

LAWS OF DOMINICA

SALE OF PRODUCE ACT

CHAPTER 82:02

Act

22 of 1941
Amended by
16 of 1942
12 of 1943
1 of 1948
24 of 1952
20 of 1968
7 of 1977
31/1977
17/1980
5/1983
15/1988
12 of 1990
14/1991
32 of 1995

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**Note
on
Subsidiary Legislation**

The Sale of Produce (Suspension of Coconut Cess Payment) Order 1991 (14/1991)
has been incorporated in section 68.

CHAPTER 82:02

SALE OF PRODUCE ACT

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CHAPTER 82:02

SALE OF PRODUCE ACT

1961 Ed.
Cap. 84.
22 of 1941.

AN ACT relating to the sale of certain agricultural produce.

Commencement.

[1st April 1942]

PART I

Short title.

**1. This Act may be cited as the –
SALE OF PRODUCE ACT.**

Interpretation.
[20 of 1968
7 of 1977].

2. In this Act –

“bay leaves” means bay leaves and all products thereof;

“cocoa” means cocoa pods and cocoa beans;

“coconuts” includes copra;

“coffee” means coffee berries and coffee beans;

“district” means a magisterial district;

“Form”, identified by a letter, means the Form identified by that letter as set out in the Second Schedule;

Second
Schedule.
First Schedule.

“licensable produce” means the agricultural produce set out in the First Schedule;

“licensed dealer” means a person licensed under this Act to deal in licensable produce;

“licensed huckster” means a person licensed under this Act to export licensable produce to Guyana and the West Indian Islands other than Bermuda;

“licensed pedlar” means a person licensed under this Act to peddle licensable produce;

“licensed seller” means an owner of any plantation or land licensed under this Act to sell and export the licensable produce derived from such plantation or land;

“limes” means lime fruit whether ripe, green or pickled, lime juice and lime oils;

- “Minister” means the Minister responsible for Agriculture;
- “owner” includes the tenant or person in actual possession of, and the manager or other person having chief authority on, any plantation or land;
- “peddle” means selling otherwise than in a building, but shall be deemed to include selling in any parlour or market; and for the purposes of this section “parlour” means a small shop carrying a stock not exceeding one thousand five hundred dollars in value;
- “produce inspector” means an officer appointed under section 59;
- “purchase” includes barter;
- “sell” includes barter and offering or exposing for sale;
- “vanilla” includes every kind of vanilla and vanilloes;
- “weigh” includes measuring, counting and otherwise ascertaining quantity;.

3. (1) The owner of any plantation or land or any person desiring to sell or export the licensable produce derived from the plantation or land shall first obtain a produce seller’s license as hereinafter provided.

Licence to sell produce derived from plantation or land. [7 of 1977].

(2) Any such owner or any such person who sells or exports licensable produce derived from his plantation or land without having first obtained a produce seller’s licence in respect of the plantation or land is guilty of an offence.

4. (1) Every person desiring to obtain a produce seller’s licence shall make application to the Minister.

Application for produce seller’s licence. [20 of 1968].

(2) The application shall –

- (a) be in Form A;
- (b) state in full the name and address of the applicant and the locality and name if any of his plantation or land;
- (c) state as near as shall be practicable the number of trees or, in the case of vanilla, the number of vines, bearing the licensable produce which he seeks to sell;
- (d) state whether the applicant holds the land as sole owner, part owner, lessee, manager or otherwise.

Form A.

Verification of application for produce seller's licence.
[20 of 1968].

5. Upon receipt of the application the Minister may refer the same to a produce inspector for verification of the statements therein contained.

Issue and form of produce seller's licence.
Third Schedule.
Form B.
[20 of 1968].

6. (1) Subject to the provisions of section 9 the Minister shall, when satisfied that the statements contained in the application are correct, and upon receipt of the licence fee set out in the Third Schedule, issue to the applicant a produce seller's licence in Form B.

(2) Upon payment of a fee for each licence a produce seller's licence may be granted to the applicant in respect of each of the items of licensable produce derived from his plantation or land.

(3) No produce seller's licence shall be issued to an applicant in respect of licensable produce derived from the working of any plantation or land on the metier or share system except with the written consent of the person who put him in possession.

Extent of produce seller's licence.

7. All or any of the applicant's plantations or lands situated in the district wherein the application is made may be included in a single application, and a single licence may be issued in respect of the plantations or lands, but no licence shall extend to plantations or lands situated in any district other than that in which the licence is issued; except that if any plantation or lot of land lies in two or more districts, a licence in respect of the whole of the plantation or lot of land may be issued in any one of the districts.

Effect of produce seller's licence.

8. (1) A produce seller's licence shall be only in respect of the plantation or land stated thereon and shall entitle the licensee to –

(a) sell to a licensed dealer, licensed huckster or licensed pedlar licensable produce derived from the plantation or land; and

(b) export licensable produce derived from the plantation or land.

(2) Subject to section 56, and to the provisions of this Act relating to the sale and export of licensable produce by licensed pedlars, licensed hucksters and licensed dealers, any licensed seller who sells or exports licensable produce derived otherwise than from the plantation or land endorsed upon his produce seller's licence is guilty of an offence.

9. (1) No produce seller's licence shall be issued to any person who, in the opinion of the Minister, is under the age of sixteen years.

