

## TEA INDUSTRY CONTROL ACT

Act 14 of 1975 – 2 August 1975

### ARRANGEMENT OF SECTIONS

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## TEA INDUSTRY CONTROL ACT

### 1. Short title

This Act may be cited as the Tea Industry Control Act.

### 2. Interpretation

In this Act—

“Board” means the Tea Board established by section 3;

“Chairperson” means the Chairperson of the Board;

“co-operative society” means a co-operative society registered under the Co-operatives Act;

“employee” means an employee of the Board;

“Fund” means the Tea Fund referred to in section 6;

“green leaf” means the green leaf of the *camellia sinensis* plant or bush, in its natural and unprocessed state;

“manufacturer” means a person engaged in the commercial processing of green leaf;

“member” means a member of the Board and includes the Chairperson;

“*métayer*” means a person who, by agreement with a planter, cultivates tea on the land of the planter and makes over to the planter a portion of the produce, with or without additional payment;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“officer” means an employee who performs administrative or technical duties;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“planter” means a person—

- (a) engaged in producing green leaf, and includes a *métayer*; or
- (b) who cultivated tea on a plot of land before 1 July 1993 and has since put that land to other agricultural use;

“substandard tea” means tea in which chemical analysis detects the presence of an undesirable substance or particle material, including tea waste, the characteristics of which do not conform to the limits specified in the Schedule;

“tea” means the product derived from the commercial processing of green leaf;

“tea waste” means tea sweepings, tea fluff, tea fibre, tea stalks or an article purporting to be tea collected during the process of manufacture, sorting and storage of tea.

[S. 2 amended by Act 24 of 1997.]

### 3. Tea Board

- (1) There is established for the purposes of this Act the Tea Board.
- (2) The Tea Board shall be a body corporate.

### 4. Membership of Board

- (1) The Board shall consist of—
  - (a) the Permanent Secretary or his representative, who shall be the Chairperson;
  - (b) the Financial Secretary or his representative;
  - (c) the Registrar of Co-operative Societies or his representative;
  - (d) a representative of the Chamber of Agriculture;
  - (e) 2 representatives of manufacturers;
  - (f) a representative of planters;
  - (g) a representative of *métayers*; and
  - (h) 3 other persons.

(2) The persons specified in subsection (1) (e) to (h) shall be appointed annually by the Minister on such terms and conditions as he thinks fit.

(3) The composition of the Board and any change in its composition shall be published in the *Gazette*.

(4) The Board shall meet—

- (a) at least once every month; and
- (b) where requested to do so in writing by the Minister or by not less than 3 members, within one week of the date of the request.

(5) The quorum of the Board shall be 5, including the Chairperson.

(6) Every member shall be paid such remuneration and allowances as the Minister may determine.

[S. 4 amended by Act 24 of 1997.]

## 5. Objects of Board

The objects of the Board shall be to—

- (a) promote and encourage cooperation, education, research and development in relation to the production and marketing of tea;
- (b) regulate and control the activities of the tea industry with special regard to—
  - (i) the production of green leaf, manufacture, marketing, import and export of tea;
  - (ii) the price to be paid for tea or green leaf; and
  - (iii) the conditions of contracts entered into by planters, *métayers* and manufacturers;
- (c) arbitrate disputes between persons engaged in or connected with the tea industry; and
- (d) assist a planter to diversify to other agricultural activities.

[S. 5 amended by Act 24 of 1997.]

## 6. Tea Fund

(1) The Board shall operate the Fund, which shall consist of—

- (a) sums belonging to the Board;
- (b) any grant or loan made to the Board by Government;
- (c) any other sum which the Board may, with the approval of the Minister, receive.

(2) The Board may apply sums standing to the credit of the Fund towards—

- (a) the payment of expenses authorised by this Act;
- (b) the payment, with the general or specific approval of the Minister, of any other expenses required for the carrying out by the Board of its functions.

## 7. Powers of Minister

(1) The Minister may, in relation to the exercise of the powers of the Board under this Act, give such directions to the Board as he considers necessary in the public interest and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister information with respect to its activities in such manner as the Minister may require.

(3) The Board shall furnish to the Minister such returns or copies of documents as the Minister may require.

## 8. Cess on tea

(1) The Minister may, after consultation with the Board, by regulations, raise on locally manufactured tea or imported tea a cess not exceeding 20 cents of a rupee per kilogramme of tea.

(2) All sums raised by a cess imposed under subsection (1) shall be credited to the Fund.

## 9. Arbitration

(1) Where a dispute arises in relation to a claim by a planter, *métayer* or manufacturer in relation to a matter within the ambit of, or affected by, this Act, the Minister or a party to the dispute may, by written notice, refer the dispute to the Board for arbitration.

(2) On receipt of a notice under subsection (1), the Board shall notify all interested parties in writing of the date fixed for the hearing of the dispute.

(3) For the purpose of hearing a dispute, the Board may summon witnesses and examine them on oath.

(4) Every witness who has appeared under subsection (3) shall be paid such fee and allowance as provided in the Legal Costs and Fees Regulations 2000.

