



TRINIDAD AND TOBAGO

No. 28—1952

[L.S.]

I ASSENT,

H. E. RANCE,
Governor.

15th May, 1952.

AN ORDINANCE to regulate the export of cocoa from the Colony and for other matters connected therewith.

[, 1952.]

Commence-
ment

ENACTED by the Governor of Trinidad and Tobago, with the advice and consent of the Legislative Council thereof.

Enactment

1. This Ordinance may be cited as the Exportation of Cocoa Ordinance, 1952, and shall come into operation on the

Short title
Commence-
ment

Interpretation

2. In this Ordinance—

“Committee” means the committee established under section 3 of this Ordinance;

“cocoa” means the fruits of *Theobroma Cacao* and its allied species;

“crop year” means the period from the first day of October in any year to the thirtieth day of September next following, both dates inclusive;

“export” with its grammatical variations and cognate expressions means to take or cause to be taken out of the Colony;

“producer” means a person who grows cocoa in the Colony for sale;

“purchase” with its grammatical variations and cognate expressions includes exchange or barter and any agreement or contract to purchase;

“sell” with its grammatical variations and cognate expressions includes exchange or barter and any agreement or contract to sell.

Establishment
and constitution
of Cocoa
Exporters
Committee

3. (1) There shall be established a Committee to be known as the Cocoa Exporters Committee (hereinafter referred to as “the Committee”) which shall consist of the President of the Agricultural Society of Trinidad and Tobago, the Director of Agriculture, the Accountant General, and five persons representing the interests of exporters of cocoa, to be nominated by exporters licensed under this Ordinance: Provided that for the purposes of the first constitution of the Committee under this Ordinance, such five persons shall be nominated by the companies and individuals engaged in the business of cocoa-exporting and named in the Schedule to this Ordinance.

Chairman

(2) The members of the Committee shall at their first meeting appoint one of their number to be Chairman of the Committee.

Term of office

4. The members of the Committee other than the *ex officio* members shall hold office for two years from the dates of their respective appointments but shall be eligible for re-appointment.

5. (1) Whenever the Chairman is temporarily absent from the Colony or otherwise is temporarily incapacitated from performing the functions of his office, the members of the Committee may appoint a person, whether or not such person is a member of the Committee, to be Chairman during such period of absence or incapacity. Temporary absence of chairman

(2) Upon any temporary appointment being made under the provisions of subsection (1) of this section, all the powers and duties of the Chairman under this Ordinance shall devolve upon the person so temporarily appointed to the exclusion of the Chairman so absent or incapacitated.

6. When a member of the Committee is temporarily incapacitated from performing his functions as a member by reason of his temporary absence from the Colony or by reason of his being temporarily appointed Chairman under the provisions of section 5 of this Ordinance or for any other good cause, the members of the Committee may appoint a person temporarily to be a member during such period of incapacity and during such period all the powers and duties of the member so temporarily incapacitated shall devolve upon the member so temporarily appointed to the exclusion of the member so temporarily incapacitated. Temporary absence of a member

7. The Chairman duly appointed under the provisions of this Ordinance shall have an original vote and where the votes are equally divided a casting vote in addition to his original vote. Chairman to have original and casting vote

8. At a meeting of the Committee four members shall form a quorum. Quorum

9. The Committee shall meet at such times as may be necessary or expedient for transacting its business. Meetings

10. (1) Any two members of the Committee may by notice in writing signed by them request the Chairman to call a special meeting of the Committee for the purposes set out in such notice. Special meetings

(2) The Chairman shall, upon receipt of any such notice, summon a special meeting of the Committee for such purposes at the earliest convenient date.

11. The Committee shall have power— Powers of the Committee

- (a) to grant permits either generally or specially to the Cocoa Planters' Association of Trinidad, Limited, to export cocoa of which members of the Association are the bona fide producers;

- (b) to grant permits either generally or specially to producers to export cocoa which is the bona fide produce of their estates either by themselves or by agents duly approved by the Committee under such terms and conditions as the Committee may deem fit;
- (c) to grant to the persons named in the Schedule to this Ordinance and, in the discretion of the Committee, to such other persons as may apply to the Committee before the commencement of any crop year, licences to export cocoa:

Provided that a licence shall not be granted under this paragraph unless the person making application for the licence enters into an agreement with the Committee to purchase and sell cocoa in accordance with the terms and conditions prescribed in this Ordinance and with such arrangements for the pooling of the proceeds of sale of cocoa as may from time to time be made by the Committee:

Provided further that the Committee may, in its discretion, cancel or suspend any licence granted under this paragraph where it is proved to the satisfaction of the Committee that the holder of the licence has infringed any of the provisions of this Ordinance or any of the terms of the agreement entered into with the Committee:

Provided also that in any such case of cancellation or suspension the person aggrieved may appeal to the Governor in Council against such cancellation or suspension and the decision of the Governor in Council on such appeal shall be final;

- (d) to allocate quotas of cocoa which may be exported by holders of licences under this Ordinance;
- (e) to grant applications from holders of licences under this Ordinance to export cocoa on consignment basis and on such terms and conditions as to the Committee may seem fit;
- (f) to fix the prices at which cocoa or any grade of cocoa may be purchased in the Colony or in any specified part of the Colony by dealers licensed to purchase cocoa under the Sale of Produce Ordinance;
- (g) to fix the range of prices within which cocoa may be sold in foreign markets by holders of licences under this Ordinance;

