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PART I : SECTION (I) — GENERAL

Government Notifications

L. D. B. 51/53 (III).

THE RUBBER REPLANTING SUBSIDY ACT (CHAPTER 437)

REGULATIONS made by the Minister of Plantation under Section 8 of Rubber Replanting Subsidy Act (Chapter 437).

RAMESH PATHIRANA,
Minister of Plantation.

Colombo,
06h August, 2021.

REGULATIONS

1. These regulations may be cited as the Rubber (Replanting) Subsidy Regulations No. 01 of 2021 and shall come into operation on 01st January, 2019.

2. Any proprietor of a rubber estate or a rubber small holding who has been issued a permit under Section 7 of the Rubber Control Act (Chapter 436) for replanting rubber on any land (hereinafter referred to as the “permit holder”) may submit an application to the Rubber Controller in writing for the purpose of obtaining a subsidy for replanting of rubber plants in such estate or small holding.

3. Every application for a subsidy under regulation 2 shall be made in the form as may be determined by the Rubber Controller.



4. The Rubber Controller may upon the receipt of such application, grant a subsidy to the applicant from the Rubber Replanting Subsidy Fund established under section 2 of the Rubber Replanting Subsidy Act (Chapter 437) and in accordance with the provisions of these regulations.

5. The amount of subsidy payable for replanting of rubber in any specified part of a rubber estate or a rubber small holding which is exclusively of private ownership and in respect of the year 2019 or thereafter shall be rupees three hundred and fifty thousand (Rs. 350,000) for each hectare of the area and shall be paid in eight installments in the following manner:-

- (a)
 - (i) the first installment of Rupees Sixteen Thousand (Rs. 16,000) for each Hectare off an area to be replanted shall be paid after the eradication of the existing rubber trees and other vegetation on such area;
 - (ii) the Rubber Controller may pay an amount not exceeding fifty per centum (50%) of the first installment as a part payment to the permit holder of the rubber estate or the rubber small holding on being notified that the eradication of the existing rubber trees and other vegetation on such land has been completed.
 - (iii) the Rubber Controller may authorize to remit an additional remuneration after completion of digging holes for rubber replanting when the Rubber Controller considers such authorization is necessary.
- (b)
 - (i) the second installment of Rupees Eighty-six Thousand (Rs. 86,000) for each hectare shall be paid after the completion of replanting;
 - (ii) the Rubber Controller may pay an amount of money not exceeding fifty per centum (50%) of the second installment as a part payment to the permit holder on being notified that the replanting has been completed;
 - (iii) where it is found at the inspection that all requirements for the payment of the second installment has not been fulfilled, payment shall be made after satisfactory completion of the following activities in the following manner:-

<i>Activities to be completed</i>	<i>Subsidy per hectare</i>
	<i>Rs. C.</i>
1. Digging of holes and planting of budded rubber plants	50,000.00
2. Soil conservation (excavation of drains or construction of stone terraces or platforms or planting of cover crops etc.)	20,000.00
3. Fencing	16,000.00

- (iv) payment of any balance amount of money shall be made only after the satisfactory completion of the unattended activities;
- (v) payment of the subsequent installments shall be suspended, until such required activity is completed;
- (vi) in addition to this subsidy, the Rubber Controller may authorize an additional payment for planting of recommended inter-crops with rubber plants;

- (c) the third installment of Rupees Thirty Thousand (Rs. 30,000) for each hectare shall be paid not earlier than one year after the completion of re planting;
- (d) the fourth installment of Rupees Forty-two Thousand (Rs. 42,000) for each hectare shall be paid not earlier than two years after the completion of replanting;
- (e) the fifth installment of Rupees Forty-two Thousand (Rs. 42,000) for each hectare shall be paid not earlier than three years after the completion of replanting;
- (f) the sixth installment of Rupees Forty-two Thousand (Rs. 42,000) for each hectare shall be paid not earlier than four years after the completion of replanting;
- (g) the seventh installment of Rupees Forty-four Thousand (Rs. 44,000) for each hectare shall be paid not earlier than five years after the completion of replanting; and
- (h) the eighth installment of Rupees Forty-eight Thousand (Rs. 48,000) for each hectare shall be paid not earlier than six years after the completion of replanting.

6. Where the Rubber Controller is satisfied that progress specified in paragraphs (c) to (h) of regulation 5 has been achieved prior to the periods, specified therein, the Rubber Controller may at this discretion release the particular installment at an earlier date.

7. No installment of subsidy shall be paid later than seven years after the completion of replanting or after the commencement of tapping in such clearing other than in accordance with paragraphs (a) and (b) of regulation 17.

8. The date on which trees were planted in a field shall be considered as the date of replanting.

9. Where the area to be replanted is less than one Hectare in extent or where such area includes a part which is less than one Hectare, the amounts specified in regulation 5 of these regulations shall be paid in respect of that extent or part of that area in the proportion to that extent or part of the area bears to one Hectare, in computing the amount of subsidy payable.

