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PART I : SECTION (I) — GENERAL

Government Notifications

L.D. B. - 51/53 (III)

THE RUBBER REPLANTING SUBSIDY ACT (CHAPTER 437)

REGULATIONS made by the Minister of Plantation Industries under Section 8 of the Rubber Replanting Subsidy Act (Chapter 437).

MAHINDA SAMARASINGHE,
Minister of Plantation Industries.

Colombo,
15th August, 2012.

Regulations

1. These regulations may be cited as the Rubber Replanting Subsidy Regulations No. 917/1 of 2012.
2. The Rubber Controller may upon application made in that behalf in writing by any person who is a proprietor of an estate or a small holding, grant in accordance with the provisions of these regulations, a subsidy to that person from the Rubber Replanting Subsidy Fund established under Section 2 of the Rubber Replanting Subsidy Act (Chapter 437) (hereinafter referred to as “Act”) for the purpose of replanting of rubber plants in such estate or small holding.
3. Every application for a subsidy under Regulation 2 shall be made to the Rubber Controller substantially in such form as may from time to time be issued by him for such purpose.
4. (1) The amount subsidy payable for replanting of rubber in any specified part of an estate or a small holding which is exclusively of private ownership, on replanting permits issued in respect of the Year 2011 or thereafter shall be Rupees One Hundred Seventy-five Thousand (Rs. 175,000) for each hectare of the area to be replanted, and shall be paid in eight instalments in the following manner :-
 - (a) The first instalment of Rupees Eight Thousand (Rs. 8,000) for each hectare of the area to be replanted shall be paid after the eradication of the existing rubber trees and other vegetation in such area : an amount not exceeding fifty per centum of this amount may be paid as a part payment by the Rubber Controller to the proprietor of the estate or the small holding on this being notified that the eradication of the existing rubber trees on such land has been completed ;

- (b) The second instalment of Rupees Forty-three Thousand (Rs. 43,000) for each hectare shall be paid after the completion of replanting ; an amount not exceeding fifty per centum (50%) of this amount may be paid as part payment by the Rubber Controller to the proprietor of the estate or small holding, on this being notified that the replanting has been completed : if at the inspection following the replanting it is found that all requirements for payment of such instalment had not been fulfilled, payment shall be made in the following manner for those items of work satisfactorily completed :-

	<i>Per hectare Rs. C.</i>
1. Cutting of holes and planting of budded rubber plants	22,000.00
2. Soil Conservation (cutting of drains or construction of stone terraces of platforms, etc.)	10,000.00
3. Planting of cover crop.	3,000.00
4. Fencing	8,000.00

Payment of any balance amount shall be made only after the satisfactorily completion of the unattended work. Further, payment of the consequent instalment shall be suspended, until such work is completed ;

- (c) The third instalment of Rupees Fifteen Thousand (Rs. 15,000) for each hectare shall be paid not earlier than one year after the completion of replanting ;
- (d) The fourth instalment of Rupees Twenty-one Thousand (Rs. 21,000) for each hectare shall be paid not earlier than two years after the completion of the replanting ;
- (e) The fifth instalment of Rupees Twenty-one Thousand (Rs. 21,000) for each hectare shall be paid not earlier than three years after the completion of the replanting ;
- (f) The sixth instalment of Rupees-Twenty One thousand (Rs. 21,000) for each hectare shall be paid not earlier than four years after the completion of the replanting ;
- (g) The seventh instalment of Rupees Twenty-two thousand (Rs. 22,000) for each hectare shall be paid not earlier than five years after the completion of the replanting ; and
- (h) The eighth instalment of Rupees Twenty-four Thousand (Rs. 24,000) for each hectare shall be paid :-
- earlier than six years after the completion of the replanting ; and
 - the above eighth instalment shall not be paid until the rain guard is applied on every rubber tree in the clearing which has reached the standard tappable girth ; and in rain guard shall be applied on such manner as recommended by the Rubber Research Institute of Sri Lanka where such tree have reached the standard tappable girth.

(i) and (ii) and are not be relevant to replanting under paragraph (b) of Regulation 8 of these regulations.

(2) However, if the Rubber Controller is satisfied that the progress specified in sub-paragraph (c) to (h) of paragraph (1) of this regulation has been achieved prior to the periods specified therein he may at his discretion release the particular instalment at an earlier date.

(3) No instalment of subsidy shall be paid later than six years after the completion of replanting or after the commencement of tapping in such clearing. It is seven years according to the sub paragraph (b) of Regulation 8 of these regulations. This regulation shall apply only in respect of replanting permits issued in the Year 2011 or thereafter.

(4) Date on which trees were planted in field shall be considered as the date of replanting.

(5) In computing the amount of subsidy payable where the area to be replanted is less than one hectare in extent or where such area includes a part which is less than one hectare, the rates specified in paragraph (1) of this regulation is applicable to that extent or part of the area shall apply in the proportion to that extent or part of the area bears to one hectare.

(6) An incentive payment amounting Rupees Seven Thousand (Rs. 7,000) per hectare may be paid for re-planting estates or small holdings which have a minimum 2/3 trees from the required number of trees per hectare at the end of the fifth year of replanting which have reached the minimum girth of fifty decimal point eight naught (50.80) centimeters in circumference at the height of one hundred and twenty one decimal point nine two (121.92) centimeters above the ground and on the receipt of a certificate from an officer authorized in writing in that behalf by the Rubber Controller to that effect.

(7) Any proprietor who is issued with a permit for replanting rubber on any land (hereinafter referred to as the “permit holder”) shall open and maintain either a current account or a savings account in a branch of the Government Bank or any Private Commercial Bank for the purpose of effecting payment of instalments of subsidy and effect recoveries from the instalment of subsidy payments.

5. (1) It shall be the duty of every permit holder to whom the first instalment of he subsidy has been paid under Regulation 4 of these regulations to comply with any direction, requirement, restriction and prohibition issued by the Rubber Controller under Regulation 10 of these regulations and to maintain the replanted area in good agricultural condition.

(2) A permit holder to whom one or more instalments of subsidy are due under Regulation 4 of these regulations in respect of an area for which a replanting permit has been issued, shall not sell or otherwise dispose of part or whole of such area without the written approval of the Rubber Controller.

6. (1) Where the first instalment of a subsidy has been paid to any permit holder under Regulation 4 in respect of any area, such permit holder shall within one year of the date of payment of such instalment or within such further time as may be given by the Rubber Controller in that behalf—

- (a) complete the replanting of such area with rubber plants belonging to such variety or varieties approved by the Rubber Controller ;
- (b) remove from such area, if required to do so by the Rubber Controller by notice in writing, all plants other than rubber plants and leguminous ground cover plants ;
- (c) construct in such area such drains or terraces as the Rubber Controller may require by notice in writing ;
- (d) plant leguminous ground cover crops in such area, or take such other measures as are required for the prevention of soil erosion in such area, as the Rubber Controller may require by notice in writing ; and
- (e) construct, if requested so to do by the Rubber Controller by notice in writing a fence around such area.

(2)(a) Where any such work specified in Regulation 6 of these regulations have not been attend to by the proprietor, the Rubber Controller may employ such people and utilize the required materials as he may consider necessary to complete such work.

