



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY

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PART I.—GENERAL.

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

GOVERNMENT NOTIFICATIONS.

L. D.—B 150/38

THE RUBBER (NEW-PLANTING) ORDINANCE, No. 38 OF 1938.

IT is hereby notified that the regulations set out hereunder, made by the Executive Committee of Agriculture and Lands under section 9 of the Rubber (New-planting) Ordinance, No. 38 of 1938, have been approved by the State Council and ratified by the Officer Administering the Government in pursuance of the powers vested in the Governor by that section.

By His Excellency's command,

B. H. ALUWIHARE,

Acting Minister for Agriculture and Lands.

Colombo, September 30, 1938.

THE RUBBER (NEW-PLANTING) ORDINANCE, No. 38 OF 1938.

Regulations.

1. These regulations may be cited as the New-planting Regulations, 1938.
2. In these regulations, " form " means a form prescribed in the Schedule.
3. Every application to exercise new-planting rights shall be made to the Controller on form N P 1. Every such application shall be accompanied by a Return, in duplicate, in form N P 2. A separate Return, in duplicate, shall be furnished in respect of each land mentioned in form N P 1.
4. No application for the exercise of new-planting rights shall be entertained unless such application and the Returns, in duplicate, are received in the office of the Controller on or before **October 21, 1938.**
5. Every permit for the exercise of new-planting rights shall be in the form N P 3.

6. A separate permit shall be issued in respect of each land described in form N P 1, and where two or more blocks of one land are not contiguous, they shall be deemed to be separate lands for the purpose of these regulations.

7. No permit shall be issued in respect of any land—

- (a) which is less than one acre in extent ; or
- (b) which is situated at an elevation of about 1,000 feet above mean sea-level ; or
- (c) which is situated in an area where the average annual rainfall is of about 80 inches :

Provided that the Controller may issue a permit in respect of any land falling within the category of land described in paragraph (b) or paragraph (c), if he is satisfied that the application for the exercise of new-planting rights on that land is made by the proprietor of an estate or small holding registered under the Rubber Control Ordinance, No. 6 of 1934, for the purpose of extending that estate or small holding.

8. It shall be a condition of every permit issued for the exercise of new-planting rights on any land that no labourer recruited from outside Ceylon on or after the date on which these regulations come into force shall be employed on that land for the purpose of the exercise of such rights.

In this regulation "labourer recruited from outside Ceylon" does not include any labourer who was employed in Ceylon before the date on which these regulations come into force and returns to Ceylon on or after that date for the purpose of resuming his original employment or securing any other employment.

9. It shall be a condition of every permit that the permit-holder shall take all such measures as the Controller may direct for the prevention of soil erosion in the land on which new-planting rights are exercised under that permit.

10. The Controller shall from time to time cause to be published in the *Gazette* and in two or more newspapers circulating in Ceylon a list of approved clones and of approved clonal seeds.

11. (1) Subject as hereinafter provided, it shall be a condition of every permit that the land specified in that permit shall be planted—

- (a) with budded rubber stumps or stumped buddings ; or
- (b) with approved clonal seeds ; or
- (c) with ordinary rubber seed or seedlings :

Provided that at the end of 1941 the permit-holder shall have successfully budded 75 per cent. of the area and that at the end of that period the power is reserved to the Controller to enter upon the new planted holding and to have the trees which have not been budded successfully budded or vacancies planted with budded rubber at the expense of the permit-holder.

(2) Where the Controller has in any permit issued in respect of any land authorized that land to be planted with ordinary rubber seeds or seedlings, that permit shall be subject to the condition that the plants raised from such seeds or the plants into which such seedlings grow shall be budded in the field before a date which shall be specified by the Controller in that permit.

(3) In this regulation, "budded" or "buddings" means budded with any of the clones specified a list of approved clones published under regulation 10.

12. No permit issued in 1938 or in 1939 shall be valid after December 31, 1939 :

Provided that the period of the validity of any such permit may be extended by the Controller to a date not later than December 31, 1940, if he is satisfied that sufficient cause exists or has been shown for such extension.

