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CHAPTER 261

FERTILISERS AND FEEDING STUFFS

An Act to amend the law with respect to the sale of fertilisers and feeding stuffs. 1961-42.
L.N. 168/
1967.

[By Proclamation] Commence-
ment.

1. This Act may be cited as the Fertilisers and Feeding Stuffs Act. Short title.

PART I

Preliminary

2. (1) For the purposes of this Act, the expression—
- “ analytical officer ” means any person appointed by the Minister as an analyst for the purpose of this Act; Interpretation.
- “ brand ” means any distinctive mark or name applied to a fertiliser or a feeding stuff other than that by which it is generally known to the trade;
- “ feeding stuff ” means any article (other than an article specified in the First Schedule) which is intended for consumption by livestock and purporting to supply proteins, carbohydrates, fats, minerals, condiments or vitamins, and includes any article prepared for the purpose of preventing or correcting nutritional disorders; First Schedule.
- “ fertiliser ” means any article (other than an article specified in the First Schedule) which is intended for use as a fertiliser of the soil;
- “ inspector ” means any person appointed by the Minister as an inspector for the purposes of this Act;

Note.—Until this Act is brought into force, the Fertilizers and Feeding Stuffs Act, 1894, 1894-6, not reprinted, continues in operation.

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Printed in England by Eyre and Spottiswoode Limited, 2 Serjeants' Inn, London EC4,
by authority of the Government of Barbados

“livestock” includes horses, mules, asses, cattle, sheep, goats, swine, rabbits and poultry and such other animals or birds as the Minister may from time to time prescribe;

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1967.

“Minister” means the Minister responsible for Agriculture;

“purchaser” includes any person, other than a carrying agent, acting on behalf of the purchaser;

“small quantities”, when used in relation to fertilisers, means quantities of fifty pounds or less and when used in relation to feeding stuffs means quantities of twenty-five pounds or less.

(2) An article consigned to a purchaser shall not for the purposes of this Act be deemed to be delivered to him until it arrives at the place to which it is consigned whether the consignment is by direction of the seller or the purchaser.

(3) Where an article is delivered to a purchaser in two or more consignments, this Act shall apply to each consignment as though it were a separate article.

(4) Where the method of analysis for determining the amount of any substance contained in an article is prescribed under this Act, any statement in any statutory statement or document which by virtue of this Act takes effect as a warranty and any mark on an article or entry in a register under this Act stating or indicating the amount of such substance shall be taken to be a statement of the amount of the substance as determined by analysis in accordance with the method so prescribed.

(5) Particulars as to the nature, substance or quality of an article marked or indicated by a mark or entered in a register shall not for the purposes of this Act be deemed to be false to the prejudice of the purchaser if the mis-statement as respects any ingredient does not exceed the limits of variation, if any, prescribed in relation thereto.

(6) It shall be the duty of the Chief Agricultural Officer to keep a register to be called the “Register of Fertilisers and Feeding Stuffs” in which he shall record the particulars and information required to be registered with him under this Act.

PART II

Registration, Sale and Consignment of Fertilisers and Feeding Stuffs

3. (1) No person shall import into, or manufacture, distribute, sell or offer, expose or hold in possession for sale in, this Island any fertiliser or feeding stuff which has not first been registered with and had a registration number assigned to it by the Chief Agricultural Officer.

Dealing in unregistered fertilisers and feeding stuffs prohibited.

(2) Applications for registration or renewal thereof shall be made to the Chief Agricultural Officer—

- (a) in the case of articles to be imported into this Island, by the person first importing the article; and
- (b) in the case of articles to be manufactured in this Island, by the person first manufacturing the article,

and such applications shall be in such form and manner and shall set forth such particulars and comply with such conditions as may from time to time be prescribed.

