

PARLIAMENT OF CEYLON

2nd Session 1953



Rubber Re-planting Subsidy Act, No. 36 of 1953

Date of Assent : September 3, 1953

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FUND FOR THE PURPOSE OF SUBSIDISING THE RE-PLANTING OF RUBBER PLANTS, FOR THE IMPOSITION OF AN EXPORT DUTY ON RUBBER TO BE PAID INTO SUCH FUND AND FOR THE VALIDATION OF EXPENDITURE HITHERTO INCURRED ON WORK PREPARATORY TO THE INTRODUCTION OF A SCHEME FOR SUCH PURPOSE.

[Date of Assent: September 3, 1953.]

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. This Act may be cited as the Rubber Re-planting Subsidy Act, No. 36 of 1953, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. There shall be established a Fund called the Rubber Re-planting Subsidy Fund for the purpose of subsidising, in accordance with such regulations as may be made in that behalf, the re-planting of rubber plants.

Rubber Re-
planting
Subsidy
Fund.

3. (1) There shall be paid into the Fund—

Payments
into and
out of the
Fund.

(a) such sum as may be determined by the Minister out of the monies retained by the Rubber Commissioner from the proceeds of the sale of sheet rubber purchased by him during the period commencing on January 1, 1953, and ending on the appointed date; and

(b) the proceeds of all export duties levied under this Act.

(2) There shall be paid out of the Fund—

(a) such amounts as are authorised by regulations to be paid for the purpose of subsidising the re-planting of rubber plants;

(b) the expenses of the administration of this Act;

(c) the prescribed contributions to any provident fund or scheme established for the payment of gratuities to any or all of the

officers and servants employed for the purposes of this Act and their dependants; and

(d) such remuneration as may be payable to members of the Rubber Re-planting Advisory Board established under this Act.

Administration
of the Fund.

4. (1) The Rubber Controller shall, subject to the direction and control of the Minister, administer the Fund.

(2) There may be appointed such officers and servants as may be necessary for the administration of the Fund.

Investment
of monies
of the Fund.

5. Any monies of the Fund may be invested in such manner as may be approved by the Minister with the concurrence of the Minister of Finance.

Accounts of
the Fund.

6. (1) The Rubber Controller shall cause full accounts of the Fund to be kept.

(2) The accounts of the Fund shall be audited by the Auditor-General.

(3) The Rubber Controller shall, as soon as possible after December 31 of each year, issue a report on the administration of the Fund together with a statement of the income and expenditure of the Fund and of the investments of monies of the Fund during the preceding year.

(4) Every report and statement of the Rubber Controller under sub-section (3) shall be transmitted by him to the Minister who shall cause them to be laid before Parliament.

Special
export duties
for providing
the Fund with
an income.

7. (1) There shall be charged, levied and paid an export duty of ten cents for every pound of sheet rubber exported from Ceylon.

(2) Where the amount deemed under the provisions of sub-section (3) to be the price per pound of crepe rubber of any description for any week exceeds by a prescribed amount the price paid per pound by the Rubber Commissioner for RMA No. 1 sheet rubber, there shall be charged, levied and paid an export duty of an amount equal to such excess or ten cents, whichever is less, for every pound of crepe rubber of that description exported from Ceylon during that week.

(3) The amount which shall for the purposes of sub-section (2) be deemed to be the price per pound of crepe rubber of any description for any week

commencing Monday shall be an amount which shall be computed by the Principal Collector of Customs to be the average (calculated to the nearest cent) of the daily Colombo market prices per pound, as estimated by him, for the sale, during the last week but one immediately preceding, of crepe rubber of that description.

(4) The question whether any crepe rubber is of any particular description shall be determined by the Rubber Controller and his decision shall be final.

(5) The amount of any export duty imposed by this section may be varied or any such export duty may be rescinded by resolution of the House of Representatives.

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

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Provided that the export duties imposed by this Act shall be in addition to any export duty imposed by or under that Ordinance or any other written law.

(7) The proceeds of all export duties imposed by this Act shall be paid monthly to the Rubber Controller by the Principal Collector of Customs and shall be credited to the Fund.

8. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

Regulations.

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

- (a) a scheme of subsidising with monies of the Fund the re-planting of rubber plants;
- (b) all matters stated or required in this Act to be prescribed;
- (c) the establishment and regulation of a provident fund or scheme for the payment of gratuities to any or all of the officers and servants employed for the purposes of this Act and their dependants, and the determination of the amounts to be paid to such provident fund or scheme from the Fund.

