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Ceylon State Plantations Corporation Act, No. 4 of 1958

Date of Assent: February 20, 1958

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION TO RAISE, DEVELOP, MAINTAIN AND MANAGE APPROVED PLANTATIONS ON LANDS THAT MAY BE ALIENATED TO THE CORPORATION AND TO UNDERTAKE THE MANAGEMENT OF ANY PLANTED CROWN LAND; TO REGULATE THE POWERS AND DUTIES OF SUCH CORPORATION; TO AUTHORIZE THE GRANT OUT OF THE CONSOLIDATED FUND OF CEYLON TO SUCH CORPORATION OF AMOUNTS REQUIRED BY WAY OF SUCH CAPITAL OR SUCH ADDITIONAL CAPITAL OF THE CORPORATION AS MAY BE DETERMINED BY THE HOUSE OF REPRESENTATIVES; AND TO MAKE PROVISION FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE AFORESAID MATTERS.

[Date of Assent: February 20, 1958]

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 Ceylon State Plantations Corporation Act, No. 4 of 1958. Short title.

2. (1) There shall be established a corporation which shall be known as the Ceylon State Plantations Corporation (hereafter in this Act referred to as the Corporation) and which shall consist of the persons who are from time to time appointed under section 3 as the members thereof. Establishment of the Ceylon State Plantations Corporation.

(2) The Corporation shall be deemed to be established on the date with effect from which its first members are appointed under section 3.

(3) The Corporation shall have perpetual succession and a common seal, and may sue and be sued in the name assigned to it by sub-section (1).

3. (1) Subject to the provisions of sub-section (2), there shall be six members of the Corporation who shall be appointed by the Minister. Of such members one shall be an officer of the General Treasury and another shall be an officer of the Department of Agriculture, and each of those two members is hereafter in this Act referred to as an official member. Members of the Corporation.

(2) If a member of the Corporation is temporarily unable to function as such member, the Minister may,—

- (a) where that member is not an official member, appoint any person to act as a member of the Corporation, and
- (b) where the member who is so unable to function is an official member, appoint any other officer of the Government Department in which that member is serving to act as a member of the Corporation.

(3) Every member of the Corporation shall, unless he vacates the office of member of the Corporation earlier, hold such office for a period of three years commencing on the date of his appointment:

Provided that—

(a) a person who is appointed as a member of the Corporation in place of a member who has vacated the office of member of the Corporation before the end of his term of office shall, unless the member so appointed vacates the office of member of the Corporation earlier, hold such office during the unexpired part of such term, and

(b) a person appointed to act as a member of the Corporation during the absence of a member of the Corporation who is temporarily unable to function as such member shall, unless he vacates the office of member of the Corporation earlier, hold such office during such absence.

(4) A member of the Corporation may resign the office of such member by letter addressed to the Minister.

(5) The Minister may, without assigning any reason, terminate the appointment of any person as a member of the Corporation.

(6) A member of the Corporation shall be deemed to vacate the office of such member if he resigns such office or if his appointment as such member is terminated by the Minister.

(7) All or any of the members of the Corporation may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister of Finance.

4. (1) The Minister shall appoint as the Chairman of the Corporation one of the members of the Corporation other than an official member.

Chairman
of the
Corporation.

(2) If the Chairman of the Corporation is temporarily unable to function as such Chairman, the Minister may appoint any member of the Corporation, other than an official member, to act as the Chairman of the Corporation.

(3) The Chairman of the Corporation shall, unless he vacates the office of Chairman earlier, hold such office during the term for which he is a member of the Corporation:

Provided that a person appointed to act as the Chairman of the Corporation during the absence of the Chairman of the Corporation who is temporarily unable to function as such Chairman shall, unless he vacates the office of Chairman earlier, hold such office during such absence.

(4) The Chairman of the Corporation may resign the office of Chairman by letter addressed to the Minister.

(5) The Minister may, without assigning any reason, terminate the appointment of any member of the Corporation as the Chairman of the Corporation.

(6) The Chairman of the Corporation shall be deemed to vacate the office of Chairman if he resigns such office or if his appointment as such Chairman is terminated by the Minister or if he ceases to be a member of the Corporation.

5. The objects of the Corporation shall be—

Objects of the
Corporation.

(a) to raise, develop, maintain and manage plantations approved by the Minister on such lands as may be alienated to the Corporation, and

(b) to undertake the management of any planted Crown land.

6. (1) The Corporation shall have the power to acquire and hold and to take on hire or lease any movable or immovable property and to give on hire or lease or to sell or otherwise dispose of any of its properties:

Powers of the
Corporation.

Provided that no immovable property of the Corporation shall be sold without the prior approval in writing of the Minister.

(2) The Corporation shall have the power—

- (a) to engage in any agricultural, industrial or commercial enterprise connected with or incidental to any of the objects of the Corporation, and
- (b) to do any thing necessary for, or conducive of incidental to, the carrying out of the objects of the Corporation.

Capital of the Corporation.

7. (1) The initial capital of the Corporation shall be determined by resolution of the House of Representatives, and the amount of such capital shall be paid to the Corporation out of the Consolidated Fund of Ceylon.

(2) The capital of the Corporation may be increased from time to time by such amount as may be determined by resolution of the House of Representatives, and that amount shall be paid to the Corporation out of the Consolidated Fund of Ceylon.

Profits of the Corporation.

8. The Corporation shall pay to a general or special reserve of the Corporation such amount out of the profits of the Corporation in each year as may be determined by the Corporation with the approval of the Minister and shall pay the balance of such profits to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon.