10. An incentive payment amounting to Rupees Fourteen Thousand (Rs. 14,000) per Hectare may be paid for replanting rubber estates or small holdings which has a minimum 2/3 from the required number of trees per Hectare at the end of the fifth year of replanting which have reached the minimum girth of fifty decimal point eight naught (50.80) centimeters in circumference at the height of one hundred and twenty one decimal point nine two (121.92) centimeters above the ground and on the receipt of a certificate from an officer authorized in writing in that behalf by the Rubber Controller to that effect.

11. The permit holder shall open and maintain either a current account or a savings account in a branch of the Government Bank or any Private Commercial Bank in order to receive the installments of subsidy and effect recoveries from the installments of subsidy payments.

12. It shall be the duty of every permit holder to whom the first installment of the subsidy has been paid under regulation 5 to comply with the directions issued and conditions imposed by the Rubber Controller by notice in writing under regulation 19 and to maintain the replanted area in good agricultural condition.

13. A permit holder to whom one or more installments of subsidy are due under regulation 5 in respect of an area for which a replanting permit has been issued, shall not sell or otherwise dispose of part or whole of such area without the written approval of the Rubber Controller.

14. A permit holder to whom the first installment has been paid under regulation 5 shall within one year or within such further time as may be given by the Rubber Controller eradicate the existing vegetation and clear the area to be planted shall -

- (a) complete the replanting of such area with rubber plants belonging to such variety or varieties approved by the Rubber Controller;
- (b) when required to do so by the Rubber Controller by notice in writing, remove from such area all plants other than rubber plants and leguminous ground cover plants;
- (c) construct in such area, such drains or terraces as the Rubber Controller may require by notice in writing;
- (d) plant leguminous ground cover crops in such area or take such other measures as are required for the prevention of soil erosion in such area, as the Rubber Controller may require by notice in writing; and
- (e) construct a fence around such area, if requested so to do by the Rubber Controller by notice in writing.

15.(1) Where any such work specified in regulation 14 has not been carried out by the permit holder the Rubber Controller may employ such people and utilize required materials as the Rubber Controller considers necessary to complete such work.

(2) The Rubber Controller shall deduct the expenses incurred in that connection from the subsidies payable to such permit holder.

16. Every permit holder to whom a subsidy or a portion thereof has been paid in respect of an extent of land shall ensure that the minimum number of rubber plants to be replanted in each hectare of that area shall conform with the following requirements: -

- (a) (i) 516 plants per hectare at the time of replanting, if planted with rubber clones (RRIC, RRISL) which are of Rubber Research Institute of Sri Lanka (hereinafter referred to as "RRISL") and varieties of other high yield bud rubber plants approved by the Rubber Controller;
- (ii) 516 plants per hectare at the end of the first and second years after replanting;
- (iii) 475 plants per hectare at the end of the third and fourth years after replanting;
- (iv) 450 plants per hectare for the next two consecutive years after replanting;
- (v) 450 plants per hectare for the next three consecutive years after replanting in accordance with paragraph (b) of regulation 17.

(b) budded rubber plants shall be planted at the distances and with the specified number of plants as follows: -

(i) for clones of RRIC, RRISL and other high yield clones -

<i>Plant Spacing</i>		<i>No. of plants</i>
350 cm x 550 cm (11'6"x18')	- -	516 per hectare (209 per acre)
430 cm x 450 cm (14'x 14'9")	- -	516 per hectare (209 per acre)

(ii) for intercropping with RRIC, RRISL clones and other high yield clones -

<i>Plant Spacing</i>		<i>No. of plants</i>
250 cm x 775 cm (8'x 26')	- -	516 per hectare (209 per acre)

(c) the Rubber Controller may taking into consideration the terrain of the land authorizes the planting at variable spaces other than those stipulated above:

Provided that, the minimum space between plants shall conform to the numbers stipulated in subparagraphs (i) and (ii) of paragraph (b) of this regulation.

17. It shall be the duty of every permit holder to whom a subsidy or any portion thereof has been paid in respect of any area, to take such measures as may be necessary to ensure that, at a height of 121.92 centimeters above the ground, the rubber plant in the minimum circumference of the rubber plants re-planted in such area shall: -

(a) where such area is situated in a district with an average annual rain fall of 254 centimeters and more, be as specified in table I below: -

Table I

<i>Age of the Plantation</i>	<i>Girth (cm)</i>
At the end of the second year after re-planting	10.16
At the end of the third year after re-planting	15.87
At the end of the fourth year after re-planting	25.40
At the end of the fifth year after re-planting	31.75
Not later than at the end of the seventh year after re-planting	50.80

(b) where such area is situated in a district with an average annual rain fall of less than 254 centimeters, be as specified in table II: -

Table II

<i>Age of the Plantation</i>	<i>Girth (cm)</i>
At the end of the second year after re-planting	10.16
At the end of the third year after re-planting	13.97
At the end of the fourth year after re-planting	22.86
At the end of the fifth year after re-planting	27.94
Not later than at the end of the eighth year after re-planting	50.80

18. No permit holder who is a recipient of a subsidy in full or any portion thereof in respect of any area, shall tap or cause to be tapped any rubber plant until at least Sixty per centum (60%) of the rubber plants have reached a minimum girth of Fifty decimal point Eight Naught (50.80) centimeters at a height of one Hundred and Twenty-one decimal Nine Two centimeters (121.92) when measured from the ground.