(b) The Rubber Controller shall deduct the expenses incurred in that connection from the subsidies payable to such proprietor.

7. Every permit holder to whom a subsidy or a portion thereof has been paid in respect of an extent of land shall ensure that the minimum number of rubber plants replanted in each hectare of that area shall conform with the following requirements :-

- (a) (i) be 516 plants per hectare at the time of replanting, if planted with rubber clones which are of Rubber Research Institute of Sri Lanka (RRIC, RRISL) varieties of other highly yield bud rubber plants approved by the Rubber Controller.
- (ii) be 516 plants per hectare at the end of the first and second year after replanting.
- (iii) be 475 plants per hectare at the end of third and fourth year after replanting.
- (iv) be 450 plants for the next two consecutive years after replanting.
- (v) when it is in relation to paragraph (b) of Regulation 8 of these regulations, it shall be 450 plants for the next three consecutive years after the replanting ;
- (b) Budded rubber plants shall be planted at the distances specified below and with the specified number of plants :-
- (i) For RRIC, RRISL and other highly yield clones :
- | | | |
|-----------------|---|-----------------|
| 350 cm x 550 cm | - | 516 per hectare |
| (11' 6" x 18') | - | (209 per acre) |
| 430 cm x 450 cm | - | 516 per hectare |
| (14' x 14' 9") | - | (209 per acre) |
- (ii) For intercropping with RRIC, RRISL and other highly yield clones :
- | | | |
|-----------------|---|-----------------|
| 250 cm x 775 cm | - | 516 per hectare |
| (8' x 25' 6") | - | (209 per acre) |
- (c) the Rubber Controller may authorize the planting at variable planting spaces other than those stipulated above taking into consideration the terrain of the land. Provided that the minimum space between plants shall conform to the numbers stipulated in sub paragraphs (i) and (ii) sub paragraph (b) of this regulation.

8. It shall be the duty of every permit holder to whom a subsidy or any portion thereof has been paid in respect of any area, to take such measures as may be necessary to ensure that, at a height of 121.92 centimeters above the ground, of the rubber plant in the minimum circumference of the rubber plants replanted in such area shall,

- (a) where such area is situated in a district with an average annual rainfall of 254 centimeters and more, be as specified in Column >> below ; and

<i>Column >></i>	<i>Centimeters</i>
At the end of the second year after replanting	10.16
At the end of the third year after replanting	15.87
At the end of the fourth year after replanting	25.40
At the end of the fifth year after replanting	31.75
Not later than at the end of the sixth year after replanting	50.80

- (b) where such area is situated in a district with an average annual rainfall of less than of 254 centimeters, be as specified in Column >> below :

<i>Column >></i>	<i>Centimeters</i>
At the end of the second year after replanting	10.16
At the end of the third year after replanting	13.97
At the end of the fourth year after replanting	22.86
At the end of the fifth year after replanting	27.94
Not later than at the end of the seventh and year after replanting	50.80

9. No permit holder who is a recipient of a subsidy in full or any portion thereof in respect of any area, shall tap or cause to be tapped any rubber plant until at least sixty per centum of the rubber plants have reached a minimum girth of fifty decimal eight nought (50.80) centimeters at a height of One Hundred and Twenty-one decimal Nine Two centimeters (121.92) when measured from the ground.

10. Where a subsidy is payable or has been paid under Regulation 4 of these regulations to any permit holder, such permit holder shall, within such period of time as the Rubber Controller may, by notice specify in writing, comply with such direction, requirement of prohibition issued in writing by the Rubber Controller as he deems necessary for the purpose of carrying out in a satisfactory manner the replanting of the rubber estate or small holding.

11. Where the rubber Controller is of opinion —

- (a) that any permit holder to whom a subsidy or any portion thereof has been paid has contravened the provisions of regulations 5, 6, 7, 8 or 9 of these regulations ; or
- (b) that through neglect or want of diligent effort, on the part of any permit holder to whom a subsidy or any portion thereof has been paid, the rubber plants replanted in an area do not confirm to the requirements specified in regulation 8 of these regulations ; or
- (c) that any permit holder to whom any subsidy or portion thereof has been paid has failed to comply with any direction, requirement, restriction or prohibition issued under Regulation 10 of these regulations.

The Rubber Controller may by notice in writing, require such permit holder to refund the amount of subsidy which has been paid to him in respect of an area either forthwith or within such time as may be specified in the notice, and no permit holder on whom notice is served under this regulation shall fail to comply with such notice.

12. The Rubber Controller may by writing under his hand, delegate to any officer of the Rubber Development Department any of the powers, duties or functions conferred or imposed upon or assigned to the Rubber Controller under these regulations except the power of delegation under these regulations.

13. Every person who —

- (a) contravenes the provisions of Regulations 5, 6, 7, 8, 9, 10 or 11 of these regulations ; or
- (b) makes an application, declaration or any statement under these regulations knowing it be false in any material particular ; or
- (c) being an applicant for or the recipient of a subsidy furnishes any false information to the Rubber Controller.

shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate be liable for a term of imprisonment of either description not exceeding one year or a fine not exceeding Hundred Thousand Rupees or to both such fine and imprisonment.

14. (1) Whenever any permit holder fails to repay the subsidy paid under these regulation such amounts shall be recovered as a fine imposed by a Court of Law.

(2) Certificate issued by the Rubber Controller to the effect that a person after having obtain, one or more instalments of subsidy has failed to repay such subsidy and has abandoned a small holding or an estate shall be considered *prime facie* evidence of such fact.

15. Notwithstanding the provision of the Rubber Replanting Subsidy Regulations 1953 published in the *Gazette* No. 10594 of 13th October, 1953, as amended from time to time, the following instalments of subsidy payable on any replanting permits issued in the respect of the Years 2005, 2006, 2007, 2008, 2009, 2010 and 2011 respectively, shall provided that, such instalments shall be paid only, if all the instalments due on such permits had not been paid at the time of the coming into operation of these regulations, be paid at the rate specified in the Regulation 4, in the following manner :-

Estates and Small holdings exclusively under private ownership :-

- Year 2005 - the eight instalment in terms of regulation 4 (1) (h) of these regulations ;
- Year 2006 - from the seventh instalment onwards in terms of regulation 4 (1) (g) of these regulations ;
- Year 2007 - from the sixth instalment onwards in terms of regulation 4 (1) (f) of these regulations ;
- Year 2008 - from the fifth instalment onwards in terms of regulation 4 (1) (e) of these regulations ;
- Year 2009 - from the forth instalment onwards in terms of regulation 4 (1) (d) of these regulations ;
- Year 2010 - from the third instalment onwards in terms of regulation 4 (1) (c) of these regulations ;
- Year 2011 - from the first instalment onwards in terms of regulation 4 (1) (a) and (b) of these regulations ;

16. In these regulations :-

“proprietor” shall have the same meaning as in the Rubber Control Act (Chapter 436) ;

“estate” means an area of land which is not less than 4.04 hectares in extent and on which rubber plants are grown for the purpose of collecting latex therefrom ;

“replanting permit” means a permit issued under Section 7 (1) of the Rubber Control Act (Chapter 436) ;

“smallholding” means an area of land which is less than 4.04 hectares in extent and on which rubber plants are grown for the purpose of collecting latex therefrom ;

“Rubber Controller” means Rubber Controller appointed or deemed to have been appointed under the Rubber Controller Act and includes the Director General of the Rubber Development Department ; and

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L.D. - B. 51/53 (III)

THE RUBBER REPLANTING SUBSIDY ACT (CHAPTER 437)

REGULATIONS made by the Minister of Plantation Industries under Section 8 of the Rubber Replanting Subsidy Act (Chapter 437).