Persons under sixteen years of age.
[20 of 1968].

(2) A licence may be issued on his behalf to the guardian of the person under the age of sixteen years, in which case –

- (a) the name of the guardian shall be entered on the licence in addition to that of the person under the age of sixteen years;
- (b) all dealings in licensable produce under the licence shall be conducted by the guardian;
- (c) the guardian shall be liable in respect of any offence committed against this Act in connection with the licence as if he were the licensee.

10. If a licensed seller dies or parts with his property in the plantation or land set out in his licence, the Minister shall, by endorsement thereon, transfer the licence to the person who is proved to his satisfaction to have acquired the property in the plantation or land.

Transfer of produce seller's licence.
[20 of 1968].

11. (1) Immediately upon the disposal of any licensable produce the licensed seller shall cause to be entered upon his licence in a legible manner in Form C the following particulars:

Endorsement of sales, etc., on produce seller's licence.
Form C.

(a) in the case of sale –

- (i) the date of delivery;
- (ii) the name and address of the purchaser;
- (iii) the description of the licensable produce sold;
- (iv) the weight, measure or quantity of the licensable produce;
- (v) the amount received by the licensed seller in respect of the sale;

(b) in the case of export –

- (i) the date of export;
- (ii) the place to which, and the ship by which, the licensable produce is exported;
- (iii) the description of licensable produce exported;
- (iv) the weight, measure or quantity of the licensable produce.

(2) (a) Every such entry made upon sale to a licensed dealer or a licensed huckster shall be checked and signed by the purchaser or his agent and every such entry made upon export shall be checked and signed by a customs officer.

(b) In the case of export the check may be made at any time within fourteen days of the date of export and the licensed seller shall produce his licence to the proper customs officer for the check to be made within the period aforesaid.

(3) Any licensed seller –

(a) who fails or neglects to make or cause to be made the entries required by this section;

(b) who fails or neglects to produce his licence to a customs officer as required by this section;

(c) on whose licence there shall be found any entry false in any particular;

(d) who enters or permits any entries to be made on his licence in respect of any licensable produce derived otherwise than from the plantation or land stated on the licence; or

(e) who sells or exports or has in his possession such quantity of licensable produce as, having regard to the quantity already disposed of and entered on the seller's licence, could not reasonably be supposed to be derived from the plantation or land stated on the licence,

is guilty of an offence.

(4) Any person who fails or neglects to check or sign an entry in a produce seller's licence as required by this section is guilty of an offence.

Power to inspect
licences and search
plantation of pro-
duce seller.

12. (1) The Financial Secretary or any person authorised by him or any Magistrate, police officer, produce inspector or local constable may –

(a) call for and inspect the licence of any licensed seller;

(b) take a copy of any entry in the licence;

(c) enter and examine the plantation or land of a licensed seller;

- (d) examine and weigh any protected produce in the possession of a licensed seller.
- (2) Any licensed seller who –
- (a) fails or neglects to produce the licence;
- (b) refuses to allow a copy of any entry in any licence to be taken;
- (c) obstructs or resists the taking of the copy;
- (d) obstructs or resists the entry and examination of the plantation or land; or
- (e) fails or neglects to give and provide such assistance as may be necessary for the purpose of examining and weighing the licensable produce,

is guilty of an offence.

PART II

PRODUCE PEDLARS

13. (1) Any person not being a licensed dealer desiring to peddle for domestic use any licensable produce shall first obtain a produce pedlar's licence as hereinafter provided.

Licence to peddle produce.

(2) Any person peddling licensable produce without having first obtained a produce pedlar's licence is guilty of an offence.

14. (1) Every person desiring to obtain a produce pedlar's licence shall make application to the Magistrate of the district wherein he desires to peddle licensable produce.

Application for produce pedlar's licence.

(2) The application shall be in Form D and shall state in full the name and address of the applicant, and, if the applicant is a licensed seller or a licensed huckster, shall state the number of his produce seller's or produce huckster's licence, as the case may be.

Form D.

15. (1) Subject to this section the Magistrate shall, upon receipt of the application together with the licence fee set out in the Third Schedule, issue to the applicant a produce pedlar's licence in Form E; but if the applicant is a licensed seller or a licensed huckster, the licence shall, upon production of his produce seller's or produce huckster's licence, as the case may be, be issued to the applicant free from charge.

Issue and form of produce pedlar's licence.
Third Schedule.
Form E.

(2) No such licence shall be issued unless the applicant, in the opinion of the Magistrate, has attained the age of sixteen years.

(3) The Magistrate may refuse to grant a licence if the applicant has within the previous five years suffered cancellation of his licence under the provisions of section 58.

Effect of produce
pedlar's licence.

16. (1) A produce pedlar's licence shall entitle the licensee to –

(a) peddle licensable produce for domestic use only; and

(b) purchase licensable produce from a licensed seller or a licensed dealer for the purpose of peddling the same as aforesaid.

(2) A licensed pedlar who is also a licensed seller may peddle for domestic use licensable produce derived from the plantation or land stated on his produce seller's licence, but shall, in such case, enter upon his produce seller's licence the particulars required by section 11.

(3) Any licensed pedlar who purchases or sells licensable produce otherwise than in accordance with this section is guilty of an offence.

(4) Any person purchasing licensable produce from a licensed pedlar and using or attempting to use the same for any purpose other than domestic use is guilty of an offence.

