
5th Session First Parliament Trinidad and Tobago
15 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 35 of 1966

[L.S.]

AN ACT to amend the Cocoa Industry Ordinance, 1961.

[Assented to 10th October, 1966]

BE IT ENACTED by the Queen's Most Excellent Majesty, ^{Enactment} by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Cocoa Industry (Amend- ^{Short title} ment) Act, 1966.

Section 2 of
the Cocoa
Industry
Ordinance
amended.
Ord. No. 20
of 1961

2. Section 2 of the Cocoa Industry Ordinance, 1961 (in this Act referred to as "the Ordinance") is hereby amended:

(a) by inserting after paragraph (d) thereof the following:

"(dd) 'coffee' means the seed, berries and beans of *Coffea arabica* L., *Coffea liberica* Hiern., or *Coffea robusta* Chev., or any other cultivated variety of the species *coffea*;"

(b) by substituting for paragraph (l) thereof the following:

"(l) 'producer' means a person who grows in Trinidad and Tobago cocoa or coffee for sale;"

Subsections
(1) and (2) of
section 3 of
the Ordinance
repealed and
replaced

3. Subsections (1) and (2) of section 3 of the Ordinance are repealed and replaced by the following:

"Establish-
ment of
Cocoa and
Coffee
Industry
Board

3. (1) There shall be established for the purposes of this Ordinance a body to be called the Cocoa and Coffee Industry Board.

(2) The Board shall consist of the following members appointed by the Minister:

(a) a member from among professional accountants nominated by the Institute of Chartered Accountants or by the Association of Certified and Corporate Accountants, who shall be chairman;

(b) six producers, of whom four shall be nominated by the Agricultural Society of Trinidad and Tobago and of the remaining two, one shall be nominated by the Cocoa Planters' Association of Trinidad Limited and the other nominated by the Commissioner for Co-operative Development. Of the four producers nominated by the Agricultural Society of Trinidad and Tobago—

(i) one shall be a producer of cocoa and coffee;

(ii) one shall be a producer who is or has been the holder of a permit under paragraph (c)

of subsection (2) of section 4 to export cocoa or coffee or both cocoa and coffee;

- (iii) one shall be the owner or occupier of less than twenty-five acres of land cultivated mainly in cocoa;
- (iv) one shall be the owner or occupier of less than twenty-five acres of land cultivated wholly or partly in coffee;
- (c) two persons representing the interest of exporters of cocoa and coffee, to be nominated by licensed exporters;
- (d) two persons representing the interests of buying agents of cocoa and coffee, to be nominated by buying agents;
- (e) an official from the Ministry of Agriculture, hereinafter referred to as the "official member".

4. (1) Section 4 of the Ordinance is hereby amended—

(a) in subsection (2)—

(i) by substituting for the words "30th day of November in any crop year, a permit to export during that" occurring in paragraph (c) of subsection (2) thereof, the words "31st day of July in any crop year, a permit to export during the next succeeding";

(ii) by adding at the end thereof the following paragraph :

"(i) grant in each crop year, subject to such terms and conditions as the Board may think fit, licences to hull coffee to owners of hulling machines.";

(b) by deleting subsection (4) thereof.

(2) The amendment set out at subparagraph (i) of paragraph (a) of subsection (1) shall have effect with respect to the crop year commencing on the 1st day of October, 1967.

Section 4 of
Ordinance
amended

Section 8 and
9 of the
Ordinance
repealed and
replaced

5. Sections 8 and 9 of the Ordinance are hereby repealed and replaced by the following:

"Appoint-
ment of
officers
and
servants

8. (1) Subject to this Ordinance, the Board may, with the approval of the Governor-General, appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a manager, a secretary and such other officers and servants as it deems necessary for the proper carrying out of the provisions of this Ordinance.

(2) No post shall be created that will carry a salary in excess of four thousand eight hundred dollars per annum unless it is created with the prior approval of the Governor-General.

(3) With the approval of, and subject to such terms and conditions as may be imposed by, the Minister of Finance, the Board may provide for the establishment and maintenance of a pensions scheme or a provident fund scheme for the benefit of the officers and servants of the Board, and in any such scheme different provisions may be made for different classes of officers or servants.