19. Where a subsidy is payable or has been paid under regulation 5 to any permit holder, such permit holder shall, within such period of time as the Rubber Controller may, by notice specify in writing, comply with such directions and requirements as the Rubber Controller deems necessary for the purpose of carrying out the replanting of a rubber estate or a rubber small holding in a satisfactory manner.

20. Where the Rubber Controller is of the opinion that any permit holder to whom a subsidy or any portion thereof has been paid has contravened regulations 12,13,14,15,16,17, or 18, the Rubber Controller may by notice in writing, require such permit holder to refund the amount of the subsidy which has been paid to him in respect of an area either forthwith or within such time as may be specified in the notice, and no permit holder on whom notice is served under this regulation shall fail to comply with such notice.

21. (1) Whenever any permit holder fails to repay the subsidy paid under these regulations such sum of money shall be recovered as a fine imposed by a court of law.
- (2) The submission of a certificate issued by the Rubber Controller to the effect that a person after having obtained one or more installments of subsidy has failed to repay such subsidy and has abandoned a rubber estate or rubber small holding shall be *prima facie* evidence of such fact.

22. Notwithstanding the provisions of the Rubber Replanting Subsidy Regulations published in the *Gazette* No. 10594 of 13th October, 1953, as amended from time to time, the following instalments of subsidy payable on any replanting permits issued in the respect of the years 2013, 2014, 2015, 2016, 2017, 2018 and 2019 respectively and where all the installments- due on such permits have not been paid at the time of operation of these regulations such installments shall be paid at the rates specified in regulation 5 in the following manner:-

Year 2013	-	the eighth installment in terms of regulation 5 (h);
Year 2014	-	from the seventh installment onwards in terms of regulation 5 (g) ,
Year 2015	-	from the sixth installment onwards in terms of regulation 5 (f) ,
Year 2016	-	from the fifth installment onwards in terms of regulation 5 (e) ;
Year 2017	-	from the fourth installment onwards in terms of regulation 5 (d),
Year 2018	-	from the third installment onwards in terms of regulation 5 (c) ;
Year 2019	-	from the first and second installments onwards in terms of regulation 5 (a) and 5 (b).

23. In these regulations: -

“Proprietor”, shall have the same meaning assigned to it in the Rubber Control Act (Chapter 436);

“Estate” shall have the same meaning assigned to it in the Rubber Control Act (Chapter 436);

“Replanting” shall have the same meaning assigned to it in the Rubber Replanting Subsidy Act (Chapter 437);

“Re-planting permits” means a permit issued under Section 7(1) of the Rubber Control Act (Chapter 436) ; and

“Rubber Controller” shall have the same meaning assigned to it in the Rubber Replanting Subsidy Act (Chapter 437).

L. D. B. 51/53 (III).

THE RUBBER REPLANTING SUBSIDY ACT (CHAPTER 437)

REGULATIONS made by the Minister of Plantation under Section 8 of Rubber Replanting Subsidy Act (Chapter 437).

RAMESH PATHIRANA,
Minister of Plantation.

Colombo,
06th August, 2021.

REGULATIONS

1. These regulations may be cited as the Rubber (New Planting) Subsidy Regulations No. 02 of 2021 and shall come into operation on 01st January, 2019.

2. Any proprietor of a rubber estate or a rubber small holding who has been issued a permit under Section 7 of the Rubber Control Act (Chapter 436) (hereinafter referred to as the “permit holder”) may submit an application to the Rubber Controller in writing for the purpose of obtaining a subsidy for planting of rubber plants in such estate or small holding for the first time.

3. Every application for a subsidy under regulation 2 shall be made in the form as may be determined by the Rubber Controller.

4. The Rubber Controller may upon the receipt of such application, grant a subsidy to the applicant from the Rubber Replanting Subsidy Fund established under section 2 of the Rubber Replanting Subsidy Act (Chapter 437) and in accordance with the provisions of these regulations.