Licensed pedlar
to carry licence.

17. (1) Every licensed pedlar shall, while peddling or transporting any licensable produce, carry with him at the time his produce pedlar's licence and shall produce the same on demand to any person to whom he offers any such licensable produce for sale.

(2) Any licensed pedlar who fails or neglects to carry or produce such licence as aforesaid is guilty of an offence.

Duty to call for
produce pedlar's
licence.

18. (1) It shall be the duty of every person purchasing licensable produce from any person peddling the same to call for the production of such person's produce pedlar's licence and, in default of production, to ascertain his name and address and report the matter to a police officer.

(2) Any person purchasing licensable produce that is being peddled from any person other than a licensed pedlar is guilty of an offence.

19. (1) The Financial Secretary or any person authorised by him or any Magistrate, police officer, produce inspector or local constable may –
- (a) call for and inspect the licence of any licensed pedlar; and
- (b) examine and weigh any licensable produce in the possession of a licensed pedlar.
- (2) Any licensed pedlar who –
- (a) fails or neglects to produce such licence; or
- (b) obstructs or resists the examination of any such licensable produce,
- is guilty of an offence.

Power to inspect licence and licensable produce carried by licensed pedlar.

PART III PRODUCE HUCKSTERS

20. (1) Any person, not being a licensed dealer, who desires to purchase and export licensable produce to Guyana and West Indian Islands other than Bermuda shall first obtain a produce huckster's licence as hereinafter provided.
- (2) Subject to section 56 and to the provisions of this Act relating to the export of licensable produce by licensed sellers and licensed dealers, any person who exports licensable produce as aforesaid without having first obtained a produce huckster's licence is guilty of an offence.
21. (1) Every person desiring to obtain a produce huckster's licence shall make application to the Minister.
- (2) The application shall be in Form F and shall state in full the name and address of the applicant.
22. (1) Subject to the provisions of this section the Minister shall, upon receipt of the application together with the licence fee set out in the Third Schedule, issue to the applicant a produce huckster's licence in Form G.
- (2) No such licence shall be issued unless the applicant, in the opinion of the Minister, has attained the age of sixteen years.

Produce hucksters to be licensed.

Application for produce huckster's licence. [20 of 1968]. Form F

Produce huckster's licence. Third Schedule. Form G. [20 of 1968].

(3) The Minister may refuse to grant the licence if the applicant has within the previous five years suffered cancellation of his licence under the provisions of section 58.

Effect of produce
huckster's
licence.

23. (1) A produce huckster's licence shall entitle the licensee—

(a) to export licensable produce to Guyana and West Indian Islands other than Bermuda; and

(b) to purchase licensable produce from a licensed seller or licensed dealer for the purposes of such export only.

(2) Any licensed huckster who —

(a) purchases licensable produce otherwise than from a licensed seller or licensed dealer; or

(b) disposes of licensable produce purchased by him otherwise than by export to Guyana or West Indian Islands other than Bermuda,

is guilty of an offence; but a licensed huckster who is also a licensed pedlar may peddle licensable produce in accordance with the provisions of Part II of this Act.

(3) (a) For the purposes of this section licensable produce shipped to Guyana or West Indian Islands other than Bermuda and reshipped to any port outside such territories shall be deemed to be exported to such last-mentioned port.

(b) The burden of proving that any licensable produce shipped by a licensed huckster to Guyana or any West Indian Island other than Bermuda has not been reshipped to any port outside such territories shall be on the huckster exporting the same.

Entries in
produce
huckster's
licence.
Form H.

24. (1) Immediately upon the receipt or disposal of any licensable produce the licensed huckster shall cause to be entered upon his licence in a legible manner in Form H the following particulars:

(a) Upon receipt —

(i) the date and time of receipt;

(ii) the name and address of the person from whom the produce is actually received;

(iii) the name of the vendor;

- (iv) the number and description of the vendor's licence;
- (v) the description of the licensable produce received;
- (vi) the weight, measure or quantity of the licensable produce;
- (vii) the amount paid for the licensable produce;

(b) Upon export –

- (i) the date of shipment;
- (ii) the place to which, and the ship by which, licensable produce is consigned;
- (iii) the description of the licensable produce exported;
- (iv) the weight, measure or quantity of the licensable produce.

(2) Every such entry made upon export shall be checked and signed by a customs officer.

(3) Any licensed huckster –

- (a) who fails or neglects to make or cause to be made, or to be made and checked, as the case may be, the entries required by this section;
- (b) in whose licence there shall be found any entry false in any particular; or
- (c) whose stock of licensable produce does not correspond with the amount entered in the licence,

is guilty of an offence.

25. (1) The Financial Secretary or any person authorised by him, or any Magistrate, police officer or produce inspector may –

- (a) call for and inspect the licence of any licensed huckster;
- (b) take a copy of any entry in the licence;
- (c) examine the licensable produce in the possession of a licensed huckster and for this purpose enter and inspect the premises of a licensed huckster;
- (d) open and examine any crate, barrel or other container which contains or is suspected to contain licensable produce and for this purpose may go on board and

Power to inspect licence and examine licensable produce in possession of or shipped by licensed huckster.

search any ship and may require the master to produce any documents relating to any cargo which is being carried on the ship.