Power
to make
regulations

9. (1) The Board may, with the approval of the Governor-General, make regulations—

- (a) providing for the registration of:
 - (i) all producers or any particular class of producers;
 - (ii) all marks used in connection with the exportation of cocoa or coffee;
- (b) providing for the keeping of any register pursuant to the provisions of paragraph (a) and the form of any such register and the procedure to be followed in relation to the registration of any person or mark required to be registered pursuant to the regulations and the fees to be paid in respect of such registration;
- (c) prescribing the forms of licences and permits to be granted under this Ordinance and the fees that may be charged for such licences or permits;

- (d) prescribing the grades and types of cocoa and coffee;
- (e) prescribing the prices at which cocoa and coffee may be purchased or sold, and different prices may be imposed in respect of different grades of cocoa and coffee;
- (f) prescribing the records (including records required to be kept by the International Coffee Council) to be kept by licensed exporters, buying agents or by any person who is required to be registered pursuant to the regulations;
- (g) prescribing the returns to be made by licensed exporters, and buying agents or by any person who is required to be registered pursuant to the regulations; and the time at which and the form in which any such returns are to be made and the particulars to be contained in such returns;
- (h) providing for the entry at all reasonable times during the hours of daylight by persons appointed by the Board upon land on which cocoa or coffee is grown or upon premises used for the hulling of coffee or for the storage, purchase, sale or export of cocoa or coffee and for the examination of any cocoa or coffee found on such premises and for the inspection of any records required to be kept pursuant to the regulations;
- (i) prescribing, subject to section 30, the commission to be paid to licensed exporters, and buying agents for their services and the allowances that may be deducted from the sale of cocoa or coffee by licensed exporters for meeting their expenses;
- (j) prescribing the rates to be paid to licensed owners of hulling machines for their services;

(k) prescribing anything that is required or authorised by this Ordinance to be prescribed;

(l) generally for the exercise of its powers and duties under this Ordinance.

(2) Regulations made under this section may prescribe for any contravention thereof or any failure to comply therewith a penalty not exceeding five hundred dollars on summary conviction.

(3) Regulations made under this section shall be subject to negative resolution of the Senate and the House of Representatives.”;

Schedules
repealed and
replaced

6. (1) The First Schedule to the Ordinance is hereby repealed.

(2) The Second Schedule to the Ordinance is repealed and replaced by the following:

“THE SCHEDULE

FIRST COLUMN

SECOND COLUMN

Section

Amendment

Section 2 (1)

(a) delete the definitions of “cocoa” and “coffee”;

(b) delete the words “cocoa” and “coffee” in the definition of “Licensable produce”.

Section 2 (2)

Repeal.

Section 18 (1)

Delete the words “cocoa and other” occurring therein.

Section 22 (1)

Repeal paragraphs (a) and (b) thereof.

Section 24 (3)

Delete the words “of cured cocoa, or cured coffee, or”.

Section 32

Delete the words “who carried on the business of making chocolate or cocoa powder and who purchases cocoa solely for that purpose, or a person”.

Section 43

Repeal.”

Consequential
amendments to
the Cocoa
Industry
Ordinance.
The Schedule

7. The parts or sections of the Ordinance specified in the first column of the Schedule to this Act are amended to the extent specified in the second column of the said Schedule.

8. Notwithstanding the repeal of subsections (1) and (2) of section 3 of the Ordinance by section 3 of this Act, the members of the Cocoa Industry Board established and constituted under the said subsection shall continue to hold office until the fifth day of November, 1966, and shall then retire; and all acts, functions, duties and powers, done, performed or exercised by them between the date of the commencement of this Act and the said fifth day of November, 1966, shall be deemed to be done, performed and exercised as if they had been duly appointed in pursuance of the provisions of this Act.

Former Board
to continue
functioning
until 5th
November,
1966

SCHEDULE

<i>Part or section</i>	<i>Amendment</i>
The long title, sections 1, 2 (1) (a), 4 (1) and 14.	Insert immediately after the word "cocoa" the words "and coffee".
Sections 4 (2) and (3), 15, 17, 21, 23, 25 to 28.	Insert immediately after the word "cocoa" the words "or coffee".
Sections 2 (1) (b) and (h).	Insert immediately after the word "cocoa" the words "or coffee or both cocoa and coffee".
The whole Ordinance.	For "Territory" substitute "Trinidad and Tobago".
Section 33.	Delete the word "SECOND".

Passed in the House of Representatives this 12th day of August, 1966.

G. R. LATOUR
Clerk of the House of Representatives

Passed in the Senate this 23rd day of August, 1966.

A. A. DARLINGTON
Acting Clerk of the Senate