13. No permit issued in 1940 shall be valid after December 31, 1940.

14. Every permit-holder shall, on or before a date specified in his permit, furnish the Controller with two certified copies of a survey plan of the land to which the permit relates.

15. Every applicant for a permit to exercise new-planting rights on any land shall, on demand, forward to the Controller the title deeds relating to that land or certified copies of such deeds.

16. Every permit-holder shall, on demand, forward to the Controller the title deeds relating to the land specified in his permit or certified copies of such deeds.

17. Every applicant for a permit and every permit-holder shall furnish the Controller with such information, survey plan, or other documents, as the Controller may from time to time require—

- (a) for the purpose of the verification or consideration of any statement made in any Return furnished under these regulations ; or
- (b) for the supervision of the exercise of new-planting rights ; or
- (c) for obtaining such statistics as may be required in regard to the exercise of new-planting rights.

18. The Controller shall reserve permits in respect of 20,000 acres for Middle-Class Ceylonese and peasants.

Schedule.

Form N P 1

RUBBER CONTROL.

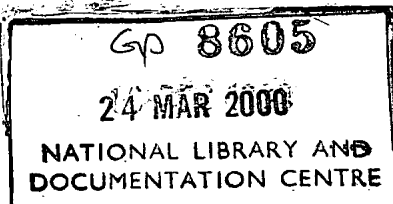
(Form N P 1 under the Rubber (New-planting) Ordinance, No. 38 of 1938.)

Application for permits to exercise New-planting rights under the Rubber (New-planting) Ordinance, No. 38 of 1938, and the Rubber (New-planting) Regulations, 1938.

The Rubber Controller,
Colombo.

I/We _____ hereby apply for a permit/permits to exercise new-planting rights on the following land/lands ; separate returns in respect of each land* are attached.

Name of Land.



Extent to be planted.

In the event of the application being granted I/we hereby undertake to abide by the conditions prescribed in or under the Rubber (New-planting) Regulations, 1938.

Date : _____, 193 .

Signature.

* Note.—Blocks in one land which are not contiguous should be described as separate lands.

THE RUBBER (NEW-PLANTING) ORDINANCE, NO. 38 OF 1938.

Regulations.

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2. In these regulations, "form" means a form prescribed in the Schedule.
3. Every application to exercise new-planting rights shall be made to the Controller on form N P 1. Every such application shall be accompanied by a Return, in duplicate, in form N P 2. A separate Return, in duplicate, shall be furnished in respect of each land mentioned in form N P 1.
4. No application for the exercise of new-planting rights shall be entertained unless such application and the Returns, in duplicate, are received in the Office of the Controller on or before **October 21, 1938**.
5. Every permit for the exercise of new-planting rights shall be in the form N P 3.
6. A separate permit shall be issued in respect of each land described in form N P 1, and where two or more blocks of one land are not contiguous, they shall be deemed to be separate lands for the purpose of these regulations.
7. No permit shall be issued in respect of any land—
 - (a) which is less than one acre in extent; or
 - (b) which is situated at an elevation of about 1,000 feet above mean sea-level; or
 - (c) which is situated in an area where the average annual rainfall is of about 80 inches:

Provided that the Controller may issue a permit in respect of any land falling within the category of land described in paragraph (b) or paragraph (c), if he is satisfied that the application for the exercise of new-planting rights on that land is made by the proprietor of an estate or small holding registered under the Rubber Control Ordinance, No. 6 of 1934, for the purpose of extending that estate or small holding.

8. It shall be a condition of every permit issued for the exercise of new-planting rights on any land that no labourer recruited from outside Ceylon on or after the date on which these regulations come into force shall be employed on that land for the purpose of the exercise of such rights.

In this regulation "labourer recruited from outside Ceylon" does not include any labourer who was employed in Ceylon before the date on which these regulations come into force and returns to Ceylon on or after that date for the purpose of resuming his original employment or securing any other employment.

9. It shall be a condition of every permit that the permit-holder shall take all such measures as the Controller may direct for the prevention of soil erosion in the land on which new-planting rights are exercised under that permit.