(2) Any licensed huckster who –

- (a) fails or neglects to produce any such licence;
- (b) refuses to allow a copy of any entry in any such licence to be taken;
- (c) obstructs or resists the taking of any such copy;
- (d) obstructs or resists any such examination of licensable produce in his possession, or the opening and examination of any such crate, barrel or other container shipped by him; or
- (e) fails or neglects to give and provide such assistance as may be necessary for the purpose of checking licensable produce in his possession or shipped by him,

is guilty of an offence.

(3) The master of any ship who –

- (a) obstructs or resists the boarding or search of the ship; or
- (b) refuses or neglects to produce any documents relating to the cargo in the ship when called upon so to do,

is guilty of an offence.

PART IV

PRODUCE DEALERS

Produce dealers
to be licensed.

26. (1) Subject to section 56 and to the foregoing provisions of this Act, no person, whether as owner, manager or otherwise shall carry on the business of purchasing, selling, exporting or otherwise dealing in licensable produce without having first obtained a produce dealer's licence as hereinafter provided.

(2) Any person so doing is guilty of an offence.

Application for
produce dealer's
licence.
[20 of 1968].

27. (1) Every person desiring to obtain a produce dealer's licence shall make application to the Minister.

(2) The application shall be in Form I, and shall state in full the name and address of the applicant and the situation and description of the premises in respect of which the application is made. Form I.

(3) Subject to section 34, the Minister shall grant the licence within seven days after the receipt of the application.

28. (1) A produce dealer's licence shall be in Form J. Form and effect of produce dealer's licence. Form J.

(2) The licence shall be in respect of one set of premises only, and, subject to section 29, shall entitle the licensee to deal in licensable produce upon the premises stated in his licence.

29. (1) Any licensed dealer who purchases licensable produce from any person other than a licensed seller or another licensed dealer is guilty of an offence. Restrictions as to dealing.

(2) Any person who sells or offers for sale licensable produce to a licensed dealer, or any licensed dealer who purchases, or delivers or takes delivery of licensable produce –

(a) at any place other than his licensed premises; or

(b) at any time except between the hours of six in the forenoon and six in the afternoon of any day,

is, subject to subsection (3), guilty of an offence.

(3) Nothing in this section shall be construed to prevent –

(a) the delivery of licensable produce at any time to a ship receiving the same as cargo;

(b) the sale or delivery of licensable produce to another licensed dealer at the licensed premises of such first-mentioned dealer;

(c) the purchase or delivery of licensable produce from another licensed dealer at the licensed premises of such other dealer; or

(d) the purchase or delivery of vanilla at a police station or vanilla purchasing depot in accordance with section 45.

30. (1) Two or more persons carrying on business in partnership shall not be obliged to take out more than one licence in respect of the same premises. Partners, agents, etc.

(2) A licence to two or more partners shall not be determined by the death or retirement of any one or more of them.

Produce dealer's
licence not
assignable.

31. No produce dealer's licence shall be assignable or shall authorise any person to carry on the business of a produce dealer by reason of his being the personal representative of the person to whom a licence has been granted.

Personal
representatives
and transferees.
[20 of 1968].

32. (1) The personal representative of a deceased licensed dealer or the transferee of the business of a licensed dealer may apply to the Minister in writing for a free licence for the unexpired term of such dealer's licence.

(2) Subject to section 34, the Minister shall, upon satisfactory proof of the facts and upon surrender of such dealer's licence, cancel such dealer's licence and issue a free licence to the applicant for the unexpired term thereof.

Substitution of
premises.
[20 of 1968].

33. The Minister may, on the application of the licensee, by endorsement on the licence, authorise a licensed dealer to transfer his licensed business to premises other than those specified in his licence, but situated within the same district.

Conditions
precedent to
issue of produce
dealer's licence.
[20 of 1968].

34. (1) No produce dealer's licence shall be issued unless –

- (a) the applicant is resident in the State;
- (b) the applicant has first paid into the Treasury the licence fee set out in the Third Schedule hereto;
- (c) the applicant, in the opinion of the Minister, has attained the age of sixteen years.

Third Schedule.

(2) The Minister may refuse to grant a produce dealer's licence if the applicant has within the previous five years suffered cancellation of his licence under section 35.

Cancellation of
produce dealer's
licence.

35. (1) If any licensed dealer is convicted of larceny or of receiving stolen goods or of any offence against this Act, the convicting Judge or Magistrate may, in addition to any other penalty, order such dealer's licence to be cancelled.

(2) The Registrar or Magistrate, as the case may be, shall cause notice of the order and of the date thereof to be published in the *Gazette*.

36. It shall be the duty of the Minister to cause –

Publication of list of licensed dealers. [20 of 1968].

- (a) a list of the names and places of business of all licensed dealers in the district to be posted at each police station in such district;
- (b) the list to be corrected from time to time as may be necessary;
- (c) the list to be published in the *Gazette* as soon as convenient after the 30th April in each year.

37. (1) Every licensed dealer shall cause to be printed in letters at least three inches in length and one inch in width, in white upon a black ground or in black upon a white ground publicly visible and legible upon a board placed over the entrance door of his licensed premises, his name or trade name together with the words "Licensed to deal in licensable produce".

Sign boards to be kept by licensed dealers.

(2) Every dealer shall preserve and keep up the name or trade name and words painted visible and legible during all the time that he continues licensed.