(3) The Chief Agricultural Officer may refuse to register any fertiliser or feeding stuff—

- (a) if in his opinion the brand or name would tend to deceive or mislead a purchaser in respect of its composition or utility value;
- (b) under a brand or name identical with or, in the opinion of the Chief Agricultural Officer, likely to be confused with a brand or name already applied to a registered fertiliser or feeding stuff, as the case may be;
- (c) if the specific name of each and every ingredient used in its manufacture be not stated;
- (d) if any sample required to be submitted by the applicant is found not to accord with this Act or regulations.

(4) The registered owner of a registered fertiliser or feeding stuff shall not change, or cause or permit to be changed, the brand, name, chemical composition or ingredients of such fertiliser or feeding stuff without the written approval of the Chief Agricultural Officer, who may refuse to allow any

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change which in his opinion would lower its utility value but the Chief Agricultural Officer may authorise, either at the time of registration or subsequently, such variations as in his opinion do not warrant registration as a separate and distinct article.

(5) Every registration unless sooner cancelled shall expire on the 31st December in each year but may be renewed from year to year.

(6) The Chief Agricultural Officer may cancel the registration of any fertiliser or feeding stuff in respect of which there has been a violation of this Act or regulations.

(7) Any person aggrieved by the refusal of the Chief Agricultural Officer to register a fertiliser or feeding stuff or by his cancellation of the registration of a fertiliser or feeding stuff shall have a right of appeal to a Judge in chambers in accordance with any rules relating thereto made by the Judicial Advisory Council, and the decision of the Judge shall be final.

Obligation
to furnish
statutory
statements.

4. (1) It shall be the duty of every person who sells any article as a fertiliser or a feeding stuff to give the purchaser, on or before delivery or as soon as practicable thereafter, a statement in writing (hereinafter referred to as "a statutory statement") in such form (if any) as may be prescribed, containing the following particulars—

- (a) the name and address of the registered owner;
- (b) the brand, name and registration number under which the article is registered;
- (c) such particulars (if any) of the nature, substance or quality of the article as are mentioned in the Second Schedule;
- (d) where the article, if a feeding stuff, contains any ingredient included in the Third Schedule, the name of such ingredient:

Second
Schedule.

Third
Schedule.

Provided that the obligation so imposed shall not apply—

- (i) to sales of two or more articles which are mixed at the request of the purchaser before delivery to him;
- (ii) to sales of small quantities of the article sold if taken in the presence of the purchaser from a parcel

bearing a conspicuous label on which are marked in the prescribed manner the particulars required by this section to be contained in the statutory statement.

(2) Failure to give a statutory statement in accordance with this section shall not invalidate a contract for sale.

5. (1) A statutory statement given by the seller of any such article as aforesaid shall, notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained in the statutory statement are correct. Warranties.

(2) On the sale of any article as a feeding stuff there shall be implied, notwithstanding any contract or notice to the contrary, a warranty by the seller that the article is suitable to be used as such and does not, except as otherwise expressly stated in the statutory statement, contain any ingredient included in the Third Schedule. Third
Schedule.

(3) Any statement as to the amount of chemical or other ingredients or as to the fineness of grinding of an article sold as a fertiliser or as to the amount of the nutritive or other ingredients of an article sold as a feeding stuff, which is made after the coming into operation of this Act in any written document (other than a statutory statement) descriptive of the article shall have effect as a warranty by the seller that the facts stated are correct.

(4) No action on any such warranty as is mentioned in this section shall lie for any mis-statement therein as to particulars of the nature, substance or quality of the article or as to the amount of any ingredient, where the mis-statement does not exceed the limits of variation (if any) prescribed in relation to such particulars or amounts, but where the mis-statement exceeds such limits, the rights of the purchaser under the warranty shall not be affected by such limits.

6. (1) The purchaser of any article sold as a fertiliser or a feeding stuff shall, on payment of such fee (if any) as may be prescribed, be entitled to have a sample of the articles taken by an inspector in the prescribed manner and analysed by an Right of
purchaser
to have
article
sampled and
analysed.

