



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

No. 8,811 – MONDAY, NOVEMBER 10, 1941.

Published by Authority.

PART II.—LEGAL.

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

PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

No. 41 of 1941.

L. D.—O 26/41

**An Ordinance to amend the Rubber Control Ordinance,
No. 63 of 1938.**

A CALDECOTT

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 Rubber Control (Amendment) Ordinance, No. 41 of 1941. Short title

2. Section 45 of the Rubber Control Ordinance, No 63 of 1938, (hereinafter referred to as the "principal Ordinance") is hereby amended by the insertion, immediately after sub-section (1) thereof, of the following new sub-section:— Amendment of section 45 of Ordinance No 63 of 1938

"(1A) The Controller may, by notification published in the *Gazette* and in at least one English, one Sinhalese and one Tamil newspaper circulating in the Island, direct that the provisions of sub-section (1) shall not apply in any such year of control as may be specified in the notification; and no registered dealer shall be entitled to receive stock export coupons under sub-section (1) in any year of control specified in any such notification"

Amendment of section 61 of the principal Ordinance

Cap. 300.

3. (1) Section 61 of the principal Ordinance is hereby amended in sub-section (2) thereof, as follows:—

(a) in paragraph (k), by the substitution, for the words "this Ordinance", of the words "this Ordinance and of the dependants of such persons, officers and servants,"; and

(b) by the insertion, immediately after paragraph (k), of the following new paragraph:—

"(kk) the payment of gratuities, from any fund or scheme established under paragraph (k), to persons, officers and servants employed under the Rubber Control Ordinance or under this Ordinance and to the dependants of such persons, officers and servants, notwithstanding that such persons, officers or servants may have retired from service or died before the date of the establishment of the fund or scheme or that the services of such persons, officers or servants may have been terminated prior to that date on the ground of ill-health or for purposes of retrenchment,".

(2) Section 61 of the principal Ordinance shall, on and after the fifteenth day of December, 1938, (being the date of the commencement of that Ordinance), be deemed to have had effect as though the amendments effected in that section by paragraphs (a) and (b) of sub-section (1) of this section had been inserted in that Ordinance on that date

Passed in Council the Thirty-first day of October, One thousand Nine hundred and Forty-one.

D. C. R. GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Seventh day of November, One thousand Nine hundred and Forty-one.

E. R. SUDBURY,
Secretary to the Governor.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

No. 42 of 1941.

L. D.—O 16/41

An Ordinance to amend the Tea Control Ordinance.

Cap 299,
Vol. VI,
p. 387.

A. CALDECOTT.

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

Short title

1. This Ordinance may be cited as the Tea Control (Amendment) Ordinance, No. 42 of 1941.

Amendment of section 11A of Chapter 299

2. Section 11A of the Tea Control Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended, in sub-section (5) thereof, by the addition, at the end of that sub-section, of the following:—

"No person shall be entitled to be registered as an exporter by reason only of the fact that he acts as a shipping agent for the purposes of the exportation of made tea from Ceylon."

Insertion of new section 11B in the principal Ordinance.

Registration of blenders

3. The following new section is hereby inserted immediately after section 11A of the principal Ordinance, and shall have effect as section 11B of that Ordinance:—

11B. (1) The Controller shall keep a register of blenders.

(2) Any person who desires to be registered as a blender shall apply to the Controller for registration. Every such application shall be in the prescribed form.

(3) No person who is registered as a manufacturer or as an exporter may be registered as a blender

(4) The Controller shall decide whether any person shall be registered as a blender.

(5) The Controller may cancel the registration of any person who is registered as a blender:—

(a) if the Controller is satisfied that such person has ceased to be a blender or is registered as a manufacturer or as an exporter, or

(b) if such person has, in any application under this section, made any statement or furnished any particulars which are untrue or incorrect; or

(c) if such person has acted in contravention of, or has failed to comply with, any provision of this Ordinance or of any regulation.

