

CHAPTER 157.

PRODUCE PROTECTION.

[No. IV of 1920.]

[13th March, 1920.]

1. This Ordinance may be cited as the Produce Protection Ordinance. Short title.

2. In this Ordinance—

“dealer” means anyone holding a current licence under this Ordinance;

Interpretation;

“produce” means any of the kinds of produce mentioned in the first schedule hereto;

first schedule;

“licence” means a licence issued under this Ordinance, in the form given in the second schedule hereto;

second schedule.

“inspector of police” includes the Inspector General, the Deputy Inspector General, a county inspector, an inspector, or a sub-inspector, of police;

“fiscal district” means a fiscal district as established under the provisions of the Commissary Department Ordinance;

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“offence” means an offence against this Ordinance.

3. No one, whether as principal or agent, may buy or sell produce unless and until he has obtained a licence, and anyone acting in contravention of this section shall be guilty of an offence:

Purchase and sale of produce without a licence an offence:

Provided that this section shall not apply to—

(a) growers of produce or their agents selling or exporting produce grown upon their own property;

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(b) buyers of produce for domestic use;

(c) persons holding, or exempted from holding, a huckster’s or assistant huckster’s licence under the Tax Ordinance for the time being in force in respect of a transaction for which a huckster’s licence is ordinarily required.

Only within
licensed
district.

4. Any dealer may personally and not otherwise buy and sell produce within the fiscal district only for which he is licensed.

Issue of
licences by
commissaries
of taxation.

5. Every licence shall be issued by the commissary of the fiscal district for which it is required and shall be effective within that district only; and no licence shall be issued by the commissary unless and until the applicant therefor has paid to him the sum of one dollar and has produced to him a certificate from an inspector of police in the district for which the licence is required, or from any non-commissioned officer authorised in writing by an inspector of police, that the applicant is a fit and proper person to whom a licence may be issued.

Licences
transferable.

6. All licences shall be transferable from one person to another on compliance by the transferee with the conditions required in the case of the issue of a new licence, except only that payment of the licence duty shall not be required, and a transfer shall be noted by the commissary of the district in which the licence was issued on the back of the original licence, showing the name and residence of the transferee and the date of the transfer.

Right of
appeal if
police refuse
to grant
certificate.

7. If an inspector of police declines or refuses to give any intending applicant for a licence a certificate as required by section five of this Ordinance, the applicant may by written application appeal to the Governor, who, after any inquiry he deems fit, may make an order confirming the refusal of the police or directing that a certificate shall be granted.

Date when
licences are
granted.

8. Where the application for a licence is made on or after the thirtieth day of June the applicant shall be required to pay only half the duty payable for the licence.

Cancellation
of licences.

9.—(1) Whenever an inspector of police has cause to believe or suspect that a dealer in his district has been convicted of larceny, or embezzlement, or receiving stolen property knowing it to have been stolen, he may apply in writing to the magistrate of that district, who may summon the dealer before him and if, after hearing the sworn testimony of both sides, he is satisfied with the truth of the belief or suspicion, he shall declare the licence of the dealer cancelled and cause a notice to that effect to be published in the Gazette.

(2) Any dealer whose licence has been cancelled under this section shall be precluded for three years from obtaining or holding a licence.

10. The Chief Commissary shall cause to be published at the beginning of every month in the Gazette the names and addresses of all those to whom licences have been granted by him during the previous month; and the production of a copy of the Gazette containing a notification shall be *primâ facie* evidence in all proceedings under this Ordinance that those whose names appear therein are duly licensed.

Publication of names and addresses of those to whom licences have been granted.

11. The inspector of police shall cause to be posted up at each court house in his district a list of the names and addresses of all persons licensed.

Particulars to be posted up at court houses.

12. Every licence unless previously cancelled shall continue in force from the date thereof up to and until the end of the then current year.

Duration of licences.

