



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PROMOTION OF EXPORT AGRICULTURE
ACT, No. 46 OF 1992

[Certified on 22nd September, 1992]

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Promotion of Export Agriculture
Act, No. 46 of 1992

[Certified on 22 September, 1992]

L. D.—O. 47/89.

AN ACT TO PROVIDE FOR THE PROMOTION OF EXPORT AGRICULTURE AND THE REDESIGNATION OF THE DEPARTMENT OF MINOR EXPORT CROPS AS THE DEPARTMENT OF EXPORT AGRICULTURE ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Promotion of Export Agriculture Act, No. 46 of 1992.

Short title.

2. The Minister may, by Order published in the *Gazette*, declare the export agricultural crops to which the provisions of this Act shall apply. An export agricultural crop in respect of which an Order under this section has been made is hereinafter referred to as "a notified agricultural crop".

Application of the Act.

3. (1) There may be appointed, by name or by office, for the purposes of this Act, a Director of Export Agriculture (hereinafter referred to as the "Director") and such number of Deputy Directors and Assistant Directors of Export Agriculture and other officers as may be necessary.

Appointment of officers and servants.

(2) The act of appointment of any Deputy Director or Assistant Director of Export Agriculture shall specify whether he is appointed as such for the whole of Sri Lanka or for any part thereof.

(3) There may also be appointed such clerical and minor staff as may be necessary to assist the aforesaid officers in the administration of this Act.

4. (1) Every Deputy Director or Assistant Director of Export Agriculture shall, in the exercise of his powers, the performance of his duties or the discharge of his functions, be subject to the general direction and control of the Director.

Powers and duties of officers.

(2) Every Deputy Director or Assistant Director of Export Agriculture may, subject to the general direction and control of the Director, within the area for which he is appointed, exercise, perform or discharge all or any of the powers, duties or functions conferred or imposed on, or assigned to, the Director by or under this Act.

Registration
of dealers
in export
agricultural
crops.

5. (1) From and after the expiration of a period of three months from the date on which an Order under section 2 is made in respect of an export agricultural crop, no person shall—

- (a) engage in the primary processing of such crop ; or
- (b) engage in the wholesale purchase or sale, whether on his own account or as a broker or commission agent, of such crop either in the raw or processed form ; or
- (c) have in his possession or transport a quantity of such crop either in the raw or processed form in excess of the prescribed quantity,

unless such person is registered for the purpose of this Act with the Director. In prescribing the quantity for the purpose of paragraph (c) regard shall be had to the reasonable requirements of the consumers of such crop.

(2) (a) An application for registration shall be made to the Director in the prescribed manner and in the prescribed form, and shall be accompanied by the prescribed fee.

(b) The Director shall issue to every person registered under this Act a certificate of registration in the prescribed form.

Power to
require
maintenance
of records
and the
furnishing
of returns.

6. The Director may require any person registered under this Act as a processor, buyer, possessor or seller of a notified agricultural crop—

- (a) to maintain records in respect of such crop in the prescribed form ; and
- (b) to furnish to the Director, returns in respect of such crop, at the prescribed intervals and in the prescribed form.

Powers of
Director to
call for
information.

7. (1) The Director may, by notice, require any person to furnish any such information or to produce any such document as the Director may consider necessary for the exercise of his powers or the discharge of his functions under this Act, and it shall be the duty of any person who receives such notice to comply with the terms of such notice:

Provided, however, that nothing in this subsection shall be read and construed as enabling the Director by notice to require any person to furnish any information or to produce any document, if the disclosure of such information or the production of such document by such person is prohibited by any provision of law.

(2) No information contained in a return furnished under section 6 and no information furnished or the contents of a document produced in compliance with the terms of a notice issued under this section shall be published or communicated by the Director to any other person except with the consent of the person furnishing such return or information, or producing such document, as the case may be, or in the course of the discharge of the functions of the Director.

8. The Director or any person acting with the written authority of the Director may, for the purpose of this Act enter into or upon any land or building where any notified agricultural crop is processed or stored or which is suitable for the cultivation of any export agricultural crop or any vehicle in which any such crop is transported and make such inspections, surveys and examinations thereon or make such inquiries from any person found thereon as may be necessary to ascertain whether the provisions of this Act or any regulation made thereunder are being complied with or the accuracy of any statement made in any return or information furnished under this Act or the suitability of any such land for the cultivation of any export agricultural crop.

Power of Director to enter and inspect lands or buildings where notified agricultural crops are processed or stored.

