

SRI LANKA FRUIT BOARD

Law
No. 30 of 1973.

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA FRUIT BOARD; TO MAKE PROVISION FOR THE CO-ORDINATION OF THE FRUIT INDUSTRY AND FOR THE PRODUCTION, MARKETING AND EXPORTATION OF THE PRODUCTS OF THE FRUIT INDUSTRY.

[6th August, 1973.]

Short title.

1. This Law may be cited as the Sri Lanka Fruit Board Law.

subject of Trade, from among the officers of that Minister's Ministry;

PART I

ESTABLISHMENT OF THE SRI LANKA FRUIT BOARD

Establishment of the Sri Lanka Fruit Board.

2. There shall be established, in accordance with the provisions of this Law, a Board which shall be called and known as the Sri Lanka Fruit Board, hereinafter referred to as " the Board ".

(ii) one member nominated by the Minister in consultation with the Minister in charge of the subject of Planning from among the officers of that Minister's Ministry;

The Board to be a body corporate.

3. (1) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

(iii) one member nominated by the Minister in consultation with the Minister in charge of the subject of Agriculture from among the officers of that Minister's Ministry;

(2) The Board shall have the power to acquire, hold, take or give on lease, mortgage or hire or set! or otherwise dispose of any movable or immovable property.

(iv) one member nominated by the Minister in consultation with the Minister in charge of the subject of Plantations from among the officers of that Minister's Ministry;

Members of the Board.

4. (1) The Board shall consist of the following members:—

(v) one member nominated by the Minister in consultation with the Minister in charge of the subject of Industries from among the officers of that Minister's Ministry;

(a) two *ex officio* members, namely—

(i) the Commissioner of Marketing Development; and

(ii) the Commissioner of Co-operative Development;

(2) A person shall be disqualified for appointment or for continuing as a member of the Board—

(b) five nominated members, nominated as follows:—

(a) if he is a Member of Parliament; or

(i) one member nominated by the Minister in consultation with the Minister in charge of the

(b) if he, directly or indirectly, by himself or by any other person on his behalf holds or enjoys any right or benefit under any contract made by or on behalf of the Board ; or

(c) if he has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member.

(3) (a) Where a member nominated under paragraph (b) of subsection (1) dies or resigns or is removed from office, the Minister may, having regard to that paragraph of that subsection, nominate any fit person to act in his place.

(b) Any member nominated under paragraph (a) of this subsection, unless he earlier resigns or vacates his office by death or removal, shall hold office for the unexpired part of the term of office of the member whom he succeeds.

(4) Where a member nominated under paragraph (&) of subsection (1) is by reason of illness or other infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Minister may, having regard to the provisions of that paragraph, appoint any person to act in his place.

5. (1) Every member nominated under paragraph (b) of subsection (1) of section 4 shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of three years.

(2) Every *ex officio* member shall hold office so long as he holds the post by virtue of which he was appointed a member.

6. (1) The Minister may, if he considers it expedient to do so, remove, by Order published in the Gazette, any member nominated under paragraph (b) of subsection (1) of section 4.

(2) A member in respect of whom an Order under subsection (1) is made by the Minister shall vacate his office on the date of the publication of such Order in the Gazette.

(3) The removal of any member under subsection (1) shall not be called in question in any court.

7. A member, other than an *ex officio* member, may at any time resign his office by letter addressed to the Minister.

8. Any member who vacates his office, other than a member who is removed from

office under section 6, shall be eligible for reappointment.

9. No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy among its members or defect in the appointment of any member thereof,

10. The members of the Board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

11. (1) The Minister shall appoint a Chairman of the Board from among the members of the Board.

(2) The Chairman of the Board shall be its chief executive officer and shall preside at all meetings of the Board. In the event of his absence from any meeting, the members of the Board present at such meeting shall elect one of their number to preside at such meeting.

(3) If the Chairman of the Board becomes by reason of illness or other infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Minister may appoint any other member of the Board to act in his place.

(4) The Minister may, without assigning any reason, terminate the appointment of the Chairman. The termination of the appointment of the Chairman shall be final and conclusive, and shall not be called in question in any court.

