

SRI LANKA TEA BOARD

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA TEA BOARD AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Law Nos, 14
of 1975

Act Nos,
10 of 1983
17 of 1985
44 of 1990
29 of 2003
44 of 2006
13 of 2018

Short title.

1. This Law may be cited as the Sri Lanka Tea Board Law.

Establishment of
the Sri Lanka Tea
Board.

2. There shall be established, in accordance with the provisions of this Law, a Board which shall be called and known as the Sri Lanka Tea Board, hereinafter referred to as ' the Board '.

Board to be a body 3.
corporate and have
power to acquire
property.

- (1) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.
- (2) The Board shall have the power to acquire and hold or to manage property, both movable and immovable, and to sell and dispose of the same, to enter into contracts, and otherwise to do and perform all such acts or things as may be necessary for carrying out the provisions of this Law.

Objects and
general powers of
the Board.

[2, 29 of 2003]

4. (1) The objects of the Board shall be the promotion, by such measures as it thinks fit, of the development of the tea industry in Sri Lanka.
- (2) The Board shall be the authority responsible for regulating the activities of the tea industry in Sri Lanka, and without prejudice to

the generality of the provisions of subsection (1) and the other provisions of this Law, may take measures-

- (a) to regulate the production and cultivation of new areas in tea, the replanting of existing estates and small holdings with high yielding material, the rehabilitation of estates and small holdings, the diversification of estates and small holdings by the establishment and operation of livestock industries, and the replacement of tea on such estates and small holdings by other crops;
- (b) to regulate the establishment and operation of tea factories;
- (c) to regulate the conduct of tea auctions;
- (d) to regulate the sale of tea, the export of tea and the arrangements and payments relating to shipping, freight, brokerage, warehouse or any other charges incurred in the sale of tea abroad;
- (e) to assist and encourage the marketing of tea in and outside Sri Lanka and to promote the demand for and the consumption of tea in the world markets;
- (f) to conduct, assist and encourage scientific and technological research into, and investigations of, all problems and matters affecting the production and manufacture of tea, the control of pests and diseases of tea and the improvement of the quality of tea, and to publish and disseminate information relating to the results of such research in its discretion;
- (g) to conduct, assist and encourage research into the economic state of the tea industry including future economic trends in the industry in Sri Lanka and elsewhere;
- (h) to secure or to facilitate the securing of supplies of machinery, equipment and other commodities needed for the development of the tea industry in Sri Lanka;
- (i) to provide financial, advisory or other assistance to persons engaged in the growing or manufacture of tea;
- (j) to safeguard the interests of the workers in the tea industry so as to foster increased performance as well as to ensure their economic and social well being;
- (k) to collect statistics from growers, manufacturers, dealers

or other persons on any matter relating to the tea industry, and to publish such statistics in its discretion;

(l) to regulate, control and direct all institutions and organizations engaged in the management of tea estates and in the production and marketing of tea;

(m) to provide the necessary liaison between the tea industry and the departments of Government or State Corporations, in order to promote and co-ordinate action for the development of the tea industry in Sri Lanka;

(n) to prepare manuals containing information relating to the various schemes provided for under this Law;

(o) to enter into agreements for co-operation with other institutions, whether in Sri Lanka or abroad, having objects wholly or partly similar to those of the Board, for the furtherance of their common objects:

(p) to advise the Minister on policies relating to the tea industry;

(q) to promote investment in the tea industry; and

(r) to collect and disseminate data on the tea industry.

Board to be subject **5.**
to the directions of
the Minister.

(1) Except as provided in subsection (2), the Board shall, in the exercise of its powers, the performance of its duties and the discharge of its functions, be subject to and act in accordance with such directions as the Minister may from time to time issue.

(2) In the exercise of its powers, in the performance of its duties and the discharge of its functions in relation to matters which fall under paragraphs (c), (d), (e), (g) and (m) of subsection (2) of section 4, the Board shall be subject to and act in accordance with such directions as the Minister, with the concurrence of the Minister in charge of the subject of Trade, may from time to time issue.

Tea Council.
[2, 44 of 1990]

5A.

(1) There shall be a Tea Council (hereinafter referred to as 'the Council) with not more than twenty members nominated by the Minister, from among persons who have a knowledge of, or experience in the tea industry, with special reference to planting, manufacture, sale, advertising and marketing, export and finance.