5. The amount of subsidy payable for planting of rubber for the first time in any specified part of a rubber estate or a rubber small holding which is exclusively of private ownership, in respect of the year 2019 or thereafter shall be rupees Three Hundred Thousand (Rs. 300,000) for each hectare of the area and shall be paid in Eight installments in the following manner:-

- (a) (i) the first installment of Rupees Twelve Thousand (Rs. 12,000) for each hectare of the permitted area to be newly planted shall be paid after the eradication of the existing vegetation in the permitted area and digging of holes for planting of rubber plants;
- (ii) the Rubber Controller may authorize to remit an additional remuneration after completion of digging holes for planting when the Rubber Controller considers such authorization is necessary.
- (b) (i) the second installment of Rupees Seventy-two Thousand (Rs. 72,000) for each Hectare shall be paid after the completion of new planting.
- (ii) the Rubber Controller may pay an amount not exceeding fifty *per centum* (50%) of the second installment as a part payment to the permit holder on being notified that the new planting has been completed;
- (iii) where it is found at the inspection that all requirement for the payment of such installment has not been fulfilled, payment shall be made after satisfactory completion of the following activities in the following manner:-

<i>Activities to be Completed</i>	<i>Subsidy per hectare Rs. C.</i>
1. Digging of holes and planting of budded rubber plants	40,000.00
2. Soil conservation (excavation of drains or construction of stone terraces or platforms or planting of cover crops <i>etc.</i>)	16,000.00
3. Fencing	16,000.00

(iv) payment of any balance amount of money shall be made only after the satisfactory completion of the unattended activities;

(v) payment of the subsequent installments shall be suspended, until such required activity is completed;

(vi) in addition to this subsidy, the Rubber Controller may authorize an additional payment for planting of recommended inter-crops with rubber plants;

(c) the third installment of rupees Twenty-four Thousand (Rs. 24,000) for each hectare shall be paid not earlier than one year after the completion of new planting;

(d) the fourth installment of Rupees Thirty-six Thousand (Rs. 36,000) for each hectare shall be paid not earlier than two years after the completion of new planting;

(e) the fifth installment of Rupees Thirty-six Thousand (Rs. 36,000) for each hectare shall be paid not earlier than Three years after the completion of new planting;

(f) the Sixth installment of Rupees Thirty-six Thousand (Rs. 36,000) for each hectare shall be paid not earlier than four years after the completion of new planting;

(g) the seventh installment of Rupees Thirty-eight thousand (Rs. 38,000) for each hectare shall be paid not earlier than five years after the completion of new planting; and

(h) the eighth installment of Rupees Forty-six Thousand (Rs. 46,000) for each hectare shall be paid not earlier than six years after the completion of new planting.

6. Where the Rubber Controller is satisfied that progress specified in subparagraphs (c) to (h) of regulation 5 has been achieved prior to the periods, specified therein, the Rubber Controller may at this discretion release the particular installment at an earlier date.

7. No installment of subsidy shall be paid later than seven years after the completion of planting or after the commencement of tapping in such clearing other than in accordance with paragraphs (a) and (b) of regulation 17.

8. The date on which trees were planted in a field shall be considered as the date of planting.

9. Where the area to be newly planted is less than one hectare in extent or where such area includes a part which is less than one hectare, the amounts specified in regulation 5 shall be paid in respect of that extent or part of that area in the proportion to that extent or part of the area bears to one Hectare, in computing the amount of subsidy payable.

10. An incentive payment amounting Rupees Fourteen Thousand (Rs. 14,000) per Hectare may be paid for new planting rubber estates or rubber small holdings which have a minimum 2/3 from the required number of trees per Hectare at the end of the fifth year of planting which have reached the minimum girth of fifty decimal point eight naught (50.80) centimeters in circumference at the height of one hundred and twenty one decimal point nine two (121.92) centimeters above the ground and on the receipt of a certificate from an officer authorized in writing in that behalf by the Rubber Controller to that effect.

11. The permit holder shall open and maintain either a current account or a savings account in a branch of the Government Bank or any Private Commercial Bank in order to receive the installments of subsidy payments and effect recoveries from the installments of subsidy payments.

12. It shall be the duty of every permit holder to whom the first installment of the subsidy has been paid under regulation 5 to comply with the directions issued and conditions imposed by notice in writing by the Rubber Controller under regulation 19 and to maintain the newly planted area in good agricultural condition.

13. A permit holder to whom one or more installments of subsidy are due under regulation 5, in respect of an area for which new planting permits have been issued, shall not sell or otherwise dispose of part or whole of such area without the written approval of the Rubber Controller.

14. A permit holder to whom the first installment has been paid under regulation 5 shall within one year or within such further time as may be given by the Rubber Controller, eradicate the existing vegetation and clear the area to be planted and shall -

- (a) complete the planting of such area with rubber plants belonging to such variety or varieties approved by the Rubber Controller;
- (b) when required to do so by the Rubber Controller by notice in writing, remove from such area all plants other than rubber plants and leguminous ground cover plants;
- (c) construct in such area, such drains or terraces as the Rubber Controller may require by notice in writing;
- (d) plant leguminous ground cover crops in such area or take such other measures as required for the prevention of soil erosion in such area, as the Rubber Controller may require by notice in writing; and
- (e) construct a fence around such area, if requested so to do by the Rubber Controller by notice in writing.