MAHINDA SAMARASINGHE,
Minister of Plantation Industries.

15th August 2012,
Colombo.

Regulations

1. These regulations may be cited as the Rubber New Planting Subsidy Regulations No. 917/2 of 2012.

2. The Rubber Controller may upon application made in that behalf in writing by any person who is a proprietor of an estate or a small holding, grant in accordance with the provisions of these regulations, a subsidy to that person from the Rubber Replanting Subsidy Fund established under Section 2 of the Rubber Replanting Subsidy Act (Chapter 437) (hereinafter referred to as "Act") for the purpose of replanting of rubber plants in such estate or small holding for the first time.

3. Every application for a subsidy under regulation 2 shall be made to the Rubber Controller substantially in such form as may from time to time be issued by him for such purpose.

4. (1) The amount subsidy payable for replanting of rubber for the first time in any specified part of an estate or a small holding which is exclusively of private ownership, on new planting permits issued by the Rubber Controller in respect of year 2011 or thereafter shall be rupees hundred and fifty thousand for each hectare of the area to be newly planted, and shall be paid in eight instalments in the following manner :-

- (a) the first instalment of the rupees six thousand (Rs. 6,000) for each hectare of the permitted area to be newly planted shall be paid after the eradication of the existing vegetation in the permitted area and digging of holes for planting of rubber plants. The instalment shall not be paid before completion of digging of holes ;
- (b) the second instalment of rupees thirty six thousand (Rs. 36,000) for each hectare shall be paid after the completion of new planting ; an amount not exceeding fifty *per centum* (50%) of this amount may be paid as part payment by the Rubber Controller to the proprietor of the estate or small holding, on this being notified that the new planting has been completed : if at the inspection following the new planting it is found that all requirements for payment of this instalment had not been fulfilled, payment shall be made in the following manner for those times of work satisfactorily completed :-

	<i>Per hectare Rs. C.</i>
1. Cutting of holes and planting of Budded stumps	18,000.00
2. Soil Conservation (cutting of drains or construction of stone terraces of platforms, etc.,)	8,000.00
3. Planting of cover crop.	2,000.00
4. Fencing	8,000.00

Payment of any balance amount shall be made only after the completion of the unattended work. Further, payment of the consequent installment shall be suspended, until such work is completed.

- (c) the third instalment of rupees twelve thousand (Rs. 12,000) for each hectare shall be paid not earlier than one year after the completion of new planting ;
- (d) the fourth instalment of rupees eighteen thousand (Rs. 18,000) for each hectare shall be paid not earlier than two years after the completion of the new planting ;
- (e) the fifth instalment of rupees eighteen thousand (Rs. 18,000) for each hectare shall be paid not earlier than three years after the completion of the new planting ;
- (f) the sixth instalment of rupees eighteen thousand (Rs. 18,000) for each hectare shall be paid not earlier than four years after the completion of the new planting ;
- (g) the seventh instalment of rupees nineteen thousand (Rs. 19,000) for each hectare shall be paid not earlier than five years after the completion of the new planting ; and

(h) The eighth instalment of rupees twenty three thousand (Rs. 23,000) for each hectare shall be paid :-

- (i) earlier than six years after the completion of the new planting ; and
- (ii) the above eighth instalment shall not be paid until the rain guard is applied on every rubber tree in the clearing which has reached the standard tappable girth ; and in rain guard shall be applied on such manner as recommended by the Rubber Research Institute of Sri Lanka where such tree have reached the standard tappable girth.

(i) and (ii) are not relevant to new planting under sub paragraph (b) of regulation 8 of these regulations.

(2) However, if the Rubber Controller is satisfied that the progress specified in sub-paragraph (c) to (h) of paragraph (1) of this regulation has been achieved to prior to the periods specified therein, he may at his discretion release the particular instalment at an earlier date.

(3) No instalment of subsidy shall be paid later than six years after the completion of planting or after the commencement of tapping in such clearing. It is seven years according to the sub paragraph (b) of regulation 8 of these regulations. This regulation shall apply only in respect of replanting permits issued in the year 2011 or thereafter.

(4) Date on which trees were planted in field shall be considered as the date of replanting.

(5) In computing the amount of subsidy payable where the area to be newly planted is less than one hectare in extent or where such area includes a part which is less than one hectare, the rates specified in paragraph (1) of this regulation is applicable to that extent or part of the area shall apply in the proportion to that extent or part of the area bears to one hectare.

(6) An incentive payment amounting rupees seven thousand (Rs. 7,000) per hectare may be paid for new planting estates or small holdings which have a minimum from the required number of trees per hectare at the end of the fifth year of planting which have reached the minimum girth of fifty decimal point eight naught (50.80) centimeters in circumference at the height of one hundred and twenty one decimal point nine two (121.92) centimeters above the ground and on the receipt of a certificate from an officer authorized in writing in that behalf by the Rubber Controller to that effect.

(7) Any proprietor who is issued with a permit for planting rubber on any land (hereinafter referred to as the “permit holder”) shall open and maintain either a current account or a savings account in a branch of the Government Bank or any Private Commercial Bank in order to receive the instalments of subsidy payments.

5. (1) It shall be the duty of every permit holder to whom the first instalment of the subsidy has been paid under regulation 4 of these regulations to comply with the direction, requirement, restriction and prohibition issued by the Rubber Controller under regulation 10 of these regulations and to maintain the newly planted area in good agricultural condition.

(2) A permit holder to whom one or more instalments of subsidy are due under regulation 4 of these regulations in respect of an area for which a new planting permit has been issued, shall not sell or otherwise dispose of part or whole of the area without the written approval of the Rubber Controller.

6. (1) Any person who is a permit holder for new planting rubbers shall within one year or within such further time as may be given by the Rubber Controller eradicate the existing vegetation and clear the area to be planted and

- (a) complete the replanting of such area with rubber plants belonging to such variety or varieties approved by the Rubber Controller ;
- (b) remove from such area, if required to do so by the Rubber Controller by notice in writing, all plants other than rubber plants and leguminous ground cover plants ;

- (c) construct in such area such drains or terraces as the Rubber Controller may require by notice in writing ;
 - (d) plant leguminous ground cover crops in such area, or take such other measures area as are required for the prevention of soil erosion in such as the Rubber Controller may require by notice in writing ; and
 - (e) construct, if requested so to do by the Rubber Controller by notice in writing a fence around such area.
- (2)(a) Where any such work specified in regulation 6 of these regulations have not been attend to by the proprietor, the Rubber Controller may employ such people and utilize the required materials as he may consider necessary to complete such work.
- (b) The Rubber Controller or Director General shall recover the expenses incurred in that connection from the subsidies payable to such proprietor.