- (2) A member of the Council may at any time resign from office by a letter in that behalf addressed to the Minister.
- (3) The Minister may, at any time and without assigning a reason therefor, remove a member of the Council from office.
- (4) Where a member of the Council vacates office by death, resignation or removal from office, the Minister may, having regard to the provisions of subsection (1), appoint another person to act in the place of such member. The member so appointed shall hold office for the remainder of the period of office of the member who he succeeds.
- (5) Where a member of the Council is temporarily unable to discharge his functions due to illness, absence from Sri Lanka or other cause, the Minister may, having regard to the provisions of subsection (17), appoint another person to act in his place.
- (6) Subject to the provisions of subsections (2) and (3), the term of office of a member of the Council shall be three years.
- (7) A member vacating office by effluxion of time shall be eligible for re-appointment.
- (8) The Minister shall appoint a member of the Council as the Chairman of the Council and another member as a Vice- Chairman of the Council.
- (9) The Chairman or Vice-Chairman of the Council may resign from his office by a letter in that behalf addressed to the Minister.
- (10) The Minister may, at any time and without assigning a reason therefor, remove the Chairman or Vice-Chairman of the Council from office.
- (11) The term of office of the Chairman or Vice-Chairman of the Council shall be the period of his membership of the Council.
- (12) Where the Chairman of the Council is temporarily unable to discharge his functions due to illness, absence from Sri Lanka or other cause, the Minister may appoint another member of the Council to act in his place.
- (13) The Council may regulate the procedure in regard to its meeting and the transaction of business at such meetings.

Function of the Council.

5B. The function of the Council shall be to advise the Minister on all aspects of the tea industry, including planting, manufacture, sales and

[2, 44 of 1990] manufacture and export.

Duties at Council. [2, 44 of 1990] **5C.** It shall be the duty of the Council to advise the Minister on all such matters relating to the tea industry or the administration of this Law as may be referred to it for advice by the Minister:

Provided however that nothing in this section shall be read or construed as prohibiting the Council from making any recommendation to the Minister on any aspect of the tea industry or the administration of this Law, notwithstanding that such matter may not have been referred to the Council for its advice.

Constitution of the Board. **6.** (1) The Board shall consist of-

[2, 44 of 2006]
[3, 29 of 2003]
[2, 17 of 1985]

(a) a person appointed by the Minister, who shall be the Chairman (hereinafter referred to as 'the Chairman');

(b) the following nominated members appointed by the Minister, namely:

(i) a representative of the Ministry of the Minister in charge of the subject of Finance, nominated by that Minister;

(ii) a representative of the Ministry of the Minister in charge of the subject of Trade, nominated by that Minister;

(iii) a representative of the Ministry of the Minister in charge of the subject of Plantation Industries, nominated by that Minister;

(iiia) one person nominated by the Minister in charge of the subject of Plantation Industries.

(iv) a representative of the Tea Small Holding Development Authority, nominated by that Authority;

(v) a representative of the Private Tea Factory Owners' Association, nominated by that Association in consultation with the Tea Association of Sri Lanka (TASL);

(vi) a representative of the Planters' Association of Ceylon established by the Planters' Association of Ceylon Ordinance (Chapter 291), nominated by that Association in consultation with the Tea Association of Sri Lanka (TASL);

(vii) a representative of the Sri Lanka Federation of Tea Small Holdings Development Societies, nominated by that Federation in consultation with the Tea Association of Sri Lanka (TASL);

(viii) a representative of the Tea Exporters' Association, nominated by that Association in consultation with the Tea Association of Sri Lanka (TASL);

(ix) a representative of the Colombo Tea Traders' Association, nominated by that Association in consultation with the Tea Association of Sri Lanka (TASL);

(x) a representative of the Colombo Brokers' Association, nominated by that Association in consultation with the Tea Association of Sri Lanka (TASL);

(xi) two members representing Trade Unions, which shall be selected on such criteria as may be determined by the Minister in charge of the subject of Plantation Industries. For the purposes of this paragraph Trade Union' shall have the same meaning as in the Trade Unions Ordinance (Chapter 138).

(2) A person shall be disqualified for nomination, or for continuing, as a member of the Board-

(a) if he is, or becomes a Member of Parliament; or

(b) if he is not, or ceases to be, a citizen of Sri Lanka.