15.(1) Where any such work specified in regulation 14, has not been carried out by the permit holder the Rubber Controller may employ such people and utilize required materials as the Rubber Controller consider necessary to complete such work.

(2) The Rubber Controller or Director General of the Rubber Development Department shall recover the expenses incurred in that connection from the subsidies payable to such permit holder.

16. Every permit holder to whom a subsidy or a portion thereof has been paid in respect of an extent of land shall ensure that the minimum number of rubber plants panted in each Hectare of that area shall conform with the following requirements: -

- (a) (i) 516 plants per Hectare at the time of planting, if planted with rubber clones (RRIC, RRISL) which are of Rubber Research Institute of Sri Lanka (hereinafter referred to as "RRISL") and varieties and other high yield bud rubber plants approved by the Rubber Controller;
- (ii) 516 plants per Hectare at the end of the first and second years after planting;
- (iii) 475 plants per Hectare at the end of the third and fourth years after planting;
- (iv) 450 plants per Hectare for the next two consecutive years after planting;
- (v) 450 plants per Hectare for the next three consecutive years after planting in according to subparagraph (b) of regulation 17.
- (b) budded rubber plants shall be planted at the distances specified below and with the specified number of plants as follows: -

- (i) for clones of Rubber Research Institute of Sri Lanka (RRISL) and other highly yield clones -

<i>Plant Spacing</i>	-	<i>No. of plants</i>
350 cm x 550 cm	-	516 per Hectare
(11'6"x18')	-	(209 per acre)
430 cm x 450 cm	-	516 per Hectare
(14' x 14' 9")	-	(209 per acre)

- (ii) for intercropping with RRIC, RRISL clones and other high yield clones -

<i>Plant Spacing</i>	-	<i>No. of plants</i>
250 cm x 775 cm	-	516 per Hectare
(8' x 26')	-	(209 per acre)

- (c) the Rubber Controller may taking into consideration the terrain of the land authorize the planting at variable spaces other than those stipulated above:

Provided that, the minimum number of plants shall not be less than the numbers stipulated in subparagraphs (i) and (ii) of paragraph (b).

17. It shall be the duty of every permit holder to whom a subsidy or any portion thereof has been paid in respect of any area, to take such measures as may be necessary to ensure that, at a height of 121.92 centimeters above the ground, the rubber plants the minimum circumference of the rubber plants planted in such area shall: -

- (a) where such area is situated in a district with an average annual rainfall of 254 centimeters and more, be as specified in table I below: -

Table I

<i>Age of the Plantation</i>	<i>Girth (cm)</i>
At the end of the second year after new-planting	10.16
At the end of the third year after new-planting	15.87
At the end of the fourth year after new-planting	25.40
At the end of the fifth year after new-planting	31.75
Not later than at the end of the seventh year after new-planting	50.80

- (b) where such area is situated in a district with an average annual rainfall of less than 254 centimeters, be as specified in table II below : -

Table II

<i>Age of the Plantation</i>	<i>Girth (cm)</i>
At the end of the second year after new-planting	10.16
At the end of the third year after new-planting	13.97
At the end of the fourth year after new-planting	22.86
At the end of the fifth year after new-planting	27.94
Not later than at the end of the eighth year after new-planting	50.80

18. No permit holder who is a recipient of a subsidy in full or any portion thereof in respect of any area, shall tap or cause to be tapped any rubber plant until at least sixty per centum (60%) of the rubber plants have reached a minimum girth of Fifty decimal point Eight Naught (50.80) centimeters at a height of one Hundred and Twenty-one decimal Nine Two centimeters (121.92) when measured from the ground.

19. Where a subsidy is payable or has been paid under regulation 5, to any permit holder, such permit holder shall within such period of time as the Rubber Controller may, by notice specify in writing, comply with such directions and requirements as the Rubber Controller deems necessary for the purpose of carrying out the new planting of a rubber estate or a rubber small holding in a satisfactory manner.

20. Where the Rubber Controller is of the opinion that any permit holder to whom a subsidy or any portion thereof has been paid has contravened the regulations 12,13,14,15,16,17, or 18, the Rubber Controller may by notice in writing, require such permit holder to refund the sum of money of the subsidy which has been paid to him in respect of an area either forthwith or within such time as may be specified in the notice, and no permit holder on whom notice is served under this regulation shall fail to comply with such notice.

21. (1) Whenever any permit holder fails to repay the subsidy paid under these regulations such sum of money shall be recovered as a fine imposed by a court of law.
- (2) The submission of a certificate issued by the Rubber Controller to the effect that a person having obtained, one or more installments of subsidy has failed to repay such subsidy and has abandoned a rubber estate or rubber small holding shall be *prima facie* evidence in this regard of such fact.