7. Every permit holder to whom a subsidy or a portion thereof has been paid in respect of an extent of land shall ensure that the minimum number of rubber plants planted in each hectare of that area shall conform with the following requirements the minimum number plants to be planted per hectare of land shall :-

- (a) (i) be 516 plants per hectare at the time of planted with rubber clones (RRIC, RRISL) which are of Rubber Research Institute of Sri Lanka varieties, other highly yield bud rubber plants approved by the Rubber Controller ;
- (ii) be 516 plants per hectare at the end of the first and second year after planting ;
- (iii) be 475 plants per hectare at the end of third and fourth year after planting ;
- (iv) be 450 plants for the next two consecutive years after planting ;
- (v) when it is in relation to paragraph (b) of regulation 8 of these regulation, it shall be 450 plants for the next three consecutive years after the planting.
- (b) Budded rubber plants shall be planted in polythene sacks at the distances specified below and with specified number of plants :-
 - (i) For RRIC, RRISL and other highly yield clones :

350 cm x 550 cm	-	516 per hectare
(11' 6" x 18")	-	(209 per acre)
430 cm x 450 cm	-	516 per hectare
(14' x 14' 9")	-	(209 per acre)
 - (ii) For intercropping with RRIC, RRISL clones :

250 cm x 775 cm	-	516 per hectare
(8' x 2' 6")	-	(209 per acre)
- (c) the Rubber Controller may authorized the planting at variable planting spaces other than those stipulated above taking into consideration on the terrain of the land. Provided that, the minimum number of plants such not be less than the numbers stipulated in sub paragraphs (i), (ii) of paragraph (b) of this regulation.

8. It shall be the duty of every permit holder to whom a subsidy or any portion thereof has been paid in respect of any area, to take such measures as may be necessary to ensure that, at a height of 121.92 centimeters above the ground, of the rubber plant in the minimum circumference of the rubber plants replanted in such area shall :-

- (a) where such area is in a district with an average annual rainfall of 254 centimeters or more, be as specified in Column I below ; and

<i>Column I</i>	<i>Centimeters</i>
At the end of the second year after new planting	10.16
At the end of the third year after new planting	15.87
At the end of the fourth year after new planting	25.40
At the end of the fifth year after new planting	31.75
Not later than at the end of the sixth year after new planting	50.80

- (b) where such area is situated in a district with an average annual rainfall of less than of 254 centimeters, be as specified in Column II below :

<i>Column II</i>	<i>Centimeters</i>
At the end of the second year after new planting	10.16
At the end of the third year after new planting	13.97
At the end of the fourth year after new planting	22.86
At the end of the fifth year after new planting	27.94
Not later than at the end of the seventh year after new planting	50.80

9. No permit holder who is a recipient of the subsidy in full or any portion thereof in respect of any area, shall tap or cause to be tapped any rubber plant until at least sixty per centum of the rubber plants have reached a minimum girth of fifty decimal point eight nought (50.80) centimeters at a height of one hundred and twenty one decimal nine two centimeters (121.92) when measured from the ground.

10. Where a subsidy is payable or has been paid under regulation 4 of these regulations to any permit holder, such permit holder shall, within such period of time as the Rubber Controller may, by notice specify in writing, comply with such direction, requirement or prohibition issued in writing by the Rubber Controller as he deems necessary for the purpose of carrying out in a satisfactory manner the new planting of the rubber estate or small holding.

11. Where the rubber Controller is of opinion :-

- that any permit holder to whom a subsidy or any portion thereof has been paid has contravened the provision of regulations 5, 6, 7, 8 or 9 of these regulations ; or
- that through neglect or want of diligent effort, on the part of any permit holder to whom a subsidy or any portion thereof has been paid, the rubber plants replanted in an area do not conform to the requirements specified in regulation 8 of these regulations ; or
- that any permit holder to whom any subsidy or portion thereof has been paid has failed to comply with any direction, requirement, restriction or prohibition issued under regulation 10 of these regulations.

The Rubber Controller may by notice in writing, requires such permit holder to refund as much of the subsidy which has been paid to him in respect of an area either forthwith or within such time as may be specified in the notice, and no permit holder on whom a notice is served under this regulation shall fail to comply with such notice.

12. The Rubber Controller may be writing under his hand, delegate to any officer of the Rubber Development Department any of the powers, duties or functions conferred or imposed upon or assigned to the Rubber Controller under these regulations except the power of delegation under these regulations.

13. Every person who —

- (a) contravenes the provisions of regulations 5, 6, 7, 8, 9, 10 or 11 of these regulations ; or
- (b) makes in any application, declaration or any statement under these regulations which he knows to be false in any material particular ; or
- (c) being an applicant for or the recipient of a subsidy furnishes any false information to the Rubber Controller.

shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate be liable to imprisonment of either description for a term not exceeding one year or a fine not exceeding hundred thousand rupees or to both such fine and imprisonment.

14. (1) Whenever any permit holder fails to repay the subsidy paid under these regulations such amounts shall be recovered as a fine imposed by a Court of Law.

(2) The submission of a certificate issued by the Rubber Controller to the effect that a person having obtain, one or more instalments of subsidy has failed to repay such subsidy and has abandoned a small holding or an estate shall be considered prime facie evidence in this regard of such fact.

15. Notwithstanding the provisions of the Rubber Replanting Subsidy Regulations 1977 published in the *Gazette* No. 258 of 23rd March 1977, as amended from time to time, the following instalments of subsidy payable on any New planting permits issued in the respect of the years 2005, 2006, 2007, 2008, 2009, 2010 and 2011 respectively, shall provided that, such instalments shall be paid only, if all the instalments due on such permits had not been paid at the time of the coming into operation of these regulations, be paid at the rates specified in the regulation 4, in the following manner :-

Estates and Small holdings exclusively under private ownership :-

- Year 2005 - the eight instalment in terms of regulation 4 (1) (h) of these regulations ;
- Year 2006 - from the seventh instalment onwards in terms of regulation 4 (1) (g) of these regulations ;
- Year 2007 - from the sixth instalment onwards in terms of regulation 4 (1) (f) of these regulations ;
- Year 2008 - from the fifth instalment onwards in terms of regulation 4 (1) (e) of these regulations ;
- Year 2009 - from the forth instalment onwards in terms of regulation 4 (1) (d) of these regulations ;
- Year 2010 - from the third instalment onwards in terms of regulation 4 (1) (c) of these regulations ;
- Year 2011 - from the first instalment onwards in terms of regulation 4 (1) (a) and (b) of these regulations ;

16. In these regulations :-

“proprietor” shall have the same meaning as in the Rubber Control Act (Chapter 436) ;

“estate” means an area of land which is not less than 4.04 hectares in extent and on which rubber plants are grown for the purpose of collecting latex there from ;

“new planting permits” means a permit issued under Section 7 (1) of the Rubber Control Act (Chapter 436) ; and

“smallholdings” means an area of land which is less than 4.04 hectares in extent and on which rubber plants are grown for the purpose of collecting latex therefrom ;

“Rubber Controller” means Rubber Controller appointed or deemed to have been appointed under the Rubber Control Act and includes the Director General of the Rubber Development Department.

L.D. B. - 51/53 (III)

THE RUBBER REPLANTING SUBSIDY ACT (CHAPTER 437)

REGULATIONS made by the Minister of Plantation Industries under Section 8 of the Rubber Replanting Subsidy Act (Chapter 437).