(3) Any person contravening the provisions of this section, and any person who puts or has any such letters as aforesaid upon his premises falsely importing that he is a licensed dealer, is guilty of an offence.

38. Every licensed dealer shall keep at his licensed premises a book to be called a produce dealer's book, in Form K.

Produce dealer's book. Form K.

39. (1) Immediately upon the receipt or disposal of any licensable produce the licensed dealer shall cause the following entries to be made in such book:

Entries in produce dealer's book.

(a) Upon receipt –

- (i) the date and time of receipt;
- (ii) the name and address of the person from whom the licensable produce is actually received;
- (iii) the name of the vendor;
- (iv) the number and description of the vendor's licence;
- (v) the description of the licensable produce received;

- (vi) the weight, measure or quantity of the licensable produce;
- (vii) the amount paid for the licensable produce;
- (b) upon disposal –
 - (i) the date of disposal;
 - (ii) the name and address of the purchaser or the place to which, and the ship by which, exported, as the case may be;
 - (iii) the description of the licensable produce disposed of;
 - (iv) the weight, measure or quantity of the licensable produce.
- (2) Any licensed dealer –
 - (a) who fails or neglects to keep on his premises a produce dealer's book;
 - (b) who fails or neglects to cause to be made the entries required by this section;
 - (c) in whose book there shall be found any entry false in any particular; or
 - (d) whose stock of licensable produce does not correspond with the amount entered in the book,

is guilty of an offence.

(3) Where an offence for which a licensed dealer is liable under this section has in fact been committed by some agent or servant of, or employee or other person acting for, the licensed dealer, the agent or servant, or employee or other person is liable to the same penalty as if he were the licensed dealer.

Licensed dealer using licensable produce grown by him for the purpose of his business.

40. A licensed dealer who is also the owner of any plantation or land may use licensable produce grown by him for the purposes of his business provided –

- (a) he is the holder of a produce seller's licence issued in respect of the plantation or land; and
- (b) he causes the proper entries to be made from time to time in accordance with this Act in his produce seller's licence and

his produce dealer's book respectively showing the particulars of any licensable produce transferred and used for the purposes of the business.

41. (1) The Financial Secretary or any person authorised by him, or any Magistrate, police officer or produce inspector may enter the licensed premises of any licensed dealer or any house or building part of or contiguous thereto in the occupation of the dealer and –

Power to inspect licence and search premises of produce dealers.

- (a) call for and inspect the dealer's licence;
- (b) call for and inspect any book required to be kept under this Act;
- (c) take a copy of any entry in the book;
- (d) examine the licensable produce in the possession of the dealer and the place where it is stored;
- (e) weigh and compare all licensable produce as may be in stock with the entries in the book.

(2) Any licensed dealer who –

- (a) obstructs and resists any such entry;
- (b) fails or neglects to produce any such licence or book;
- (c) refuses to allow a copy of any entry in such book to be taken;
- (d) obstructs or resists the taking of any such copy; or
- (e) fails or neglects to give and provide such assistance as may be necessary for the purpose of checking the licensable produce in his possession,

is guilty of an offence.

PART V

SPECIAL PROVISIONS RELATING TO VANILLA

42. (1) The Minister may from time to time by Proclamation declare any period to be a close period for vanilla, subject to such conditions as he may think fit.

Close period for vanilla.

(2) Any person who, during the close period –

- (a) sells or purchases or attempts or offers to sell or purchase uncured vanilla; or

(b) reaps or causes to be reaped vanilla,
is guilty of an offence.

Vanilla curer's
licence.
1/1948.

43. Any person who wishes to cure vanilla beans intended for export shall first obtain from the Minister a licence to do so; but this requirement shall not apply to any person who picks and cures his own vanilla beans and stores the beans at his place of residence.

Dealing in
immature vanilla
prohibited.
1/1948.

44. (a) Any person who at any time is in possession of reaped immature vanilla whether the vanilla is green or cured, or who purchases or sells or attempts to purchase or sell the immature vanilla is guilty of an offence.

(b) A vanilla examiner may seize any reaped immature vanilla found in the possession of any person and report the matter to the Minister who may direct the vanilla examiner to destroy the immature vanilla.

Vanilla to be
bought and sold
at police stations
only.

45. (1) No vanilla shall be bought or sold or delivered on sale except at a police station in the presence of a police officer or at a vanilla purchasing depot in the presence of a produce inspector or other person appointed for the purpose by the Minister; but nothing in this section shall be construed to prevent the sale at any place of cured vanilla to any person requiring the same for domestic or personal use and not trading or dealing in the same.

(2) The Minister may, by writing under his hand, appoint any premises to be a vanilla purchasing depot for the purposes of this section.

(3) For the purposes of this section, police station or vanilla purchasing depot means the police station or vanilla purchasing depot nearest to the licensed purchaser's licensed business premises.

Record of vanilla
sales to be kept
and sale note
issued.

46. (1) Every police officer, produce inspector or other person appointed as aforesaid, in whose presence any sale or delivery of vanilla takes place, shall –

Form L.

(a) record the sale or delivery in Form L in a book to be kept for the purpose at each police station and vanilla purchasing depot; and

(b) make and sign a copy of the record (in this Part of this Act referred to as a sale note) and to deliver the same to the purchaser of the vanilla.