(3) The Chairman and the nominated members of the Board shall hold office for a term of five years, but shall be eligible for re-nomination.

(4) The Minister may with the concurrence of the President remove the Chairman or any other nominated member of the Board from office-

(a) if he becomes subject to the disqualification mentioned in subsection (2); or

(b) if he becomes permanently incapable of performing his duties owing to physical disability or unsoundness of mind; or

(c) if he has done any act or thing which, in the opinion of

the Minister, is likely to bring the Board into disrepute.

(5) In the event of the vacation of office by the Chairman or any other nominated member of the Board, or his removal from office under the provisions of the preceding subsection, another person shall be nominated by the Minister with the concurrence of the President in his place to hold office during the unexpired part of his term of office.

(6) If the Chairman or any other nominated member of the Board is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for any other cause, the Minister may with the concurrence of the President nominate some other person to act in his place as Chairman or as a member.

(7) The members of the Board shall be remunerated in such manner and at such rates, and shall be subject to such other conditions of service, as may be determined by the Minister, with the concurrence of the Minister in charge of the subject of Finance.

(8) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the nomination of a member thereof.

Working Director of the Board.
[2, 13 of 2018]

- 6A.**
- (1) The Minister may appoint to the Board, a Working Director other than the members referred to in section 6 from among persons who have had wide experience in the area of tea industry.
 - (2) The Working Director shall -
 - (a) be a full time officer;
 - (b) assist the Chairman in the promotion of the development of the tea industry within and outside Sri Lanka; and
 - (c) assist the Chairman in the administration, management and operation of the affairs of the Board including the co-ordination of the activities of the Board.
 - (3) The Minister may remove the Working Director from office after assigning reasons therefor.
 - (4) The term of office of the Working Director shall be for a period of three years from the date of appointment and he shall be eligible for reappointment unless he has been removed from

office as referred to in subsection (3). Such reappointment shall be for not more than one further term, whether consequent or not.

(5) The office of the Working Director shall become vacant upon death, removal from office under subsection (3) or resignation by letter in that behalf addressed to the Minister.

(6) Where the Working Director by reason of ill health, infirmity or absence from Sri Lanka is temporarily unable to perform the duties of his office, the Minister shall appoint another member of the Board to act in his place.

(7) The Working Director shall be paid such remuneration as may be specified in the relevant Public Enterprise Circular issued by the Ministry of Finance.

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| Meetings of the Board. | <p>7.</p> <p>(1) The meetings of the Board shall be convened by the Chairman and shall be held as frequently as is necessary for the purpose of the discharge of the Board's responsibilities under this Law.</p> <p>(2) At any meeting of the Board five members shall constitute a quorum.</p> <p>(3) The Board shall cause minutes of its meetings to be recorded and shall send copies of such minutes to the Minister.</p> |
| Special powers of the Board. | <p>8.</p> <p>(1) The Board may establish such departments or divisions as may be necessary for the proper exercise, discharge, and performance of its powers, functions and duties.</p> <p>(2) The Board may appoint such officers and servants as it considers necessary for the efficient exercise, discharge and performance of its powers, functions and duties, and may pay them such salaries and allowances and prescribe such conditions of service for them as it may determine from time to time.</p> <p>(3) The Board may, with the approval of the Minister and the concurrence of the Minister in charge of the subject of Finance, establish and regulate a provident fund, medical aid schemes, credit schemes and other welfare schemes, for the benefit of its officers and servants and their dependants and nominees and may make contributions to any such fund or scheme.</p> |
| Appointment of Tea Commissioner | <p>9.</p> <p>(1) There may be appointed, for the purposes of this Law, a person, by name or by office, to be or to act as Tea Commissioner</p> |

and abolition of the offices of Tea Controller and Commissioner of Tea Exports.

who shall, subject to the provisions of this Law or any other written law,-

(a) exercise, discharge and perform the powers, functions and duties vested in, and imposed on, the Tea Controller under any other written law-

(b) exercise, discharge and perform the powers, functions and duties vested in, and imposed on, the Commissioner of Tea Exports under any other written law; and

(c) perform any other functions and duties assigned to him by the Board.

(2) The office of Tea Controller, and the office of the Commissioner of Tea Exports are hereby abolished and accordingly shall cease to exist.

Appointment of public officers.

10.

