



assent.
Thomas Denham

Governor.

23rd November, 1933.

BRITISH GUIANA.

ORDINANCE NO. 31 OF 1933.

AN ORDINANCE to make provision for the regulation of the sale of Copra and the manufacture of certain products from the kernel of the Coconut. A.D. 1933. —

BE it enacted by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Copra Products (Sale and Manufacture) Ordinance, 1933. Short title.

2. In this Ordinance, unless the context otherwise requires:— Interpretation.
“Broker” means a person who on behalf of a copra producer sells copra for the manufacture of copra products or exports it;

- Cap. 85. "Commissioner" means a Commissioner appointed by the Governor under the District Government Ordinance ;
- "Comptroller" means the Comptroller of Customs ;
- "Copra producer" means any person who manufactures copra for sale ;
- "Copra products" means edible oil and lard substitute ;
- Cap. 85. "District" means a district declared and established under the District Government Ordinance ;
- "Edible oil" means any edible oil manufactured in the Colony from copra and which, during the process of manufacture, has been subjected to treatment for removing the characteristic odour and flavour of the crude oil ;
- "Lard substitute" means any edible fat manufactured in the Colony from copra in imitation of lard ;
- "Manufacturer" includes every person beneficially interested in or directing the manufacture of edible oil.

PART I.

REGULATIONS RELATING TO MANUFACTURERS, BROKERS AND
COPRA PRODUCERS.

Copra products not to be manufactured without a licence.

3.—(1) A person shall not manufacture copra products unless he is the holder of a licence to do so at the factory where he so manufactures.

(2) Any person who contravenes this section shall be guilty of an offence and liable to a penalty not exceeding four hundred and eighty dollars, and the court shall order to be forfeited all machinery, implements, utensils, materials and edible oil which shall be on the premises where the manufacture has been carried on.

Application for and grant of licence to manufacture copra products.

4.—(1) Every manufacturer of copra products within ten days after the commencement of this Ordinance and every person who desires to manufacture copra products shall make application in writing to the Commissioner of the district for a licence (hereinafter referred to as a manufacturer's licence) in respect of each factory in the district in which he intends to manufacture copra products.

(2) The Commissioner may refuse to issue a licence to any applicant who has been convicted of felony or of an offence involving dishonesty or of an offence under this Ordinance.

(3) Every licence shall specify the factory in respect of which it is granted and shall authorise the manufacture of copra products at that factory.

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5.—(1) A person shall not act as a broker unless he is the holder of a licence as a broker.

Person not to act as broker without licence.

(2) Any person who contravenes this section shall be guilty of an offence and liable to a penalty not exceeding two hundred and forty dollars and the court shall order to be forfeited all copra found on the premises where he has acted as a broker.

Penalty.

6.—(1) Every broker within ten days after the commencement of this Ordinance and every person who desires to obtain a licence as a broker (hereinafter referred to as a broker's licence) shall make application in writing to a Commissioner of a district for a licence.

Application for and grant of broker's licence.

(2) The Commissioner may refuse to issue a licence to any person who has been convicted of felony or of an offence involving dishonesty or of an offence under this Ordinance.

(3) Every broker's licence shall authorise the person to whom it is granted to act as a broker.

7.—(1) Every manufacturer's licence shall, unless previously revoked, expire on the thirty-first of December in every year, and every broker's licence unless previously revoked, shall expire on the thirty-first of December in the year next but one after that in which it has been granted.

Duration of and duty on licences.

(2) There shall be paid for every manufacturer's licence and for every broker's licence a duty of five dollars.

(3) A duty imposed by this section shall be paid before the issue of the licence in respect of which it is imposed.

8.—(1) Where the Commissioner has refused to issue a licence the applicant may appeal to the Governor in Council.

Appeal to the Governor in Council from refusal to issue licence.

(2) Every appeal shall be by petition which shall be lodged with the Clerk of the Council within the period of one month after the applicant has received notice of the refusal.

(3) The petition shall contain the material facts on which the petitioner relies and a copy thereof shall within the period of one month aforesaid be delivered to the Commissioner. The Commissioner shall thereupon submit in writing to the Clerk of the Council a statement of his reasons for the refusal.

(4) The Governor in Council after consideration of the petition and the statement of reasons may, if he think fit, order the Commissioner to issue a licence.

Governor in Council may suspend or revoke a licence under this Ordinance.

9.—(1) The Governor in Council may suspend or revoke the licence of a manufacturer or a broker: provided that at least fourteen days' notice in writing by the Clerk of the Council be given to the manufacturer or broker (a) of the grounds on which the suspension or revocation will be considered, (b) of the date of the meeting, and (c) that he may attend and be heard on the matter.

(2) A manufacturer or a broker whose licence has been suspended or revoked under this section shall, for the period of the suspension or after the revocation, be deemed to be a person who is not the holder of a licence.

Registration of copra producers.

10.—(1) Every person who is a copra producer shall apply in writing to the Commissioner of the District to have his name registered in respect of the district where he produces or intends to produce copra.