(2) If any vanilla so sold or delivered at a police station or depot bears any mark or marks of identification a note of the mark or marks shall be made in the record and sale note.

47. If any police officer, produce inspector or other person appointed as aforesaid is of opinion that any vanilla tendered for sale in his presence is immature, he shall impound a sample of the vanilla, deposit the same with a Magistrate as soon as may be reasonably possible, and prosecute the person tendering the same for sale before a Magistrate for an offence against section 44.

Prosecution of persons tendering immature vanilla for sale.

48. (1) In any proceeding under this Part of this Act the Magistrate may, if he thinks it necessary, summon before him for the purpose of giving evidence two persons present in the district whom he may consider to be qualified to express an experienced opinion upon the maturity or otherwise of vanilla.

Evidence of maturity of vanilla.

(2) Any person so summoned shall be entitled to a sum of fifteen dollars payable in the first instance from public funds; and if the defendant is convicted of the offence charged against him, the Magistrate shall order him to pay such sum as costs.

49. (1) No person shall transport vanilla beans either by road or coastwise by sea unless –

Authority required by persons transporting vanilla.

(a) being the owner of the plantation or land whereon the beans were grown he has in his possession at the time a produce seller's licence issued to him under this Act;

(b) being the purchaser of the beans he has in his possession at the time the sale note issued under this Act in respect thereof; or

(c) being the servant or agent of the owner or purchaser he has in his possession at the time a written order signed by the owner or purchaser on whose behalf the beans are being transported.

(2) Every order shall clearly set forth –

(a) the name and address of the person on whose behalf the beans are being transported;

- (b) the name of the plantation or estate of which the same are the produce;
- (c) the approximate quantity thereof;
- (d) the name and address of the person or persons to whom the same are to be delivered;
- (e) the name of the person transporting the same.

(3) Any person failing or neglecting to comply with this section is guilty of an offence.

Power to arrest person transporting vanilla without licence.

50. (1) The Financial Secretary or any person authorised by him, or any Magistrate, police officer, produce inspector or local constable may at any time stop any person transporting vanilla beans either by road or coastwise by sea and require him to produce his produce seller's licence or sale note or written order as aforesaid, and in default of the production may arrest the person and convey him to the nearest police station and there charge him with an offence against this Act.

- (2) Any person transporting vanilla beans who –
- (a) fails or neglects to stop when called upon to do so;
 - (b) fails or neglects to produce the licence, sale note or written order on demand; or
 - (c) resists arrest,

is guilty of an offence.

Appointment and powers of vanilla examiners.

51. The Minister may appoint a fit and proper person or persons to be a vanilla examiner or examiners under this Act. The appointment shall be notified by publication in the *Gazette*. All such examiners shall have power of access at all reasonable times to all warehouses or other buildings in which vanilla is stored.

Vanilla not to be exported unless examined and certified as fit for export.
[12 of 1990].
Fifth Schedule.

52. (1) No vanilla shall be exported from the State unless and until it has been examined under section 51 and certified to be "Fit for Export" in the form prescribed in the Fifth Schedule. The examination shall take place either at a vanilla purchasing depot designated under section 45 or at such other place or places as the Minister may by licence under his hand appoint for that purpose.

Declaration of stocks of vanilla as on 31st December in every year.

(2) (a) Every licensed dealer shall declare in writing to the Minister on or before 31st January in every year the amount of reaped vanilla which was in his possession on 31st December in the last preceding year. The Minister shall cause the same to be checked and

certified and any false declaration of stock shall be deemed to be an offence against this Act.

(b) Only beans which have been declared in accordance with paragraph (a) shall be certified as "Fit for Export" before 13th April next succeeding the date of the declaration.

(3) The Minister, on the application of any person aggrieved by a ruling made by a vanilla examiner as to the fitness for export of cured vanilla beans submitted for examination by such person, may review the ruling and, if necessary, declare the ruling to be null and void.

Review of ruling
of vanilla
examiner.

(4) (a) An appeal shall lie from a review of any ruling of the Minister made under subsection (3) in the cases and manner following:

Appeal against
review of ruling
of Minister.

(i) where the value of the vanilla involved exceeds one thousand five hundred dollars, to a Judge in Chambers;

(ii) where the value of the vanilla involved is one thousand five hundred dollars or less, to a Magistrate.

(b) In all cases of appeal a Judge or Magistrate may give such directions in the matter as he thinks proper.

(c) An appeal shall lie from the decision of a Magistrate to a Judge in Chambers.

(d) The order of a Judge shall be final and conclusive and not subject to appeal to any other Court.

(e) Notice of an appeal, signed by the appellant or by his agent on his behalf and stating the general grounds of the appeal shall be given by him to the Minister within fifteen days from the date on which the review was made; but notwithstanding the lapse of the period of fifteen days, any person may appeal against the review or direction if he shows to the satisfaction of a Judge or Magistrate that, owing to absence from the State, sickness or other reasonable cause, he was prevented from giving notice of appeal within the period, and that there has been no unreasonable delay on his part.

(f) Every person appealing shall attend before the Judge or Magistrate in person or by counsel on the day and at the time fixed for the hearing of his appeal; but if it is proved to the satisfaction of the Judge or Magistrate that owing to absence from the State, sickness or other reasonable cause, any person is prevented from attending in person or by counsel at the hearing of his appeal on the day and at the time fixed for that purpose, the Judge or Magistrate may postpone the

hearing of the appeal for such reasonable time as he thinks necessary for the attendance of the appellant, or he may admit the appeal to be made by any agent, clerk or servant of the appellant, on his behalf.

