

THE COCONUT INDUSTRY CONTROL ACT

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COCONUT INDUSTRY CONTROL

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THE COCONUT INDUSTRY CONTROL ACT

Cap. 62.
Acts
12 of 1985
Sch.,
31 of 1987,
42 of 1995,
7 of 2003.
Short title.

[21st June, 1945.]

1. This Act may be cited as the Coconut Industry Control Act.

PART I. *Preliminary*

2. In this Act—

Interpreta-
tion.

“boiled coconut oil” means coconut oil produced other than by a manufacturer licensed under this Act or under the Coconut Industry Aid Act;

“coconut grower” means a person in possession of or controlling land whereon bearing coconut trees are growing;

“coconuts” means mature (dry) coconuts and water (jelly) coconuts; 7/2003
S. 3(a).

“coconut oil” means oil obtained by any process from coconuts or from copra;

“coconut products” includes copra, coconut oil and any product made wholly or in part from any part of the coconut;

“copra” means the kernel of the coconut, wholly or partly dried;

“copra maker” means any person who by machinery or otherwise subjects to a drying process the kernel of the coconut, in a manner calculated to produce copra;

“disposal” means—

- (a) the export or the conversion into copra or into any coconut product of any coconuts by the grower thereof, and

- (b) the sale or delivery of any coconuts by the grower thereof to any other person for any purpose;
- “election day” means the day on which an election to the Board is held;
- “elected member” means a member of the Board elected in accordance with the provisions of section 4;
- “export” or “exportation”, with their grammatical variations and cognate expressions, means to take or cause to be taken out of the Island of Jamaica or the waters thereof;
- “exporter” includes any person by whom any coconuts or coconut products are exported from the Island or supplied for use as aircraft’s or ships’ stores, and also the owner, or any person acting on his behalf, and any person who for customs purposes signs any document relating to coconuts or coconut products exported or intended for exportation or supplied or intended for supply as aircraft’s or ships’ stores;
- “local trader” means any or all of the following—
- (i) a person, not being a grower, who sells coconuts for any purpose other than exportation;
 - (ii) a person who buys coconuts for any purpose other than export or the making of copra;
 - (iii) a person who buys or sells boiled coconut oil, but the expression shall not include a person who shall not at any one time be in possession or control of more than five bags of coconuts or of more than ten gallons of boiled coconut oil;
- “local manufacturer” means any person licensed to manufacture coconut products under this Act or under the Coconut Industry Aid Act;
- “nominated member” means a member of the Board appointed by the Minister in accordance with the provisions of section 4;

“substitutes” means—

7/2003
S. 3 (b).

- (a) edible oil or edible fat, except oil or fat from animals;
- (b) any oil or fat producing item set out in the Second Schedule; or
- (c) soap made wholly or in part from oil or fat, except liquid or powdered detergent, whether produced locally or imported into the Island.

Second
Schedule.

“the Board” means the Coconut Industry Board established under this Act;

PART II. *Constitution and Powers of Coconut Industry Board*

3.—(1) There shall be established a Coconut Industry Board which shall consist of nine members who shall be appointed and elected in accordance with the provisions of subsection (1) and of subsection (3), respectively, of section 4.

Establishment of Board.

(2) The powers of the Board shall not be affected by any vacancy in the membership thereof.

4.—(1) The Minister shall appoint four members of the Board, one of whom shall be the Chairman, who, subject to the provisions of subsection (2) and of section 7, shall hold office for three years from the date of appointment but shall be eligible for reappointment.

Appointment and election of members of Board.

(2) The Minister may at any time remove any member appointed under subsection (1).

(3) The registered coconut growers shall elect five members of the Board who shall either be themselves registered coconut growers or the attorneys for such registered coconut growers or the managing directors or managers of companies which are registered coconut growers.

(4) Subject to the provisions of subsection (1) and subsection (3) of section 7, every member elected to the Board in accordance with the provisions of subsection (3)

shall hold office until election day in the year next but two after the year of his election to the Board.

Election and
voting rights.

5.—(1) There shall be an election in each year to fill any vacancy in the number of elected members of the Board.

(2) At any election every registered coconut grower who in the prescribed period in relation to such election produced or is deemed to have produced any coconuts the disposal of which is recorded in the prescribed manner shall be entitled in respect of the first three hundred units or part thereof so recorded to one vote, and in respect of each additional two hundred units or part thereof so recorded to one additional vote, so, however, that no registered coconut grower shall be entitled to more than thirty votes.

(3) For the purposes of subsection (2)—

- (a) “unit” means one hundred and fifty pounds or such other weight or quantity or number of coconuts as may be prescribed;
- (b) every registered coconut grower who at the time of any election is in possession or control of any land on which coconuts were grown during the prescribed period in relation to such election shall be deemed to have produced such coconuts notwithstanding that he first came into possession or control of the land after the coconuts were produced.

