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EXTRAORDINARY

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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.

Ministry of Plantation Industries,
Colombo 01,
15th August, 2012.

Regulations

1. These Regulations may be cited as the Rubber New Planting Subsidy Regulations (Small Holder Plantations Entrepreneurship Development Programme – Rubber Planting Project - Non Traditional Area) No. 05 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 smallholding, grant in accordance with the provisions of these Regulations, a subsidy to that person from the funds available for a loan (No. 712 LK) given by International Fund for Agriculture Development to Small holder Plantations Entrepreneurship Development Programme for the purpose of planting of rubber plants in such estate or small holding for the first time.

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

4. (1) The amount of subsidy payable for planting with rubber for the first time wholly or on any specified part of an estate or a smallholding 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 One Hundred and Fifty Thousand (1,50,000/-) for each Hectare of the area to be newly planted and shall be paid in six installments in the following manner :—

- (a) The first installment of the Rupees Fourteen Thousand Eight Hundred (14,800/-) for each Hectare to be planted shall be paid after the eradication of the existing vegetation in such area and cutting of holes for planting of rubber. The installment shall not be paid before the cutting of holes ;

- (b) The Second installment of Rupees Seventy Five Thousand (75,000/-) for each Hectare shall be paid after the completion of planting. Not exceeding 50% of this amount may be paid as part payment with the first installment to the proprietor of the estate or small holding by the Rubber Controller on intimation of completion of planting. If at the inspection following the planting, it is found that all requirements for payment of this installment had not been fulfilled payment shall be made in the following manner for those items of work satisfactorily completed :-

	<i>Per Hectare Rupees</i>
Cutting of holes and planting of Budded plants	37,500.00
Soil Conservation (cutting of drains or construction of stone terraces or platforms, etc.,)	22,700.00
Establishment of cover crop	3,000.00
Fencing	11,800.00

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

- (c) the third installment of Rupees Fifteen Thousand (15,000/-) for each Hectare shall be paid not earlier than one year after the completion of the planting ;
- (d) the fourth installment of Rupees Fifteen Thousand (15,000/-) for each Hectare shall be paid not earlier than two years after the completion of the planting ;
- (e) the fifth installment of Rupees Fifteen Thousand (15,000/-) for each Hectare shall be paid not earlier than three years after the completion of the planting ; and
- (f) the sixth installment of Rupees Fifteen Thousand Two Hundred (15,000/-) for each hectare shall be paid not earlier than four years after the completion of the planting.

(2) However, if the Rubber Controller is satisfied that a clearing reaches the minimum required standard earlier than the period specified in sub - paragraphs (c) to (f) of paragraph (1) of this Regulation, he may, at his discretion release the particular installment at an earlier date.

(3) No subsidy installment shall be paid later than seven years after the completion of planting or after the commencement of tapping in such clearing. This Regulation shall take effect for the planting permits issued in the year 2011 or thereafter.

(4) The date on which planting materials are planted in field is deemed to be the planted date.

(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 as is applicable to that extent or part of the area shall apply in the proportion that the extent or part of the area bears to one hectare.

(6) 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 Saving Account in a Branch of a State Bank or any Licensed Commercial Bank. All the payments of subsidy shall be paid into such Account and if recovery has to be made in respect of any subsidy payments, such recovery shall be made out of such account.

5. (1) It shall be the duty of every Permit Holder to whom the first installment of the subsidy has been paid under Regulation 4 of these Regulations in respect to comply with the directions, requirements, restrictions and prohibitions issued by the Rubber Controller under Regulation 10 of these Regulation and to maintain the planted area in good agricultural condition.

(2) Any Permit Holder to whom one or more installments of subsidy are yet to be paid under Regulation 4 in respect an area for which a new planting permit has been issued, he or she 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 of rubber, shall within one year from the date of the payment of the first installment or within such further time as may be given by the Rubber Controller –

- (a) eradicate the existing vegetation and clear the area to be planted ;
- (b) complete the planting of such area with rubber plants belonging to any variety or varieties approved by the Rubber Controller ;
- (c) 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 ;
- (d) construct in such area such drains or terraces as the Rubber Controller may require by notice in writing;
- (e) plant leguminous ground cover crops in such area, or take such other measures for the prevention of soil erosion in such area as the Rubber Controller may require by notice in writing ; and
- (f) construct, if requested so to do by the Rubber Controller by notice in writing a fence around such area.

