



I assent.

Douglas James

Officer Administering the
Government.

at
21st September, 1934.

BRITISH GUIANA

ORDINANCE NO. 23 OF 1934.

AN ORDINANCE to amend the Copra Products (Sale and Manufacture) Ordinance, 1933.

A.D. 1934.

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, 1934, and shall be construed with the Copra Products (Sale and Manufacture) Ordinance, 1933, hereinafter referred to as the Principal Ordinance.

Short Title.

No. 31 of
1933.

2. Section two of the Principal Ordinance is hereby amended—
(a) by adding to the definition of "Copra products" the words "manufactured from the kernel of the coconut whether dried or undried";

Amendment
to sec. 2 of
Ord. 31 of
1933.

(b) by inserting the words "or the undried kernel of the coconut" after the word "copra" in the second line of the definition of "Edible oil";

(c) by inserting the words "or the undried kernel of the coconut" after the word "copra" in the second line of the definition of "Lard substitute."

Sub-section added to sec. 15 of Ord. 31 of 1933.

3. Section fifteen of the Principal Ordinance is hereby amended by adding the following as sub-section (10) thereof:—

"(10) For the purpose of defraying expenses incurred by the Board in the execution of its duties under this Ordinance the broker shall deduct from the moneys payable to each producer a sum calculated at a rate not exceeding twenty cents on every ton of copra sold by him on behalf of the said producer and shall pay the same to the Secretary of the Board."

Proviso added to sec. 17(3) of Ord. 31 of 1933

4. Sub-section (3) of section seventeen of the Principal Ordinance is hereby amended by adding the following proviso at the end thereof:—

"Provided that if at the end of any one quarter the total quantity of copra received from producers during that quarter has not been sold, the broker shall in the next succeeding quarter or quarters sell the remaining copra on behalf of the said producers and shall within ten days thereafter account therefor in the manner hereinbefore provided, so that no copra received in any one quarter shall be sold unless and until all the copra received in the last preceding quarter has been sold and so that the copra received in each individual quarter shall from time to time be separately dealt with and accounted for."

Repeal of sec. 23 (2) of Ord. 31 of 1933 and new sub-sections enacted.

5. Sub-section (2) of section twenty-three of the Principal Ordinance is hereby repealed and the following are added to the section as sub-sections (2), (3) and (4):—

"(2) No one shall sell to the prejudice of the purchaser any copra products not of the nature substance and quality demanded by the purchaser provided that an offence shall not be deemed to be committed under this section where the standard of quality does not fall below that prescribed.

(3) No one shall sell for consumption in the Colony any copra products at a higher price than that fixed by notice under this section.

(4) Any person contravening the provisions of sub-sections (2) or (3) hereof 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."

6. The following sections shall be inserted in the Principal Ordinance after section twenty-three, and the schedule to this Ordinance shall be inserted as a schedule to the Principal Ordinance :—

New sections
23A and 23B
and schedule
inserted in
Ord. 31 of
1933.

“ 23. A.—(1) Any Government medical officer, commissioner, commissary of taxation, sanitary inspector or any officer authorised by the Government Analyst or any officer of the Mayor and Town Council of Georgetown or New Amsterdam and any police constable (hereinafter referred to as sampling officers) may procure or purchase any sample of copra products from any manufacturer or from any person selling or exposing the same for sale for consumption in the colony.

(2) If any sampling officer applies to purchase any copra products intended or exposed for sale or on sale by retail on any premises and tenders a reasonable price for the quantity which he requires for the purpose of analysis and the manufacturer or person exposing or having the same for sale refuses to sell the quantity required by the officer, that person shall be liable to a penalty not exceeding one hundred dollars.

(3) Where a sampling officer procures a sample of any copra product he shall, if he suspects the sample to have been sold contrary to the provisions of this Ordinance, forthwith notify the seller or his agent who sold the sample of his intention to have it analysed and shall then and there divide the sample into three parts, each part to be marked and sealed or fastened up in the manner its nature will permit, and shall deliver one of the parts to the seller or his agent, retain one of the remaining parts for future comparison and production in court and shall forthwith take or send the third part, if he shall think fit, to the Government Analyst.

(4) The Government Analyst after completing any analysis under this section shall give a certificate of the result thereof in the form contained in the schedule hereto, with any variations the circumstances of the particular case require, and a copy of the certificate shall be served together with the summons in any prosecution.

Schedule.

(5) In this section the expression “ Government Analyst ” shall be construed to include an assistant analyst,

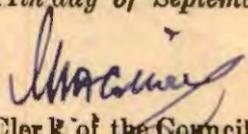
23. B.—(1) Subject to the provisions of this section, a defendant shall be discharged from a prosecution if he proves to the satisfaction of the Court that he—

Discharge of
defendant
from prosecution
in certain
cases.

- (a) purchased the copra product in question as the same in nature substance and quality as that demanded of him by the purchaser, and with a written warranty or invoice to that effect ;
- (b) had no reason to believe, at the time when he sold it, that the copra product was otherwise ; and

- (a) sold the copra product in the same state in which he purchased it.
- (2)—(a) A warranty or invoice shall be a defence to proceedings under section twenty-three of this Ordinance only if the defendant has within seven days of the service of the summons sent to the prosecutor a copy of the warranty or invoice with a written address stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person.
- (b) The person by whom the warranty or invoice is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the Court may if it thinks fit, adjourn the hearing to enable him to do so.
- (c) Where the defendant is a servant of the person who purchased the article under a warranty or invoice he shall be entitled to reply on the provisions of this section in the same way as his employer would have been entitled to do if he had been the defendant provided that the servant further proves that he had no reason to believe that the copra product was otherwise than that demanded by the purchaser."

Passed by the Legislative Council this 11th day of September, 1934.


Clerk of the Council.

(M.P. 920/34).

A.D. 1934.] COPRA PRODUCTS (SALE & MANUFACT.) [No. 23

SCHEDULE.

COPRA PRODUCTS (SALE AND MANUFACTURE) ORDINANCE, 1933.

CERTIFICATE OF ANALYSIS.

To

I, the undersigned

Analyst do hereby certify that I

received on the

day of

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from

sample purporting to be

for analysis and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the said sample conforms to the standard of
does not conform quality prescribed.

OBSERVATIONS.*

Dated this

day of

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Analyst.

*Here the analyst may insert, at his discretion, any opinion (other than that stated above) concerning the sample and should state what foreign ingredients, if any, are contained in the sample.

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