



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

No. 7,996 — SATURDAY, AUGUST 5, 1933.

*Published by Authority.*

PART I.—GENERAL.

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

**GOVERNMENT NOTIFICATIONS.**

THE TEA (CONTROL OF EXPORT) ORDINANCE,  
No. 11 OF 1933.

*Notification No. 4.*

RULE under sections 8 (2) and 35 of the Tea (Control of Export) Ordinance, No. 11 of 1933, made by the Executive Committee of Agriculture and Lands.

D. S. SENANAYAKE,  
Minister for Agriculture and Lands.  
Ministry of Agriculture and Lands,  
Colombo, August 4, 1933.

**RULE.**

The remuneration payable to each member of the Board of Appeal shall be Rs. 50 for a working day of over two hours, and Rs. 25 for a working day of two hours and under.

THE TEA (CONTROL OF EXPORT) ORDINANCE,  
No. 11 OF 1933.

*Notification No. 5.*

RULES under sections 23 (5) and 31 of the Tea (Control of Export) Ordinance, No. 11 of 1933, made by the Executive Committee of Agriculture and Lands.

D. S. SENANAYAKE,  
Minister for Agriculture and Lands.  
Ministry of Agriculture and Lands,  
Colombo, August 4, 1933.

RULES RELATING TO STOCK EXPORT LICENCES AND  
TO THE DEDUCTIONS UNDER SECTION 23 (5) (a).

1. (1) In these rules, unless the context otherwise requires, "declared date" shall mean the date declared under section 28 of the Ordinance;

"interim" shall mean the period between the 1st day of April, 1933, and the "declared date".

(2) For the purpose of any calculation made under these rules, one hundred pounds of green leaf shall be deemed to be the equivalent of twenty-three pounds of made tea.

2. (1) As soon as may be after the publication of these rules, the Controller shall, by general notification in 3 local newspapers and through the Government Agents, call upon all proprietors of factories manufacturing tea from leaf harvested from any estate or small holding other than that to which such factory belongs, and upon all dealers, who desire to obtain stock certificates or stock export licences as hereinafter provided, to notify him, within such time, not less than 10 days from the date of the earliest of the aforesaid notifications as he may fix, of their intention to make returns and to apply for stock certificates, and every such proprietor of a factory, and every such dealer shall be bound, as a condition of receiving a stock certificate in due course, to advise the Controller of his intention as aforesaid.

(2) It shall be lawful for the Controller to cause an inspection, of the quantity of made tea held by any dealer or by the proprietor of any factory who has notified his intention as aforesaid, to be made by any person appointed

by him in writing for that purpose at any time during the two days, inclusive of Sunday, immediately preceding the declared date, and at any time after the declared date.

3. (1) Within seven days of the declared date there shall be furnished to the Controller by the proprietor of every estate a return of the respective totals of all disposals (a) of green leaf and (b) of made tea harvested from such estate during the interim setting off against such totals the amounts of made tea, if any, catalogued by such estate for sale at the three public auctions held under the auspices of the Colombo Tea Traders' Association at Colombo on March 31, April 11, and April 25, 1933, respectively, such amounts being separately stated in the return.

(2) Every such return shall set out separately the following particulars:—

- (i.) Quantity sold through licensed brokers;
- (ii.) Quantity shipped direct to London or elsewhere;
- (iii.) Quantity sold on the estate, full particulars, including the names of the purchasers and the dates of the respective transactions, being given of all sales of lots of or above two hundred and fifty pounds of made tea and of lots of or above one thousand pounds of green leaf,

and shall also set out separately, but exclude from the aforesaid totals, the amounts of made tea—

- (a) sold to the Tea Propaganda Board, as certified by the Chairman of that Board, and
- (b) sold or issued to labourers, kanganies, and employees of the estate for their personal consumption.

4. Within seven days of the declared date, there shall be furnished to the Controller by the proprietor of every factory manufacturing tea from leaf harvested from any estate or small holding other than that to which such factory belongs, a return of the stocks in the factory, exclusive of red leaf, fluff, and sweepings, at midnight of the day preceding the declared date, of made tea—

- (a) manufactured from leaf bought from other estates and small holdings,
- (b) manufactured for other estates and small holdings, and
- (c) manufactured from leaf harvested from the estate or small holding to which the factory belongs;

and setting out the actual proportion, as recorded in his books over a period of eight weeks preceding the declared date, which made tea manufactured from leaf bought from other estates and small holdings bears to the total amount of made tea manufactured in such factory during the said period.