(2) Where such items of work specified in Paragraph (1) of this Regulation have not been attended to by the proprietor, the Rubber Controller may employ suitable persons and instruments to attend such work in such manner and using such materials as approved by him.

(3) All expenses incurred by the Rubber Controller in executing the item of work by employing suitable persons shall be recovered out of this subsidy payment payable to such proprietor.

7. (1) Every Permit Holder to whom a subsidy or a portion thereof has been paid in respect of an area shall ensure that –

- (a) the minimum number of rubber plants planted in each hectare of that area shall where such Permit Holder uses rubber clones (RRIC, RRISL) approved by Rubber Research Institute of Sri Lanka and other high yielding clones of budded rubber plants –
 - (i) be 516 per Hectare at the time of planting ;
 - (ii) be 516 per Hectare at the end of the first and second years ;
 - (iii) be 475 per Hectare at the end of third and fourth years after completion of planting ; and
 - (iv) be 450 per Hectare at the end of each of the succeeding two years or three years in relation to the plant referred to in sub-paragraph (b) of Regulation 8.

(b) planting of budded plants shall be done at the distances specified below –

(i) RRIC, RRISL series and other high yield clones :

350 cm x 550 cm	-	516 per Hectare
	-	(209 per Acre)

430 cm x 450 cm	-	516 per Hectare
	-	(209 per Acre)

(ii) for intercropping with RRIC, RRISL series and other highly yield Clones :

250 cm x 775 cm	-	516 per Hectare
	-	(209 per Acre):

Provided that the Rubber Controller may authorize the planting at variable distances depending on the terrain of the land, but the number of rubber plants shall not be less than that stipulated in sub-paragraph (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, the minimum circumference of the rubber plants planted 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
- (b) Where such area is situated in a District with an average annual rainfall less than of 254 centimeters be as specified in Column II below.

<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

<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 sixth year after new planting	50.80

9. 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, the rubber plants shall not be tapped until at least sixty *per centum* of the rubber plants have reached a minimum girth of 50.80 centimeters at a height of 121.92 centimeters as measured from the ground.

10. Where a subsidy is payable or has been paid under Regulation 4 to any Permit Holder, such permit holder shall, within such period of time as the Rubber Controller may be notice specify in writing, comply with such directons, requirements or prohibitions issued in writing by the Rubber Controller as he deems necessary for the purpose of carrying out in a satisfactory manner the planting 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 planted in an area do not conform 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 directions, requirements, restrictions or prohibitions 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 as has been paid to him in respect of and 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 assign 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 ; or
- (b) makes in any application or declaration under these regulations any statement which he knows to be false in any material particular ; or
- (c) has been 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 by a magistrate, be liable to a fine not exceeding Hundred Thousand Rupees or to an imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

14. Whenever any amounts of money paid under such a scheme by the Rubber Controller to any person by way of subsidies, plants, fertilizer or other grants have not been repaid, such amounts shall be recovered as a fine imposed by a court of law : the submission of a certificate issued by the Rubber Controller to the effect that a person having obtain one or more installments of subsidy has failed to re-pay such subsidy and has abandoned a small holding or an estate shall be considered sufficient evidence in this regard.

15. Notwithstanding the provisions of the Rubber Replanting Subsidy (New Scheme) Regulations published in the *Gazette Extraordinary* No. 258 of 23rd March, 1977 as amended from the time to time, the following installments of subsidy payable on any New planting permits issued in the respect of the years 2008, 2009, 2010 and 2011 respectively be paid at the rates specified in the Regulation 4 in the following manner. However, such installments shall be paid only if all the installments due on such permits had not been paid at the time of the coming into operation of these Regulations.

Estates and Small holdings exclusively under private ownership –

- Year 2008 - from the fifth installment onwards in terms of Regulation 4(1) (e) of these Regulations ;
- Year 2009 - from the fourth installment onwards in terms of Regulation 4(1) (d) of these Regulations ;
- Year 2010 - from the third installment onwards in terms of Regulation 4(1) (c) of these Regulations ;
- Year 2011 - from the first installment onwards in terms of Regulation 4(1) (a),(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 ;
- “new planting permits” means permits 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 there from.
- “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;

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