

No. 1—1942

*Cocoa Industry (Suspension).*

AN ORDINANCE to suspend the operation of certain provisions of the Cocoa Industry Ordinance.

[1st February, 1942.]

Commencement.

1. This Ordinance may be cited as the Cocoa Industry (Suspension) Ordinance, 1942, and shall be read as one with the Cocoa Industry Ordinance, as amended by the Cocoa Industry (Amendment) Ordinance, 1941, which Ordinance as so amended is hereinafter referred to as the Principal Ordinance.

Short title and construction.

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2. Subject to the provisions hereinafter contained, the operation of sections 10, 10A and 14 of the Principal Ordinance shall be deemed to be suspended with effect from the commencement of this Ordinance; but such suspension shall be without prejudice to things theretofore done or suffered under the Principal Ordinance.

Suspending provisions.

3. Where a purchaser (as defined in section 10 of the Principal Ordinance) has, before the commencement of this Ordinance, acquired cocoa from a vendor (as defined in the said section) and, being accountable for the cess thereon, has not paid the same to an officer of Government authorised by the said section to receive it, the provisions of the Principal Ordinance relating to the obligations and liabilities of the purchaser arising directly or indirectly from his acquisition of the cocoa, including his obligation to pay the cess thereon, shall continue to apply in all respects as though section 2 of this Ordinance had not been passed.

Transition provision.

Refund of  
cess.

4. All cess paid before the commencement of this Ordinance to an officer of Government authorised by the Principal Ordinance to receive it, and all cess paid to any such officer after the commencement of this Ordinance by virtue of section 3 of this Ordinance, shall, unless already refunded in accordance with section 17 of the Principal Ordinance, be refunded by the Board to the persons who establish to the satisfaction of the Board that they were the producers of the cocoa on which the cess was paid ; and, if any such refund shall be made to an approved fermentary, it shall be the duty of every person having the control or management thereof, to comply with paragraph (b) of subsection (1) of section 10B of the Principal Ordinance as though the refund had been made under section 17 thereof, and the provisions of subsections (2) and (3) of the said section 10B shall apply accordingly.

Proclamation  
determining  
suspension  
provided for in  
section 2.

5. It shall be lawful for the Governor in Council if he shall hereafter be satisfied that the Scheme can be carried out to such extent as will justify the determination of the suspension provided for in section 2, to proclaim that the Principal Ordinance shall, as from such date as shall be stated in the proclamation, have effect as though section 2 of this Ordinance had not been passed, and the Principal Ordinance shall, as from such date as aforesaid have effect accordingly.