(1) At the request of the Board, any officer in the public service, other than an officer to whom section 20 applies, may, with the consent of that officer and the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

(2) The provisions of subsection (2) of section 9 of the Motor Transport Act, No. 48 of 1957*, shall, mutatis mutandis, apply in relation to any officer in the public service who is temporarily appointed to the staff of the Board under subsection (1), and the provisions of subsection (3) of the aforesaid section 9 shall, mutatis mutandis, apply in relation to any officer in the public service who is permanently appointed to such staff under that subsection.

(3) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Officers and servants of the Board deemed to be public servants.

11.

All officers and servants of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Board deemed to be a scheduled institution within the meaning of the Bribery Act. **12.** The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly,

Levy of cess on tea. [2, 10 of 1983] **13. (1)** (a) There shall be charged, levied and paid a cess calculated at such rate as may be determined by the Minister by Order published in the Gazette for every one hundred pounds of tea exported from Sri Lanka:

Provided, however, that no such cess shall be charged or levied on any tea which is proved to the satisfaction of the Principal Collector to have been imported into Sri Lanka for the purpose of re-export.

(b) The amount of the cess imposed under this section may be varied, or any such cess may be rescinded, by Order made by the Minister. Such Order shall be published in the Gazette, and shall come into force on the date of such publication.

(c) Every Order made by the Minister under this subsection shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval within four months. Any such Order which is not so approved shall be deemed to be revoked as from the date of its disapproval but without prejudice to the validity of anything previously done thereunder.

(d) This section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

(e) The proceeds of the cess on tea recovered under this section shall be paid monthly by the Principal Collector to the credit of the Capital Fund.

(2) The cess on tea imposed under this section shall be in addition to any export duty on tea levied under any other written law.

Capital Fund. **14. (1)** There shall be established a Fund to be called the 'Capital Fund'.

There shall be credited to the Fund-

- (a) the value of any net assets lying, on the appointed date, to the credit of the Tea Control Fund;
- (b) the value of any net assets lying, on the appointed date, to the credit of the Tea Subsidy Fund;
- (c) the value of any net assets lying, on the appointed date, to the credit of the Ceylon Tea Propaganda Board;
- (d) the value of any such net assets lying, on the appointed date, to the credit of the Tea Research Board;
- (e) the value of any net assets as may be transferred to the Board, from time to time, by any Government Department, State Corporation, or local authority by an order or with the consent of the Minister in charge of that Department or Corporation or, in the case of a local authority, the Minister in charge of the subject of Local Government; and
- (f) the proceeds of-
 - (i) all cess on tea imposed under this Law,
 - (ii) all fees levied and collected in respect of licenses and permits issued under this Law or the Tea Control Act* or the Tea (Tax and Control of Export) Act, or in respect of dealings in tea under any other written law. [* Pan VI of the Tea Control Act is repealed by Law No. 14 of 1975, (Sri Lanka Tea Board Law) now Chapter 253 of this Edition]
 - (iii) the sale of seed, cuttings, plants and fertilizers by the Tea Commissioner to proprietors of estates and small holdings;
- (g) such sums as may, from time to time, be authorized by an Appropriation Act or by resolution of Parliament for the purposes of this Law;
- (h) all sums accepted by the Tea Commissioner by the compounding of offences under the Tea Control Act* or the Tea (Tax and Control of Export) Act; and
- (i) all such other sums as may accrue to the Board by the sales of property belonging to the Board, gifts, and income from investments or otherwise.

(2) There shall be charged to the Capital Fund such sums as may be authorized by the Board for the purpose of meeting expenditure

incurred in the exercise, discharge and performance of its powers, functions and duties under this Law, including-

- (i) the remuneration of all officers and servants employed by the Board for carrying out the provisions of this Law and all other expenses of the administration of this Law,
- (ii) the sums approved by the Board for the purpose of providing financial assistance, by way of grant or loan, for the planting of tea, for the replanting and the rehabilitation of estates and small holdings, for the diversification of estates and small holdings by the replacements of tea on such estates and small holdings, with other crops or livestock farming, for the marketing of the green tea leaf of estates and small holdings and for the manufacture of made tea or instant tea,
- (iii) the sums approved by the Board in order to provide advisory services to owners of estates and small holdings, to manufacturers of tea, and dealers in tea, and
- (iv) such expenses as may be incurred in connexion with Sri Lanka's membership of the International Tea Committee, or any other international organization dealing with problems connected with tea.