Grant of Crown land to be planted by, and assignment of the management of planted Crown land to, the Corporation.

9. (1) An absolute grant of any Crown land that is required by the Corporation for the purpose of raising, developing, maintaining and managing a plantation approved by the Minister may, with the approval of the Government, be granted to the Corporation under the Crown Lands Ordinance, No. 8 of 1947.

(2) The Minister for the time being in charge of the subject of Crown lands may assign to the Corporation the management of any planted Crown land.

Seal of the Corporation.

10. (1) The seal of the Corporation may be altered in such manner as may be determined by the Corporation.

(2) The seal of the Corporation shall not be affixed to any instrument or document except in the presence of two members of the Corporation both of whom shall sign the instrument or document in token of their presence.

11. (1) The Corporation may employ, on such terms and conditions as may be determined by the Corporation, such persons as the Corporation considers necessary for performing the work of the Corporation.

Employees of
the Corporation.

(2) At the request of the Corporation, any officer of the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Corporation for such period as may be determined by the Corporation with like consent or be permanently appointed to such staff. The provisions of sub-sections (2) and (3) of section 26 of the Government Sponsored Corporations Act, No. 19 of 1955, shall, *mutatis mutandis*, apply in relation to any officer in the public service who is temporarily or permanently appointed to the staff of the Corporation.

(3) Where the Corporation 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 Corporation by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

12. The Corporation may establish and regulate a pension scheme or provident fund for the payment of pensions, gratuities or retiring allowances to employees of the Corporation and a widows' and orphans' pension fund or scheme for providing pensions to the widows and orphans of deceased employees of the Corporation, and may require contributions to be made to any such scheme or fund by employees of the Corporation and may deduct such contributions from the salaries or wages of such employees and may make contributions to any such scheme or fund from the revenues of the Corporation.

Pension
scheme, &c.
for employees
of the
Corporation.

13. The accounts of the Corporation shall be kept in such manner as may be approved by the Minister with the concurrence of the Minister of Finance.

Accounts.

14. (1) The accounts of the Corporation 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 an auditor who is registered under the Companies Ordinance, No. 51 of 1938. The

Audit.

auditor shall receive such remuneration from the funds of the Corporation as the Minister may determine with the concurrence of the Minister of Finance.

(2) The Auditor-General shall have power—

(a) to direct the manner in which the Corporation's accounts 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 Corporation's accounts by such person or persons as the Auditor-General may authorise in that behalf, and, for the purpose of such audit, to require information or additional information to be furnished to any person or persons so authorised, on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(3) The auditor shall examine the accounts of the Corporation and submit to the Auditor-General a report stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether 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 Corporation.

(4) 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.

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

15. The Chairman of the Corporation shall cause a report of the Corporation's work and finances during each completed year to be prepared and submitted to the members of the Corporation for approval. Such report as approved by such members with or without amendments shall be the report of the Corporation for the year to which such report relates.

16. (1) The Chairman of the Corporation shall, on receipt of the auditor's report in respect of any year, cause a copy of each of the following documents relating to that year to be transmitted to the Minister:—

Documents to
be transmitted
to the Minister
and to be
placed before
the Senate and
the House of
Representatives.

- (a) Report of the Corporation.
- (b) A copy of the auditor's report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report.
- (c) Profit and Loss Account.
- (d) Balance Sheet.

(2) The Minister shall lay copies of the documents transmitted to him under sub-section (1) before the Senate and the House of Representatives not later than the thirtieth day of September in the year following the year to which such report and accounts relate.

17. Subject to the provisions of section 18, the members of the Corporation shall have the general control of the affairs of the Corporation and may exercise the powers of the Corporation:

Exercise of
the powers of
the Corporation.

Provided that the members of the Corporation may by resolution passed at a meeting of such members delegate to any member or employee of the Corporation the exercise of any of the powers of the Corporation.

18. The Minister may, after consulting the members of the Corporation, issue to them from time to time general or special directions in regard to the exercise of the powers and the performance of the duties of the Corporation, and such directions shall be carried out by them.

Directions of
the Minister.

19. (1) Subject to the other provisions of this section, the members of the Corporation may regulate the procedure for the transaction of the business of the Corporation.

Proceedings of
the Corporation.

(2) Every question for determination by the members of the Corporation shall be determined by resolution passed at a meeting of such members.

(3) Three members of the Corporation shall constitute a quorum for any meeting of such members.

(4) The Chairman of the Corporation shall, if present, preside at any meeting of the members of the Corporation, and, in his absence, the members present at such meeting may elect one of them to preside at such meeting.

(5) No proceedings of any meeting of the members of the Corporation shall be invalidated by reason of any vacancy in the membership of the Corporation or any defect in the appointment of any member of the Corporation.

Acquisition
of land under
the Land
Acquisition
Act for the
Corporation.

20. Where any land, other than Crown land, is required to be acquired for any of the purposes of the Corporation and the Minister, by Order published in the *Gazette*, approves of the proposed acquisition, the land proposed to be acquired shall, for the purpose of the application of the Land Acquisition Act, No. 9 of 1950, be deemed to be required for a public purpose and may be acquired under that Act and transferred to the Corporation.

Regulations.

21. (1) The Minister may make regulations to give effect to the principles and provisions of this Act.

(2) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

Interpretation.

22. In this Act unless the context otherwise requires—

“ Chairman of the Corporation ” includes an acting Chairman of the Corporation, and

“ member of the Corporation ” includes an acting member of the Corporation.