5. On the day after the declared date there shall be furnished to the Controller by every dealer who desires to obtain a stock certificate or a stock export licence, a return of the total stock of made tea held by him, for the purpose of exportation or of sale for exportation, at midnight of the day preceding the declared date, and within seven days thereafter either

- (a) a statement setting out in detail the purchases made and the amounts sold or exported by him during the interim, with the names of sellers, purchasers, and consignees and the dates of the transactions, or
- (b) a certificate of correctness of stock under the hand of an accountant approved by the Commissioner of Income Tax or of such other person as the Controller may nominate.

6. (1) On receipt of each return of stocks required by the foregoing Rules 4 and 5, the Controller shall, after such further verification of the particulars set out therein, and after such inspection of the quantity of made tea therein declared to be in stock, as he may consider necessary, issue a stock certificate setting out the assessment made by him of the quantity of made tea that may be exported, or sold solely for the purpose of exportation by the person who furnished that return:

Provided that the Controller may, on proof being adduced to his satisfaction that any portion of the stock held by any person has to be exported or disposed of for the purpose of exportation before the final assessment of such stock, issue a stock certificate or stock export licence for such portion only, and deduct such portion from the final assessment of the stock;

Provided further that the Controller shall in no case issue a stock certificate or stock export licence—

- (a) to the proprietor of any factory, for any portion of the stock in excess of the proportion borne by made tea manufactured from bought leaf to the total amount manufactured, as disclosed in the return under the foregoing Rule 4, or
- (b) to any person for any tea other than made tea as defined in the Ordinance;

(2) Any person dissatisfied with any assessment set out in any stock certificate by the Controller under this rule, may appeal therefrom to the Board of Appeal in accordance with the rules relating to appeals under the Ordinance, and the Board of Appeal may amend such certificate in any manner it deems just.

(3) Any stock certificate or amended stock certificate may, in the event of the sale of the stock referred to therein, be endorsed, by the person to whom it was issued, to the purchaser of that stock, and not otherwise.

(4) Every person to whom a stock certificate has been issued or endorsed, shall be entitled to obtain in exchange therefor from the Controller—

- (a) as many stock certificates as he may desire for fractions of the stock for which the original certificate was issued or
- (b) one or more stock export licences.

(5) It shall be lawful for the Principal Collector or other officer of the Customs authorized by him, to detain and forthwith transmit to the Controller any export licence or stock export licence relating to any quantity of made tea found to be unfit for exportation under the Customs Regulations, together with a certificate under his hand setting out the quantity of made tea so found to be unfit for exportation; and it shall thereupon be lawful for the Controller to cancel such licence and to issue an amended licence for such portion of the quantity specified in the first licence as may not have been so found to be unfit.

7. Where the Controller is not satisfied that the proprietor of any estate has furnished in full the particulars required in the return prescribed by the foregoing Rule 3, or is satisfied that the proprietor of any estate is unable to furnish the said particulars, there shall be deducted from the standard crop of that estate such amount as may be determined by the Controller bearing to the standard crop a proportion not exceeding the proportion borne by the interim to a period of twelve months.

8. The amount of made tea, in respect of which adjustments may be made, under section 23 (5) (a) of the Ordinance, for the period of assessment commencing on the first day of April, 1933, shall be the grand total of—

- (1) the total amount of made tea for the exportation of which stock certificates have been issued under the foregoing Rule 6; and
- (2) the total amount of made tea certified by the Principal Collector of Customs as having been exported from the Island during the interim, exclusive of—

- (a) the actual amounts sold or shipped during the interim out of the standard crop of St. Coombs' Estate as certified by the Director of the Tea Research Institute of Ceylon; and
- (b) the total amount deducted from the standard crop of all small holdings under the provisions of section 23 (6) of the Ordinance.

9. (1) Where the aforesaid grand total is equal to the total of the amounts of made tea declared by the proprietors of estates in the returns furnished by them under the foregoing Rule 3, and such amounts as may be deducted by the Controller under the foregoing Rule 7, the amount to be deducted from the standard crop of each estate shall be the amount so declared in the return furnished by the proprietor of that estate.

(2) In the event of there being any deficit, that is to say, where the aforesaid grand total is greater than the total of the amounts declared by the proprietors and of the amounts deducted by the Controller as aforesaid, there shall be deducted from the standard crop of each estate, in addition to the amounts so declared or deducted, a proportion of the standard crop equal to the proportion which such deficit bears to the total of the standard crops of all estates.

(3) In the event of there being any surplus, that is to say, where the aforesaid grand total is less than the total of the amounts declared by the proprietors and of the amounts deducted by the Controller as aforesaid, such surplus shall be distributed among all estates and small holdings in proportion to their respective standard crops.