(2) The Commissioner shall register the name of every person so applying and shall issue to him a certificate of registration.

(3) There shall be paid for every certificate of registration a fee of twenty-four cents.

(4) Any copra producer who shall produce copra without having been registered under this section shall be guilty of an offence and liable to a penalty not exceeding twenty dollars.

Register to be kept by Commissioner.

11.—(1) Every Commissioner shall keep a register of all persons to whom he has granted licences under this Ordinance and of all persons registered under section ten.

(2) Every Commissioner shall cause to be published in the *Gazette* and a daily newspaper the name of every person to whom a licence has been issued or who is registered under section ten or whose licence has been suspended or revoked.

Penalty for sale of copra by copra producer through person who is not a broker.

12.—(1) A copra producer shall not sell or for valuable consideration dispose of copra to any person other than through a broker.

(2) Any copra producer who contravenes this section shall be guilty of an offence and liable to a penalty not exceeding two hundred and fifty dollars.

Penalty on person other than broker who exports copra.

13.—(1) A person who is not a broker shall not export or cause to be exported any copra from the Colony.

(2) Every person who contravenes this section shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

Broker to sell to manufacturer only and not to export without permission.

14.—(1) A broker shall not sell for valuable consideration or dispose of copra to a person in the Colony who is not a manufacturer.

(2) A manufacturer shall not purchase copra from any person other than a broker.

(3) A broker shall not, without the permission of the Governor in Council, export in any period of three months more than thirty per cent. of the quantity of copra delivered to him during the same period.

(4) Any broker or manufacturer who contravenes any of the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

PART II.

TRANSACTIONS BETWEEN BROKERS AND COPRA PRODUCERS.

15.—(1) There shall be established a Board (hereinafter called "the Brokers' Board") which shall consist of all licensed brokers and two copra producers appointed by the Governor in Council. The copra producers shall hold office for one year subject to prior termination by the Governor in Council for absence from the Colony or other cause.

Constitution
of Brokers'
Board.

(2) Three members shall constitute a quorum.

(3) The members shall elect one of their number to be chairman. A chairman shall hold office for one year unless if he is a broker he ceases to be a licensed broker, or he leaves the Colony.

(4) The chairman shall preside at every meeting of the Board. In the absence of the chairman the members present at a meeting shall elect one of their number to be chairman of the meeting. The chairman of a meeting shall have an original and a casting vote.

(5) The Board shall appoint a secretary.

(6) The Board shall hold a meeting once in every week.

(7) The Board shall cause to be kept minutes of its proceedings.

(8) The chairman may direct the secretary to summon a meeting of the Board.

(9) Where the Board has not fixed the date of a meeting the secretary shall give to each member not less than twenty-four hours notice in writing of a meeting.

16.—(1) The Brokers' Board shall at its weekly meetings fix the amount for every hundred pounds weight which shall be advanced by each broker to every copra producer in respect of copra delivered to the broker by a copra producer. The amount fixed by the Board shall be the amount to be advanced until another amount shall be fixed,

Brokers'
Board
to fix the
amount of
advances.

(2) The amount to be fixed by the Board as aforesaid shall be based on the price of copra as fixed by the Governor in Council in pursuance of section twenty-two.

(3) The Board shall cause to be published in two daily newspapers the amount of every advance fixed by the Board and such amount shall be effective from the day following the date of publication.

Brokers to make advances to copra producers and to account for and distribute the proceeds of sales.

17.—(1) On the delivery of copra to a broker he shall advance to the copra producer against the copra delivered the amount of advance for the week in which the delivery is made.

(2) Every broker shall be entitled to charge every copra producer at the rate of twenty-five cents for every hundred pounds weight of copra delivered to him for all his services in connection with the sale or other disposition of the copra by the broker on behalf of the producer.

(3) Within ten days after the end of the months of March, June, September and December in every year every broker shall render an account to every copra producer from whom he has received copra during the quarter showing the total quantities of copra received by him during the quarter from each copra producer and sold by him during the period and the amounts realised by such sales and the broker shall distribute the net balance remaining among the said copra producers in proportion to the quantities of copra received by him from each producer.

Books to be kept by broker.

18.—(1) Every broker shall keep a book in which he shall enter in respect of each month—

- (a) the quantity of all copra received into the premises ;
- (b) the name and address of every person from whom he has received copra and the date and quantity of each delivery, and the amount advanced ;
- (c) the name and address of each person to whom he has sold copra and the date and quantity of each sale, and the price per hundred pounds ;
- (d) the quantity of copra remaining at the end of the month.

(2) Every broker shall within ten days after the expiration of the months of March, June, September and December in each year make to the Comptroller and to the Commissioner of the district in which he carries on business a true and correct return of the matters entered in the book required to be kept under this section.

(3) Every person who omits to make an entry or makes a false entry in the book required to be kept under sub-section (1) or who omits to make the return required by sub-section (2) or makes a false return shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

19.—(1) It shall not be lawful to issue a licence to a broker or for a broker to act as such unless he has either deposited with the Colonial Treasurer the sum of five thousand dollars or a Banker's undertaking for that amount for the purposes required by this section.