(g) Seven clear days' notice shall, unless rules made hereunder otherwise provide, be given to the Minister of the date fixed for the hearing of the appeal.

(h) The costs of the appeal shall be in the discretion of the Judge or Magistrate hearing the appeal and shall be a sum fixed by the Judge or Magistrate.

(i) A Judge may make rules governing the appeals and providing for the method of tendering evidence, obtaining the assistance of vanilla experts and the appointing of places for the hearing of the appeals.

Penalty for
illegal exportation
of vanilla.
12/1943.

53. Any person who exports or attempts to export any vanilla from the State without having first complied in every respect with the provisions of this Act and the Rules made hereunder is guilty of an offence against this Act.

Exporter to
produce
certificate of
vanilla examiner
before shipment.
12/1943.

54. Every exporter of vanilla shall produce to the Financial Secretary or any person authorised by him before any vanilla is shipped the prescribed certificate of a vanilla examiner and the Financial Secretary or any person authorised by him is hereby empowered to refuse to permit the exportation of any vanilla except in accordance with the terms of this Act. The exporter shall at the same time produce to the Financial Secretary or any person authorised by him his seller's licence or purchaser's licence, as the case may be, and the Financial Secretary or any person authorised by him shall make a note of the shipment upon the indorsement of the appropriate licence and certify it by his signature.

Authority to
Minister to make
Rules.

55. The Minister may make Rules in respect of any vanilla purchasing depot or depots, of the licensing of private premises for the examination of vanilla, of the conduct of business at any such vanilla purchasing depot or licensed premises and the method of examination to be employed, of the remuneration of the vanilla examiner or examiners and of the staff of such depot or depots, of the branding of vanilla beans while in the green stage, of the registration of brands, the prevention of infringement thereof and penalty therefor.

PART VI
MISCELLANEOUS

56. (1) Nothing in this Act shall be construed to prevent –
- (a) the purchase from any licensed pedlar or licensed dealer of licensable produce by any person requiring the same for domestic or private purposes and not trading or dealing in the same; or
 - (b) the export for private purposes of licensable produce by any person not trading or dealing in the same.
- (2) Any person not licensed under this Act who purchases licensable produce from any person not being a licensed pedlar or a licensed dealer is guilty of an offence.
57. The Financial Secretary may refuse to permit the export of any licensable produce unless satisfied either –
- (a) that the exporter holds a licence issued under this Act which entitles him to export the licensable produce; or
 - (b) that the licensable produce is *bona fide* intended for private purposes only.
58. (1) If any licensed huckster or licensed pedlar is convicted of larceny, or of receiving stolen goods or of any offence against this Act, the convicting Judge or Magistrate may, in addition to any other penalty, order the huckster's or pedlar's licence to be cancelled and to be delivered to the Registrar or Magistrate as the case may be within the time specified in the order.
- (2) Any person failing to deliver the licence in accordance with the order is guilty of an offence.
59. The Minister may appoint any person to be a produce inspector.
60. Except when otherwise provided a licence fee in accordance with the scale set out in the Third Schedule shall be payable in respect of every licence issued under this Act.
61. A licence issued under this Act shall have effect until 31st March next after it is granted.

Purchase or export of licensable produce for domestic or private purposes.

Financial Secretary may refuse to permit export.

Cancellation of produce huckster's or produce pedlar's licence.

Appointment of produce inspectors.

Fees for licenses. Third Schedule.

Duration of licenses.

Government
officials.

62. Licenses under this Act shall be issued free to any officer of the agricultural department or other Government official who requires the licence in his official capacity.

Questioning of
persons found on
land and power
to apprehend.

63. Where any person is found on any land upon which any licensable produce is grown, any person having the right to the licensable produce upon such land or any servant of either of them may require the person so found forthwith to quit the land whereon he is so found and also require him to tell his forename, surname and place of abode, and in case such person, after being so required, offends by refusing to tell his real name and place of abode or by giving such general description as to his place of abode as is illusory for the purposes of discovery or wilfully continuing or returning upon the land the party so requiring him as aforesaid and also any person acting by his order or in his aid may apprehend the offender and, as soon as conveniently may be, convey him before the Magistrate or place him or cause him to be placed in the custody of the police and the offender, whether so apprehended or not, upon being convicted of any such offence before the Magistrate is liable to a fine of five hundred dollars together with the costs of the conviction, and in default of payment shall be imprisoned for any term not exceeding four months.

Detention of
persons.

64. No person apprehended under section 63 shall, on any pretence whatsoever, be detained for a longer period than twelve hours from the time of his apprehension until he is brought before the Magistrate or placed in the custody of the police and if he cannot be brought before the Magistrate or placed in the custody of the police within twelve hours then the person so apprehended shall be discharged and may nevertheless be proceeded against for his offence by summons or warrant and be tried in a summary way before the Magistrate according to the provisions of the Magistrate's Code of Procedure Act as if no such apprehension had taken place.

Ch. 4:20.

Records to be
handed to
Minister.
[20 of 1968].

65. (1) Every person to whom a licence has been issued under this Act shall, upon the expiration of the licence, cause the expired licence together with all books and records required to be kept by this Act to be delivered to the Minister.