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analytical officer and to receive from the analytical officer a certificate of the result of his analysis:

Provided that a purchaser of an article who requires a sample to be taken under this section shall, if so requested, furnish to the inspector who takes the sample the statutory statement or warranty relating to the article or a copy thereof.

(2) A sample taken under this Act by an inspector at the request of a purchaser shall be taken in the prescribed manner and shall not be taken after the expiration of fourteen days from the delivery to the purchaser of the article sampled or the receipt by the purchaser of the statutory statement or warranty, whichever date may be the later.

Marking of
articles
prepared for
consignment.

7. (1) Every parcel of an article when prepared for sale or consignment as a fertiliser or a feeding stuff shall, if exposed for sale or, if not exposed for sale, before being removed from the premises where it is so prepared, be marked in the prescribed manner with a mark or marks stating or indicating such particulars as may be required under this Act to be marked thereon.

(2) Any person dealing in any such parcels may for the purposes of this section keep in such form (if any) as may be prescribed a register of marks specifying the particulars which the several marks entered in the register are used as indicating, and the marking of any parcel with any mark entered in the register shall, for the purposes of this section, be treated as indicating that the particulars of the article are those entered in the register in relation to the mark:

Provided that—

- (a) on the sale of any parcel so marked the mark shall be added to the statutory statement; and
- (b) where the statutory statement received by the seller on the sale to him of the parcel contains any such mark and the parcel has not been on his premises, that mark shall be added by him to the statutory statement required to be given by him to a purchaser.

(3) Where any parcel required under this section to be marked is not so marked, or where, from the analysis of a

sample taken by an inspector in the prescribed manner on the premises on which the parcel is exposed for sale or on any premises on which the parcel having been so marked may happen to be before being delivered to a purchaser or carrying agent, it appears that the particulars marked or indicated by a mark are false to the prejudice of the purchaser or do not include any particulars which are required under this Act to be marked thereon, the person selling or having in his possession or disposition for the purpose of sale or consigning the parcel or exposing it for sale shall be guilty of an offence against this Act.

8. (1) In the case of an article delivered or consigned direct from a ship or quay to a purchaser, this section shall apply in lieu of section 7. Consignments *ex* ship or quay.

(2) The seller of an article as a fertiliser or a feeding stuff and delivered or consigned direct from a ship or quay to a purchaser shall as soon as practicable enter in a register kept by him in such form (if any) as may be prescribed the following particulars—

- (a) the date of delivery or consignment to the purchaser, the place of delivery to the purchaser or other destination and the quantity consigned or delivered;
- (b) any shipping or other mark on the article;
- (c) the particulars which by this Act are required to be contained in the statutory statement.

(3) The seller of any such article shall be guilty of an offence against this Act—

- (a) if he fails to enter in his register any particular required by this section to be entered therein other than a particular required to be contained in the statutory statement; or
- (b) if any particular entered therein, other than particular required to be contained in the statutory statement, is false in any material particular; or
- (c) if, from the analysis of a sample of the article taken by an inspector in the prescribed manner on the quay or at the time of its delivery to the purchaser or during its

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transit to him, it appears that any particular entered in this register, being a particular required to be contained in the statutory statement, is false to the prejudice of the purchaser or that any particular required to be contained in the statutory statement is not entered in the register.

Sales in
small
quantities.

9. Where an article is sold as a fertiliser or feeding stuff in small quantities from a parcel which purports to be labelled in manner hereinbefore provided and, from an analysis of a sample thereof taken by an inspector in the prescribed manner on the premises on which the parcel is kept, it appears that the particulars stated on the label are false to the prejudice of the purchaser or do not include any particulars which are required by this Act to be marked thereon, the owner or seller shall be guilty of an offence against this Act.

Selling, etc.,
feeding stuff
deleterious
to livestock.