(3) Regulations in respect of the scheme referred to in paragraph (a) of sub-section (2) may—

(a) contain such conditions, prohibitions and other provisions as may be necessary for securing the due operation and enforcement of the scheme, and

(b) declare the contravention of, or the failure to comply with, any prescribed provisions of the regulations, and the furnishing of false information or returns to be an offence triable summarily by a Magistrate and specify as punishment for such offence a fine of an amount not exceeding one thousand rupees or a term of imprisonment of either description not exceeding six months or both such fine and such imprisonment.

(4) All regulations shall be published in the *Gazette* and shall come into operation on a date specified in that behalf in the regulations or, if no date is so specified, upon such publication, and shall, as soon as practicable after their publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Where any regulation is not approved either by the Senate or by the House of Representatives, it shall be deemed to be rescinded and the rescission shall take effect on the date on which the regulation is not approved.

(5) The validity of anything done under a regulation shall not be affected by the subsequent rescission of the regulation under sub-section (4).

(6) Notification of the date on which the rescission of a regulation under sub-section (4) takes effect shall be published in the *Gazette*.

Winding up
of the Fund.

9. The Minister may, in such manner as may be approved by the House of Representatives, wind up the Fund and dispose of any monies left therein.

Rubber
Replanting
Advisory
Board.

10. (1) There shall be established a Board (hereinafter referred to as the "Board") which shall be called the Rubber Replanting Advisory Board and which shall consist of the Rubber Controller, who shall be the Chairman of the Board, and such other members as the Minister may appoint.

(2) Every member of the Board, other than the Chairman of the Board, shall, unless his appointment is revoked earlier under sub-section (3), hold office for such period as may be specified in the letter of appointment issued to him by the Minister.

(3) The Minister may revoke any appointment of a member of the Board.

(4) It shall be the duty of the Board to advise the Minister on the administration of this Act and on any such matter to which this Act relates as may be referred by the Minister to the Board for advice.

(5) The members of the Board may be paid such remuneration as the Minister may determine with the concurrence of the Minister of Finance.

11. All expenditure hitherto incurred on work preparatory to the introduction of a scheme of subsidising the replanting of rubber plants shall be deemed to have been as valid as though such expenditure had been authorised by law, notwithstanding that such expenditure had been incurred without compliance with the provisions of the Ceylon (Constitution) Order in Council, 1946, relating to the expenditure of public funds.

Validation
of certain
expenditure
hitherto
incurred.

12. This Act shall expire on such date as may be appointed by the Minister by Order published in the *Gazette*:

Duration
of Act.

Provided, however, that the expiration of this Act shall not affect any fine, penalty, forfeiture or punishment previously incurred under this Act or under any regulation, or affect any legal proceeding or remedy in respect of any such fine, penalty, forfeiture or punishment, and any such legal proceeding may be instituted, continued or enforced and such fine, penalty, forfeiture or punishment may be imposed as if this Act had not expired.

13. In this Act, unless the context otherwise requires—

Interpretation.

“appointed date” means the date appointed by the Minister under section 1;

“ Fund ” means the Rubber Re-planting Subsidy Fund established under this Act;

“ prescribed ” means prescribed by regulation;

“ regulation ” means a regulation made under this Act;

“ re-planting ”—

(a) means planting rubber plants in an area in which there are rubber plants on the appointed date, and

(b) includes planting rubber plants in any other area, if but only if the rubber plants in an area equal in extent to such other area are eradicated after the appointed date;

“ Rubber Commissioner ” means the Commissioner who purchases sheet rubber in Ceylon on behalf of the Government of Ceylon;

“ Rubber Controller ” means the Rubber Controller appointed under the Rubber Control Ordinance, No. 63 of 1938;

“ rubber plant ” means a plant, tree, shrub or vine and includes any leaf, flower, seed, bud, twig, branch, root or any living portion of any plant, tree, shrub or vine which may be used to propagate any of the following:—

(a) *Hevea Braziliensis* (Para Rubber),

(b) *Manihot Glaziovii* (Ceara Rubber),

(c) *Castilloa elastica*;

(d) *Ficus elastica* (Rambong),

(e) any other plant, tree, shrub or vine which the Rubber Controller may by notification published in the *Gazette* declare to be a rubber plant for the purposes of this Act.