(5) The Chairman of any meeting of the Board shall, in addition to his own vote, have a casting vote.

(6) The Chairman may resign the office of Chairman by letter addressed to the Minister.

(7) Subject to the provisions of subsection (4) and subsection (6) the term of office of the Chairman shall be the period of his membership of the Board.

12. Subject to the other provisions of this Law, the Board may regulate its procedure in regard to the meetings of the

Acts or Proceedings of deemed not to be invalid by reason of any vacancy or defect in the appointment of a member. Remuneration of members.

Chairman of the Board.

Meetings of the Board

Term of office of members,

Power of Minister to remove from office a member.

Resignation of members,

Eligibility for reappointment as member.

Board and the transaction of business at such meetings.

Seal of the Board.

13. (1) The seal of the Board shall be in the custody of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The seal of the Board shall not be affixed to any instrument except in the presence of two members of the Board both of whom shall sign the instrument in token of their presence.

Officers and servants of the Board deemed to be public servants

14. All officers and servants of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Board deemed to be a scheduled institution within the meaning of the Bribery Act.

15. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

PART II

POWERS AND FUNCTIONS OF THE BOARD

Powers and function, of the Board.

16. (1) The Board shall have the power to do all such acts and take all such steps as may be necessary for or incidental to the performance of its functions.

(2) Without prejudice to the generality of the powers conferred by subsection (1) the Board may exercise all or any of the following powers :—

- (a) the regulation and control of the extent and location of any land that may be used for the cultivation of fruit;
- (b) the regulation and control of cultivation practices and the grading of different varieties of fruit;
- (c) the regulation and control of the technical standards that have to be maintained in any factory that is or has been established for the manufacture, processing or canning of any fruit or fruit product and the laying down of the standards of

quality for the products of any such factory;

- (d) the regulation and control of the methods of manufacture, processing or canning of fruit in manufacturing, processing or canning factories and the regulation and control of the location of any such factory;
- (e) the control and direction of the marketing, distribution and sale of any fruit or fruit product both within and outside Sri Lanka;
- (f) the granting of assistance whether financial or otherwise to any registered co-operative society, State-sponsored Corporation*, Government Department, or any person or body of persons (whether corporate or not) engaged in the cultivation, marketing or processing of any fruit or fruit product;
- (g) the creation and promotion of foreign markets for the export of fruit and fruit products of Sri Lanka and the advertisement of such fruit products in foreign countries;
- (h) the manufacture of canned fruit and fruit products for purposes of export and the establishment of trading centres for any such purposes both within and outside Sri Lanka;
- (i) all activities connected with the cultivation of fruit by the Board and the establishment of factories for the processing and canning of such fruit; and
- (j) the establishment, of its own departments, agencies, laboratories, experimental and research stations and farms.

17. (1) The Board may direct the owner of any factory for the manufacture, processing or canning of any fruit or fruit product in the process of construction or the

Board may give directions.

* Presumably a reference to a Government-Sponsored Corporation.

owner of any factory to which repairs are being effected to purchase any or all his requirements of plant, machinery or fixtures from such sources as the Board may recommend.

(2) Any person who fails to comply with any direction given under subsection (1) shall be guilty of an offence under this Law.

Board to authorize establishment of plant or factory.

18. (1) No plant or factory for the manufacture, processing or canning of any fruit or fruit product shall be established in Sri Lanka except with the prior sanction of the Board.

(2) The Board may provide for the registration and licensing of any plant or factory that may be used for the manufacture, processing or canning of any fruit or fruit product in such form and in such manner as may be prescribed by regulations made under this Law.

Powers of inspection by the Board.

19. (1) The Board may authorize in writing either generally or specifically any member of the staff of the Board to enter at any reasonable hour and to inspect:—

- (a) any plant, factory or premises which is, or may be, used for the manufacture, processing or canning of any fruit or fruit product; or
- (b) any orchard or farm where any fruit is being cultivated or is being prepared for cultivation.

