



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**TEA AND RUBBER ESTATES (CONTROL OF
FRAGMENTATION) (AMENDMENT)
ACT, No. 20 OF 2005**

[Certified on 22nd July, 2005]

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Tea and Rubber Estates (Control of Fragmentation)
(Amendment) Act, No. 20 of 2005

[Certified on 22nd July, 2005]

L. D. — O. 28/2004

AN ACT TO AMEND THE TEA AND RUBBER ESTATES (CONTROL OF
FRAGMENTATION) ACT, NO. 2 OF 1958

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :-

1. This Act may be cited as the Tea and Rubber Estates (Control of Fragmentation) (Amendment) Act, No. 20 of 2005. Short title.
2. The long title of the Tea and Rubber Estates (Control of Fragmentation) Act, No. 2 of 1958 (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the words “Tea and Rubber Estates”, of the words Tea, Rubber and Coconut Estates”. Amendment of the long title of Act, No. 2 of 1958.
3. (1) In the principal enactment and in any other written law, there shall be substituted—
 - (a) for the words “Tea and Rubber Estates (Control of Fragmentation) Act”, of the words “Tea, Rubber and Coconut Estates (Control of Fragmentation) Act”; “Tea and Rubber Estates (Control of Fragmentation) Act” and “Tea and Rubber (Control of Fragmentation) Board” to be referred to as “Tea, Rubber and Coconut (Control of Fragmentation) Act” and “Tea, Rubber and Coconut (Control of Fragmentation) Board” respectively.
 - (b) for the words “Tea and Rubber Estates (Control of Fragmentation) Board”, of the words “Tea, Rubber and Coconut Estates (Control of Fragmentation) Board” ; and
 - (c) for the words “tea or rubber estate”, of the words “tea, rubber or coconut estates”.
- (2) Every reference to “Tea and Rubber Estates (Control of Fragmentation) Act” and “Tea and Rubber Estates (Control of Fragmentation) Board” in any notice, notification, contract, communication, form or other document shall be read and construed as a reference respectively to “Tea, Rubber and Coconut Estates (Control of Fragmentation) Act” and to “Tea, Rubber and Coconut (Control of Fragmentation) Board”.

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Amendment of
section 9 of the
principal
enactment.

4. Section 9 of the principal enactment is hereby amended as follows :—

- (1) by the addition immediately after subsection (2) of that section of the following new subsection—

“(3) Notwithstanding anything to the contrary in the Coconut Development Act, No. 46 of 1971, an estate of not less than one hundred hectares in extent or a small holding constituted by the division of a coconut estate into lots shall not be registered under such Act unless such division has been made in consequence of a transfer of ownership or a partition of such coconut estate with the prior consent of the Board and accordance with the conditions, if any, subject to which such consent has been granted.

In this subsection “small holding” means any coconut small holding registered or deemed to have been registered under the provisions of the Coconut Development Act, No. 46 of 1971.”; and

- (2) in the marginal note to that section, by the substitution for the words “and the Rubber Control Act.” of the words “the Rubber Control Act and the Coconut Development Act.”.

Amendment of
section 10 of the
principal
enactment.

5. Section 10 of the principal enactment is hereby amended as follows :—

- (1) in subsection (1) of that section, by the repeal of paragraphs (a), (b), (c), (d), (e) and (f) of that subsection, and the substitution therefor, of the following paragraphs :—

“(a) the Director-General of the Rubber Development Department ;

(b) the Director-General of the Department of Agriculture ;

- (c) the Tea Commissioner appointed under section 9 of the Sri Lanka Tea Board Law, No. 14 of 1975;
 - (d) the Chairman of the Coconut Cultivation Board established under section 2 of the Coconut Development Act, No. 46 of 1971 ;
 - (e) the Chairman of the Urban Development Authority nominated under section 4 of the Urban Development Law, No. 41 of 1978;
 - (f) the Chairman of the National Housing Development Authority appointed under section 3 of the National Housing Development Authority Act, No. 17 of 1979;
 - (g) an officer of the Ministry of the Minister in charge of the subject of Plantation Industries, nominated by such Minister ;
 - (h) an officer of the Ministry of the Minister in charge of the subject of Finance, nominated by the Secretary to that Ministry ; and
 - (i) three other persons appointed by the Minister (in this section referred to as “appointed members”) to represent the interest of tea, rubber and coconut plantations”; and
- (2) in subsections (3), (4) and (5) of that section, by the substitution for the words “unofficial member” wherever those words appear in that section, of the words “appointed member”.

6. Section 16 of the principal enactment is hereby amended as follows :—

Amendment of
section 16 of the
principal
enactment.

- (a) by the substitution in paragraph (a) of that section for the words “tea estate, and” of the words “tea estate ;”;

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- (b) by the substitution in paragraph (b) of that section for the words “a rubber estate,” of the words “a rubber estate, and ” ; and
- (c) by the insertion immediately after paragraph (b) of that section of the following new paragraph :—

“(c) with the concurrence of the Coconut Cultivation Board established under section 2 of the Coconut Development Act, No. 46 of 1971, engage any officer of the Coconut Cultivation Board for the purpose of investigating or reporting on any matter connected with any such application made to the Board as relates to a coconut estate,”.