MAHINDA SAMARASINGHE,
Minister of Plantation Industries.

15th August 2012,
Colombo.

Regulations

1. These regulations may be cited as the Rubber Replanting (Plantation Companies) Subsidy Regulations No. 917/3 of 2012.

2. The Rubber Controller may upon an application made in that behalf in writing by any person who is a proprietor of an estate grant in accordance with the provisions of these regulations, a subsidy to that person from the Rubber Replanting Subsidy Fund established under Section 2 of the Rubber Replanting Subsidy Act (Chapter 437) (hereinafter referred to as "Act") for the purpose of replanting of rubber plants in such estate.

3. Every application for a subsidy under regulation 2 shall be made to the Rubber Controller substantially in such form as may from time to time be issued by him for such purpose.

4. (1) The amount of subsidy payable for replanting of rubber in any specified part of an estate which is exclusively of private ownership, on replanting permits issued in respect of the year 2011 or thereafter shall be rupees one hundred seventy five thousand (Rs. 175,000) for each hectare of the area to be replanted, and shall be paid in eight instalments in the following manner :-

- (a) the first instalment of rupees eight thousand (Rs. 8,000) for each hectare of the area to be replanted shall be paid after the eradication of the existing rubber trees and other vegetation in such area : an amount not exceeding fifty *per centum* (50%) of this amount may be paid as a part payment by the Rubber Controller to the proprietor of the estate on this being notified that the eradication of the existing rubber trees on such land has been completed ;
- (b) the second instalment of rupees forty three thousand (Rs. 43,000) for each hectare shall be paid after the completion of replanting ; an amount not exceeding fifty *per centum* (50%) of this amount may be paid as part payment by the Rubber Controller to the proprietor of the estate on this being notified that the replanting has been completed, if at the inspection following the replanting it is found that all requirements for payment of such instalment had not been fulfilled, payment shall be made in the following manner for those times of work satisfactorily completed :-

	<i>Per hectare Rs. C.</i>
1. Cutting of holes and planting of budded rubber plants	22,000.00
2. Soil Conservation (cutting of drains or construction of stone terraces of platforms, etc.,)	10,000.00
3. Planting of cover crop.	3,000.00
4. Fencing	8,000.00

The Payment of any balance amount shall be made only after the satisfactorily completion of the unattended work. Further, payment of the consequent installment shall be suspended, until such work is completed.

- (c) the third instalment of rupees fifteen thousand (Rs. 15,000) for each hectare shall be paid not earlier than one year after the completion of replanting ;
- (d) the fourth instalment of rupees twenty one thousand (Rs. 21,000) for each hectare shall be paid not earlier than two years after the completion of the replanting ;
- (e) the fifth instalment of rupees twenty one thousand (Rs. 21,000) for each hectare shall be paid not earlier than three years after the completion of the replanting ;
- (f) the sixth instalment of rupees twenty one thousand (Rs. 21,000) for each hectare shall be paid not earlier than four years after the completion of the replanting ;
- (g) the seventh instalment of rupees twenty two thousand (Rs. 22,000) for each hectare shall be paid not earlier than five years after the completion of the replanting ; and
- (h) The eighth instalment of rupees twenty four thousand (Rs. 24,000) for each hectare shall be paid :-
 - (i) earlier than six years after the completion of the replanting ; and
 - (ii) the above eighth instalment shall not be paid until the rain guard is applied on every rubber tree in the clearing which has reached the standard tappable girth ; and in rain guard shall be applied on such manner as recommended by the Rubber Research Institute of Sri Lanka where such tree have reached the standard tappable girth.

(i) and (ii) and are not be relevant to replanting under paragraph (b) of regulation 8 of these regulations.

(2) However, if the Rubber Controller is satisfied that the progress specified in sub-paragraph (c) to (h) of paragraph (1) of this regulation has been achieved prior to the periods specified therein he may at his discretion release the particular instalment at an earlier date.

(3) No instalment of subsidy shall be paid later than six years after the completion of replanting or after the commencement of tapping in such clearing. It is seven years according to the sub paragraph (b) of regulation 8 of these regulations. This regulation shall apply only in respect of replanting permits issued in the year 2011 or thereafter.

(4) Date on which trees were planted in field shall be considered as the date of replanting.

(5) In computing the amount of subsidy payable where the area to be replanted is or where such area includes a part which is less than one hectare, the rates specified in paragraph (1) of this regulation is applicable to that extent or part of the area shall apply in the proportion to that extent or part of the area bears to one hectare.

(6) An incentive payment amounting rupees seven thousand (Rs. 7,000) per hectare may be paid for re-planting estates which have a minimum 2/3 trees from the required number of trees per hectare at the end of the fifth year of replanting which have reached the minimum girth of fifty decimal point eight naught (50.80) centimeters in circumference at the height of one hundred and twenty one decimal point nine two (121.92) centimeters above the ground and on the receipt of a certificate from an officer authorized in writing in that behalf by the Rubber Controller to that effect.

(7) Any proprietor who is issued with a permit for replanting rubber on any land (hereinafter) referred to as the “permit holder”) shall open and maintain either a current account or a savings account in a branch of the Government Bank or any Private Commercial Bank for the purpose of effecting payment of instalments of subsidy and effecting either recoveries the instalment of subsidy payments.

5. (1) It shall be the duty of every permit holder to whom the first instalment of the subsidy has been paid under regulation 4 of these regulations in respect to comply with the direction, requirement, restriction and prohibition issued by the Rubber Controller under regulation 10 of these regulations and to maintain the replanted area in good agricultural condition.

(2) A permit holder to whom one or more instalments of subsidy are due under regulation 4 of these regulations in respect of an area for which a replanting permit has been issued, shall not sell or otherwise dispose of part or whole of such area without the written approval of the Rubber Controller.

6. (1) Where the first instalment of a subsidy has been paid to any permit holder under regulation 4 in respect of any area, such permit holder shall within one year of the date of payment of such instalment or within such further time as may be given by the Rubber Controller in that behalf.

- (a) complete the replanting of such area with rubber plants belonging to such variety or varieties approved by the Rubber Controller ;
 - (b) remove from such area, if required to do so by the Rubber Controller by notice in writing, all plants other than rubber plants and leguminous ground cover plants ;
 - (c) construct in such area such drains or terraces as the Rubber Controller may require by notice in writing ;
 - (d) plant leguminous ground cover crops in such area, or take such other measures as are required for the prevention of soil erosion in such area, as the Rubber Controller may require by notice in writing ; and
 - (e) construct, if requested to do so by the Rubber Controller by notice in writing a fence around such area.
- (2) (a) Where any such work specified in regulation 6 of these regulations have not been attend to by the proprietor, the Rubber Controller may employ such people and utilize required materials as he may consider necessary to complete such work.
- (b) The Rubber Controller shall deduct the expenses incurred in that connection from the subsidies payable to such proprietor.

