



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

---

No. 8,039 – MONDAY, MARCH 19, 1934.

---

*Published by Authority.*

PART II.—LEGAL.

*(Separate paging is given to each Part in order that it may be filed separately.)*

DRAFT ORDINANCE.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance to amend the Tea (Control of Export) Ordinance, No. 11 of 1933. 11 of 1933.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Tea (Control of Export) Amendment Ordinance, No. of 1934. Short title.

2 Sub-section (4) of section twenty-three of the Tea (Control of Export) Ordinance, No. 11 of 1933, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the addition of the following paragraph at the end of that sub-section as paragraph (e) :  
Amendment of section 23 (4) of Ordinance No. 11 of 1933.

" (e) Commencing with the second period of assessment it shall be lawful for the Controller to deduct from the standard crop of an estate or small holding for any period of assessment the amount of any excess included in the exportable maximum of that estate or small holding for any preceding period of assessment."

Amendment of section 27 of the principal Ordinance.

3 The following sub-section shall be inserted immediately after sub-section (3) of section twenty-seven of the principal Ordinance and shall have effect as sub-section (4) of that section :

“(4) Every export licence issued after the first day of April, nineteen hundred and thirty-four, shall have endorsed thereon the date of issue of that export licence and shall be valid for a period of three months only reckoned from the date of issue”.

Amendment of section 36 of the principal Ordinance.

4 The following sub-section shall be inserted immediately after sub-section (2) of section thirty-six of the principal Ordinance and shall have effect as sub-section (3) of that section :

“(3) Upon conviction of any person for a breach of the provisions of section 30 (1) or of any rules prescribing the special cases and the extent to which tea may be planted in any land in the Island which was not planted with tea on the date declared under that section, it shall be lawful for a Police Magistrate, in addition to any fine or other penalty which he may impose, to order that all tea planted in contravention of such provisions or rules should be eradicated and destroyed by or at the instance of the person so convicted within a period to be fixed in the order; and, upon the failure of the person so convicted to comply with the terms of such order within the period so fixed, the Police Magistrate may cause the tea referred to in that order to be eradicated and destroyed at the expense of such person. The cost of so eradicating and destroying the tea may be recovered from that person as though a fine for a like amount had been imposed upon him by the Magistrate notwithstanding the fact that the total amount of such cost may be in excess of the amount which such Magistrate may impose as a fine in the exercise of his ordinary powers or jurisdiction.”

*Objects and Reasons.*

The object of this Bill is to amend the Tea (Control of Export) Ordinance, No. 11 of 1933, so as to meet certain difficulties which have arisen or may arise in the administration of that Ordinance.

2. *Clause 2.* Coupons were issued during the period of assessment now closing in circumstances of great difficulty. Assessments, appeals, and verification of the accuracy of declarations have been proceeding throughout and concurrently with the issue of coupons.

In addition to these difficulties, it was essential to the industry that an announcement of the probable figure of reduction should be made as soon as possible. Such a figure was calculated on provisional figures that were available at that time, and a reserve to meet further assessments, successful appeals, &c., was held back. In order to make such adjustments as may be necessary to correct an over-issue of coupons to individuals or to supplement the reserve referred to, Clause 2 empowers the Controller to deduct from the standard crop of an estate or smallholding for any period of assessment the amount of any excess included in the exportable maximum of that estate or smallholding for any preceding period of assessment.

3. *Clause 3* provides that a tea export licence shall cease to be valid after the expiry of a period of three months reckoned from the date of issue. It is considered that this limitation of the validity of tea export licences will secure the early export and clearance of the amount of tea covered by such licences.

4. *Clause 4* enables a Magistrate to order the eradication of tea which has been planted in contravention of the provisions of section 30. If the defaulter fails to comply with such order within the period specified therein, the Magistrate is empowered to have the tea plants eradicated at the expense of the defaulter and the cost of eradication is recovered as a fine. The powers sought to be conferred on a Magistrate by this Clause are considered necessary to secure effective compliance with those provisions of the Ordinance which restrict the planting of new areas in tea.

D. S. SENANAYAKE,  
Minister for Agriculture and Lands.

The Ministry of Agriculture and Lands,  
Colombo, March 16, 1934.