- (h) to take such steps as may be necessary for the orderly marketing of cocoa purchased by licensed exporters, including, if the Committee deems it expedient and practicable, the grading of such cocoa before export, or to delegate the taking of such steps to a sub-committee of the Committee;
- (i) to arrange for the payment into a common fund to be held by the Accountant General of the net proceeds of the sale of cocoa by holders of licences under this Ordinance and for the distribution by the Accountant General among the producers of such cocoa of such net proceeds in proportion to the quantities of cocoa sold by them as evidenced by the sales slips issued to them by dealers licensed under the Sale of Produce Ordinance:

Ch. 23. No. 17

Provided that for the purposes of this paragraph, "net proceeds" shall mean gross proceeds of sale diminished by—

- (i) the allowances and commissions provided for under paragraph (k) hereof;
- (ii) the cess levied under the provisions of the Cocoa Industry Ordinance;
- (iii) brokerage charges, foreign agents' commissions, ocean freight, marine insurance premiums and fire insurance premiums other than charges incurred in respect of storage in the exporters' warehouses;
- (j) to enter into agreements with persons applying for licences under this Ordinance to export cocoa providing for—
- (i) the allowances and commissions to be deducted from the proceeds of sale of cocoa by way of working expenses;
- (ii) examination by the Accountant General of all relevant documents and accounts connected with the purchase and sale of cocoa;
- (iii) audit, by an auditor approved by the Committee, of the returns made to the Accountant General in connection with the net proceeds of sale of cocoa to be deposited with him;
- (iv) a banker's guarantee;

Ch. 23. No. 22

(k) to determine, with the approval of the Governor in Council—

(i) the allowances which may be deducted from the proceeds of sale of cocoa by a licensed exporter for meeting working expenses, including—

(1) claims from purchasers without the Colony in respect of inferior or defective cocoa exceeding such limit as may be determined by the Committee from time to time,

(2) loss in weight, provided that any surplus of cocoa shall be for the benefit of the licensed exporter;

(ii) the rate of commission to be allowed the licensed exporter for his services;

Ch. 23. No. 17.

(l) to require a dealer licensed under the Sale of Produce Ordinance to sell within a specified time to exporters licensed under this Ordinance cocoa purchased by him from the producers.

Servants of the Committee

12. The Committee may subject to the approval of the Governor in Council appoint a secretary and such other officers and employees at such remuneration as may be necessary for the proper and efficient conduct of the operations of the Committee. The Secretary shall conduct the correspondence and keep the records of the Committee and perform such other duties as the Committee may from time to time direct.

Expenses

13. All expenses incurred by the Accountant General in connection with the distribution of the fund provided for in paragraph (i) of section 11 of this Ordinance and all incidental expenses of the Committee shall be met from the proceeds of the fund.

Restriction on export of cocoa

14. No person other than the holder of a permit or licence under this Ordinance shall export cocoa.

15. (1) Any person who contravenes any term or condition of any permit issued under paragraph (a) or paragraph (b) of section 11 of this Ordinance or contravenes the provisions of paragraph (l) of section 11 or of section 14 of this Ordinance shall be guilty of an offence under this Ordinance. Offences

(2) Any holder of a licence under this Ordinance who fails to pay to the Accountant General the net proceeds of sale of cocoa in accordance with the arrangements made by the Committee under the authority of paragraph (i) of section 11 of this Ordinance shall be guilty of an offence against this Ordinance.

16. Any person convicted of an offence against this Ordinance shall be liable on summary conviction before a Magistrate to a fine of two thousand four hundred dollars or to imprisonment for two years or to both such fine and imprisonment. Penalty

17. Where an offence against this Ordinance is committed by a body corporate and such offence has been committed on the direction of or with the consent and approval of any director, manager, secretary or other officer of such body corporate, that individual, as well as such body corporate, shall be guilty of that offence and may be proceeded against and, if convicted, be punished accordingly. Special provisions as to directors, &c.

18. Any person aggrieved by the refusal of the Committee to grant or renew a permit or licence under this Ordinance or by any term or condition in any such permit or licence may, within fourteen days of such refusal or of the imposition of the terms or conditions complained of, appeal in writing to the Governor in Council, whose decision shall be final. Appeals

19. The Governor in Council may make regulations generally for the purposes of this Ordinance and in particular and without prejudice to the generality of the foregoing:— Regulations

- (a) prescribing fees; and
- (b) imposing penalties for offences against regulations under this Ordinance to a limit of a fine of four hundred and eighty dollars or imprisonment for twelve months or both such fine and imprisonment.

SCHEDULE

Alstons, Limited.
Gordon Grant and Company, Limited.
Ulric Stratford Donawa.
George F. Huggins and Company, Limited.
William H. Kennedy and Company, Limited.
James Leung and Company, Limited.
Marlay and Company, Limited.
Carlos Salazar Sucre.

Passed in Council this eighteenth day of April, in the year
of Our Lord one thousand nine hundred and fifty-two.

T. F. FARRELL
Clerk of the Council.