10. The Controller shall from time to time cause to be published in the *Gazette* and in two or more newspapers circulating in Ceylon a list of approved clones and of approved clonal seeds.

11. (1) Subject as hereinafter provided, it shall be a condition of every permit that the land specified in that permit shall be planted—

- (a) with budded rubber stumps or stumped buddings; or
- (b) with approved clonal seeds; or
- (c) with ordinary rubber seed or seedlings:

Provided that at the end of 1941 the permit-holder shall have successfully budded 75 per cent. of the area and that at the end of that period the power is reserved to the Controller to enter upon the new planted holding and to have the trees which have not been budded successfully budded or vacancies planted with budded rubber at the expense of the permit-holder.

(2) Where the Controller has in any permit issued in respect of any land authorized that land to be planted with ordinary rubber seeds or seedlings, that permit shall be subject to the condition that the plants raised from such seeds or the plants into which such seedlings grow shall be budded in the field before a date which shall be specified by the Controller in that permit.

(3) In this regulation, "budded" or "buddings" means budded with any of the clones specified a list of approved clones published under regulation 10.

12. No permit issued in 1938 or in 1939 shall be valid after December 31, 1939:

Provided that the period of the validity of any such permit may be extended by the Controller to a date not later than December 31, 1940, if he is satisfied that sufficient cause exists or has been shown for such extension.

13. No permit issued in 1940 shall be valid after December 31, 1940.

14. Every permit-holder shall, on or before a date specified in his permit, furnish the Controller with two certified copies of a survey plan of the land to which the permit relates.

15. Every applicant for a permit to exercise new-planting rights on any land shall, on demand, forward to the Controller the title deeds relating to that land or certified copies of such deeds.

16. Every permit-holder shall, on demand, forward to the Controller the title deeds relating to the land specified in his permit or certified copies of such deeds.

17. Every applicant for a permit and every permit-holder shall furnish the Controller with such information, survey plan, or other documents, as the Controller may from time to time require—

- (a) for the purpose of the verification or consideration of any statement made in any Return furnished under these regulations; or
- (b) for the supervision of the exercise of new-planting rights; or
- (c) for obtaining such statistics as may be required in regard to the exercise of new-planting rights.

18. The Controller shall reserve permits in respect of 20,000 acres for Middle-Class Ceylonese and peasants.

To be furnished in Duplicate.

RUBBER CONTROL.

Form N P 2

(Form N P 2 under the Rubber (New-planting) Ordinance, No. 38 of 1938, and the Rubber (New-planting) Regulations, 1938.)

Return to accompany Application for Permits to exercise New-planting Rights.

1. Name and Address of Applicant	
2. (a) State whether applicant is a Company or a private individual	}
(b) If a Company state whether sterling, rupee, or other	
(c) If a private individual state:—	
(i.) nationality	
(ii.) occupation	
(iii.) whether applicant is a Peasant or a Middle-Class Ceylonese as defined in section 171 of the Land Development Ordinance, No. 19 of 1935 (re-produced at the end of this return)	}
(iv.) whether wife/husband of applicant has made or is making a separate application	

3. (a) Is applicant a registered proprietor under the Rubber Control Ordinance, No. 6 of 1934 ?

(b) If so, give below the details of all estates and small-holdings registered in the name of the applicant at date :—

Regd. Number.	Name of Estate or Small-Holding.	Acreage.		
		Acres.	Roods.	Perches.
If this space is not sufficient separate sheet should be attached		Total		

4. Extent which the applicant intends to plant .. Acres. Roods. Perches.

5. Name of Land ..

6. Situation of Land

(a) Province ..

(b) Revenue District ..

(c) Chief Headman's Division ..

(d) Village ..

(e) Distance to land from nearest town .. miles from .. along .. P. W. D./D. R. C./V. C. Road.

(f) If not motorable, how many miles is it necessary to walk to reach the land and along what route ? ..

7. Is the land contiguous to, adjoining, or in close proximity to, an estate or small-holding quoted above and if so, state the registered number of that estate or small-holding and the distance therefrom ?