7. Every permit holder to whom a subsidy or a portion thereof has been paid in respect of an extent of land shall ensure that the minimum number of rubber plants replanted in each hectare of that area shall conform to the following requirements :-

- (a) (i) be 516 plants per hectare at the time of replanting, planted with rubber clones which are of Rubber Research Institute of Sri Lanka (RRIC, RRISL) varieties of other highly yield bud rubber plants approved by the Rubber Controller ; and
 - (ii) be 516 plants per hectare at the end of the first and second year after replanting ;
 - (iii) be 475 plants per hectare at the end of the third and fourth year after replanting ;
 - (iv) be 450 plants for the next two consecutive years after replanting ;
 - (v) when it is in relation to paragraph (b) of regulation 8 of these regulations, it shall be 450 plants for the next three consecutive years after the replanting.
- (b) Budded rubber plants shall be planted at the distances specified below and with the specified number of plants :-
- (i) For RRIC, RRISL and other highly yield clones :

350 cm x 550 cm	-	516 per hectare
(11' 6" x 18')	-	(209 per acre)
430 cm x 450 cm	-	516 per hectare
(14' x 14' 9")	-	(209 per acre)

(ii) For intercropping with RRIC, RRISL and other highly yield clones :

250 cm x 775 cm	-	516 per hectare
(8' x 26")	-	(209 per acre)

(c) The Rubber Controller may authorize the planting at variable planting spaces other than those stipulated above taking into consideration the terrain of the land. Provided that the minimum space between plants shall conform to the numbers stipulated in sub paragraphs (i) and (ii) sub paragraph (b) of this regulation.

8. It shall be the duty of every permit holder to whom a subsidy or any portion thereof has been paid in respect of any area, to take such measures as may be necessary to ensure that, at a height of 121.92 centimeters above the ground, of the rubber plant in the minimum circumference of the rubber plants replanted in such area shall,

(a) where such area is situated in a district with an average annual rainfall of 254 centimeters and more, be as specified in Column I below ; and

<i>Column I</i>	<i>Centimeters</i>
At the end of the second year after replanting	10.16
At the end of the third year after replanting	15.87
At the end of the fourth year after replanting	25.40
At the end of the fifth year after replanting	31.75
Not later than at the end of the sixth year after replanting	50.80

(b) where such area is situated in a district with an average annual rainfall less than of 254 centimeters, be as specified in Column >> below :

<i>Column II</i>	<i>Centimeters</i>
At the end of the second year after replanting	10.16
At the end of the third year after replanting	13.97
At the end of the fourth year after replanting	22.86
At the end of the fifth year after replanting	27.94
Not later than at the end of the seventh year after replanting	50.80

9. No permit holder who is a recipient of a subsidy in full or any portion thereof in respect of any area, shall tap or caused to be tapped any rubber plant until at least sixty per centum of the rubber plants have reached a minimum girth of fifty decimal eight nought (50.80) centimeters at a height of One Hundred and Twenty One decimal Nine Two (121.92) when measured from the ground.

10. Where a subsidy is payable or has been paid under regulation 4 of these regulations to any permit holder, such permit holder shall, within such period of time as the Rubber Controller may, by notice specify in writing, comply with such direction, requirement or prohibition issued in writing by him as he deems necessary for the purpose of carrying out in a satisfactory manner the replanting of the rubber estate.

11. (1) Where the rubber Controller is of opinion :-

- (a) that any permit holder to whom a subsidy or any portion thereof has been paid has contravened the provision of regulations 5, 6, 7, 8 or 9 of the regulations ; or
- (b) that through neglect or want of diligent effort, on the part of any permit holder to whom a subsidy or any portion thereof has been paid, the rubber plants replanted in an area do not confirm to the requirements specified in regulation 8 of these regulations ; or
- (c) that any permit holder to whom any subsidy or portion thereof has been paid has failed to comply with any direction, requirement, restriction or prohibition issued under regulation 10 of these regulations.

(2) The Rubber Controller may by notice in writing, require such permit holder to refund the amount of the subsidy which has been paid to him in respect of an area either forthwith or within such time as may be specified in the notice, and no permit holder on whom notice is served under this regulation shall fail to comply with such notice.

12. The Rubber Controller may be writing under his hand, delegate to any officer of the Rubber Development Department any of the powers, duties or functions conferred or imposed upon or assigned to the Rubber Controller under these regulation except the power of delegation under these regulations.

13. Every person who —

- (a) contravenes the provisions of regulations 5, 6, 7, 8, 9, 10 or 11 of the regulations ; or
 - (b) makes any application, declaration or any statement under these regulations knowing it be false in any material particular ; or
 - (c) being an applicant for or the recipient of a subsidy furnishes any false information to the Rubber Controller,
- shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate be liable for a term of imprisonment of either description not exceeding one year or to a fine not exceeding Hundred Thousand rupees or to both such fine and imprisonment.

14. (1) Whenever any amounts of money paid under such a scheme by the Rubber Controller to any person by way of subsidy or other grants have not been repaid, such amounts shall be recovered as a fine imposed by a court of law.

(2) Certificate issued by the Rubber Controller to the effect that a person after having obtained, one or more instalments of subsidy has failed to repay such subsidy and has abandoned an estate shall be deemed to be *prima facie* for evidence of such fact.

15. Notwithstanding the provisions of the Rubber Replanting Subsidy Regulations 1953 published in the *Gazette* No. 10594 of 13th October 1953, as amended from time to time, the following instalments of subsidy payable on any replanting permits issued in the respect of the years 2005, 2006, 2007, 2008, 2009, 2010 and 2011 respectively, shall provided that, such instalments shall be paid only, if all the instalments due on such permits had not been paid at the time of the coming into operation of these regulations, be paid at the rates specified in the regulation 4, in the following manner :-

Estates exclusively under private ownership :-

- Year 2005 - the eight instalment in terms of regulation 4 (1) (h) of these regulations ;
- Year 2006 - from the seventh instalment onwards in terms of regulation 4 (1) (g) of these regulations ;
- Year 2007 - from the sixth instalment onwards in terms of regulation 4 (1) (f) of these regulations ;
- Year 2008 - from the fifth instalment onwards in terms of regulation 4 (1) (e) of these regulations ;
- Year 2009 - from the forth instalment onwards in terms of regulation 4 (1) (d) of these regulations ;
- Year 2010 - from the third instalment onwards in terms of regulation 4 (1) (c) of these regulations ;
- Year 2011 - from the first instalment onwards in terms of regulation 4 (1) (a) and (b) of these regulations ;

16. In these regulations :-

“proprietor” shall have the same meaning as in the Rubber Control Act (Chapter 436) ;

“estate” means an area of land which is not less than 4.04 hectares in extent and on which rubber plants are grown for the purpose of collection latex there from ;

“replanting permit” means a permit issued under Section 7 (1) of the Rubber Control Act ;

“smallholdings” means an area of land which is less than 4.04 hectares in extent and on which rubber plants are grown for the purpose of collecting latex therefrom (Chapter 436) ; and

“Rubber Controller” means Rubber Controller appointed or deemed to have been appointed under the Rubber Control Act and includes the Director General of the Rubber Development Department.

10-299/3

L.D.B. - 51/53 (III)

THE RUBBER REPLANTING SUBSIDY ACT (CHAPTER 437)

REGULATIONS made by the Minister of Plantation Industries under Section 8 of the Rubber Replanting Subsidy Act, (Chapter 437).

MAHINDA SAMARASINGHE,
Minister of Plantation Industries.

Colombo,
15th August 2012.

