

CHAPTER 254.

CLAYING OF COCOA.

Ordinance
No. 43 of 1922.

AN ORDINANCE TO PROHIBIT THE CLAYING OF COCOA.

[1st January, 1923.]

Short title.

1. This Ordinance may be cited as the Claying of Cocoa Ordinance.

Interpreta-
tion.

2. In this Ordinance—

“Clay” means the substance commonly known as “red clay,” and includes any substance capable of increasing the weight of or suitable for coating or colouring cocoa beans, or which may be used to make a mixture suitable for coating or colouring cocoa beans, whether such substance is in its natural condition or is mixed with any other substance;

“Clayed Cocoa” means any cocoa beans to which any clay has been added;

“Constable” includes any member of the Constabulary Force;

“Inspector” means an Inspector appointed under the provisions of this Ordinance;

Cap. 273.

“Licensed Dealer” means a dealer in licensable produce licensed under the Sale of Produce Ordinance;

“Person” includes any individual and also any corporate or unincorporate body of persons;

“Vessel” includes schooners, sloops, droghers, flats, punts, boats, canoes, barges, scows, corials, rafts, or other craft.

Claying of
cocoa
prohibited.

3. Any person who shall add clay to any cocoa shall be guilty of an offence against this Ordinance.

4. (1) Any person who has in his possession or custody or under his control any clayed cocoa shall be guilty of an offence against this Ordinance. Possession of clayed cocoa.

(2) For the purposes of this section, any clayed cocoa in the possession or custody or in the control of any banker, agent, warehouseman, or carrier shall be deemed to be in the possession of the owner or consignor of such cocoa: Provided that the onus of proving the true ownership of such cocoa shall be upon such banker, agent, warehouseman, or carrier.

5. Any person who shall sell or purchase or export, or who shall attempt to sell or purchase or export, any clayed cocoa shall be guilty of an offence against this Ordinance. Sale, purchase, or export of clayed cocoa prohibited.

6. Any licensed dealer on whose licensed premises or in whose house or building, being part of or contiguous to such licensed premises, any clay is found shall be guilty of an offence against this Ordinance. Licensed dealer in possession of clay.

7. (1) It shall be lawful for the Governor to appoint one or more persons to be Inspectors for the purposes of this Ordinance. Appointment of Inspectors.

(2) The names of any persons appointed under this section shall be published in the *Royal Gazette*.

8. (1) It shall be lawful for the Inspector or any constable, without warrant, to enter any premises in the occupation or under the control of any licensed dealer, and also any house or building part of or contiguous to such premises in the occupation of such licensed dealer; and to search therein for clay or clayed cocoa, and to seize any clay or clayed cocoa that may be found therein. Power to enter premises of licensed dealer.

(2) The right of entry conferred by this section may be exercised between the hours of six o'clock in the forenoon and six o'clock in the afternoon of the same day.

9. (1) If the Inspector or any constable shall have reasonable grounds for believing that an offence against any of the provisions of this Ordinance is being or has been committed on any lands or in any premises, or that any clayed cocoa is stored or kept upon any lands or in any premises, it shall be lawful for such Inspector or constable to apply to any Justice for a search warrant Power to enter any premises where offence suspected.

and with such warrant to enter such lands or premises and also any house or building part of or contiguous to such lands or premises, and to search therein, and to seize and take away any clayed cocoa that may be found therein.

(2) The right of entry conferred by this section may be exercised at any time of the day or night, and on all days, including Sundays and public holidays.

Inspector to have the right to examine cocoa intended for export.

10. It shall be lawful for the Inspector to examine any cocoa intended for or in process of shipment for export from the Colony, and for this purpose the Inspector shall have the right to enter on board any vessel in any harbour, bay, roadstead, or river, and to search, with his assistants, any and every part of such vessel, and to open any receptacle or bag containing, or which he has reason to believe contains, cocoa, and if, upon such examination or search, any clayed cocoa shall be found, it shall be lawful for the Inspector to seize and take away such cocoa.

Disposal of clay or clayed cocoa seized.

11. (1) Any clay or clayed cocoa seized under the powers contained in this Ordinance shall be conveyed to the nearest Constabulary Station or to such other place as the Inspector may direct, and the Inspector may give such directions as he may consider necessary for the removal thereto of such clay or clayed cocoa.

(2) On conviction of any person of any offence against this Ordinance in respect of any such clay or clayed cocoa, the same shall be forfeited, and may be destroyed or otherwise disposed of in such manner as the Magistrate in his discretion may order. Such forfeiture shall be in addition to any punishment authorized by this Ordinance.

Assaulting or resisting Inspector or constable.

12. Every person who shall assault, obstruct, or resist the Inspector or any of his assistants or any constable in the execution of their duties under this Ordinance, and every person who shall refuse or neglect to carry out any direction lawfully given by the Inspector under the last preceding section, shall be guilty of an offence against this Ordinance.

Penalties.

13. (1) Every person who is guilty of any offence against this Ordinance, or any regulation made thereunder, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred pounds.

(2) Every person who shall aid, abet, counsel, or procure the commission of any offence against this Ordinance or any regulation made thereunder shall be guilty of an offence against this Ordinance. Aiding and abetting.

(3) If any licensed dealer shall be convicted of any offence against this Ordinance, the Magistrate may, in addition to any other penalty which he may be authorized to inflict, order the licence of the offender to be forfeited and cancelled. On conviction, licence may be cancelled.

14. Nothing in this Ordinance contained shall be deemed to apply to cocoa which has been imported into the Colony under the provisions of the Cocoa (Import and Export) Ordinance: Provided that the onus of proving to the satisfaction of the Inspector that any cocoa has been so imported shall be upon the person alleging the same. Exemption in case of imported cocoa.
Cap. 197.

15. The Governor in Executive Council may make regulations for the better carrying out of the provisions of this Ordinance. All such regulations shall be published in the *Royal Gazette*. Regulations.