Application of the provisions of the Public Corporations (Financial Control) Act. **15.**

- (1) The provisions of the Public Corporations (Financial Control) Act shall mutatis mutandis apply to the financial control and accounts of the Board.
- (2) The financial year of the Board and of each department or division established under section 8, shall be the period of twelve months commencing on the first day of January in each year.

Special duty of the Board. **16.**

It shall be the duty of the Board to report to the Minister, from time to time, on the state of the tea industry and the general welfare of the workers in the industry, particularly in relation to their minimum conditions of work and life assured by law, to facilitate the tabling of such reports in Parliament.

Acquisition of property for any purpose of the Board. **17.**

- (1) Where any immovable property is required to be acquired for any purpose of the Board and the Minister, by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose, and may accordingly be acquired under the Land Acquisition Act, and be

transferred to the Board.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Board shall be paid from the Capital Fund.

Transfer to the Board of all property, & c., of the Tea Control Department.

- 18.**
- (1) All property, movable or immovable, and all rights in property belonging to the Tea Control Department, on the day immediately preceding the appointed date, shall vest in and be the property and rights of the Board on that date.
 - (2) All rights and obligations of the Tea Controller under contracts legally entered into by him which are in existence, on the day immediately preceding the appointed date, shall be deemed to be the rights and obligations of the Board on that date.
 - (3) All assets and liabilities of the Tea Control Department at values appearing in the books of accounts of that Department as on the appointed date shall be the assets and liabilities of the Board.

Special provisions relating to certain public officers.

- 20.**
- (1) The provisions of this section shall apply to every public officer, other than any public officer in a transferable service of the Government, who was employed for the purposes of the administration of the Tea Control Act or of the Tea Subsidy Act, No. 12 of 1958, or of the Tea (Tax and Control of Export) Act.
 - (2) Every public officer to whom subsection (1) applies and who holds a post declared to be pensionable under the Minutes on Pensions shall, before the appointed date, give notice in writing to the Tea Controller or the Commissioner of Tea Exports, as the case may be, that he intends, on that date-
 - (a) to leave the public service and to obtain employment under the Board in terms of section 21 (1); or
 - (b) to retire from the public service and to obtain employment under the Board in terms of section 21 (2); or
 - (c) to retire from the public service and not obtain employment under the Board.
 - (3) A notice given to the Tea Controller or the Commissioner of Tea Exports, as the case may be, under subsection (2) before the appointed date by a public officer referred to in that subsection shall be final. [*Section 19 is incorporated in the Tea (Tax and

Provisions relating to public officers who give notice under section 20. **21.**

(1) Any public officer referred to in subsection (2) of section 20 who gives notice under paragraph (a) of that subsection before the appointed date-

(a) shall be subject to the same disciplinary control as any other member of the staff of the Board during the period of his employment under the Board;

(b) shall, subject to paragraph (a), be entitled to the terms and conditions of service not less favourable as respects remuneration, leave, holiday warrants and other conditions of service as he was entitled to immediately before the appointed date during the period of his employment under the Board;

(c) shall, so long as he is in the employ of the Board, in terms of this section, be deemed for the purposes of the Minutes on Pensions to continue to hold a post in the public service which has been declared to be pensionable under the said Minutes and shall be eligible for the grant of a pension or gratuity as though his service under the Board were service under the Government; and the Minister in charge of the subject of Public Administration may grant such pension or gratuity in accordance with the terms of the said Minutes;

(d) in respect of him, the Board shall pay out of the funds of the Board to the Director of Pensions to be credited to the Consolidated Fund for every complete month of service during which he is in the employ of the Board such sum of the salary received by him in the post he holds in the service of the Board as the Minister in charge of the subject of Public Administration may determine;

(e) shall, notwithstanding anything in the Widows' and Orphans' Pensions Fund Ordinance, be deemed to be a public officer within the meaning of that Ordinance and for the purpose of the application of the provisions thereof so long as he remains in the employ of the Board; and

(f) may, at any time during the period of his employment under the Board, opt to be appointed to the staff of the Board in terms of subsection (2) and when such option is

exercised-

(i) he shall be eligible for such an award under the Minutes on Pensions as might have been made to him if he had been retired from the public service on the ground of ill health on the date of his appointment to the staff of the Board in accordance with this section; and the amount of any such award made under those Minutes shall not be paid to him unless his employment in the staff of the Board is terminated by retirement on account of age or ill health or by the abolition of the office held by him in such staff or on any other ground approved by the Minister in charge of the subject of Public Administration; and

(ii) in the event of his death after being appointed to the staff of the Board in accordance with this section, such an award as might have been made in respect of him under those Minutes if he had died immediately before his appointment to the staff of the Board may be made in respect of him.