Regulations

1. These regulations may be cited as the Rubber Replanting (Multi Cropping Rubber with Tea) Subsidy Regulations No. 917/4 of 2012.

2. The Rubber Controller may upon an application made in that behalf in writing by any person who is a proprietor of an estate or a small holding grant in accordance with the provisions of these regulations, a subsidy to that person from the Rubber Replanting Subsidy Fund established under Section 2 of the Rubber Replanting Subsidy Act (Chapter 437) (hereinafter referred to as “Act”) for the purpose multi cropping rubber with tea in such estate or small holding.

3. Every application for a subsidy under regulation 2 shall be made to the Rubber Controller substantially in such form as may from time to time be issued by him for such purpose.

4. (1) The amount subsidy payable for multi cropping rubber with tea in any specified part of an estate or a small holding which is exclusively of private ownership, on a replanting permits, issued by the Rubber Controller in respect of year 2011 or thereafter, shall be rupees One Hundred Twenty Two Thousand and Five Hundred (Rs. 122,500) and shall be paid in eight instalments in the following manner :-

- (a) (i) The first instalment of rupees Five Thousand Six Hundred (Rs. 5,600) for each hectare of the area to be planted shall be paid after the eradication of the existing vegetation in such are and digging of holes for planting of rubber. The instalment shall not be paid before the digging of holes ; or

- (ii) The first instalment of Rupees Five Thousand Six Hundred (Rs. 5,600) for each hectare of the area to be replanted shall be paid after eradication of the existing rubber trees and other vegetation in such area :
A. amount not exceeding fifty *per centum* (50%) of this amount may be paid as a part payment by the Rubber Controller to the proprietor of the estate or the small holding of the completion of the eradication of the existing rubber trees or other respectively ;

- (b) The second instalment of rupees thirty thousand one hundred (Rs. 30,100) for each hectare shall be paid after the completion of planting : an amount not exceeding fifty *per centum* (50%) of this amount may be paid as part payment by the Rubber Controller to the proprietor of the estate or small holding, on this being notified that the replanting has been completed : if at the inspection following the replanting it is found that all requirements for payment of such instalment had not been fulfilled the, payment shall be made in the following manner only for those items of work satisfactorily completed :-

	<i>Per hectare Rs. C.</i>
1. Digging of holes and planting of budded plants	15,400.00
2. Soil Conservation (digging of drains or construction of stone terraces of platforms, etc.,)	7,000.00
3. Fencing	2,100.00

Payment of any balance amount shall be made only after the satisfactorily completion of the unattended work. Further, payment of remaining parts of the installment shall be suspended, until such work is completed.

- (c) The third instalment of Rupees Ten Thousand Five Hundred (Rs. 10,500) for each hectare shall be paid not earlier than one year after the completion of the replanting ;
- (d) The fourth instalment of Rupees Fourteen Thousand Seven Hundred (Rs. 14,700) for each hectare shall be paid not earlier than two years after the completion of the replanting ;
- (e) The fifth instalment of Rupees Fourteen Thousand Seven Hundred (Rs. 14,700) for each hectare shall be paid not earlier than three years after the completion of the replanting ;
- (f) The sixth instalment of Rupees Fourteen Thousand Seven Hundred (Rs. 14,700) for each hectare shall be paid not earlier than four years after the completion of the replanting ;
- (g) The seventh instalment of Rupees Fifteen Thousand Four Hundred (Rs. 15,400) for each hectare shall be paid not earlier than five years after the completion of the replanting ; and
- (h) The eighth instalment of Rupees Sixteen Thousand Eight Hundred (Rs. 16,800) for each hectare shall be paid :-
- (i) earlier than six years after the completion of the replanting ; and
- (ii) the above eighth instalment shall not be paid until the rain guard is applied on every rubber tree in the clearing which has reached the standard tappable girth ; and in rain guard shall be applied on such manner as recommended by the Rubber Research Institute of Sri Lanka where such tree have reached the standard tappable girth.

(i) and (ii) are shall not be relevant to planting under sub paragraph (b) of regulation 8 of these regulations.

(2) However, if the Rubber Controller is satisfied that the progress specified in sub-paragraphs (c) to (h) of paragraph (1) of this regulation has been achieved prior to the periods specified therein he may at his discretion release the particular instalment at an earlier date.

(3) No instalment of subsidy shall be paid later than six years after the completion of planting or after the commencement of tapping in such clearing. It is seven years according to the sub paragraph (b) of regulation 8 of these regulations. This regulation shall apply only in respect of planting permits issued in the year 2011 or thereafter.

(4) Date on which trees were planted in field shall be considered as the date of planting.

(5) In computing the amount of subsidy payable in any case where the area to be planted is less than One hectare in extent or where such area includes a part which is less than One hectare, the rates specified in paragraph (1) of this regulation is applicable to that extent or part of the area shall apply in the proportion to that extent or part of the area bears to one hectare.

(6) An incentive payment amounting Rupees Four Thousand Nine Hundred (Rs. 4,900) per hectares may be paid for planting estates or small holdings which have a minimum 2/3 trees from the required number of trees per hectare at the end of the fifth year of planting which have reached the minimum girth of fifty decimal eight naught (50.80) centimeters in circumference at the height of one hundred and twenty-one decimal point nine two (121.92) centimeters above the ground and on the receipt of a certificate from an officer authorized in writing in that behalf by the Rubber Controller to that effect.

(7) Any proprietor who is issued with a permit for planting rubber on any land (hereinafter referred to as the "permit holder") shall open and maintain either a current account or a savings account in a branch of the State Bank or any Private Commercial Bank for the purpose of effecting payment of instalments of subsidy and effecting recoveries from the instalment of subsidy payments.

(8) The instalment of subsidy which fall due in respect of planting of rubber and tea shall be paid only on the successful maintenance of both crops.

5. (1) It shall be the duty of every permit holder to whom the first instalment of the subsidy has been paid under regulation 4 of these regulations in respect to comply with any direction, requirement, restriction and prohibition issued by the Rubber Controller under regulation 10 of these regulations and to maintain the planted area in good agricultural condition.

(2) A permit holder to whom one or more instalments of subsidy are due under regulation 4 of these regulations in respect of an area for which a replanting permit has been issued, shall not sell or otherwise dispose of part or whole of the area without the written approval of the Rubber Controller.

6. (1) Where the first instalment of a subsidy has been paid to any permit holder under regulation 4 in respect of any area, for replanting such permit holder shall within one year of the date of payment of such instalment or within such further time as may be given by the Rubber Controller in that behalf :-

- (a) Complete the planting of such area with rubber plants belonging to such variety approved by the Rubber Controller ;
- (b) Remove from such area, if required to do so by the Rubber Controller by notice in writing, all plants other than rubber plants and tea plants ;
- (c) Construct in such area such drains or terraces as the Rubber Controller may require by notice in writing ;
- (d) Take such other measures for the prevention of soil erosion in such area, as the Rubber Controller may require by notice in writing ; and
- (e) Construct, if requested so to do by the Rubber Controller by notice in writing a fence around such area.

(2)(a) Where any such work specified in regulation (6) of these regulations has not been attended to by the proprietor, the Rubber Controller may employ people and utilize the required materials as he may consider necessary to complete such items of work.