8. (a) Is the land virgin or jungle land ? ..

(b) Does it form part of a fuel or other reserve ? ..

(c) If not virgin or jungle land—

(i.) what cultivation does it contain at present ?

(ii.) what cultivation did it contain prior to July 1, 1938 ?

9. What is the elevation of land above mean sea level ?

10. What is the average annual rainfall of the area in which the land is situated ?

11. (a) Are you the absolute owner of the land ? (State nature of title and quote particulars of title deeds.)

(b) If you are a lessee, state dates of commencement and termination of lease and name and address of lessor. State nature of Lease Bond and quote particulars of lease.

12. Who is in occupation or possession of the land at present ?

13. (a) Is a Survey Plan available ? If so, quote the name of surveyor, number of the plan and the date of survey

(b) If a Survey Plan is not available by what date will you be able to furnish a plan in duplicate ?

NOTE.—A sketch should be furnished in the space provided for the purpose in this return.

14. What labour will you employ ? (See Regulation 8)

15. (a) Will land be planted with budded rubber stumps/stumped buddings/approved clonal seeds ?

(b) If so, where will you obtain such planting material ?

(c) Will land be planted with ordinary Rubber seeds/seedlings ?

(d) If so, before what date will plants be budded in the field ?

16. What proof can you adduce to satisfy the Controller that you have sufficient means or capital to exercise new-planting rights on the land in accordance with the requirements of the Rubber (New-planting) Regulations, 1938, and within the period prescribed thereunder ?

I/we _____ hereby declare that the statements contained in this return are true and accurate.

Declared at _____ this _____ day of _____ 1938.

(Signature) _____
Applicant.

Section 171 of the Land Development Ordinance, No. 19 of 1935—Definition of "Middle-Class Ceylonese".

No person shall for the purposes of this Ordinance be deemed to be a "Middle-Class Ceylonese" on a particular date if the statutory income of such person computed under the provisions of the Income Tax Ordinance, 1932, for the year of assessment ending on the thirty-first day of March preceding such date exceeds a sum of six thousand rupees.

Provided that—

(1) in the case of spouses, the statutory income of either spouse shall be computed as though separate assessment had been claimed and made in pursuance of notice duly given under the provisions of section 22 of the Income Tax Ordinance, 1932;

(2) in the case of spouses who have not been divorced by the decree of a competent court, or who are not living apart under a duly executed deed of separation, neither spouse shall be deemed to be a middle-class Ceylonese for the purposes of this Ordinance if the joint statutory income of both spouses exceeds in the aggregate a sum of twelve thousand rupees.

Sketch in duplicate to accompany application to plant should be neatly drawn, preferably in the space provided below. The sketch should be sufficiently informative so that the site may be located on the ground without difficulty. Permanent or natural landmarks and boundaries should be demarcated. In lieu of sketch, survey plan, in duplicate, if available should be annexed.

State boundaries of land as seen on the ground :—

North :—
East :—
South :—
West :—



Extent of area to be planted : _____ acres _____ roods _____ perches.

Date : _____ (Signature) _____
Applicant.

Permit No. _____

Sketch approved.

Colombo _____

Rubber Controller.

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 - (c) for obtaining such statistics as may be required in regard to the exercise of new-planting rights.
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RUBBER CONTROL.

Form N P 3

Form N P 3 issued under the Rubber (New-planting) Regulations, 1938.

Permit to exercise New-planting Rights.

Permit No. ———.

Subject to the provisions of the Rubber (New-planting) Ordinance, No. 38 of 1938, and of the Rubber (New-planting) Regulations, 1938, and the conditions prescribed by such regulations ——— is hereby authorized to exercise new planting rights on an area in extent ——— acres ——— roods ——— perches of the land called ———, situated in ——— village of the ——— Chief Headman's Division of the ——— Revenue District of the ——— Province.

The particulars relating to the above land appear in Form N P 2 attached to this Permit and in the sketch/plan included in that form.

Special Conditions.

Colombo, ———, 193 .

Rubber Controller.