Orphans' Pension Fund Ordinance, be deemed to be a public officer within the meaning of that Ordinance and for the purpose of the application of the provisions thereof so long as he remains in the employ of the Board; and
- (f) may, at any time during the period of his employment under the Board, opt to be appointed to the staff of the Board in terms of section 29 (2) and when such option is exercised—
- (i) he shall be eligible for such an award under the Minutes on Pensions as might have been made to him if he had been retired from the public service on the ground of ill health on the date of his appointment to the staff of the Board in accordance with this section; and the amount of any such award made under those Minutes shall not be paid to him unless his employment in the staff of the Board is terminated by retirement on account of age or ill health or by the abolition of the office
- Cap. 431.

held by him in such staff or on any other ground approved by the Minister of Finance; and

- (ii) in the event of his death after being appointed to the staff of the Board in accordance with this section, such an award as might have been made in respect of him under those Minutes if he had died immediately before his appointment to the staff of the Board may be made in respect of him.

(2) Any public officer referred to in sub-section (2) of section 28 who gives notice under paragraph (b) of that sub-section before the appointed date—

- (a) shall be deemed to have retired from the public service on the appointed date;
- (b) shall be offered employment by the Board on such terms and conditions as may be agreed upon by such officer and the Board:

Provided, however, that such terms and conditions shall be not less favourable than the terms and conditions on which such officer was employed for the purposes of the administration of the Tea Control Act, No. 51 of 1957, or of the Tea Subsidy Act, No. 12 of 1958, or of the Tea (Tax and Control of Export) Act, No. 16 of 1959;

- (c) shall be eligible for such pension or gratuity under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date;
- (d) if he is eligible for a pension and does not exercise the option under section 2A (1) (i) of the Minutes on Pensions, he shall not be paid the pension during the period of his employment under the Board;
- (e) if he is eligible for a pension and elects to draw a gratuity in partial commutation of one-fourth part of his pension in accordance with the provisions of section 2A (1) (i) of the Minutes on Pensions—
 - (aa) such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under this Act;

- (bb) the remaining three-fourths part of the pension payable to him under the said Minutes shall not be paid to him during the period of his employment by the Board; and
- (cc) for the purposes of the computation of the period of "twelve years and six months from the date of his retirement" referred to in section 2A (1) (ii) of the said Minutes, the date of his retirement shall be deemed to be the day following the last date of his employment under the Board; and
- (f) if he is eligible for the gratuity and not a pension under the Minutes on Pensions such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under this Act.

(3) Any public officer referred to in sub-section (2) of section 28 who gives notice under paragraph (c) of that sub-section before the appointed date shall be deemed to have retired from the public service on that date and shall be eligible for such pension or gratuity under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date.

30. Any public officer who is up to the appointed date employed for the purposes of the administration of the Tea Control Act, No. 51 of 1957, or of the Tea (Tax and Control of Export) Act, No. 16 of 1959, shall for the purposes of sub-section (2) of section 28 be entitled to have counted as pensionable service all such service in respect of which he was paid a gratuity by the Government, provided he pays or arrives at an agreement to pay to the Deputy Secretary to the Treasury all such sums of money as he may have received by way of such gratuity together with such interest as may be determined by the Deputy Secretary to the Treasury, notwithstanding the fact that in the year 1963 such public officer had exercised an irrevocable option to accept such gratuity and have only his service thereafter counted as pensionable.

Special provisions relating to certain public officers in respect of their pensionable service.

Special provision regarding persons already in receipt of pensions.

31. Notwithstanding anything to the contrary in any other written law, where any person, who is already in receipt of a pension from the Government or from any local authority or from the Local Government Service Commission, is employed by the Board, such person shall not be paid such pension during the period of his employment by the Board.

Power of Board to make regulations.

32. (1) The Board may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular, but without prejudice to the generality of the powers conferred by sub-section (1), the Board may make regulations in respect of all or any of the following matters:—

- (a) a scheme for subsidizing with moneys of the Central Tea Fund the replanting and rehabilitation of estates and small holdings and for subsidizing with moneys of that Fund the diversification of estates and small holdings by the replacement of tea on such estates and small holdings by other crops or livestock farming;
- (b) a scheme for subsidizing with moneys of that Fund the improvement, modernization and construction of tea factories;
- (c) a scheme for subsidizing with moneys of that Fund the marketing of green tea leaf of estates and small holdings;
- (d) a scheme to regulate the sale of tea, including the conduct of tea auctions;
- (e) a scheme to regulate the export of tea and all arrangements relating to its shipping and freight;
- (f) a scheme to assist and encourage the marketing of tea in and outside Ceylon;
- (g) a scheme to regulate the establishment and operation of tea factories, including factories for the manufacture of instant tea;
- (h) the establishment and regulation of provident funds, gratuity schemes, medical aid schemes, and other welfare schemes for all or any of the officers and servants employed for the purpose of this Act and their dependants;

(i) such conditions, prohibitions or other provisions as may be necessary for securing the due operation and enforcement of the regulations;

(j) the provision that the contravention of, or the failure to comply with, any such regulation, and the furnishing of false information or returns to the Board or its officers or servants, shall be an offence triable summarily by a Magistrate, and that the punishment for such offence shall be a fine of an amount not exceeding one thousand rupees, or imprisonment of either description for a term not exceeding six months, or both such fine and imprisonment.

