

CHAPTER 258

RUBBER RESEARCH

Ordinances

Nos. 10 of 1930,
11 of 1934,
3 of 1936,
58 of 1946,
63 of 1946,

Acts

Nos. 27 of 1948,
7 of 1950,
30 of 1951,
50 of 1953,
3 of 1955,
8 of 1957,
52 of 1957,
2 of 1959,
58 of 1961,

Law

No. 35 of 1976,

Act

No. 4 of 1979.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A RUBBER RESEARCH SCHEME AND FOR THE INCORPORATION OF A BOARD OF MANAGEMENT THEREOF.

[1st August, 1930.]

Short title.

1. This Ordinance may be cited as the Rubber Research Ordinance.

Establishment of board.

2. There shall be established in Sri Lanka a board, hereinafter called "the board", for the purpose of furthering and developing the rubber industry, and of establishing and maintaining a rubber research institution and otherwise managing, conducting, encouraging and promoting scientific research in respect of rubber and all problems connected with the rubber industry, and in particular the growth and cultivation of rubber plants, the prevention and cure of diseases, blights and pests, the processes for the treatment of rubber latex and the conversion of such latex into marketable rubber, and the utilization, marketing, and disposal of rubber and in general of all products derived from rubber plants.

Constitution and proceedings of the board.

3. (1) The board shall consist of the following persons :—

(a) *Ex officio* members :—

the Director of Agriculture ;

the Deputy Secretary to the Treasury ;

the Rubber Controller ; and

the Director of the Rubber Research Institute, who shall be the vice-chairman of the board.

(b) Nominated members :—

one member of Parliament nominated by the Minister ;

two members of the Planters' Association of Ceylon nominated by that association ;

two members of the Low-country Products Association nominated by that association ; and

one person nominated by the Minister to represent the small holders.

(2) The chairman of the board shall be elected by the members of the board from among themselves.

(3) Members of the board who are nominated under subsection (1) (b) from among Members of Parliament and from the members of the Planters' Association of

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Ceylon, and the Low-country Products Association shall hold office for a period of three years, or for such period as they continue to be members of those bodies, whichever period may be the shorter :

Provided that if at any time Parliament is dissolved those Members of Parliament who have been nominated as members of the board shall continue in office as members of the board until the election of members of Parliament at the next succeeding general election, notwithstanding that by so doing they shall have remained in office as members of the board for a period exceeding three years.

Any other nominated member shall hold office for a period of three years, and all nominated members may be renominated from time to time.

(4) No proceedings held or taken, and no act, matter, or thing done by the board shall be invalidated by reason only of any vacancy in the membership of the board.

(5) The proceedings of the board shall be conducted and the method of filling such vacancies as may occur in its membership shall be determined in accordance with the provisions of the Schedule.*

(6) The Minister may by regulation revoke, amend, or add to the Schedule.*

4. (1) The members of the board for the time being shall be a body corporate and shall have the name of "The Rubber Research Board", and in that name shall have perpetual succession and shall and may sue and be sued in all courts in Sri Lanka, and may have and use a common seal.

(2) The seal of the board shall be authenticated by the signature of the chairman and one member of the board, and, in the absence of the chairman, by three members of the board, and when so authenticated shall be judicially noticed.

(3) The board may acquire and hold and receive by way of gift, donation, transfer, or otherwise moneys, funds, and property, movable and immovable, and may sell,

transfer, lease, mortgage, or otherwise dispose of the same, or any produce thereof, and may direct and do all things necessary for or incidental to the purposes of its constitution.

(4) The board may, in such manner as it thinks fit, borrow money and secure the repayment of any money borrowed.

(5) The board may apply for, purchase or otherwise acquire any patents, *brevets d'invention*, concessions and the like conferring an exclusive or non-exclusive or limited right to use, or any information as to, any invention which may seem capable of being used for any of the objects and purposes of the board, or the acquisition of which may seem calculated directly or indirectly to assist the accomplishment of such objects and purposes; and may use, exercise, develop, grant licences in respect of, or otherwise turn to account, the property, rights and information so acquired.

(6) The board may establish experimental stations for the purposes of this Ordinance, and may equip the same with buildings, houses, laboratories, factories, and all other appurtenances or accessories as it may think fit.

(7) The board shall, by the provision and publication of information, as well as by advice and demonstration and the inspection of plantations, give practical assistance to persons engaged in the rubber industry.

(8) The board shall also provide such facilities for the education of students in rubber research as the Minister may from time to time direct.

(9) The board shall have full power and authority generally to govern, direct, and decide all matters connected with the appointment of its officers and servants, the administration of its affairs, and the accomplishment of its objects and purposes :

Provided that any such officers or servants when appointed shall, for the purposes of discipline and otherwise, be subject to the control and supervision of the chairman of the board.

* Schedule omitted.

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(10) The board may establish and maintain a provident fund for the benefit of all or any of its officers and servants, make contributions out of the moneys at its disposal to that fund, regulate the management and investment thereof, prescribe the contributions to be made thereto by and the payments to be made therefrom to such officers and servants, provide that no sum standing to the credit of a member in the provident fund shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any claim whatsoever other than a debt due to the Government or to the board, and lay down the conditions under which any such sum may be repaid or declared forfeit or otherwise applied for the purposes of the fund.

(11) The board shall have power to fix the rates of salary, remuneration, bonus, royalties, allowances and all other moneys paid to its servants from time to time, and to apportion moneys derived from patents, *brevets d'invention* and other similar rights and privileges between itself and its servants in such manner as it may deem equitable.

[§ 2, 58 of 1961.]

