

Rep. by Act 35 of 1950.

Act No. XIX of 1948

[PASSED BY THE DOMINION LEGISLATURE]

An Act further to amend the Indian Tea Control Act, 1938

(Received the assent of the Governor General on the 31st March 1948)

WHEREAS it is expedient further to amend the Indian Tea Control Act 1938 (VIII of 1938), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Tea Control (Amendment) Act, 1948.

(2) It shall come into force on the 1st day of April, 1948.

2. **Amendment of section 1, Act VIII of 1938.**—For sub-section (4) of section 1 of the Indian Tea Control Act, 1938 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:—

“(4) It shall remain in force up to the 31st day of March, 1950.”

3. **Amendment of section 2, Act VIII of 1938.**—In section 2 of the said Act,—

(a) for clause (g) the following clause shall be substituted, namely:—

“(g) “standard export figure” means such quantity as the Central

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(b) in clauses (h) and (i) for the words “*Camellia Thea* (Linn)”, wherever they occur, the words “*Thea sinensis*” shall be substituted.

4. **Amendment of section 11, Act VIII of 1938.**—To section 11 of the said Act, the following shall be added, namely:—

“or

(e) taken as part of the personal baggage of a passenger.”

5. **Amendment of section 12, Act VIII of 1938.**—Sub-section (4) of section 12 of the said Act shall be omitted.

6. **Amendment of section 14, Act VIII of 1938.**—In sub-section (1) of section 14 of the said Act,—

(a) for the words and figures “under the Indian Tea Control Act, 1938”, the words and figures “before the 1st day of April, 1948” shall be substituted; and

(b) for the words “within one year from the commencement of this Act”, the words “on application made within six months from the said date” shall be substituted.

7. **Amendment of section 26, Act VIII of 1938.**—In section 26 of the said Act,—

(a) for the figure “1943” the figure “1948” shall be substituted;

(b) for the proviso, the following shall be substituted, namely:—

“Provided that this section shall apply to the replacing of tea areas by planting new areas, but nothing in this section shall prohibit—

(a) the infilling or supplying of vacancies on land planted with tea on or before the 31st day of March, 1948 or the replanting of tea upon—

(i) land planted with tea on or before the 31st day of March, 1948 from which the original bushes have been uprooted, or

(ii) land planted with tea on or before the 31st day of March, 1946 from which the original bushes have been uprooted, or

Price anna 1 or 1½.

(b) the replanting of tea areas which are worn out on or before the 31st day of March, 1948, by planting tea on area not planted with tea to the same extent, but not exceeding five per cent. in each year of the total permissible acreage of the tea estate as on or before the 31st day of March 1948, subject to such replacement being accompanied by simultaneous uprooting of the tea bushes in the area so replaced."

8. Amendment of section 27, Act VIII of 1938.—In section 27 of the said Act,—

(1) in sub-sections (1) and (2),—

(a) for the words "up to one-half of one per cent." the words "up to four per cent." shall be substituted;

(b) for the figure "1943", the figure "1948" shall be substituted; and

(c) the words beginning with "had the extension" and ending with "by one-half of one per cent." shall be omitted; and

(2) in sub-section (3), for the figure "1943" the figure "1948" shall be substituted.

9. Amendment of section 28, Act VIII of 1938.—In sub-section (1) of section 28 of the said Act, for the figure "1943", at both places where it occurs, the figure "1948" shall be substituted.

10. Amendment of section 29, Act VIII of 1938.—In sub-section (1) of section 29 of the said Act, after clause (b), the following shall be inserted namely:—
"or

(c) has since been resumed by the lessor under the terms of any lease and no longer carries tea,".

11. Amendment of section 30, Act VIII of 1938.—The proviso to sub-section (1) of section 30 of the said Act shall be omitted.

12. Amendment of section 33, Act VIII of 1938.—In section 33 of the said Act, the words, brackets and figures "sub-section (4) of section 12 or" shall be omitted.

13. Amendment of section 40, Act VIII of 1938.—In sub-section (1) of section 40 of the said Act, after the words "cease to be imposed" the words "or if it considers it necessary so to do for any other reason" shall be inserted.