22. Notwithstanding the provisions of the Rubber Replanting Subsidy Regulations published in the *Gazette* No. 258 of 23rd March, 1977, as amended from time to time, the following installments of subsidy payable on any planting permits issued in the respect of the years 2013, 2014, 2015, 2016, 2017, 2018 and 2019 respectively and where all installments due on such permits had not been paid at the time of operation of these regulations such installments shall be paid at the rates specified in regulation 5 in the following manner:-

- Year 2013 - the eighth installment in terms of regulation 5 (h);
 Year 2014 - from the seventh installment onwards in terms of regulation 5 (g) ,
 Year 2015 - from the sixth installment onwards in terms of regulation 5 (f) ,
 Year 2016 - from the fifth installment onwards in terms of regulation 5 (e) ;
 Year 2017 - from the fourth installment onwards in terms of regulation 5 (d),
 Year 2018 - from the third installment onwards in terms of regulation 5 (c) ;
 Year 2019 - from the first and second installments onwards in terms of regulation 5 (a) and 5 (b).

23. In these regulations: -

“Proprietor” shall have the same meaning assigned to it in the Rubber Control Act (Chapter 436);

“Estate” shall have the same meaning assigned to it in the Rubber Control Act (Chapter 436);

“New planting permits” means a permit issued under section 7(1) of the Rubber Control Act ;

“Small holdings” shall have the same meaning assigned to it in the Rubber Control Act (Chapter 436);

“Rubber Controller” shall have the same meaning assigned to it in the Rubber Replanting Subsidy Act (Chapter 437).

09-40/2

L. D. B. 51/53 (III).

THE RUBBER REPLANTING SUBSIDY ACT (CHAPTER 437)

REGULATIONS made by the Minister of Plantation under Section 8 of Rubber Replanting Subsidy Act (Chapter 437).

RAMESH PATHIRANA,
Minister of Plantation.

Colombo,
06th August, 2021.

REGULATIONS

1. These regulations may be cited as the Rubber Replanting (Plantation Companies) Subsidy Regulations No. 03 of 2021 and shall come into operation on 01st January, 2019.

2. Any proprietor of a rubber estate who has been issued a permit under Section 7 of the Rubber Control Act (Chapter 436) (herein after referred to as the “permit holder”) may submit an application to the Rubber Controller in writing for the purpose of obtaining a subsidy for replanting of rubber plants in such estate.

3. Every application for a subsidy under regulation 2 shall be made in the form as may be determined by the Rubber Controller.

4. The Rubber Controller may upon the receipt of such application, grant a subsidy to the applicant from the Rubber Replanting Subsidy Fund established under section 2 of the Rubber Replanting Subsidy Act (Chapter 437) and in accordance with the provisions of these regulations.

5. The amount of subsidy payable for replanting of rubber in any specified part of a rubber estate which is exclusively of private ownership, in respect of the year 2019 or thereafter shall be rupees Three Hundred and Fifty Thousand (Rs. 350,000) for each Hectare of the area to be replanted, and shall be paid in eight installments in the following manner:-

- (a) (i) the first installment of Rupees Sixteen Thousand (Rs. 16,000) for each Hectare of an area shall be paid after the eradication of the existing rubber trees and other vegetation in such area;
- (ii) the Rubber Controller may pay an amount of money not exceeding Fifty *per centum* (50%) of the first installment as a part payment to the permit holder on being notified that the eradication of the existing rubber trees and other vegetation on such land has been completed;
- (b) (i) the second installment of Rupees Eighty-six Thousand (Rs. 86,000) for each Hectare shall be paid after the completion of replanting of rubber plants;
- (ii) the Rubber Controller may pay an amount of money not exceeding fifty *per centum* (50%) of the second installment as a part payment to the permit holder on being notified that the replanting has been completed;
- (iii) where it is found at the inspection that all requirement for the payment of such installment had not been fulfilled, such payment shall be made in the following manner for the following activities completed satisfactorily:-

<i>Activities to be completed</i>	<i>Subsidy per Hectare</i>	
	<i>Rs.</i>	<i>C.</i>
1. Digging of holes and planting of budded rubber plants	50,000.00	
2. Soil conservation (excavation of drains or construction of stone terraces, platforms or planting of cover crops, etc.)	20,000.00	
3. Fencing	16,000.00	

- (iv) the payment of any balance amount of money shall be made only after the satisfactory completion of the unattended activities;
- (v) payment of the subsequent installments shall be suspended, until such required activity is completed;
- (c) the third installment of Rupees Thirty Thousand (Rs. 30,000) for each Hectare shall be paid not earlier than one year after the completion of replanting;
- (d) the fourth installment of Rupees Forty-two Thousand (Rs. 42,000) for each Hectare shall be paid not earlier than two years after the completion of replanting;
- (e) the fifth installment of Rupees Forty-two Thousand (Rs. 42,000) for each Hectare shall be paid not earlier than three years after the completion of replanting;
- (f) the Sixth installment of Rupees Forty-two Thousand (Rs. 42,000) for each Hectare shall be paid not earlier than four years after the completion of replanting;

- (g) the seventh installment of Rupees Forty-four Thousand (Rs. 44,000) for each Hectare shall be paid not earlier than five years after the completion of replanting; and
- (h) the eighth installment of Rupees Forty-eight Thousand (Rs. 48,000) for each Hectare shall be paid not earlier than six years after the completion of replanting.

