

TRINIDAD AND TOBAGO.

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No. 12 — 1937.

I ASSENT,

[L.S.]

M. FLETCHER,
Governor.
30th August, 1937.

1st September, 1937.

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.

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 Sugar Quotas Short title. Ordinance, 1937.

2. In this Ordinance—

"Quota" means the quantity of sugar manufactured Definitions. 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 Governor may by order fix quotas for the manufacture and disposal of sugar.

3.— (1) The Governor in Executive 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,

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 sub-section (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.

Restriction on holding surplus stock of sugar.

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 of this Ordinance plus twenty-five per centum of such quota.

5. If there shall be any contravention of any of the provisions of an Order made under Section 3 hereof 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 on summary conviction be liable for each offence to a penalty of ten dollars and in addition to a further penalty of not less than five dollars and not more than ten dollars in respect of each hundredweight of sugar manufactured, exported, sold, delivered or otherwise disposed of, in contravention of such order.

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 of this Ordinance 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 sub-section 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 sub-section (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 on summary conviction be liable to a penalty 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 121 of the Customs Ordinance.

(4) Every Sugar Manufacturer who fails or neglects to make entry in accordance with the provisions of sub-section (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 121 of the Customs Ordinance.

Provisions of
Sec. 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.

Cap. 194.

Disposal of
excess stock.

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.

(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 sub-section (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 sub-section (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 sub-section (2) hereof or any person aiding and assisting him shall be guilty of an offence and liable on summary conviction to a penalty not exceeding two hundred and forty dollars or to imprisonment with or without hard labour for any period not exceeding six months.

The Governor
may require
returns
relating to
sugar to be
submitted.

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:—

- (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.

(2) Any person who fails or neglects to comply with such Order shall be liable on summary conviction before a Magistrate to a penalty not exceeding one hundred dollars. Penalty for failing to make a return.

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

11. The Sugar Quotas Ordinance, 1936, is hereby repealed. Ord. 16 of 1936 repealed.

SCHEDULE.

SUGAR QUOTAS ORDER.

i. During the quota period from the 1st of September, 1937 to the 31st of August, 1938, the Quota which each Sugar Manufacturer in the Colony shall be permitted—

- (a) to export
- (b) to sell, deliver or otherwise dispose of for consumption within the Colony

shall be as follows:—

	(a)	(b)
	Export Tons.	Local sale Tons.
Ste. Madeleine Sugar Co., Ltd.	47,940	2,920
Waterloo Estates Ltd.	19,230	1,475
Woodford Lodge Estates, Ltd.	18,930	1,460
Caroni Sugar Estates (Trinidad) Ltd.	21,860	1,600
Gordon Grant & Co., Ltd.	12,880	1,155
Trinidad Sugar Estates, Ltd.	10,390	1,030
Reform Estates (1928) Ltd.	3,880	700
Alfred Lawrie Esq. (Hindustan Estate)	860	550
Eric Murray Esq. (Craignish Estate)	810	545
Joseph B. Fernandez, Esq. (Forres Park Estate)	1,220	565
Total	138,000	12,000

SCHEDULE.—*Continued.*

2. In addition to the quantity of sugar which each Sugar Manufacturer shall be permitted to export or sell, deliver or otherwise dispose of for consumption within the Colony in accordance with the provisions of this Order, each Sugar Manufacturer shall be permitted to manufacture and hold in stock a quantity of sugar not exceeding twenty-five per centum of the quota granted to the Sugar Manufacturer as specified in this Order.

3. During the said Quota period, in respect of the Quota allotted for sale within the Colony, each Sugar Manufacturer may sell not more than one-third of his Quota between the 1st of September and the 31st of January, not more than one-third between the 1st of February and the 30th of April, and the balance of his Quota in the remaining months of the Quota period.

4. Within fifteen days from the undermentioned dates or the last day of each of the undermentioned periods, as the case may be, each Sugar Manufacturer in the Colony shall make and submit to the Colonial Secretary a return in the form of a Statutory Declaration giving full and accurate particulars of the following matters, namely :—

- (a) The stock of sugar held by him in the Colony at the 31st of August, 1937, both bagged and in process.
- (b) The quantity of sugar disposed of by him or on his behalf for periods ending the 31st of January, 30th of April, and 31st of August, 1938—
 - (1) By sale locally.
 - (2) By exportation.
- (c) The stock of sugar belonging to him or in his possession in the Colony on the 31st of January, 30th of April, 31st of July, and 31st of August, 1938.
- (d) The quantity of sugar manufactured by him between the 1st of January and the 31st of July, 1938.
- (e) The quantity of sugar, if any, manufactured by him between the 1st of August and the 1st of December, 1938.

Passed in Council this twenty-seventh day of August, in the year of Our Lord one thousand nine hundred and thirty-seven.

W. E. BOARDMAN,
Clerk of the Council.