9. The Director shall be responsible for the conduct of research and training relating to export agricultural crops and the Department of Export Agriculture is hereby designated as a National Agricultural Research Institution.

Research in export agricultural crops.

10. (1) For the purpose of enabling the Department of Export Agriculture to discharge its research and development functions, there shall be charged, levied and paid, in addition to any tax or export duty imposed under any written law other than this Act, a cess called the Export Agriculture Cess in respect of every notified agricultural crop, in such manner and of such amount, as may be determined by the Minister by Order published in the *Gazette*, made with the concurrence of the Minister in charge of the subject of Finance.

Levy of cess on notified agricultural crops.

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(2) The amount of cess imposed by this section may be varied, or any such cess may be rescinded by Order made by the Minister and published in the *Gazette*.

(3) Every Order made by the Minister under this section shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any such Order which is not so approved shall be deemed to be revoked as from the date of its disapproval but without prejudice to the validity of anything previously done thereunder.

(4) This section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

(5) The proceeds of the cess recovered under this section shall be paid monthly by the Director-General of Customs to the Director, no part thereof being credited to the Consolidated Fund.

Director
deemed to
be a
prescribed
officer
under the
Crown Lands
Ordinance.

11. The Director shall be deemed to be a "prescribed officer" within the meaning of section 105 of the Crown Lands Ordinance.

Offences.

12. Every person who—

(a) processes, has in his possession, transports, buys or sells any export agricultural crop in contravention of section 5 ;

(b) fails without reasonable cause to maintain any records or to furnish any return or information when required to do so by the Director under section 6 or section 7 ;

(c) resists or obstructs the Director or any person acting with the written authority of the Director, in the exercise of his powers under section 8 ;

(d) knowingly makes any false or incorrect statement in any record maintained by him under section 6, or in any return or information furnished by him under section 6 or section 7 ; or

(e) fails to comply with any regulation made under this Act,

shall be guilty of an offence under this Act.

13. Every person who is guilty of an offence under this Act, shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding three months or to a fine not exceeding five thousand rupees or to both such fine and imprisonment. Penalties

14. Where any offence under this Act or any regulations made thereunder is committed by a body of persons, then— Offences by bodies of persons.

(a) if that body of persons is a body corporate, every person who at the time of the commission of the offence was a director or officer of that body corporate ; or

(b) if that body of persons is a body other than a body corporate, every person who, at the time of the commission of the offence, was a member or partner of that body,

shall be deemed to be guilty of such offence unless he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

15. (1) The Minister may make regulations for or in respect of all or any of the following matters :— Regulations.

(a) prescribing the form of contracts to be entered into with growers of notified agricultural crops, for the growing of such crops ;

(b) providing for extension services for growers of notified agricultural crops ;

(c) providing for schemes for the grant of subsidies and other assistance, financial or otherwise, to persons who cultivate and process notified agricultural crops ;

(d) providing for schemes for the training of persons in the cultivation, processing and marketing of notified agricultural crops and for the dissemination of information relating to the cultivation, processing and marketing of such crops :

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(e) prescribing the standards of quality to which notified agricultural crops shall conform ;

(f) providing for any matter which is required to be prescribed under this Act, or in respect of which regulations are authorized to be made under this Act.

(2) Every regulation made by the Minister under subsection (1) shall be published in the *Gazette*, and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to the validity of anything previously done thereunder.

(4) Notification of the date on which any regulation shall be deemed to be rescinded shall be published in the *Gazette*.

Amendments
in written
law and
documents
consequential
to the
change of
designation
of the
Department
of Minor
Export
Crops.

16. Wherever in any provision of any written law or any notice, permit, communication, form, or other document issued, made, required or authorized by, or under any other written law, the expression "Department of Minor Export Crops" occurs, there shall be substituted therefor, the expression "Department of Export Agriculture" and accordingly, wherever in any such provision the expression "Director of Minor Export Crops" is used, such expression shall be read and construed as a reference to the "Director of Export Agriculture".

Savings
for
contracts,
&c.

17. Every contract, agreement or other instrument or document whatsoever made, issued or executed prior to the date of commencement of this Act by or in favour of the Director of Minor Export Crops shall be deemed from and after that date, to be and to have been made, issued or executed, by, or in favour of, the Director of Export Agriculture.

Sinhala
text to
prevail in
case of
inconsistency.

18. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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19. In this Act, unless the context otherwise requires—

Interpre-
tation.

“export agricultural crop” means any perennial crop other than tea, rubber, coconut and cashew, at least fifty *per centum* of the total annual production of which is exported ;

“prescribed” means prescribed by regulations made under this Act.

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