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RS 18/3

Act No.



PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA

TEA (TAX AND CONTROL OF EXPORT)  
(AMENDMENT)

ACT, No. 51 OF 1985

[Certified on 27th December, 1985]

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Tea (Tax and Control of Export) (Amendment)  
Act, No. 51 of 1985

[Certified on 27th December, 1985]

L.D.—O. 53/84

AN ACT TO AMEND THE TEA (TAX AND CONTROL OF EXPORT)  
ACT, NO. 16 OF 1959

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

1. This Act may be cited as the Tea (Tax and Control of Export) (Amendment) Act, No. 51 of 1985.

Short title:

2. Section 8 of the Tea (Tax and Control of Export) Act, No. 16 of 1959 (hereinafter referred to as the "principal enactment") is hereby amended as follows:—

Amendment  
of  
section 8  
of Act  
No. 16  
of 1959.

(1) by the repeal of subsections (1) and (2) of that section and the substitution therefor, of the following subsections:—

" (1) Every application for a permit for the export of tea shall be in the prescribed form.

(2) No permit for the export of tea shall be issued to any person under this section unless the Commissioner is satisfied that—

(a) such person has been registered as an exporter of tea for the purposes of this Act;

(b) such tea—

(i) has been sold at a Colombo tea auction;  
or

(ii) has been produced in an approved estate and—

(aa) is of an approved quantity and intended for sale at a London tea auction, or

(ab) is of an approved quantity and is tea other than that described in the preceding provisions of this subsection;

(c) such tea is of a quality suitable for export, and

(d) such person has not contravened any provision of this Act."

ct

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(2) by the insertion, immediately after subsection (2) of that section of the following new subsection :—

“(2A) Where an application for the export of tea under this section is refused, the Commissioner shall communicate or cause to be communicated in writing to the applicant, the decision of the Commissioner to refuse to issue the permit, together with the reasons therefor.”; and

(3) by the repeal of subsections (3) and (4) of that section and the substitution therefor of the following subsections :—

“(3) Where any tea is to be exported from Sri Lanka for sale at a London tea auction, the Commissioner shall state that fact in the permit under this section authorizing the export of that tea.

(4) Where the Commissioner has reason to believe that a person to whom a permit has been issued under this section has acted in contravention of any provision of this Act or any regulation made thereunder, the Commissioner may suspend that permit pending the determination by him as to whether there has been such a contravention or not.”;

(4) by the insertion, immediately after subsection (4) of that section of the following new subsection :—

“(4A) The Commissioner shall communicate or cause to be communicated in writing to the holder of the permit the decision of the Commissioner to suspend the permit.”;

(5) by the repeal of subsection (5) of that section and the substitution therefor of the following subsection :—

“(5) If the Commissioner is satisfied after an inquiry to be held by him or by any other officer authorised by him in that behalf that there has been a contravention of any provision of this Act or any regulation made thereunder, he may revoke that permit.”;

(6) by the insertion, immediately after subsection (5) of that section of the following subsection :—

“(5A) The Commissioner shall communicate or cause to be communicated in writing to the holder of the permit the decision of the Commissioner to revoke the permit together with the reasons therefor.”; and

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7) by the substitution, for the marginal note to that section of the following marginal note:—

"Issue of permits, the grounds for suspension or revocation of permits."

3. Section 11 of the principal enactment is hereby repealed and the following new section substituted therefor:—

"Prohibition on export or attempt to export tea of a quality different from that described in the permit."

11. No person to whom a permit is issued under this section shall, under the authority of that permit export or attempt to export any quantity of tea of a quality different from that described in that permit."

Replacement of section 11 of the principal enactment.