(5) The decision of the Board on a matter referred to it under subsection (1) shall be—

- (a) in writing;
- (b) supported by reasons; and
- (c) communicated to every interested party.

(6) The Board may make such order as to the costs of a hearing as it thinks fit.

## 10. Appeal

Any interested party who is aggrieved by a decision of the Board under section 9 may, within 21 days of his receipt of the decision, appeal against the decision to the Supreme Court in such manner as provided by rules made by the Supreme Court.

## 11. Contracts

(1) Every planter shall enter into a contract with a manufacturer.

(2) Every co-operative society formed by planters shall enter into a contract with every manufacturer to whom it supplies tea or green leaf on behalf of its members.

(3) Every *métayer* shall enter into a contract with the planter on whose land he cultivates tea.

(4) Where a planter or co-operative society wishes to enter into a contract with a manufacturer under this section, the manufacturer shall be bound to enter into the contract.

(5) Every contract under this section shall be—

- (a) in the prescribed form;
- (b) drawn up in 3 originals; and
- (c) forwarded to the Board for registration.

(6) The Board, after registering a contract, shall keep one original for record purposes and return the other originals to the parties.

## 12. Staff of Board

(1) There shall be a General Manager of the Board who shall—

- (a) be appointed by the Board subject to the approval of the Minister;
- (b) be responsible for the execution of the policy of the Board and for the control and management of its day-to-day business;
- (c) in the exercise of his functions, act in accordance with directions he receives from the Board; and
- (d) attend every meeting of the Board.

(2) The Board may employ, on such terms and conditions as it thinks fit, such other staff as may be necessary for the proper discharge of its functions.

(3) All staff of the Board shall be under the control of the General Manager.

(4) The Board may make provision, in such form as it thinks fit, to govern the conditions of service of the staff of the Board and, in particular, to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of the staff;
- (b) appeals by staff against dismissal and other disciplinary measures;
- (c) the establishment and maintenance of medical benefit funds, loan funds, staff superannuation schemes, and the contributions payable and the benefits recoverable.

(5) Every employee or member shall be deemed to be a public officer for the purposes of the Public Officers' Protection Act.

### 13. Delegation of powers

(1) The Board may, subject to such general or specific instructions or rules as may be given or made by it, delegate to the General Manager such of its powers as are necessary to enable him to perform his duties effectively.

(2) The General Manager may, with the approval of the Board, delegate any of his functions to such officers as he may determine.

### 14. Powers of officers

An officer may—

- (a) at a reasonable time enter any—
  - (i) tea plantation or land on which tea plants are grown;
  - (ii) tea factory or place where green leaf or tea is produced, processed, stored or offered for sale,for the purpose of any inspection, data collection, test, experiment, quality control or the making of a survey or plan of the land or premises;
- (b) seize any green leaf or tea for purposes of inquiry, if he has reasonable ground to suspect that the green leaf or tea has been or is being produced, manufactured, processed, stored or sold in contravention of this Act;
- (c) require a manufacturer, planter, or *métayer* to produce any document believed to contain any matter relating to the production, manufacture or marketing of tea, which the Board may wish to inspect.

### 15. Offences

(1) Any person who contravenes this Act shall commit an offence.

(2) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 12 months.

(3) Where a person is convicted of an offence relating to the production, manufacture, blending or packing of tea or green leaf, the Court may, in addition to any other penalty which it may impose, order that—

- (a) the tea or green leaf which is the subject of the offence be destroyed, or forfeited to the Board; or
- (b) any tea plant unlawfully planted or grown, any green leaf unlawfully harvested, or any tea unlawfully manufactured, blended, packed or stored, be destroyed or uprooted within a period to be fixed by the Court.

(4) The expenses of any action ordered under subsection (3) may be recovered from the convicted person as a civil debt.

#### 16. Jurisdiction

Notwithstanding—

- (a) section 114 of the Courts Act; and
- (b) section 72 of the District and Intermediate Courts (Criminal Jurisdiction) Act,

a Magistrate shall have jurisdiction to try all offences under this Act and may impose any penalty provided by this Act.

#### 17. Exemptions

Notwithstanding any other enactment—

- (a) the Board shall be exempt from payment of every duty, rate, charge, fee or tax;
- (b) no stamp duty or registration fee shall be payable in respect of a document under which the Board is the sole beneficiary;
- (c) the Board may frank letters or postal packets or make remittances by money orders free of charge.

#### 18. Regulations

(1) The Board may make such regulations as it thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for the issue of licences or the taking of fees.

19. —

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### SCHEDULE

[Section 2]

Characteristics	Limits
1 Total ash*, per cent by weight .....	4.0 to 8.0
2 Acid insoluble ash*, per cent by weight, not more than .....	1.0
3 Alkalinity of soluble ash as K <sub>2</sub> O*, per cent by weight .....	1.0 to 2.2
4 Crude fibre*, per cent by weight, not more than .....	17.0
5 Water soluble ash (expressed as per cent of total ash) not less than	40.0
6 Water extract, per cent by weight, not less than .....	32.0

\*On the basis of oven dried to constant weight at 100°C.

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