(4) So soon as may be after the holding of any election, the Board shall cause a notice to be published in the *Gazette* specifying the names of the persons elected to the Board at such election.

31/1987
S. 3.

Grant of
leave of
absence to
members.

6.—(1) The Minister may, on the application of the Chairman or of any other nominated member, grant to such Chairman or nominated member, as the case may be, leave of absence for any period not exceeding six

months and may appoint some other person to act as Chairman or as a nominated member, as the case may be, during the period of leave of absence so granted.

(2) Where the Minister appoints any nominated member to act as Chairman under the provisions of subsection (1), he may appoint some other person to act as a nominated member in the place of the nominated member appointed to act as Chairman.

(3) The Board may, on the application of any elected member, grant to such member leave of absence for any period not exceeding six months and may co-opt some other person eligible for election to the Board to act for such elected member during such period.

7.—(1) There shall retire from the Board on election day— Retirement
of members.

(a) next after the first election, two elected members;
and

(b) next but one after the first election, two elected members; and

(c) next but two after the first election, one elected member,

and so thereafter in each succeeding triennial period:

Provided that any member retiring under this section shall be eligible for re-election.

(2) Elected members shall retire in the order of their seniority, the member who has served longest since he was last elected to the Board retiring first, and as between members of the same seniority the order of retirement shall be determined by lot.

(3) Any elected member who ceases to be eligible for election to the Board, becomes insane, is adjudicated a bankrupt, by writing under his hand addressed to the

Chairman resigns, or is absent without leave from any four consecutive meetings of the Board, shall thereupon vacate his office.

(4) Any nominated member of the Board may by writing under his hand addressed to the Minister through the Chairman resign his office.

Co-option
of members.

8. Where any elected member dies or vacates his office in accordance with the provisions of subsection (3) of section 7, the Board may co-opt a person eligible for election to the Board to fill such vacancy until such time as the member by whose death, insanity, bankruptcy or resignation the vacancy was occasioned would, but for such death, insanity, bankruptcy or resignation, have retired in accordance with the provisions of subsections (1) and (2) of section 7.

Incorporation
of
Board.

9. The Board shall be a body corporate having perpetual succession and a common seal, and a registered office and may sue and be sued, and may purchase, hold and dispose of land and other property of whatever kind for the purposes of this Act.

Liability of
members of
the Board.

10. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Meetings
and pro-
cedure
thereat.

11.—(1) The Board shall hold monthly meetings for the transaction of their business, which shall be held at such time and place and on such days as the Board may determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within

seven days of a requisition for that purpose addressed to him by any two members of the Board.

(3) The Chairman or acting Chairman shall preside at all meetings of the Board at which he is present, and in the case of his absence the members present and constituting a quorum shall elect a nominated member to act as Chairman of the meeting.

(4) At any meeting of the Board five members of whom at least one shall be a nominated member shall form a quorum for the transaction of business.

(5) All acts of the Board, and all questions coming or arising before the Board, shall be done and decided by the majority of such members of the Board as are present and vote. In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

(6) The Board may from time to time make standing orders for the transaction of their business, including the power to appoint any member or committee to whom they may delegate authority to carry out such portions of the duties committed to them as they may from time to time determine.

(7) The Board may from time to time delegate to any of their officers or servants authority to carry out such portions of the duties committed to the Board as the Board may from time to time determine.

12. The Board, at any time, may, subject to the approval of the Minister, authorize the payment out of the funds of the Board of such sum or sums as they may think fit by way of remuneration and allowances to the Chairman and members of the Board.

Remuneration of members of the Board.
31/1987
S. 5.

Appoint-
ment of
officers and
servants.
31/1987
S. 6.

13.—(1) The Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers and servants as it thinks necessary for the proper carrying out of the provisions of this Act :

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(2) In subsection (1) the “prescribed rate” means a rate of twenty thousand dollars per annum or such higher rate as the Minister may, by order, prescribe.

General
powers of
the Board.

14.—(1) The Board may—

- (a) buy, sell and trade in coconuts, and coconut products, and such other commodities as the Board with the approval of the Minister may from time to time determine; and export or dispose of coconuts, and coconut products, in such quantity and in such manner and at such price as they consider desirable in the interests of the coconut industry;
- (b) process or manufacture coconut products;
- (c) apply for the allotment of, purchase, or hold, shares in any company having as one or other of its objects the sale of coconuts or the processing or manufacturing of coconut products;
- (d) subject to the approval of the Minister, apply for the allotment of, purchase, or hold, shares in any company, irrespective of the objects of such company;

31/1987
S. 7.