Brokers to make deposit or insure against default to copra producers.

(2) The amount may be deposited either in cash or in securities to be approved by the Colonial Treasurer who shall hold such deposit in trust for all such copra producers as shall deal with the broker to secure them and each of them against any default by the broker in the payment of any amounts which the broker is liable to pay to them or any of them by virtue of this Ordinance. The interest on or income from any deposit shall be paid to the broker.

(3) An undertaking given in pursuance of this section shall impose on a banker the obligation to make good to copra producers who may deal with the broker the amount of any default by the broker in the payment of any sums which he is liable to pay to them or any of them by virtue of this Ordinance up to the total amount of five thousand dollars.

PART III.

DUTY ON COPRA PRODUCTS.

20.—(1) On and after the commencement of this Ordinance there shall be raised, levied and collected on copra products which have been manufactured in the Colony and are delivered for home consumption in the Colony duties at the rates following:—

Duty on copra products.

	\$	c.
(a) upon every gallon of edible oil ..	0	12
(b) upon every 100 lbs. of lard substitute ...	0	42

(2) The payment of the duties imposed by this section may be enforced and the amount recovered in the same manner as if they were duties imposed by the Tax Ordinance.

21.—(1) Every manufacturer of copra products shall keep at each factory a book in which he shall enter in respect of each month—

Books to be kept by manufacturer of copra products

- (a) the quantity of all copra received into the factory;
- (b) the name and address of every person from whom he has purchased copra and the date and quantity of each purchase;
- (c) the quantity of copra used for the manufacture of edible oil and lard substitute respectively;
- (d) the number of gallons of edible oil and pounds of lard substitute manufactured;
- (e) the number of gallons of edible oil and pounds of lard substitute exported;

- (f) the number of gallons of edible oil and pounds of lard substitute delivered for consumption in the Colony ;
- (g) the number of gallons of edible oil and pounds of lard substitute remaining in the factory at the end of the month ; and
- (h) the amount due for duty.

(2) Every manufacturer shall within ten days after the expiration of the months of March, June, September and December in each year make to the Commissioner of the district in which the factory is situated a true and correct return of the matters entered in the book required to be kept under this section and shall at the time of making the return pay the duty imposed by section twenty.

(3) Every person who omits to make an entry or makes a false entry in the book required to be kept under sub-section (1) or who omits to make the return required by sub-section (2) or makes a false return shall be guilty of an offence and liable to a penalty not exceeding two hundred and forty dollars.

PART IV.

MISCELLANEOUS.

Governor in Council to fix price of copra.

22.—(1) Every manufacturer shall pay for all copra purchased by him a price which shall not be less than the price which the Governor in Council may from time to time fix having regard to the current local market price and other conditions prevailing in the City of Georgetown. The price so fixed shall be published in the *Gazette* and two daily newspapers and be effective from the day following the date of publication in the *Gazette*: provided that the price last published shall continue in force until another price shall be published.

(2) Every manufacturer shall pay for all crude coconut oil purchased by him a price equivalent to the price fixed for copra and which shall be computed on the basis that one hundred pounds weight of copra is equal in value to six and two-thirds gallons of crude coconut oil.

(3) Any manufacturer who shall contravene the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred and forty dollars.

Governor may fix standards of quality and price.

23.—(1) The Governor may from time to time by notice published in the *Gazette* prescribe standards of quality, and fix maximum wholesale and retail prices for copra products manufactured and intended to be sold for consumption in the Colony.

(2) Any person who sells or exposes for sale for consumption in the Colony any copra products which is below the prescribed standard of quality, or who sells for consumption in the Colony any

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copra products at a higher price than that fixed by notice under this section shall be guilty of an offence and liable to a penalty not exceeding two hundred and forty dollars and to the forfeiture of all copra products which shall be found to be below the prescribed standard of quality.

24.—(1) The Comptroller or the Commissioner or any person authorised by him in writing may at all reasonable times enter a factory or broker's premises and may inspect and examine the factory or premises or any copra products or copra thereon, and may inspect and make copies of any books kept under this Ordinance and any books of account, invoices, receipts, vouchers and other documents.

Power to enter and inspect factory and broker's premises and inspect books

(2) Any person who refuses to permit any person authorised by this section to enter or inspect or examine a factory or broker's premises or any copra products or copra thereon or to inspect or make copies of any books or documents as aforesaid, or obstructs any such person in such entry, inspection, examination or making of copies shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

25. The Governor in Council may make rules and prescribe forms for the purpose of carrying this Ordinance into effect, and for the keeping of books and the making of returns in substitution for those contained in this Ordinance.

Governor in Council may make rules.

26. All offences and penalties under this Ordinance may be prosecuted and recovered under the Summary Jurisdiction Ordinances.

Penalties enforceable under Summary Jurisdiction Ordinances.

Passed by the Legislative Council this 16th day of November, 1933.


Clerk of the Council.

(M.P. 1888/33).