- (b) The Rubber Controller shall deduct the expenses incurred in that connection from the subsidies payable to such proprietor.

7. Every permit holder to whom a subsidy or a portion thereof has been paid in respect of an extent of land shall ensure that the minimum number of rubber plants replanted in each hectare of that area shall conform to the following requirements :-

- (a) (i) be 360 plants per hectare at the time of replanting, planted with rubber clones which are of Rubber Research Institute of Sri Lanka (RRIC, RRISL) varieties of other highly yield bud rubber plants approved by the Rubber Controller ;
- (ii) be 360 plants per hectare at the end of the first year and second year after replanting ;
- (iii) be 320 plants per hectare at the end of the third year and fourth year after replanting ;
- (iv) be 300 plants for the next two consecutive years after replanting ;
- (v) when it is in relation to paragraph (b) of regulation 8 of these regulations, it shall be 300 plants for the next three consecutive years after the replanting.
- (b) Budded rubber plants shall be planted at the distances specified below and with the specified number of plants :-

For intercropping with tea, with RRIC, RRISL and other high yielding Rubber clones :

<i>Distance</i>	<i>Plants</i>
(a) 244 cm x 1,220 cm (8' x 40')	- 360 per hectare - (145 per acre)
(b) 274.5 cm x 274.5 cm Rubber dual rows x 1,830 cm (9' x 9' x 60')	- 325 per hectare - (130 per acre)

- (c) the Rubber Controller may authorize the replanting at variable planting spaces other than those stipulated above taking into consideration the terrain of the land. Provided that the minimum space between plants shall conform to the numbers stipulated in sub paragraphs (i) and (ii) of sub paragraph (b) of this regulation.

8. It shall be the duty of every permit holder to whom a subsidy or any portion thereof has been paid in respect of any area, to take such measures as may be necessary to ensure that, at a height of 121.92 centimeters above the ground, of the rubber plant in the minimum circumference of the rubber plants replanted in such area shall,

- (a) where such area situated is in a district with an average annual rainfall of 254 centimeters and more, be as specified in Column I below ; and

<i>Column >></i>	<i>Centimeters</i>
At the end of the second year after replanting	10.16
At the end of the third year after replanting	15.87
At the end of the fourth year after replanting	25.40
At the end of the fifth year after replanting	31.75
Not later than at the end of the sixth year after replanting	50.80

- (b) where such area is situated in a district with an average annual rainfall of less than of 254 centimeters, be as specified in Column >> below :

<i>Column >></i>	<i>Centimeters</i>
At the end of the second year after replanting	10.16
At the end of the third year after replanting	13.97
At the end of the fourth year after replanting	22.86
At the end of the fifth year after replanting	27.94
Not later than at the end of the seventh year after replanting	50.80

9. No permit holder who is a recipient of subsidy in full or any portion thereof in respect of any area, shall tap or caused to be tapped any rubber plant until at least sixty *per centum* of the rubber plants have reached a minimum girth of fifty decimal eight nought (50.80) centimeters at a height of One Hundred and Twenty-one decimal Nine-two (121.02) centimeters (121.92) measured from the ground.

10. Where a subsidy is payable or has been paid under regulation 4 of these regulations to any permit holder, such permit holder shall, within such period of time as the Rubber Controller may, by notice specify in writing, comply with such direction, requirement or prohibition issued in writing by him as he deems necessary for the purpose of carrying out in a satisfactory manner the planting of the rubber estate or small holding.

11. (1) Where the Rubber Controller is of opinion :-

- (a) that any permit holder to whom a subsidy or any portion thereof has been paid has contravened the provisions of regulations 5, 6, 7, 8 or 9 of these regulations ; or
- (b) that through neglect or want of diligent effort, on the part of any permit holder to whom a subsidy or any portion thereof has been paid, the rubber plants replanted in an area do not confirm to the requirements specified in regulation 8 of these regulations ; or
- (c) that any permit holder to whom any subsidy or portion thereof has been paid has failed to comply with any direction, requirement, restriction or prohibition issued under regulation 10 of these regulations.

(2) The Rubber Controller may by notice in writing, require such permit holder to refund as much of the subsidy which has been paid to him in respect of an area either forthwith or within such time as may be specified in the notice, and no permit holder on whom a notice is served under this regulation shall fail to comply with such notice.

12. The Rubber Controller may by writing under his hand, delegate to any officer of the Rubber Development Department any of the powers, duties or functions conferred or imposed upon or assigned to the Rubber Controller under these regulations except the power of delegation under these regulations.

13. Every person who —

- (a) contravenes the provisions of regulations 5, 6, 7, 8, 9, 10 or 11 of these regulations ; or
- (b) makes in any application, declaration or any statement under these regulations which he knows to be false in any material particular ; or
- (c) who is an applicant for or the receiver of a subsidy furnishes any false information to the Rubber Controller,

shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate be liable for a term imprisonment of either description not exceeding one year or to a fine not exceeding hundred thousand rupees or to both such fine and imprisonment.

14. (1) Whenever any permit holder fails to repay the subsidy paid under these regulations such amounts shall be recovered as a fine imposed by a court of law.

(2) Certificate issued by the Rubber Controller to the effect that a person after having obtain, one or more instalments of subsidy has failed to repay such subsidy and has abandoned a small holding or an estate shall be deemed to be *prima facie* evidence of such fact.

15. Notwithstanding the provision of the Rubber Replanting Subsidy Regulations 1953 published in the *Gazette* No. 10,594 of 13th October 1953, as amended from time to time, the following instalments of subsidy payable on any replanting permits issued in the respect of the years 2005, 2006, 2007, 2008, 2009, 2010 and 2011 respectively, shall provided that, such instalments shall be paid only, if all the instalments due on such permits had not been paid at the time of the coming into operation of these regulations, be paid at the rate specified in the regulation 4, in the following manner :-

Estates and Small holdings exclusively under private ownership :-

- Year 2005 - the eight instalment in terms of regulation 4 (1) (h) of these regulations ;
- Year 2006 - from the seventh instalment onwards in terms of regulation 4 (1) (g) of these regulations ;
- Year 2007 - from the sixth instalment onwards in terms of regulation 4 (1) (f) of these regulations ;
- Year 2008 - from the fifth instalment onwards in terms of regulation 4 (1) (e) of these regulations ;
- Year 2009 - from the forth instalment onwards in terms of regulation 4 (1) (d) of these regulations ;
- Year 2010 - from the third instalment onwards in terms of regulation 4 (1) (c) of these regulations ;
- Year 2011 - from the first instalment onwards in terms of regulation 4 (1) (a) and (b) of these regulations ;

16. In these regulations :-

“proprietor” shall have the same meaning as in the Rubber Control Act (Chapter 436) ;

“estate” means an area of land which is not less than 4.04 hectares in extent and on which rubber plants are grown for the purpose of collection latex therefrom ;

“replanting permit” means a permit issued under Section 7 (1) of the Rubber Control Act (Chapter 436) ; and

“smallholding” means an area of land which is less than 4.04 hectares in extent and on which rubber plants are grown for the purpose of collection latex therefrom ;

“Rubber Controller” means Rubber Controller appointed or deemed to have been appointed under the Rubber Control Act and includes the Director General of the Rubber Development Department.