- (6) An appeal shall lie to a Board of Appeal—
- (a) against any decision of the Controller under sub-section (4); or
- (b) against the cancellation of the registration of any person under sub-section (5)

4. Section 19A of the principal Ordinance is hereby amended in sub-section (3) thereof, by the substitution, for the word "manufacturer", of the words "manufacturer, or as a blender,".

Amendment of section 19A of the principal Ordinance

5. Section 20A of the principal Ordinance is hereby amended as follows —

Amendment of section 20A of the principal Ordinance

- (1) in sub-section (3), by the substitution, for the words "registered manufacturer", wherever they occur collectively in that sub-section, of the words "registered manufacturer or a registered blender";
- (2) in sub-section (4), by the substitution, for the words "registered exporter", wherever they occur collectively in that sub-section, of the words "registered blender or a registered exporter";
- (3) by the insertion, immediately after sub-section (4), of the following new sub-section which shall have effect as sub-section (4A) of section 20A:—

"(4A) No coupon credit held in the Bank by any registered blender shall be sold or transferred, in whole or in part, by that blender to any person other than a registered blender or a registered exporter; and no such coupon credit shall be purchased, in whole or in part, from a registered blender by any person other than a registered blender or a registered exporter";

- (4) by the insertion, at the end of that section, of the following new sub-sections which shall have effect as sub-sections (8) and (9) of section 20A:—

"(8) Notwithstanding anything in the preceding provisions of this section, no coupon credit held in the Bank shall be sold or transferred under any such provision—

- (a) by any person to any registered blender; or
- (b) by any registered blender to any other registered blender or to any registered exporter; or
- (c) by any registered exporter to any other registered exporter,

unless, at the time of the sale or transfer of such coupon credit, the seller or transferor sells and delivers to the purchaser or transferee, as the case may be, a quantity of made tea which shall not be less than the amount represented by such coupon credit.

(9) Where the provisions of sub-section (8) are applicable in the case of the sale or transfer of any coupon credit, the Controller may require either or both the parties to the sale or transfer to furnish proof that a quantity of made tea equivalent to the amount represented by such coupon credit was sold and delivered in accordance with the provisions of that sub-section; and the Controller may, if such proof is not furnished to his satisfaction, by order refuse to credit to the account in the Bank of the purchaser or transferee the coupon credit so sold or transferred and to recognise such sale or transfer for any purpose whatsoever.

Every such order shall be notified by the Controller to the purchaser or transferee affected thereby, and an appeal shall lie to a Board of Appeal against that order."

6. Section 20B of the principal Ordinance is hereby amended by the insertion, immediately before sub-section (9) thereof, of the following new sub-section:—

Amendment of section 20B of the principal Ordinance

"(8A) Nothing in the preceding provisions of this section shall apply in the case of a person who is registered as a manufacturer in accordance with the provisions of section 20BB."

7. The following new section is hereby inserted immediately after section 20B of the principal Ordinance and shall have effect as section 20BB of that Ordinance:—

Insertion of new section 20BB in the principal Ordinance

20BB. (1) In any case where the tea leaf produced on any estate or estates is converted into made tea, on behalf of the registered proprietor of the estate or estates, at a factory which is not in his possession, and such made tea is delivered to that proprietor, that proprietor shall be deemed to be a manufacturer and may, on application made to the Controller

Cases where proprietors who have no factories are deemed to be manufacturers.

in that behalf, be registered as a manufacturer; and all the provisions of this Ordinance relating to the registration of manufacturers and to registered manufacturers, (other than the provisions of sub-sections (1) to (8) of section 20B), shall apply accordingly in any such case.

(2) Where any person is registered as a manufacturer in accordance with the provisions of sub-section (1), the limit of the coupon credit of that manufacturer in his capacity as such, during each period of three months in any period of assessment, shall be such amount as the Controller may by order determine, having regard to the amount of made tea which is likely to be manufactured on behalf of that person from tea leaf produced on the estate or estates of which he is the proprietor.