(3) (a) No regulations made by the Board shall have effect except with the approval of the Minister given, in the case of every such regulation relating to any of the matters referred to in section 5 (2), with the concurrence of the Minister of Agriculture. Every regulation so approved 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 therein.

(b) Every regulation made by the Board and approved by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Every regulation which is not so approved, shall be deemed to be rescinded as from the date of disapproval, but without prejudice to the validity of anything previously done thereunder.

33. (1) The Tea Propaganda Board Ordinance is hereby repealed.

Repeal of
Chapter 169.

(2) All property, movable or immovable, and all rights in property belonging to the Ceylon Tea Propaganda Board, on the day immediately preceding the appointed date, shall be vested in and be the property and rights of the Board on that date.

(3) All rights and obligations of the Ceylon Tea Propaganda Board under contracts legally entered into by that Board which are in existence, on the day immediately preceding the appointed date, shall be deemed to be the rights and obligations of the Board on that date.

(4) Every officer or servant holding an appointment under the Ceylon Tea Propaganda Board immediately before the appointed date shall, on that date, be transferred to the employ of the Board.

(5) An officer transferred under the provisions of sub-section (4) shall be employed by the Board on terms and conditions which are not, on the whole, less favourable than those he had enjoyed in the service of the Ceylon Tea Propaganda Board immediately before the appointed date.

Repeal of
Chapter 438.

34. (1) The Tea Research Ordinance is hereby repealed.

(2) All property, movable or immovable, and all rights in property belonging to the Tea Research Board, on the day immediately preceding the appointed date, shall be vested in and be the property and rights of the Board on that date.

(3) All rights and obligations of the Tea Research Board under contracts legally entered into by that Board which are in existence, on the day immediately preceding the appointed date, shall be deemed to be the rights and obligations of the Board on that date.

(4) Every officer, servant or other person holding an appointment under the Tea Research Board immediately before the appointed date shall, on that date, be transferred to the employ of the Board.

(5) An officer transferred under the provisions of sub-section (4) shall be employed by the Board on terms and conditions which are not, on the whole, less favourable than those he had enjoyed in the service of the Tea Research Board immediately before the appointed date.

Repeal of
Act No. 12
of 1958.

35. (1) The Tea Subsidy Act, No. 12 of 1958, is hereby repealed.

(2) Notwithstanding the repeal of the Tea Subsidy Act, No. 12 of 1958, every such regulation made under that Act as is in force on the day immediately preceding the date of such repeal shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be a regulation made by the Board under this Act subject to the modification that any reference

in any such regulation to the "Tea Controller" or the "Controller" shall be read and construed as a reference to the "Tea Commissioner".

36. In this Act, unless the context otherwise requires— Interpretation.

"Central Tea Fund" means the Central Tea Fund established under this Act;

"Ceylon Tea Propaganda Board" means the Ceylon Tea Propaganda Board established under the Tea Propaganda Ordinance, and includes the Tea Propaganda Board of Ceylon, being the name under which such Board was incorporated under that Ordinance;

"Commissioner of Tea Exports" means the person holding the office of the Commissioner of Tea Exports;

"committee" means a committee appointed under the provisions of section 8;

"company" means any company established and incorporated under the provisions of any law for the time being in force in any country;

"estate" has the same meaning as in the Tea Control Act, No. 51 of 1957, as amended by this Act;

"green tea leaf" has the same meaning as in the Tea Control Act, No. 51 of 1957, as amended by this Act;

"made tea" has the same meaning as in the Tea Control Act, No. 51 of 1957, as amended by this Act;

"manufacturer" has the same meaning as in the Tea Control Act, No. 51 of 1957, as amended by this Act;

“ Minister ” means the Minister in charge of the Ministry of Commerce and Trade;

“ Minister of Agriculture ” means the Minister in charge of the Ministry of Agriculture;

“ Principal Collector ” means the person appointed to be or to act as the Principal Collector of Customs;

“ refuse tea ” has the same meaning as in the Tea Control Act, No. 51 of 1957, as amended by this Act;

“ rehabilitation ”, when used with reference to any tea estate or tea small holding, means any operation designed to improve the agricultural conditions of such estate or small holding, and includes the application of fertilizers, the adoption of soil conservation measures and the planting of additional tea plants and any other suitable plants in such estate or small holding;

“ replanting ”, when used with reference to any tea estate or tea small holding, means the uprooting of all existing tea plants and other vegetation in the whole or any part of such estate or small holding and their replacement by new tea plants, and includes the planting of tea plants in an area which does not form part of such estate or small holding if the tea plants in an equivalent area of such estate or small holding are eradicated within such time as the Board may specify;

“ small holding ” has the same meaning as in the Tea Control Act, No. 51 of 1957, as amended by this Act;

“ tea ” has the same meaning as in the Tea Control Act, No. 51 of 1957, as amended by this Act;

“ Tea Commissioner ” means the person appointed to be or to act as Tea Commissioner for the purposes of this Act;

“ Tea Control Fund ” means the Tea Control Fund established under the Tea Control Act, No. 51 of 1957, as amended by this Act;

“ tea factory ” has the same meaning as in the Tea Control Act, No. 51 of 1957, as amended by this Act;

“ Tea Research Board ” means the Board of the Tea Research Institute of Ceylon established under the Tea Research Ordinance;

“ Tea Subsidy Fund ” means the Tea Subsidy Fund established under the Tea Subsidy Act, No. 12 of 1958.