6. Where the Rubber Controller is satisfied that the progress specified in paragraphs (c) to (h) of regulation 5 has been achieved prior to the periods, specified therein, the Rubber Controller may at this discretion release the particular installment at an earlier date.

7. No installment of subsidy shall be paid later than seven years after the completion of replanting or after the commencement of tapping in such clearing other than in accordance with paragraphs (a) and (b) of regulation 17.

8. The date on which trees were planted in a field shall be considered as the date of replanting.

9. Where the area to be replanted is less than one Hectare in extent or where such area includes a part which is less than one Hectare, the amounts specified in regulation 5 shall be paid in respect of that extent or part of that area in the proportion to that extent or part of the area bears to one Hectare, in computing the amount of subsidy payable.

10. An incentive payment amounting to Rupees Fourteen Thousand (Rs. 14,000) per Hectare may be paid to a proprietor of a rubber estate for re-planting an estate which has a minimum $\frac{2}{3}$ trees from the required number of trees per Hectare at the end of the fifth year of replanting which have reached the minimum girth of fifty decimal point eight naught (50.80) centimeters in circumference to the height of one hundred and twenty one decimal point nine two (121.92) centimeters above the ground and on the receipt of a certificate from an officer authorized in writing in that behalf by the Rubber Controller to that effect.

11. Any permit holder of a Rubber estate who has been issued a permit for replanting rubber on any land shall open and maintain either a current account or a savings account in a branch of the Government Bank or any Private Commercial Bank for the purpose of effecting payment of installments of subsidy and effecting either recoveries installments of subsidy payments.

12. It shall be the duty of every permit holder to whom the first installment of the subsidy has been paid under regulation 5 in respect to comply with the directions issued and conditions imposed by notice in writing by the Rubber Controller under regulation 19 and to maintain the re-planted area in good agricultural condition.

13. A permit holder to whom one or more installments of subsidy are due under regulation 5 in respect of an area for which a re-planting permit has been issued, shall not sell or otherwise dispose of part or whole of such area without the written approval of the Rubber Controller.

14. A permit holder to whom the first installment of a subsidy has been paid under regulation 5 shall within one year of the date of payment of such installment or within such further time as may be given by the Rubber Controller in that behalf -

- (a) complete the re-planting of such area with rubber plants belonging to such variety or varieties approved by the Rubber Controller;

- (b) when required to do so by the Rubber Controller by notice in writing, remove all plants other than rubber and leguminous ground cover plants;
- (c) construct in such area, such drains or terraces as the Rubber Controller may require by notice in writing;
- (d) plant leguminous ground cover crops in such area or take such other measures as are required for the prevention of soil erosion in such area, as the Rubber Controller may require by notice in writing; and
- (e) construct a fence around such area, if requested do so by the Rubber Controller by notice in writing.

15.(1) Where any such work specified in regulation 14 has not been carried out by the permit holder, the Rubber Controller may employ people and utilize required materials as the Rubber Controller considers necessary to complete such work.

(2) The Rubber Controller shall deduct the expenses incurred in that connection from the subsidies payable to such permit holder.

16. Every permit holder to whom a subsidy or a portion thereof has been paid in respect of an extent of land shall ensure that the minimum number of rubber plants re-planted in each hectare of that area shall conform with following requirements: -

- (a) (i) 516 plants per hectare at the time of re-planting, if planted with rubber clones (RRIC, RRISL) which are of Rubber Research Institute of Sri Lanka (hereinafter referred to as "RRISL") and varieties of other high yield bud rubber plants approved by the Rubber Controller;
- (ii) 516 plants per Hectare at the end of the first and second years after replanting;
- (iii) 475 plants per Hectare at the end of the third and fourth years after replanting;
- (iv) 450 plants per Hectare for the next two consecutive years after replanting;
- (v) 450 plants per Hectare for the next three consecutive years after replanting in relation to subsection (b) of regulation 17.

