

TRINIDAD AND TOBAGO.

No. 43.—1922.

I ASSENT,

[L.S.]

S. H. WILSON,
Governor.

21st December, 1922.

AN ORDINANCE to prohibit the Claying of Cocoa.

[*1st January, 1923.*]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Claying of Cocoa Short title.
(Prohibition) Ordinance, 1922.

2. In this Ordinance the expression—

Interpre-
tation.

“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;

[*Price 3d.*]

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

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

“Licensed Dealer” means a dealer in licensable produce licensed under the Sale of Produce Ordinance, 1921 ;

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

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

“Constable” includes any member of the Constabulary Force.

Claying of
cocoa
prohibited.

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

Possession of
clayed cocoa.

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.

(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.

Sale, purchase
or export of
clayed cocoa
prohibited.

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.

Licensed
dealer in
possession of
clay.

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.

7.—(1) It shall be lawful for the Governor from time to time 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 in the forenoon and six 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 of the Peace for a search warrant 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. Power to enter any premises where offence suspected.

(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.

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

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 authorised 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.

Procedure.

13. All offences under this Ordinance shall be prosecuted, heard and determined before a magistrate, and the procedure in respect of such offences and of all matters incidental to or arising out of the prosecution of such offences shall be such as is laid down in the Summary Conviction Offences (Procedure) Ordinance, 1918.

Penalties.

14.—(1) Every person who shall be convicted of any offence against this Ordinance or any Regulation made thereunder, shall be liable to a penalty not exceeding one hundred pounds.

Aiding and
abetting.

(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.

On conviction,
licence may be
cancelled.

(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 authorised to inflict, order the licence of the offender to be forfeited and cancelled.

15. 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, 1921. 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. 16-1921.

16.—(1) Any person who is, at the commencement of this Ordinance, in possession of any clayed cocoa shall within seven days make a return in writing of such cocoa to the Inspector, and shall furnish to the Inspector such particulars in regard to such cocoa as the Inspector may require. Exemption in case of cocoa clayed before the commencement of this Ordinance.

(2) On receiving such return and particulars, the Inspector shall examine such cocoa and, if satisfied that such cocoa was clayed before the commencement of this Ordinance, give such person a certificate to that effect, and, notwithstanding anything in this Ordinance contained, any cocoa in respect of which a certificate under this section has been given may be exported within a period to be specified in such certificate. Provided that on the expiration of the period specified in the certificate such certificate shall become void and of no effect.

17. 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.

18. This Ordinance shall commence on the 1st day of January, 1923. Commencement.

Passed in Council this fifteenth day of December, in the year of Our Lord one thousand nine hundred and twenty-two.

JOHN DE NUBRIGA,
Acting Clerk of the Council.