(2) Any person who without reasonable cause hinders or obstructs any such member so authorized by the Board in the exercise of his powers under subsection (1) shall be guilty of an offence under this Law.

Board may request information.

20. (1) The Board may at any time request in writing any grower, collector, dealer, manufacturer, processor, canner, wholesaler or retailer of fruit or any fruit product to furnish within a specified period of time all or any of the following information:—

- (a) any information relating to the varieties of fruit that are being cultivated, the extent of land used for such cultivation and the

methods of cultivation, harvesting or grading of such fruit;

(b) any information relating to the transportation of fruit or to the rates or charges levied or leviable for such transportation;

(c) any information relating to the machinery used in any plant or factory where any fruit or fruit product is being manufactured, processed or canned or any information relating to the operational costs, finances, sales or the employment of labour in such plant or factory ; and

(d) any information relating to the purchase, sale, marketing, storage, import or export of any fruit product or the use of any raw material employed in the manufacture of such fruit product.

(2) Any information furnished under this section shall be given in writing and shall be accompanied by a declaration that such information is true and accurate to the best of the knowledge and belief of the declarant.

(3) Any person who fails, without reasonable cause, to comply with the provisions of subsection (1), or who furnishes information under subsection (2) knowing such information to be false, shall be guilty of an offence under this Law.

(4) All information obtained by the Board under subsection (2) shall be treated as confidential by the members of the Board and by every officer and servant thereof, except where the disclosure or publication of any such information is made with the consent in writing of the person from whom such information was obtained :

Provided, however, that nothing in this subsection shall be deemed to prohibit the disclosure or publication of any such information for the purposes of this Law or of any legal proceedings thereunder or for the purposes of statistics of facts and figures which makes no reference to any particular individual or business.

(5) Any person who fails to comply with the provisions of subsection (4) shall be guilty of an offence under this Law.

Board may establish agencies. &c

21. The Board may establish such departments or agencies and may establish, maintain and operate such laboratories, experimental and research stations and farms as may be necessary in the exercise, discharge and performance of its powers, functions and duties.

Fruit cess.

22. (1) The Minister may, with the concurrence of the Minister in charge of the subject of Finance, by Order, charge or levy in addition to any tax or export duty imposed under any other written law, a cess called the fruit cess in respect of any fruit or fruit product, in such manner and of such amount as the Minister may from time to time determine.

(2) This section shall have effect as though it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply, *mutatis mutandis*, in so far as the cess is levied at the point of export.

(3) The proceeds of the fruit cess shall be paid to the Board.

(4) The Minister may make regulations in respect of all matters necessary for the effective levy and collection of the fruit cess.

Certificate of quality.

23. (1) On or after a date to be declared by the Minister by Notification in the Gazette no fruit or fruit product shall be exported from Sri Lanka except on a certificate of quality issued by the Board.

(2) A certificate of quality in terms of subsection (1) shall not be issued by the Board unless the product in question conforms to the standard of quality laid down for such product by the Board.

(3) Where the Board issues a certificate of quality in respect of any fruit or fruit product such certificate shall be a guarantee that such product meets with the standard of quality required to be maintained by the Board and such certificate shall be conclusive proof of the Board's satisfaction with the quality of such product.

(4) Regulations may be made—

(a) prescribing the form and manner of issue of the certificate of quality and the standard of quality required to be maintained in respect of any fruit or fruit product; and

(b) in respect of any matter required or necessary to give effect to this section.

PART III

FINANCE AND STAFF OF THE BOARD

24. (1) The Board shall have its own Fund of the Fund. There shall be credited to the Fund of ^{Board-} the Board—

(a) all such sums of money as may be voted from time to time by Parliament for the use of the Board;

(b) all such sums of money received by the Board as proceeds of the fruit cess;

(c) all such sums of money received by the Board in the exercise, discharge and performance of its powers, duties and functions-

(2) There shall be paid out of the Fund of the Board all sums of money required to defray the expenditure incurred by the Board in the exercise, discharge and performance of its powers, duties and functions under this Law or any other written law.

