

CHAPTER 191

MANUFACTURE OF MATCHES (REGULATION)

Act
No. 6 of 1963.

AN ACT TO MAKE PROVISION FOR THE REGULATION AND CONTROL OF THE
MANUFACTURE: AND SAIF OF MATCHES.

[1st December, 1963.]

- Short title. **1.** This Act may be cited as the Manufacture of Matches (Regulation) Act.
- Compulsory use of banderols. **2.** No person shall sell or offer for sale any matches manufactured in Sri Lanka unless such matches are contained in boxes and unless there is securely affixed to every box of matches so sold or offered for sale a banderol issued by and purchased from the Director.
- Manufacturer's duties regarding banderols, &c- **3.** (1) Every manufacturer of matches shall cause a banderol issued by and purchased from the Director to be affixed to each box containing matches manufactured by him in such a manner as to prevent the box being opened in the ordinary way without first breaking the banderol.
- (2) Regulations may be made in respect of the issue and sale, by the Director, of banderols.
- (3) The Minister may from time to time by notification published in the Gazette determine the price to be paid for the banderols issued by the Director.
- Standards of matches to be determined. **4.** (1) The Minister may from time to time, by notification published in the Gazette, determine the standards to which every manufacture of matches shall conform in respect of matches, splints, veneers and boxes.
- (2) No manufacturer of matches shall sell or offer for sale matches, splints, veneers or boxes which do not conform to the standards determined under subsection (1).
- Maximum prices. **5.** (1) The Minister may from time to time by notification published in the Gazette determine the maximum price in respect of matches manufactured in Sri Lanka.
- (2) No person shall sell or offer for sale any matches at a price in excess of the price so determined by the Minister.
- 6.** (1) The Director may by notice in writing call upon any person engaged or suspected to be engaged in the manufacture, import or supply of matches, splints, veneers or boxes to furnish before a specified date such information as may be required for the purposes of this Act. Obligation to furnish information.
- (2) Without prejudice to the generality of the powers conferred by subsection (1), information may be called for in respect of all or any of the following matters :—
- (a) the actual or potential output of any manufactory in Sri Lanka at which matches, splints, veneers or boxes are manufactured;
 - (b) the quantities of such articles kept in stock or stored in any manufactory or other place or premises;
 - (c) the cost of manufacture in Sri Lanka of any such articles and the prices at which and the quantities in which such articles are sold, imported or supplied.
- 7.** The Director or any person authorized by him in writing may, at any reasonable time during the day, enter any manufactory, store, godown, shed, land or premises for the purpose of—
- (a) inspecting, examining or taking an account or stock of any matches, splints, veneers or boxes,
 - (b) verifying any information furnished under this Act. Inspection of manufactories, &c.

Regulations as to the manufacture of matches.

8. Regulations may be made in respect of the maximum or minimum annual output of matches which any one manufacturer is permitted to produce.

Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Regulations.

9. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act, and in respect of any matter for which regulations are authorized by this Act to be made. Such regulations may provide for the safety, health, wages and conditions of labour of persons employed in the manufacture of matches.

(2) In any proceedings in which it is in question whether or not there has been conformity with the standards determined under section 4 in respect of any matches, splints, veneers or boxes, a certificate on behalf of any institute or from a person, approved in writing by the Minister, to the effect that there has been no such conformity shall be received in all courts of law as conclusive evidence of the lack of such conformity in respect of such matches, splints, veneers or boxes.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) The person who issues a certificate under subsection (2) shall not be examined or cross-examined in any court of law with respect to such certificate.

(3) Every regulation made by the Minister shall, as soon as is convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

11. (1) Any person who forges or counterfeits or uses, sells, offers for sale, disposes of, or has in his possession, knowing or having reason to believe the same to be forged or counterfeited, any banderol purporting to be issued by the Director shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment. Forgery, &c. of banderols.

(4) Notification of the date on which any regulation made by the Minister is so approved or deemed to be rescinded shall be published in the Gazette.

Offences.

10. (1) Any person who—

- (a) contravenes any provision of this Act or of any regulation made thereunder; or
- (b) omits or refuses to supply any information required by the Director under this Act; or
- (c) supplies to the Director any information which he knows to be false; or
- (d) resists or obstructs any person in the performance of the duties imposed or in the exercise of the powers conferred upon him by this Act,

(2) In any proceedings in which the genuineness of any banderol is in question, a certificate under the hand of the Government Printer to the effect that such banderol is spurious shall be received in all courts of law as conclusive evidence of the spuriousness of such banderol.

(3) The Government Printer who issues a certificate under subsection (2) shall not be examined or cross-examined with respect to any such certificate.

shall be guilty of an offence, and shall, on conviction after summary trial before a

12. Any person who attempts or conspires to commit an offence under this Act shall be deemed to be guilty of that offence and shall be liable to a like penalty as if he had committed that offence. Attempt and conspiracy.

Offences by bodies of persons.

13. Where an offence under this Act is committed by a body of persons—

- (a) if that body of persons is a body corporate, every director and officer of that body corporate, and
- (b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

Liability of proprietor.

14. (1) Where any person, hereinafter referred to as an "employee", who is employed by any other person hereinafter referred to as the "proprietor", engaged in the manufacture, import, export, supply or sale of matches, splints, veneers or boxes is, by reason of any act or omission arising out of and in the course of such employment, guilty of an offence under this Act or any regulation made thereunder, then the proprietor, or where the proprietor is out of the Island the person for the time being having control of the business, shall in addition to the employee be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

(2) Such proprietor, manager or person having control of the business shall be liable to be proceeded against for the offence together with such employee or before or after the conviction of such employee and shall be subject to the like punishment as if he were such employee.

15. (1) In this Act, unless the context interpretation. otherwise requires—

" box" means the container in which matches are put up for sale and includes a paper envelope or any other container;

" Director" means the Director of Development of the Development " Division of the Ministry and includes any Deputy or Assistant Director of Development;

" manufactory" means the premises in which matches, splints, veneers or boxes are manufactured and includes any warehouse used for the storage of such articles ;

" regulation " means a regulation made by the Minister under this Act;

" splints " means undipped splints such as are commonly used for making matches;

" veneers" means veneers such as are ordinarily used for making boxes.