(2) Any public officer referred to in subsection (2) of section 20 who gives notice under paragraph (b) of that subsection before the appointed date-

(a) shall be deemed to have retired from the public service on the appointed date;

(b) shall be offered employment by the Board on such terms and conditions as may be agreed upon by such officer and the Board:

Provided, however, that such terms and conditions shall be not less favourable than the terms and conditions on which such officer was employed for the purposes of the administration of the Tea Control Act or of the Tea Subsidy Act, No. 12 of 1958*, or of the Tea (Tax and Control of Export) Act;

shall be eligible for such pension or gratuity under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date; [* Repealed by Law No. 14 of 1975]

if he is eligible for a pension and does not exercise the

option under section 2A (1) (i) of the Minutes on Pensions, he shall not be paid the pension during the period of his employment under the Board;

if he is eligible for a pension and elects to draw a gratuity in partial commutation of one-fourth part of his pension in accordance with the provisions of section 2A (1) (i) of the Minutes on Pensions-

(aa) such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under this Law;

(bb) the remaining three-fourths part of the pension payable to him under the said Minutes shall not be paid to him during the period of his employment by the Board; and

(cc) for the purposes of the computation of the period of 'twelve years and six months from the date of his retirement' referred to in section 2A (1) (ii) of the said Minutes, the date of his retirement shall be deemed to be the day following the last date of his employment under the Board; and

(f) if he is eligible for the gratuity and not a pension under the Minutes on Pensions such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under this Law.

(3) Any public officer referred to in subsection (2) of section 20 who gives notice under paragraph (c) of that subsection before the appointed date shall be deemed to have retired from the public service on that date and shall be eligible for such pension or gratuity under the Minutes on Pensions or gratuity under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date.

Computation of pensionable service.

22. Any public officer who is on the appointed date employed for the purposes of the administration of the Tea Control Act or of the Tea (Tax and Control of Export) Act shall, for the purposes of subsection (2) of section 20, be entitled to have counted as pensionable service all such service in respect of which he was paid a gratuity by the Government provided he pays or arrives at an agreement to pay to the

Deputy Secretary to the Treasury all such sums of money as he may have received by way of such gratuity together with such interest as may be determined by the Deputy Secretary to the Treasury, notwithstanding the fact that in the year 1963 such public officer had exercised an irrevocable option to accept such gratuity and have only his services thereafter counted as pensionable.

Provisions relating to persons in receipt of pensions and employed by the Board.
[3, 17 of 1985]

23. Any person who is employed by the Board shall not by reason of such employment be disqualified from receiving a pension from the Government, or from any local authority or from the Local Government Service Commission.

Offences.
[4, 17 of 1985]

24. Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a period not exceeding one year, or to both such fine and imprisonment, notwithstanding that the fine exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction.

Regulations.

25. (1) The Board may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) In particular, but without prejudice to the generality of the powers conferred by subsection (1), the Board may make regulations in respect of all or any of the following matters:-

- (a) a scheme for subsidizing with moneys of the Capital Fund the replanting and rehabilitation of estates and small holdings and for subsidizing with moneys of that Fund the diversification of estates and small holdings by the replacement of tea on such estates and small holdings by other crops or livestock farming;
- (b) a scheme for subsidizing with moneys of that Fund the improvement, modernization and construction of tea factories;
- (c) a scheme for subsidizing with moneys of that Fund the marketing of green tea leaf of estates and small holdings;
- (d) a scheme to regulate the sale of tea, including the conduct of tea auctions;

(e) a scheme to regulate the export of tea and all arrangements and payments relating to its shipping, freight, brokerage, warehouse or any other charges incurred in the sale of tea abroad;

(f) a scheme to assist and encourage the marketing of tea in and outside Sri Lanka;