(3) Any funds of the Board which are not immediately required for the purposes of the business of the Board may be invested by the Board in such manner as the Board may determine with the approval of the Minister, given after consultation with the Minister in charge of the subject of Finance.

25. The provisions of the Public Corporations (Financial Control) Act shall, *mutatis mutandis*, apply to the financial control and accounts of the Board.

Application of the provisions of the Public Corporations (Financial Control) Act.,

Financial year of the Board.

26. The financial year of the Board shall be the calendar year.

Staff of the Board.

27. (1) The Board may appoint, transfer, dismiss and exercise disciplinary control over the staff of the Board.

(2) The Board may, in consultation with the Minister—

- (a) fix the wages or salaries or other remuneration of the staff of the Board ;
- (h) determine the terms and conditions of the employment of such staff; and
- (c) establish and regulate provident funds and schemes for the benefit of such staff, and make contributions to any such fund or scheme.

Appointment of public officers to the staff of the Board.

28. (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.

(2) Where any officer in the public service is temporarily appointed to the staff of the Board, subsection (2) of section 9 of the Motor Transport Act, No. 48 of 1957*, 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 9 of the Motor Transport Act, No. 48 of 1957*, shall *mutatis mutandis* apply to and in relation to, him.

PART IV

GENERAL

Regulations.

29. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) the Minister may make regulations in respect of all or any of the following matters:—

- (a) any matter required by this Law to be prescribed or in respect of which regulations are authorized by this Law to be made ;
- (h) prescribing the fee for registration or for the issue of any certificate under this Law;
- (c) the furnishing of any information to the Board under section 20 ;
- (d) the inspection, supervision, regulation and control of any plant or factory used for the manufacture, storage, processing or canning of any fruit or fruit product;
- (e) the purchase of any plant, machinery or fixtures by the owner of any plant or factory used or to be used for the manufacture, processing or canning of any fruit or fruit product.

(3) Every regulation made by the Minister 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.

(4) Every regulation 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 its disapproval, but without prejudice to anything previously done thereunder. Notification of the date on which any regulation is so deemed to be rescinded shall be published in the Gazette.

(5) Any person who contravenes the provisions of any regulation made under this Law shall be guilty of an offence under this Law.

* Repealed by Law No. 19 of 1978.

Acquisition of immovable property under the Land Acquisition Act by the Board.

30. (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.

Special grant or lease of State property to the Board,

31. Where any immovable property of the State is required for any purpose of the Board, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the State Lands Ordinance, and accordingly, the provisions of that Ordinance shall apply to a special grant or lease of such property to the Board.

Protection for action taken under this Law or on the direction of the Board.

32. (1) No suit or prosecution shall lie—

- (a) against the Board for any act which in good faith is done or purported to be done by the Board under this Law; or
- (b) against any member[^] officer or servant of the Board for any act which is done or purported to be done in good faith under this Law or on the direction of the Board.

(2) Any expense incurred by the Board in any suit or prosecution brought by or against the Board before any court shall be paid out of the funds of the Board, and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the funds of the Board.

(3) Any expense incurred by any such person as is referred to in paragraph (h) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Law

or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the funds of the Board, unless such expense is recovered by him in such suit or prosecution.

33. If in the operation of this Law, any case shall arise in which, in the opinion of the Minister, substantial hardship is likely to be caused to any person by reason of an unintentional failure on the part of such person to observe any formality prescribed by this Law or by any regulations made thereunder, the Minister may give such directions as may be necessary to mitigate or prevent such hardship.

Minister's power to mitigate hardship.

34. Every person who commits an Offences. offence under this Law shall, or conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and such fine.

35. In this Law, unless the context interpretation. otherwise requires:—

" factory " means any premises where the transformation of fresh fruit into any fruit product is carried out by manual, mechanical or chemical means but shall not include any premises where such transformation takes place purely for domestic or private consumption;

" fruit" for the purposes of this Law means any fruit specified by the Minister by Order published in the Gazette;

" fruit product" means any product obtained from fruit by manual, mechanical or chemical means or any by-product obtained from any such product;and

" marketing" includes packing and grading of fruit or any fruit product.