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Am by 16-62

CHAPTER 23. No. 13.

SUGAR QUOTAS.

Ordinance
Ch. 23. No. 13
-1940.

AN ORDINANCE TO REGULATE THE MANUFACTURE OF SUGAR IN THE COLONY, THE DISPOSAL OF SUCH SUGAR, THE ALLOCATION TO LOCAL MANUFACTURERS OF QUOTAS FOR EXPORTATION AND FOR SALE FOR LOCAL CONSUMPTION AND FOR OTHER PURPOSES CONNECTED THEREWITH.

Commence-
ment.

[1st September, 1937.]

Short title.

1. This Ordinance may be cited as the Sugar Quotas Ordinance.

Interpre-
tation.

2. In this Ordinance—

“quota” means the quantity of sugar manufactured in the Colony which each manufacturer of sugar is permitted to sell, deliver or otherwise dispose of either by exportation or for consumption in the Colony in accordance with an order made under this Ordinance;

“quota period” means any period in respect of which any quota has been fixed by an order made under this Ordinance;

“sugar” includes sugar in any of its commercial forms except the product sold as final molasses.

The Govern-
nor may by
order fix
quotas for
the manu-
facture and
disposal of
sugar.

3. (1) The Governor in Council may by order published in the *Royal Gazette* fix the quota which each sugar manufacturer in the Colony shall be permitted—

(a) to export,

(b) to sell or deliver for consumption within the Colony,

Am by 136/76(337),

during any quota period specified in such order, and prescribe the conditions under which such permission shall be granted.

(2) The quota order contained in the Schedule to this Ordinance, hereinafter referred to in this section as the original order, shall be in force until varied by an order made under subsection (1) hereof.

(3) In any variation of the original order the increase or decrease in the export quota allotted to each sugar manufacturer shall bear to that allotted to him under the original order the same ratio as the total quantity of sugar permitted to be exported by all sugar manufacturers under such varied order bears to the total amount permitted to be exported by all sugar manufacturers under the original order:

Provided that no sugar manufacturer shall be required to accept any additional export quota or part thereof that may be allotted to him:

Provided further that if any sugar manufacturer does not accept any of the additional export quota that may be allotted to him, such additional export quota or part thereof shall be divided amongst the other sugar manufacturers in the same proportion that the export quota allotted to each sugar manufacturer under the original order bears to the total export quota allotted to all sugar manufacturers under the original order.

4. No sugar manufacturer shall manufacture and hold in stock at any time a quantity of sugar exceeding the quota allotted to such sugar manufacturer under the provisions of section 3 plus twenty-five per centum of such quota. Restriction on holding surplus stock of sugar.

5. If there shall be any contravention of any of the provisions of an order made under section 3 the owner and the manufacturer of the sugar the subject matter of the contravention, and every other person who is a party to the contravention, shall be liable, on summary conviction, for each offence to a fine of ten dollars and in addition to a further fine of not less than five dollars and not more than ten dollars in respect of each hundredweight of sugar Contraventions. Penalty.

manufactured, exported, sold, delivered or otherwise disposed of, in contravention of such order.

Restriction
on export of
sugar.

6. (1) No sugar other than sugar manufactured by a sugar manufacturer to whom a quota for export has been allotted by an order made under the provisions of section 3 shall be exported and no such sugar manufacturer shall export any sugar in excess of the quota allotted to him by such order: Provided that the provisions of this subsection shall not be construed so as to affect or prohibit the re-exportation of sugar arriving in the Colony and on board any ship from a place outside the Colony.

(2) If any sugar is exported or an attempt is made to export any sugar in contravention of the provisions of subsection (1) hereof or if any sugar is brought to any quay or place for the purpose of being exported in contravention of such provisions the sugar shall be forfeited, and every person concerned in the exportation, attempted exportation, or bringing of the goods to such quay or place for the purpose of being so exported, shall be liable, on summary conviction, to a fine of four hundred and eighty dollars.

(3) Every sugar manufacturer to whom a quota for export has been allotted shall make or cause to be made before shipment due entry of any sugar to be exported in the same manner as if such entry was required to be made under the provisions of section 159 of the Customs Ordinance.

(4) Every sugar manufacturer who fails or neglects to make entry in accordance with the provisions of subsection (3) hereof shall be liable to the penalties prescribed by the Customs Ordinance and any regulations made thereunder to the same extent as if such failure or neglect constituted a contravention of the provisions of section 159 of the Customs Ordinance.

Provisions of
section 6 to
form part of
Customs
laws.

7. The provisions of section 6 of this Ordinance shall form part of the Customs laws as defined in the Customs Ordinance, and the provisions of such Customs laws shall apply thereto in the same manner and to the same extent

as if such provisions of section 6 were included in and formed part of the Customs Ordinance.

8. (1) The Governor may by order declare in what manner any sugar manufactured in excess of the fixed quota plus twenty-five per centum which each sugar manufacturer is permitted to hold in stock shall be disposed of, and may order the seizure and destruction of any such excess stock of sugar. The manufacturer shall not be entitled to claim compensation for any sugar seized, destroyed or otherwise disposed of in accordance with such order.

Disposal of
excess stock.

(2) The Governor may authorise any person with or without assistants to enter any factory, building or land in or on which any sugar is stored or kept to ascertain whether the provisions of any order made under subsection (1) hereof has been complied with and if any such order has not been complied with, then to seize, destroy or dispose of any sugar in accordance with such order.

(3) Any person who fails or neglects to comply with the provisions of an order made under subsection (1) hereof, and every person who assaults, impedes or obstructs or who aids or abets any other person in assaulting, impeding or obstructing any person authorised to exercise any of the powers under subsection (2) hereof or any person aiding and assisting him shall be liable, on summary conviction, to a fine of two hundred and forty dollars or to imprisonment for six months.

9. (1) The Governor may require any person by order served on him or published in the *Royal Gazette* to make and submit to the Colonial Secretary, within such time as may be specified in the order, a return in the form of a statutory declaration giving full and accurate particulars of all or any of the following matters, namely—

The Govern-
nor may
require
returns
relating to
sugar to be
submitted.

(a) the sugar manufactured by him during any period specified in the order;

(b) the stocks of sugar belonging to him or in his possession, power or control on any particular date or during any period specified in the order the place of

storage of the same, and, if such sugar was acquired by him, the person from whom he acquired the same;

(c) the sugar disposed of by him either by sale or delivery locally or by exportation during any period specified in the order;

(d) an estimate of his total sugar production and of the quantity intended to be exported during any period;

(e) any other particulars required for the purposes of this Ordinance.

Penalty for failing to make a return.

(2) Any person who fails or neglects to comply with such order shall be liable, on summary conviction, to a fine of one hundred dollars.

Consent of Attorney General.

10. Proceedings under this Ordinance shall not be instituted except by or with the consent of the Attorney General.

SCHEDULE.

Sugar Quotas Order.

NOTE.—The original order contained in the Schedule to Ordinance No. 12-1937 is not reproduced here as a new order is issued every year covering the current quota period. Reference should be made to the *Royal Gazette*.

Sec 3 - 18/54(24), 20/56(23), 16/56(308), 21/57(113),
23/58(22), (All spent)