(2) Any person failing or neglecting to cause any expired licence, book or record to be delivered to the Minister as aforesaid within fourteen days from the date of the expiry of the licence and who

does not account for the failure to the satisfaction of the Minister is guilty of an offence.

(3) The Minister shall preserve all the expired licenses, books and records for a period of two years from the date of the expiry thereof.

66. The Minister may by Order vary the list of licensable produce contained in the First Schedule.

List of licensable produce may be varied by Order. First Schedule.

67. Any person who commits an offence against this Act for which no special penalty is provided by this Act is liable on summary conviction to a fine of three thousand dollars or to imprisonment for six months.

Penalty.

PART VII SUSPENSION OF CESS

68. The cess payable on all coconuts sold in the State for the manufacture of coconut oil or coconuts exported from the State whether in the form of seed nuts or jelly nuts for copra is suspended.

Suspension of cess on coconuts. [7 of 1977 31/1977 17/1980 5/1983 15/1988 14/1991 32 of 1995].

FIRST SCHEDULE

(Sections 2, 3 and 66).

LICENSABLE PRODUCE

Bay Leaves.
Cocoa.
Coconuts.
Coffee.
Grapefruit.

Lemons.
Limes.
Oranges.
Vanilla.

(Section 2).

SECOND SCHEDULE

(Section 4).

FORM A

APPLICATION FOR PRODUCE SELLER'S LICENCE

District

I, _____ of _____ hereby apply for a produce
seller's licence in respect of*

I hold the said lands†

The cultivation to which this licence relates consists of

Bay leaves Cocoa Coconuts Coffee Grapefruit Lemons Limes Oranges Vanilla

Dated this _____ day of _____, 19 _____.

Signature.

*Insert name or other description, locality and acreage of lands in respect of which the
licence is applied for.

†Insert tenure on which the lands are held.

FORM B

(Section 6).

PRODUCE SELLER'S LICENCE

District

A licence is hereby granted to _____ of _____ to sell licensable produce derived from* _____ to licensed pedlars, licensed hucksters, and licensed dealers, and to export the same, until the 31st day of March, 19 ____ .

Bay leaves Cocoa Coconuts Coffee Grapefruit Lemons Limes Oranges Vanilla

Dated this _____ day of _____, 19 ____ .

Minister for Agriculture.

*Insert name or other description of lands as in application.

(Section 11).

FORM C

ENDORSEMENT ON PRODUCE SELLER'S LICENCE

Date	Name and Address of purchaser, or place to which and ship by which exported	Description of produce	Weight, measure or quantity	Rate	Amount	Signature of purchaser or his agent or Customs Officer

(Section 14).

FORM D

APPLICATION FOR PRODUCE PEDLAR'S LICENCE

District

I, _____ of _____ hereby apply for a produce pedlar's licence

*(I hold †produce seller's _____ Licence No. _____)
produce huckster's

Dated this _____ day of _____, 19 ____ .

Signature.

*Strike out if not applicable.

†Strike out words which are not applicable.

FORM E

Section 15.

PRODUCE PEDLAR'S LICENCE

District

A licence is hereby granted to _____ of _____ to peddle licensable produce for domestic use, and to purchase licensable produce for the purpose of such peddling only, until the 31st day of March, 19 ____ .

*(The licensee is also the holder of [†]produce seller's _____ License No ____ .)
 produce huckster's _____

Dated this _____ day of _____, 19 ____ .

Minister for Agriculture.

FORM F

Section 21.

APPLICATION FOR PRODUCE HUCKSTER'S LICENCE

District

I, _____ of _____ hereby apply for a produce huckster's licence.

Dated this _____ day of _____, 19 ____ .

Signature.

FORM G

Section 22.

PRODUCE HUCKSTER'S LICENCE

District

A licence is hereby granted to _____ of _____ to export licensable produce to Guyana and West Indian Islands other than Bermuda, and to purchase licensable produce for purpose of such export only, until the 31st day of March, 19 ____ .

Dated this _____ day of _____, 19 ____ .

Minister for Agriculture.

*Strike out if not applicable.

†Strike out words which are not applicable.

FORM H
ENDORSEMENT ON PRODUCE HUCKSTER'S LICENCE

(Section 24)

Amount of licensable produce received and exported by _____, a licensed huckster.

PRODUCE RECEIVED										PRODUCE EXPORTED				
Time		Name and address of person from whom actually received	Name of Vendor	No. and description of Vendor's licence	Description of produce	Weight, measure or quantity	Rate	Amount paid	Signature of Vendor	Date	Name of place to which and ship by which exported	Description of produce	Weight, measure or quantity	Signature of Customs Officer
Date	Hour													

FORM I

Section 27.

APPLICATION FOR PRODUCE DEALER'S LICENCE

District

I, _____ of _____ hereby apply for a produce dealer's licence in respect of my business premises at*

Dated this _____ day of _____, 19 ____ .

Signature.

FORM J

Section 28.

PRODUCE DEALER'S LICENCE

District

A licence is hereby granted to _____ of _____ to deal in licensable produce at his business premises situate at* _____ until the 31st day of March, 19 ____ .

Dated this _____ day of _____, 19 ____ .

Minister for Agriculture.

*Insert the name or other description and locality of the place in which business is to be carried on.