Insertion of new section 12A and 12B in the principal enactment.

7. The following new sections are hereby inserted immediately after section 12 of the principal enactment and shall have effect as section 12A and section 12B of that enactment :—

“Establishment of a Fund.

12A. (1) There shall be established for the purposes of this Act a Fund, consisting of money's contributed to such Fund under subsection (2) of this section, which shall be administered by the Board.

(2) Notwithstanding anything to the contrary in the Rubber Control Act (Chapter 436), Coconut Development Act, No. 46 of 1971 and the Sri Lanka Tea Board Law, No. 14 of 1975, the Rubber Controller, the Coconut Development Authority and the Sri Lanka Tea Board respectively, shall contribute annually towards the Fund established under subsection (1), such sum of money as shall be determined from time to time by the Minister in consultation with the Minister in charge of the subject of Finance.

(3) The moneys lying to the credit of the Fund shall be utilized for purpose of meeting all expenses incurred by the Board in the carrying out of its duties under this Act, including the payment of remuneration to the appointed members of the Board.

Audit of
Accounts of
the Fund.

12B. (1) The Board shall, in respect of each calendar year, cause proper books of accounts to be kept of the income and expenditure of the Fund and cause annual statement of accounts to be prepared in such form and containing such particulars as may be prescribed.

(2) The accounts prepared by the Board under subsection (1) shall be submitted to the Auditor-General for purpose of audit, before the lapse of three months from the end of each Calendar year.”.

8. Section 17 of the principal enactment is hereby amended as follows :—

Amendment of
section 17 of the
principal
enactment.

(1) in subsection (1) of that section —

- (a) by the substitution in paragraph (a) of that subsection for all the words from “from the moneys of the Tea Control Fund” to the end of that paragraph, of the words “from the Capital Fund notwithstanding anything to the contrary in the Sri Lanka Tea Board Law, No. 14 of 1975,”;
- (b) by the substitution in paragraph (b) of that subsection for the words “Rubber Control Act, and”, of the words “Rubber Control Act;”;
- (c) by the insertion immediately after paragraph (b) of that subsection, of the following new paragraph :—

“(bb) where such meeting, investigation or report is concerned with an application made to the Board relating solely to a

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coconut estate, be defrayed from the moneys of the Coconut Development Authority notwithstanding anything to the contrary in the Coconut Development Act, No. 46 of 1971, and”;

- (d) by the substitution for paragraph (c) of that subsection, of the following paragraph :—

“(c) where such meeting, investigation or report is concerned with an application made to the Board relating jointly to a tea, a rubber and a coconut estate or relating partly to one and partly to another of such estates, be defrayed from the moneys lying to the credit of the Fund established by section 12A of this Act.”, and”.

- (2) by the repeal of subsection (2) of that section and the substitution therefor, of the following subsection :—

“(2) The emoluments of the Secretary and other officers and servants appointed by the Board shall be paid out of the Fund established by section 12A of this Act.”.

Insertion of new section 23A of the principal enactment.

9. The following new section is hereby inserted immediately after section 23 of the principal enactment, and shall have effect as section 23A of that enactment :—

“Prohibition of approval of blocking out plans by certain officers of local authorities without a certificate from the Board.

23A. (1) No officer of a local authority shall approve a blocking out plan of any land which is a tea estate, a rubber estate or a coconut estate, as the case may be, within the meaning of the Act, unless a certificate of consent under section 14 of the Act has been issued by the Board relating to such estate.

(2) Any officer of a local authority who acts in contravention of the provisions of subsection (1), shall be guilty of an offence under this Act

and shall on conviction after summary trial before a Magistrate, be liable to a term of imprisonment of not exceeding one year or a fine not exceeding one hundred thousand rupees or to both such imprisonment and fine.

(3) Any approval granted in respect of a blocking out plan in contravention of subsection (1) shall be null and void and shall have no legal validity whatsoever.”.

10. Section 25 of the principal enactment is hereby amended as follows :—

Amendment of
section 25 of the
principal
enactment.

- (a) by the insertion immediately before the definition of the expression “partition action” of the following definitions :—

‘ “coconut estate” means a coconut estate of not less than four hectares in extent which, under the Coconut Development Act, No. 46 of 1971, is or is deemed to be an estate registered under that Act ;

“local authority” means any Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha;’;

- (b) in the definition of the expression “rubber estate”, by the substitution for the words “forty hectares”, of the words “twenty hectares” ; and
- (c) in the definition of the expression “tea estate”, by the substitution for the words “forty hectares”, of the words “twenty hectares”.

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Sinhala text to prevail in case of inconsistency.

11. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Existing Board to continue until the constitution of new Board.

12. Notwithstanding anything to the contrary in the principal enactment, the members of the Tea and Rubber Estates (Control of Fragmentation) Board holding office immediately prior to the date of commencement of this Act, shall continue to hold such office so long and so long only until the constitution of the Board under subsection (1) of section 10 of the principal enactment as amended by section 5 of this Act.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, No. 32, TRANSWORKS HOUSE, LOTUS ROAD, COLOMBO 01 before 15th December each year in respect of the year following.