10. (1) Any person who sells or offers or exposes for sale as a feeding stuff any article which contains any ingredient deleterious to livestock or has in his possession, packed and prepared, for sale as a feeding stuff any such article shall be guilty of an offence against this Act, unless he proves—

- (a) that he did not know and could not with reasonable care have known that the article contained a deleterious ingredient; and
- (b) where he obtained the article from some other person, that on demand by or on behalf of the prosecutor he gave all the information in his power with respect to the person from whom he obtained it and as to the statutory statement given to him and as to any mark applied to the article when he obtained it:

Provided that proceedings for an offence under this section shall not be instituted unless the article has been sampled by an inspector in the prescribed manner on the premises on which it was sold or exposed or offered for sale or on which it was when prepared for sale or consignment and the sample has been analysed in accordance with this Act.

Fourth
Schedule.

(2) Any substance mentioned in the Fourth Schedule shall, if present in a feeding stuff or, where a maximum quantity

with regard to the substance is indicated in the Fourth Schedule if present in excess of that quantity, as the case may be, be deemed to be a deleterious ingredient unless the contrary is proved.

11. (1) Any person who imports into, or manufactures, distributes, sells or offers, exposes or holds in possession for sale in, this Island any fertiliser or feeding stuff which has not first been registered with and had a registration number assigned to it by the Chief Agricultural Officer shall on conviction by a court of summary jurisdiction be liable to a fine of five hundred dollars.

Importing etc., un-registered fertilisers and feeding stuffs.

(2) Any registered owner of a fertiliser or feeding stuff who changes, or causes or permits to be changed, the name, brand, chemical composition or ingredients of such fertiliser or feeding stuff without the written permission of the Chief Agricultural Officer shall on conviction by a court of summary jurisdiction be liable to a fine of five hundred dollars.

12. (1) Any person who fails to give a statutory statement in such form (if any) as may be prescribed in any case where he is required by this Act so to do shall on conviction by a court of summary jurisdiction be liable, in the case of a first offence, to a fine of fifty dollars and, in the case of a second or subsequent offence, to a fine of two hundred and fifty dollars.

Failure to give and mis-statements in statutory statements.

(2) Where on the sale of a fertiliser or feeding stuff a person gives a statutory statement in which the particulars stated therein differ—

- (a) from the particulars marked or indicated by a mark placed on a parcel of the article in accordance with this Act; or
- (b) in the case of an article delivered or consigned direct from a ship or quay to a purchaser, from the particulars entered in accordance with this Act in the seller's register; or
- (c) in the case of an article which has not been on the premises of the seller, from the particulars stated in the

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statutory statement given to the seller in respect of the article,

he shall be guilty of an offence against this Act, unless he proves that he took all reasonable steps to avoid committing the offence and that he acted without intent to defraud.

(3) Any person who fails to add to a statutory statement any mark which by virtue of this Act is required to be added thereto shall on conviction by a court of summary jurisdiction be liable in the case of a first offence, to a fine of fifty dollars and, in the case of a second or subsequent offence, to a fine of two hundred and fifty dollars.

PART III

Inspection and Sampling

Inspection
of registers
and statutory
statements.

13. (1) It shall be the duty of any person by whom a register under section 7 or 8 is kept or to whom a statutory statement relating to an article, which has been sold by him but which has never been on his premises, has been sent to preserve the register or statement for such period (not exceeding four months) as may be prescribed, and on demand by an inspector at any time within that period to produce it for his inspection.

(2) Where such a person keeping the register or to whom such a statutory statement was sent fails so to preserve it, he shall be liable on conviction by a court of summary jurisdiction to a fine of fifty dollars.

(3) Any person having in his possession or under his control any register kept under section 7 or 8 shall on demand by an inspector produce it for his inspection and if he fails to do so shall be liable on conviction by a court of summary jurisdiction to a fine of fifty dollars.

(4) An inspector may at all reasonable times enter any premises where he has reasonable cause to believe that any such register or statutory statement is for the time being kept and may take copies thereof.