(b) budded rubber plants shall be planted at the distances and with the specified number of plants as follows: -

- (i) for clones of Rubber Research Institute of Sri Lanka (RRISL) and other highly yield clones -

<i>Plant Spacing</i>		<i>No. of plants</i>
350 cm x 550 cm	-	516 per Hectare
(11'6"x18')	-	(209 per Acre)
430 cm x 450 cm	-	516 per Hectare
(14'x 14'9")	-	(209 per Acre)

- (ii) for intercropping with RRIC, RRISL clones and other high yield clones -

<i>Plant Spacing</i>		<i>No. of plants</i>
250 cm x 775 cm	-	516 per Hectare
(8' x 26')	-	(209 per Acre)

- (c) the Rubber Controller may taking into consideration the terrain of the land and authorize the planting at variable planting spaces other than those stipulated above:

Provided that, the minimum space between plants shall conform to the numbers stipulated in subparagraphs (i) and (ii) of paragraph of (b).

17. It shall be the duty of every permit holder to whom a subsidy or any portion thereof has been paid in respect of any area, to take such measures as may be necessary to ensure that, at a height of 121.92 centimeters above the ground of the rubber plant in the minimum circumference of the rubber plants re-planted in such area shall: -

- (a) where such area is situated in a district with an average annual rainfall of 254 centimeters and more, be as specified in table I below: -

Table I

<i>Age of the Plantation</i>	<i>Girth (cm)</i>
At the end of the second year after re-planting	10.16
At the end of the third year after re-planting	15.87
At the end of the fourth year after re-planting	25.40
At the end of the fifth year after re-planting	31.75
Not later than at the end of the seventh year after re-planting	50.80

- (b) where such area is situated in a District with an average annual rainfall of less than 254 centimeters, be as specified in table II below: -

Table II

<i>Age of the Plantation</i>	<i>Girth (cm)</i>
At the end of the second year after re-planting	10.16
At the end of the third year after re-planting	13.97
At the end of the fourth year after re-planting	22.86
At the end of the fifth year after re-planting	27.94
Not later than at the end of the eighth year after re-planting	50.80

18. No permit holder who is a recipient of a subsidy in full or any portion thereof in respect of any area, shall tap or cause to be tapped any rubber plant until at least Sixty *per centum* (60%) of the rubber plants have reached a minimum girth of Fifty decimal Eight Naught (50.80) centimeters at a height of one Hundred and Twenty-one decimal Nine Two centimeters (121.92) when measured from the ground.

19. Where a subsidy is payable or has been paid under regulation 5 to any permit holder, such permit holder shall, within such period of time as the Rubber Controller may, by notice specify in writing, comply with such directions and requirements as the Rubber Controller deems necessary for the purpose of carrying out the replanting of a rubber estate in a satisfactory manner.

20. Where the Rubber Controller is of the opinion that any permit holder to whom a subsidy or any portion thereof has been paid has contravened the provisions of regulations 12,13,14,15,16,17, or 18, the Rubber Controller may by notice in writing, require such permit holder to refund the sum of money of the subsidy which has been paid to him in respect of an area either forthwith or within such time as may be specified in the notice, and no permit holder on whom notice is served under this regulation shall fail to comply with such notice.

21. (1) Whenever any amount of money paid under a scheme by the Rubber Controller to any person by way of subsidy or other grants have not been repaid, such amounts shall be recovered as a fine imposed by a court of law.
- (2) The submission of a certificate issued by the Rubber Controller to the effect that a person after having obtained one or more installments of subsidy has failed to repay such subsidy and has abandoned an estate shall be deemed to be a *prima facie* evidence of such fact.

22. Notwithstanding the provisions of the Rubber Re-planting Subsidy Regulations published in the *Gazette* No. 10594 of 13th October, 1953, as amended from time to time, the following instalments of subsidy payable on any replanting permits issued in the years 2013, 2014, 2015, 2016, 2017, 2018 and 2019 respectively and where all the installments due on such permits had not been paid at the time of operation of these regulations such installments shall be paid at the rates specified in regulation 5 in the following manner:-

Year 2013	-	the eighth installment in terms of regulation 5 (h);
Year 2014	-	from the seventh installment onwards in terms of regulation 5 (g) ,
Year 2015	-	from the sixth installment onwards in terms of regulation 5 (f) ,
Year 2016	-	from the fifth installment onwards in terms of regulation 5 (e) ;
Year 2017	-	from the fourth installment onwards in terms of regulation 5 (d),
Year 2018	-	from the third installment onwards in terms of regulation 5 (c) ;
Year 2019	-	from the first and second installments onwards in terms of regulation 5 (a) and 5 (b).

23. In these regulations: -

“Proprietor”, shall have the same meaning assigned to it in the Rubber Control Act, (Chapter 436);

“Estate” shall have the same meaning assigned to it in the Rubber Control Act, (Chapter 436);

“Re-planting permit” means a permit issued under section 7(1) of the Rubber Control Act ; and

“Rubber Controller” shall have the same meaning assigned to it in the Rubber Replanting Subsidy Act, (Chapter 437).