(3) An appeal shall lie to a Board of Appeal against any order of the Controller under sub-section (2); and a Board of Appeal may on any such appeal confirm the order of the Controller, or increase or reduce the amount of the limit of the coupon credit of the manufacturer by whom the appeal is preferred.

Insertion of new section 20cc in the principal Ordinance

8. The following new section is hereby inserted immediately after section 20c of the principal Ordinance and shall have effect as section 20cc of that Ordinance —

Limit of coupon credit of registered blender.

20cc. (1) The limit of the coupon credit of a registered blender at any time in any period of assessment shall, subject to any variation made by the Controller or by a Board of Appeal as hereinafter provided, be an amount equivalent to such amount as the Controller may determine to be the average amount of made tea likely to be sold by that blender to registered blenders and exporters during each month in such period of assessment.

(2) As soon as may be after the registration of a blender, the Controller shall, by order, determine the limit of the coupon credit of that blender and notify that blender of the amount of such limit.

(3) The Controller may, at any time in any period of assessment, by order reduce the amount of the limit of the coupon credit of any registered blender if he is satisfied, after such enquiry as he may deem necessary, that such amount is excessive, having regard to the amount of made tea actually sold by that blender to registered blenders and exporters and to all the other circumstances of the case. Every such order shall be notified by the Controller to the blender affected thereby.

(4) The Controller may, at any time in any period of assessment, upon application made to him in that behalf by any registered blender, by order increase the amount of the limit of the coupon credit of that blender if he is satisfied, after such enquiry as he may deem necessary, that such amount is insufficient, having regard to the amount of made tea actually sold by that blender to registered blenders and exporters and to all the other circumstances of the case. Every such order, and every refusal to make any such order, shall be notified by the Controller to the blender affected thereby.

(5) An appeal shall lie to a Board of Appeal against any order of the Controller under sub-section (2) or sub-section (3) or sub-section (4) or against any refusal by the Controller to make an order under sub-section (4), and a Board of Appeal may, upon any such appeal, confirm the order of the Controller or increase or reduce the amount of the limit of the coupon credit of the blender by whom the appeal is preferred.

(6) The coupon credit in the Bank of any registered blender shall not at any time exceed the limit of the coupon credit of that blender for the time being.

Amendment of section 20d of the principal Ordinance

9. Section 20D of the principal Ordinance is hereby amended in sub-section (3) thereof as follows:—

(1) by the substitution, for the words "registered manufacturer", wherever they occur collectively in that sub-section, of the words "registered manufacturer or registered blender";

(2) by the substitution, for the words "that manufacturer", wherever they occur collectively in that sub-section, of the words "that manufacturer or blender"; and

(3) by the substitution, for the words "the manufacturer", of the words "the manufacturer or blender".

Amendment of section 20e of the principal Ordinance.

10. Section 20E of the principal Ordinance is hereby amended, in sub-section (2) thereof, as follows:—

(1) by the substitution, for the words "prescribed in that Order.", of the words "prescribed in that Order."; and

(2) by the addition, at the end of that sub-section, of the following :—

“ Provided, however, that in any case where the price paid or received, for or in respect of any tea coupon or coupon credit which is delivered or transferred on any day, is a price specified in that behalf in a written contract, entered into prior to that day, for the purchase or sale of that coupon or coupon credit, then—

- (a) if the price so specified was not higher than the maximum price prescribed in any Order under sub-section (1) which was in force at the time such contract was entered into; or
- (b) if no such order was in force at that time, no person shall be deemed to have committed a breach of the preceding provisions of this sub-section by reason only of the fact that the price so paid or received is higher than the maximum price prescribed in any Order under sub-section (1) which is in force on the day of such delivery or transfer.”

11. Section 20f of the principal Ordinance is hereby amended in paragraphs (b) and (d) of sub-section (1), by the substitution, for the words “registered manufacturer” where they occur collectively in each of those paragraphs, of the words “registered manufacturer, registered blender”

Amendment of section 20f of the principal Ordinance.