(11A) The board may establish and maintain a Medical Aid Scheme and a Medical Aid Fund for the benefit of its officers and servants and their wives and children, make contributions to such scheme or fund out of the moneys at the disposal of the board, regulate the management and investment of such moneys, and prescribe the contributions to be made to such scheme or fund by, and the payments to be made from such scheme or fund to, such officers and servants.

(12) Such power and authority shall include a power to make rules subject to the approval of the Minister for any such matters, affairs, objects, or purposes.

Approval of regulations and rules.

5. All regulations made under section 3 (6) and all rules made under section 4 (12) shall be laid, as soon as conveniently may be, on the table of Parliament at two successive meetings, and shall be brought before Parliament at the next subsequent meeting held thereafter by a motion that the said regulations or rules shall not be disapproved, and if upon the introduction

of any such motion, or upon any adjournment thereof, the said regulations or rules are disapproved by Parliament, such regulations or rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder; and such regulations or rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

6. (1) (a) In order to provide an annual income for the Board there shall be charged, levied and paid on all rubber exported from Sri Lanka an export duty of eight cents on every kilogramme of rubber exported from Sri Lanka, and the proceeds thereof shall be paid over monthly to the Board by the Principal Collector of Customs, no part thereof being credited to the Consolidated Fund:

Annual income of the board. [§ 2, Law 35 of 1976.] [§ 2, 4 of 1979.]

Provided that no duty shall be charged or levied at the time of export on any rubber which is proved to the satisfaction of the Principal Collector of Customs to have been imported or brought into Sri Lanka for the purpose of re-export.

(b) Such duty shall be in addition to the duties charged or chargeable under the Customs Ordinance, or any enactment amending the same, or under any resolution of Parliament duly made under the said Ordinance or any of the said enactments.

(c) The amount of the duty imposed by paragraph (a) may be varied or the duty imposed may be rescinded at any time by a resolution of Parliament. Such resolution shall be published in the Gazette and shall come into effect from the date of such publication.

(2) Subsection (1) (a) shall have effect as though it formed a part of the Customs Ordinance, and that Ordinance shall apply accordingly.

(3) For the purposes of this section "rubber" shall include marketable rubber prepared from the latex of the rubber plant, as defined in the Rubber Thefts Prevention

Ordinance, 1908,* and the latex of any such plant after coagulation and in any stage of the treatment to which it is subjected during the process of conversion into marketable rubber, and also fluid rubber latex, but shall not include rubber imported into Sri Lanka for purpose of treatment and export or any manufactured article wholly or partly made of rubber.

(4) For the purpose of calculating the duty under subsection (1) one gallon of fluid latex shall be taken to be equivalent to three and a half pounds of dry rubber and one and a half pounds of coagulated latex shall be taken to be equivalent to one pound of dry rubber.

Application of
income and
other moneys.

7. All moneys paid to the board under this Ordinance and all moneys otherwise lawfully acquired by the board or which may be transferred to the board by an order of the Governor made under section 3 (2) of the Rubber Restriction Repeal Ordinance, 1928,† shall be vested in the board and shall form a fund to be administered and applied by the board in its discretion for the carrying out of this Ordinance.

Accounts,
audit and
annual report.
[§ 5, 58 of
1961.]

8. (1) The board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance sheet containing a summary of the assets and liabilities of the board made up to the first-mentioned date. The revenue and expenditure account and the balance sheet shall be signed by the chairman of the board and by such officer of the board as may be authorized by the board to do so.

(3) The accounts of the board shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Sri Lanka. The auditor shall

receive such remuneration from the funds of the board as the Minister may, with the concurrence of the Minister in charge of the subject of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the board shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor, and

(b) to conduct a supplementary or test audit of the accounts of the board by such person or persons as the Auditor-General may authorize in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorized, on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the board and ascertain the correctness of the balance sheet and furnish a report to the Auditor-General stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether in his opinion the balance sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the board.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the board.

* Repealed by Act No. 11 of 1956.

† Omitted from this Edition.

(8) The board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

- (a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,
- (b) a copy of the revenue and expenditure account,
- (c) a copy of the balance sheet, and
- (d) a report by such board on its work for the period for which the revenue and expenditure account and the balance sheet have been made up.

(9) The Minister shall cause copies of each of the documents specified in subsection (8) of this section to be laid before Parliament.

Protection for members and officers of the board.

9. No matter or thing done or omitted to be done under the direction of the board by any member or officer of the board shall, if such matter or thing was bona fide done or omitted to be done in pursuance of this Ordinance or in furtherance of the objects and purposes of the board or the administration of its affairs, subject any such member or officer personally in any civil court to any action, liability, claim or demand whatsoever.

Minister's directions to the board.
[§ 3, 8 of 1957.]

9A. In the exercise of its powers, the performance of its duties and the discharge of its functions, the board shall be subject to, and act in accordance with, such general directions as the Minister may issue from time to time.

Acquisition of immovable property under the Land Acquisition Act for the board.
[§ 3, 2 of 1959.]

9B. (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 by the board.

9C. The board shall be exempt from the payment of any customs duty on any goods imported or purchased out of bond by the board for the purposes of the board, if the Minister in consultation with the Minister in charge of the subject of Finance approves of such exemption.

Exemption from customs duty.
[§ 6, 58 of 1961.]

9D. (1) At the request of the board, any officer in the public service may, with the consent of that officer and of 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.

Appointment of public officers to the staff of the board.
[§ 6, 58 of 1961.]

(2) Where any officer in the public service is temporarily appointed to the staff of the board, subsection (2) of section 26 of the Government-Sponsored Corporations Act shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the board, subsection (3) of section 26 of the Government-Sponsored Corporations Act shall, *mutatis mutandis*, apply to and in relation to him.

10. Nothing in this Ordinance shall be deemed to affect the rights of the Republic, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

Saving of rights of the Republic and of certain other rights.