14. (1) An inspector may at all reasonable times enter any premises in which he has reasonable cause to believe that there is any fertiliser or feeding stuff which has been prepared for sale or consignment or which is stored for use and not for sale or manufacture and may take samples in the prescribed manner of any article on such premises which he has reasonable cause to believe to be such an article as aforesaid.

Powers of entry and sampling.

(2) An inspector may for the purposes of this Act take a sample otherwise than in the prescribed manner of any article which has been sold as a fertiliser or feeding stuff or which he has reasonable cause to believe to be intended for sale as such, but the name of the seller or purchaser or owner of the article of which a sample is so taken shall not be communicated to any person.

(3) Where a sample of a parcel packed ready for retail sale which is of fourteen pounds weight or less and is exposed for sale by retail is taken under this section, the retailer may require the inspector to purchase the parcel.

15. (1) Where a sample has been taken by an inspector in the prescribed manner, he shall divide it into three parts and cause each part to be marked, sealed and fastened up and he shall send two of the parts to the analytical officer together with a signed statement that the sample was taken in the prescribed manner, and the third part he shall deliver or send to the owner or seller as may be prescribed.

Provisions as to analysis of sample.

(2) Where a sample submitted to the analytical officer has been so divided into parts, the analytical officer shall analyse one of the parts of the sample sent to him and shall retain the other for such period as may be prescribed.

(3) Any person by or on whose behalf the sample of an article is taken and analysed or the owner or seller of the article who objects to the certificate of the analytical officer shall, on payment of such fee as may be prescribed by the Minister be entitled to have submitted to the Analyst the part of the sample retained by the analytical officer and to have that part analysed by him and to receive from him a certificate of the result of his analysis.

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(4) Where a sample or part of a sample is under this section sent for analysis to the analytical officer or the Analyst, there shall also be sent to him any statutory statement or warranty relating to the article sampled or a copy thereof or a copy of the particulars marked on or indicated by a mark applied to the article.

(5) A certificate of analysis shall be signed by the analytical officer or the Analyst, as the case may be, but the analysis may be made by any person acting under the direction of the analytical officer or the Analyst.

(6) Where a sample taken in the prescribed manner has been analysed by the analytical officer, he shall furnish to the person who submitted the sample for analysis and, where that person is not the purchaser, also to the purchaser and, in every case, to the owner or seller of the article, his certificate of analysis:

Provided that, if the analytical officer does not know the name and address of the owner or seller, he shall send the certificate intended for the owner or seller to the person who submitted the sample, who shall forward it to the owner or seller.

(7) Where the sample has not been taken in the prescribed manner, the analytical officer shall send the certificate to the person who submitted the sample to him.

Tampering
with
samples.

16. Any person who fraudulently—

- (a) tampers with any article so as to procure that any sample of it taken or submitted for analysis under this Act does not correctly represent the article; or
- (b) tampers or interferes with any sample taken or submitted for analysis under this Act;

shall be liable on conviction by a court of summary jurisdiction to a fine of two hundred and fifty dollars or to imprisonment for six months.

Obstruction
of
inspectors.

17. The owner or person entrusted for the time being with the charge and custody of any article who refuses to allow an inspector to take a sample of the article on any premises on

which he is authorised under this Act to take a sample, or any person who otherwise wilfully delays or obstructs any inspector in the execution of his duties under this Act shall be liable on conviction by a court of summary jurisdiction to a fine of two hundred and fifty dollars:

Provided that an inspector seeking to exercise his powers under this Act shall, if so required, produce evidence of his appointment or authority.

18. Any inspector who discloses any information obtained by him in or in connection with the exercise of his powers under this Act, except to persons acting in the execution of this Act and so far as such information may be necessary for the execution thereof, shall be liable on conviction by a court of summary jurisdiction to a fine of one hundred dollars.

Prohibition
against dis-
closures.

19. All expenses incurred in the administration of this Act shall be paid out of moneys voted for the purpose by Parliament.

Expenses
to be met
by Parlia-
ment.
L.N. 168/
1967.