(g) a scheme to regulate the establishment and operation of tea factories, including factories for the manufacture of instant tea;

(h) the establishment and regulation of provident funds, gratuity schemes, medical aid schemes, and other welfare schemes, for all or any of the officers and servants employed for the purpose of this Law and their dependants;

(i) such conditions, prohibitions or other provisions as may be necessary for securing the due operation and enforcement of the regulations;

(j) the provision that the contravention of, or the failure to comply with, any such regulation, and the furnishing of false information or returns to the Board or its officers or servants, shall be an offence triable by a Magistrate, and that the punishment for such offence shall be a fine of an amount not exceeding one thousand rupees, or imprisonment of either description for a term not exceeding six months, or both such fine and imprisonment.

(3)

(a) No regulation made by the Board shall have effect unless it is approved by the Minister. Every regulation so approved 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 therein.

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

Interpretation.
[5, 17 of 1985]
[2, 10 of 1983]

31. In this Law, unless the Context otherwise requires- [* Sections 26 to 30 are omitted as they are repealing provisions]

'appointed date' means the 1st day of January 1976;

'Capital Fund' means the Capital Fund established under this Law;

'Ceylon Tea Propaganda Board' means the Ceylon Tea Propaganda Board established under the Tea Propaganda Ordinance+ and includes the Tea Propaganda Board of Ceylon, being the name under which such Board was incorporated under that Ordinance; [+ Repealed by Law No. 14 of 1975]

'Commissioner of Tea Exports' means the person holding the office of the Commissioner of Tea Exports;

'company' means any company established and incorporated under the provisions of any law for the time being in force in any country;

'estate' means an area of land, four hectares or more in extent, on which tea plants are grown for the purpose of harvesting the leaf thereof for conversion into made tea;

'green tea leaf' includes the leaf, leaf buds and immature stalks of the tea plant before they are subjected to any of the processes (excluding that known as withering) for conversion into made tea;

'local authority' means any Municipal Council, Urban Council or Development Council 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 discharge by any such Council

'made tea' means tea manufactured from the leaves, leaf buds and immature stalks of the tea plant and includes 'black tea', 'green tea', 'instant tea', 'carbonated tea' or tea to which foreign essences have been added;

'management' with its grammatical variations and cognate expressions includes cultivation, replantations, fertilization, soil conservation, manufacture, processing, sale and disposal of produce;

'manufacturer' means any person who, being lawfully in possession of a tea factory, manufactures made tea at that factory;

'Principal Collector' means the person appointed to be or to act as the Principal Collector of Customs;

'rehabilitation' when used with reference to any tea estate or tea small

holding, means any operation designed to improve the agricultural conditions of such estate or small holding, and includes the application of fertilizers, the adoption of soil conservation measures and the planting of additional tea plants and any other suitable plants in such estate or small holding;

'replanting', when used with reference to any tea estate or tea small holding, means the uprooting of all existing tea plants and other vegetation in the whole or any part of such estate or small holding and their replacement by new tea plants, and includes the planting of tea plants in an area which does not form part of such estate or small holding if the tea plants in an equivalent area of such estate or small holding are eradicated within such time as the Board may specify;

'small holding' means an area of land less than four hectares in extent on which tea plants are grown for the purpose of harvesting the leaf thereof for conversion into made tea;

'State Corporation' means a Corporation established or maintained with funds wholly or partly provided by the Government;

'tea' when used with reference to planting, means tea plants, and when used in any other context means made tea;

'Tea Commissioner' means the person appointed to be or to act as Tea Commissioner for the purposes of this Law;

'Tea Control Fund' means the Tea Control Fund established under the Tea Control Act* [* Part VI of the Tea Control Act, which establishes the Tea Control Fund has been repealed by section 30 of Law No. 14 of 1975 (Sri Lanka Tea Board Law)]

'tea factory' means any premises equipped with machinery for the conversion of green tea leaf into made tea;

'Tea Research Board' means the Board of the Tea Research Institute of Ceylon established under the Tea Research Ordinance*; and

'Tea Subsidy Fund' means the Tea Subsidy Fund established under the Tea Subsidy Act, No. 12 of 1958*. [* Repealed by Law No. 14 of 1975 (Sri Lanka Tea Board Law). Note: As at the 'appointed date' (1st January, 1976) public officer was designated 'state officer' and public service was designated 'state service'.]