13. Every dealer shall keep a book wherein shall be recorded at the time of purchase or sale the name and address of each person from whom he buys or to whom he sells produce; whence or whom or from the person, if the seller, obtained the produce; the description of the produce; the weight, number, or quantity thereof; and the price paid for it; and the book shall be produced at all reasonable hours at the request and for the inspection of any inspector of police, or any magistrate, or any non-commissioned officer not below the rank of sergeant; or any non-commissioned officer authorised in writing by an inspector of police or any magistrate:

Record of purchase transactions:

Provided that no one making the inspection aforesaid shall communicate the information so obtained except for the purposes of the administration of justice.

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14. Every dealer who omits or neglects to keep the book required by the preceding section, or who wilfully makes any false entry therein, or omits to make any of the entries required by that section, or fails or refuses to produce the book when requested to do so as aforesaid, and anyone selling produce who, on the request of a dealer or member of the police force, fails or refuses to give the information required to be entered in the book directed to be kept by that section or gives any false information respecting the produce, shall be guilty of an offence.

Breach of section thirteen an offence.

Buying
produce from
children an
offence.

15. Any dealer who buys produce from anyone whom he knows, or whom from appearance the magistrate of the district determines he ought to have known, to be under the age of twelve years shall be guilty of an offence.

Saving.

16.—(1) Nothing in this Ordinance shall be deemed to prevent the sale or purchase of any produce in a public market, or to require any one, other than a dealer selling produce in a public market, to keep the book required by section thirteen of this Ordinance, but that person shall, if required by any police officer or constable, or by any officer of the Georgetown or New Amsterdam Town Council, give a true account of how he became possessed of any produce found in his possession or sold by him.

(2) Anyone refusing or neglecting to give that information shall be guilty of an offence.

Inspection
of licences.

17. Any magistrate, commissary of taxation, inspector of police, or other member of the police force, or any constable, may at any time require a dealer to produce his licence for inspection, and failure without good excuse or a refusal to produce a licence when so required shall be an offence.

Amendment
of schedule
by order in
council.

18. The Governor in Council may, from time to time by order in council, to be published in the Gazette and at least two of the local newspapers, remove any of the articles of produce from the first schedule hereto, and may in like manner add any other article or articles of produce to that schedule, and thereupon this Ordinance shall take effect with regard to those articles respectively as if they had been originally omitted or included in the schedule.

Rules.

19. The Governor and Legislative Council may make all rules and regulations found necessary to give full effect to the provisions of this Ordinance and the rules when made shall be published in the Gazette and have thereafter the force of law.

Onus of
proof.

20. In any proceedings taken under this Ordinance the burden of proving that he is duly licensed shall lie on the accused.

Proof of
delivery of
produce.

21. If proof is given of the delivery to anyone of any of the articles of produce mentioned in the first schedule hereto, the proof shall be *primâ facie* evidence of the sale to him of those articles of produce.

22. When anyone buys or sells produce without a licence and is prosecuted for so doing, the burden of proving that he bought the produce for private consumption and without any intention to deal in it, or that it was grown on his own property, shall be upon him, and if he fails to satisfy the magistrate that he bought with no intention to deal in the produce, or that it was grown on his own property, he may be convicted of an offence.

Unlicensed purchaser of produce to prove the purpose thereof.

23. A breach of any rule made under the authority of this Ordinance shall be an offence.

Breach of rules an offence.

24. All offences and all applications or proceedings under this Ordinance shall be tried and dealt with in a summary manner under the Summary Jurisdiction (Offences) Ordinance, before the magistrate for the district in which the offence was committed or the matter of application or proceeding arose.

Summary trial and penalty. Chapter 13.

25. Anyone convicted of an offence shall be liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for any period not exceeding six months.

Penalty.

FIRST SCHEDULE.

(Section 2.)

Coconuts, ripe or dry coconuts, in husk or peeled, and the kernel thereof, whether fresh or dry. (Young coconuts, commonly called water coconuts, not included.)

Cacao in pods or beans.

Coffee in pulp or cherry dry.

Rubber of all kinds.

SECOND SCHEDULE.

(Section 2.)

Mr. _____ of _____ is hereby licensed to buy and sell
 [or to buy or sell] produce* _____ in the _____ fiscal
 district from _____ to the end of the year.

Dated this _____ day of _____, 19 _____.

*State the kinds.

Commissary of the _____ fiscal district.