PART IV

Penalties and Proceedings

20. Any person guilty of an offence against this Act for which no special penalty is provided shall, on conviction by a court of summary jurisdiction, be liable in the case of a first offence to a fine of two hundred and fifty dollars and in the case of a second or subsequent offence to a fine of five hundred dollars.

Penalties for
offences.

21. (1) Proceedings for any offence against this Act to which section 20 applies shall not be commenced without the consent of the Chief Agricultural Officer, and where the proceedings are in respect of—

Restriction
on taking
proceedings.

- (a) causing or permitting any brand, name, mark or particulars (except particulars which are not required to be contained in a statutory statement) to be false; or
- (b) failure to include in the particulars marked or indicated

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by a mark or entered in a register or written on a label any particulars which are required by this Act to be contained in the statutory statement; or

- (c) the presence in a feeding stuff of any deleterious ingredient,

the consent of the Chief Agricultural Officer shall not be given until the part of the sample retained by the analytical officer has been analysed and a certificate of analysis given by the Analyst.

(2) Where proceedings under this Act are taken against a person in respect of causing or permitting any name, mark or particulars to be false or for making a false entry in his register or for failure to state the presence in a feeding stuff of an ingredient included in the Third Schedule, he shall not be liable to conviction if he proves—

Third
Schedule.

- (a) that, having taken all reasonable precautions against committing an offence against this Act, he had not at the time of committing the alleged offence reason to suspect the correctness of the mark or entry or the presence of such ingredient as aforesaid, as the case may be; and
- (b) where he obtained the article from some other person, that on demand by or on behalf of the prosecutor he gave all the information in his power with respect to the person from whom he obtained it and as to the statutory statement given to him and as to any mark applied to the article when he obtained it.

(3) A prosecution in respect of causing or permitting any name, mark or particulars to be false or in respect of the presence of any ingredient included in the Third Schedule or of any deleterious ingredient shall not be instituted under this Act after the expiration of three months from the date on which a sample of the article was taken in the prescribed manner.

Third
Schedule.

(4) In any such prosecution as aforesaid, the summons shall state the particulars of the offence alleged and also the name of the prosecutor and shall not be made returnable in less time than fourteen days from the date on which it is served,

and there shall also be served therewith a copy of any certificate of the analytical officer obtained on behalf of the prosecutor.

22. (1) Proceedings for an offence under this Act may, if the prosecutor so desires, be taken in the magisterial district in which the person charged resides or carries on business. General provisions as to legal proceedings.

(2) In any proceedings for an offence under this Act, it shall be no defence to allege that, a sample having been taken for analysis only, there was no prejudice to the purchaser.

(3) A prosecution for an offence under this Act may, subject to the provisions of this Act as to the consent of the Chief Agricultural Officer, be instituted by the person aggrieved, an inspector, the Chief Agricultural Officer, or any person authorised by him, or any member of the Police Force.

23. (1) The contents of the Register of Fertilisers and Feeding Stuffs shall be *prima facie* evidence of all the facts contained therein in all proceedings under this Act. Evidence.

(2) Where a sample, which has been taken in the prescribed manner by an inspector and has been divided into parts and marked, sealed and fastened up as hereinbefore mentioned, has been analysed, the analytical officer's certificate shall, at the hearing of any civil or criminal proceedings with respect to the article sampled, be sufficient evidence of the facts therein stated unless the defendant or person charged requires that the person who made the analysis be called as a witness or that the sample be further analysed by the Analyst.

(3) In any legal proceedings the production of a certificate by the Analyst shall be sufficient evidence of the facts stated therein unless either party to the proceedings requires that the person who made the analysis be called as a witness.

PART V

Miscellaneous

24. (1) The Minister may make regulations for prescribing anything which under this Act is required or authorised to be prescribed and generally for carrying this Act into operation, and in particular such regulations may provide— Regulations.