12. Section 20g of the principal Ordinance is hereby amended in sub-section (1) thereof as follows —

Amendment of section 20g of the principal Ordinance.

- (1) by the substitution, for the words “registered manufacturer”, of the words “registered manufacturer or registered blender”;
- (2) by the substitution, for the words “that the manufacturer”, of the words “that the manufacturer or blender”;
- (3) by the substitution, for the words “of that manufacturer.”, of the words “of that manufacturer or blender.”; and
- (4) by the substitution, in the marginal note to that section, for the word “manufacturer.”, of the words “manufacturer or blender”.

13. Section 23 of the principal Ordinance is hereby amended in paragraph (b) of sub-section (1) thereof, by the substitution, for all the words from “purchased” to “transfer”, of the following

Amendment of section 23 of the principal Ordinance.

“purchased or obtained from a registered manufacturer or a registered blender any coupon credit which that manufacturer or blender is authorised to transfer”.

14. Section 25 of the principal Ordinance is hereby amended, by the addition at the end of that section, of the following :—

Amendment of section 25 of the principal Ordinance.

“ Provided further that in any case where the International Tea Committee has approved the exportation from Ceylon during any period of assessment, otherwise than under the authority of export licences of any quantity of made tea for any purpose specified by the Committee, the Controller may from time to time grant special export permits authorising exportation from Ceylon during that period for that purpose of a quantity of made tea which shall not in the aggregate exceed the quantity so specified by the Committee.”

15. Section 32A of the principal Ordinance is hereby amended by the substitution, for the word “manufacturer”, of the words “manufacturer or as a blender”.

Amendment of section 32A of the principal Ordinance.

16. Section 40 of the principal Ordinance is hereby amended as follows —

Amendment of section 40 of the principal Ordinance.

- (1) by the substitution, for the words “registered manufacturer” wherever those words occur collectively in that section, of the words “registered manufacturer, registered blender”; and
- (2) by the substitution, for the words “manufacturer or exporter”, wherever those words occur collectively in that section, of the words “manufacturer, blender or exporter”.

17. (1) Section 42 of the principal Ordinance is hereby amended in sub-section (2) thereof, as follows :—

Amendment of section 42 of the principal Ordinance

- (a) in paragraphs (f), (ff) and (g), by the substitution, for the word “manufacturers”, of the words “manufacturers, blenders” ,

- (b) in paragraph (i), by the substitution, for the words "this Ordinance", of the words "this Ordinance and of the dependants of such persons, officers and servants,";
- (c) by the insertion, immediately after paragraph (i), of the following new paragraph.—

"(ii) the payment of gratuities, from any fund or scheme established under paragraph (i), to persons, officers and servants employed under the Tea Control Ordinance, No. 11 of 1933, or under this Ordinance and to the dependants of such persons, officers and servants, notwithstanding that such persons, officers or servants may have retired from service or died before the date of the establishment of the fund or scheme or that the services of such persons, officers or servants may have been terminated prior to that date on the ground of ill-health or for purposes of retrenchment"

(2) Section 42 of the principal Ordinance shall, on and after the first day of April, 1938, (being the date of the commencement of that Ordinance) be deemed to have had effect as though the amendments effected in that section by paragraphs (b) and (c) of sub-section (1) of this section had been inserted in that Ordinance on that date

Amendment of
section 46
of the
principal
Ordinance.

18. Section 46 of the principal Ordinance is hereby amended as follows:—

- (1) by the insertion, immediately after the definition of "Bank", of the following new definition:—
- "blender" means a person (other than a manufacturer or an exporter) who carries on the business of blending made tea for the purpose of selling blends of made tea to exporters; ;
- (2) in the definition of "manufacturer", by the substitution, for the word "factory", of the words "factory, and includes any person who is deemed under section 20BB to be a manufacturer; ;".

Passed in Council the Thirty-first day of October, One thousand Nine hundred and Forty-one.

D. C. R. GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Seventh day of November, One thousand Nine hundred and Forty-one.

E. R. SUDBURY,
Secretary to the Governor.