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- (a) for varying any of the Schedules;
- (b) for prescribing the manner in which articles required to be marked under this Act are to be marked and the nature of such marks;
- (c) for prescribing the limits of variation for the purposes of this Act;
- (d) for prescribing the manner in which samples are to be taken and dealt with in cases where under this Act they are taken in the prescribed manner;
- (e) as to the method in which analysis for determining the percentages of particular substances are to be made;
- (f) as to the form of certificates to be given by analytical officers;

and where any Schedule is varied by regulations so made, this Act shall have effect as if the Schedule as so varied were substituted for the Schedule contained in this Act.

(2) All regulations shall be subject to negative resolution.

Exemption
from certain
sales.

25. This Act shall not apply to the sale of an article used as a fertiliser or a feeding stuff where the sale is in exercise of a statutory power to enforce a right or to satisfy a claim or lien or where the sale is made by a bailiff or other officer to satisfy a writ of execution or warrant or decree of any court or a distress for rent or warrant of distress.

Commence-
ment.

26. This Act shall come into operation on such date as the Governor-General may appoint by proclamation.

s. 2.

FIRST SCHEDULE

Articles to which this Act does not apply

PART I.—FEEDING STUFFS

- (a) Whole hays, straws, silage, fresh grasses, cane tops, corn stover and green fodders.

- (b) Hulled oats, barley, cracked Indian Corn and the whole seeds or grains of cultivated farm crops.
- (c) Feeding stuffs prepared in accordance with a prescription provided and signed by the purchaser for the use of or processing by the purchaser.
- (d) Feeding stuffs for export from the Island and so labelled.

PART II.—FERTILISERS

- (a) Compost, humus, hot-bed manure, stable manure, stockyard manure, street sweeping, slaughterhouse refuse, fish or fish refuse, garbage, cannery or sugar cane or refinery refuse, megass or any other refuse.
- (b) Fertilisers prepared in accordance with a prescription provided and signed by the purchaser for the use of or processing by the purchaser.
- (c) Fertilisers for export from the Island and so labelled.

SECOND SCHEDULE

s. 4.

Particulars to be contained in statutory Statements

Fertiliser	...	Amounts (if any) of nitrogen, potash, soluble phosphoric acid and insoluble phosphoric acid respectively.
Feeding stuff	...	Amounts (if any) of oil, protein and fibre respectively.

The amount, in each case, is to be stated as a definite percentage of the weight of the article and not as a range of percentages.

THIRD SCHEDULE

ss. 4, 5, 21.

Ingredients in Feeding Stuffs the presence of which must be declared

- (a) Husks, chaff, glumes, hulls, nutshells or skins of nuts from any source, whether ground or unground, treated or untreated, when used as separate ingredients or artificial mixtures in the manufacture of feeding stuffs.

Where the kernels naturally associated in seeds with one or other of the above materials are present in a feeding stuff along with which they are so associated, regard shall be had to the proportion of the above materials that might reasonably be expected to accompany such kernels, when the seed from which they are derived is in its natural condition, provided that feeding in this condition is regarded as a common practice in the feeding of livestock.

- (b) Peat, peat moss, spent hops or sugar cane pith, treated or untreated, ground or otherwise.

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- (c) Wheat or rye straw, ground or otherwise.
- (d) Sawdust or any other form of wood, treated or untreated.

s. 10.

FOURTH SCHEDULE

Deleterious ingredients in Feeding Stuffs

- (a) Salts soluble in water, if present in a feeding stuff in proportion likely to be injurious to the health of animals.
- (b) All poisonous substances except those naturally present in the material or materials from which the feeding stuff is derived.
- (c) Sand, silicious matter or other insoluble mineral matter not naturally associated with ingredients of the feeding stuff which do not fall within the scope of this Schedule or which, even if naturally so associated, are present in greater proportion than the maximum that may be expected to be due to such natural association.

For the purposes of this paragraph, the expression—

- “insoluble” implies insolubility as determined by a prescribed method;
- “natural association” shall be construed as applying to average commercial samples of the feeding material with which it may be claimed that particular mineral ingredient is associated.