- (e) dispose of the shares held by them in any company;
- (f) borrow or raise money, at any time, in such manner, and for such purposes as they shall deem fit, with or without security, and secure the repayment of any moneys borrowed or raised or owing by them by mortgage, charge, or lien, upon the whole or any part of their property or assets (whether present or future); and by similar mortgage, charge, or lien, secure and guarantee the performance by them of any obligation or liability they may undertake;
- (g) subject to the prior approval of the Minister, institute, conduct, finance and assist research activities and experiments for the elimination or control of any coconut disease and for the development, extension and betterment of the production of coconuts and of coconut products;
- (h) subject to the prior approval of the Minister make grants or loans or supply materials to, or do or procure to be done any work for, or enter into any contracts of guarantee, suretyship or indemnity on behalf of, any person for any purpose which they deem to be in the interests of the coconut industry;
- (i) appoint any person to enter upon and inspect any lands whereon coconuts are growing and any premises used, or which the Board have reasonable cause to think are being used, for the manufacture, handling, storage, purchase or sale of any coconuts or coconut products;
- (j) do such acts, matters and things as may be prescribed;
- (k) apply the whole or any portion of their funds to any purpose which, with the approval of the

Minister, they deem to be in the interests of the coconut industry.

(2) In addition to the powers specified in subsection (1) the Board shall have such other powers, whether similar to the powers specified in subsection (1) or not, and shall perform such duties as the Minister may from time to time specify.

Cess on coconut products and substitutes. 42/1995 S. 3.

14A.—(1) Subject to subsection (2), the Board may impose a cess on coconut products and substitutes manufactured in or imported into Jamaica.

(2) No cess imposed under subsection (1) shall be of any effect unless and until approved by the Minister by order.

No person other than Board to sell or purchase copra in the Island.

15.—(1) No person—

- (a) shall purchase from or sell to any person other than the Board any copra made or produced in the Island;
- (b) other than the Board shall export any copra made or produced in the Island;
- (c) shall use, consume or otherwise deal with any such copra as aforesaid except with the consent of the Board, and subject to such conditions as the Board may determine.

Any person contravening the provisions of this subsection shall be guilty of an offence and shall, upon summary conviction before a Resident Magistrate, be liable to a fine not exceeding four hundred dollars and in default of payment to imprisonment for any period not exceeding six months.

(2) Any copra dealt with contrary to the provisions of subsection (1), may be seized by the Board and shall be forfeited and disposed of as the Board may direct.

31/1987 S. 8.

Board required to purchase all marketable copra.

16. The Board shall, upon being required so to do by the owner of any marketable copra, purchase such copra at the prescribed price.

17. The Board shall upon being required so to do by a local manufacturer sell copra to such manufacturer at the prescribed prices in such proportions and quantities as may from time to time be prescribed.

Board
required to
sell copra to
manufac-
turers.

18. [Repealed by Act 31 of 1987.]

PART III. *Control of Coconut Industry*

31/1987
S. 10.

19. [Repealed by Act 31 of 1987.]

20.—(1) The Board may with the approval of the Minister make regulations generally for the control of the coconut industry and for giving effect to the provisions of this Act, and without prejudice to such general powers may make regulations—

Regula-
tions.
31/1987
S. 12.
(a)(b).

(a) providing for the licensing (including the grant or refusal of licences) of—

- (i) copra makers;
- (ii) coconut exporters and exporters of coconut products;
- (iii) local traders; and
- (iv) manufacturers of any of the coconut products set out in the First Schedule, and for the form and period of any such licences, and the conditions on which any such licences shall be granted;

First
Schedule.
7/2003
S. 4 (a)(i).

(b) providing for the registration with the Board of all coconut growers in the Island who shall be in possession or control of land on which are growing one hundred or more bearing coconut trees, or

such other number as may be prescribed, and for the forms and records to be kept by such coconut growers when so registered;

- (c) providing for the submission of returns to the Board relating to the cultivation of coconuts and the quantities of coconuts which shall be available for sale by registered coconut growers;
- (d) regulating the points at which, and the persons to whom, delivery of coconuts shall be made;
- (e) regulating the grades of coconuts and the minimum prices for each grade to be paid at different delivery points by copra makers to coconut growers for their coconuts;
- (f) prescribing the price to be paid by the Board for copra purchased by them;
- (g) prescribing the price to be charged by the Board for copra supplied by them to manufacturers of coconut products;
- (h) regulating the grades, and the wholesale prices for such grades, of coconut products and substitutes;
- (i) regulating the grades, and the wholesale and retail prices for each grade, of any product set out in the First Schedule;
- (j) prescribing the percentage of coconut oil to be used in any grade of any product set out in the First Schedule;
- (k) requiring factories to use copra only for the purposes for which such copra was purchased;
- (l) regulating and governing the quality of coconut products manufactured for the purpose of sale;

7 2003
S. 4(a)(ii).

First
Schedule.
7 2003
S. 4(a)(i).

- (m) prescribing the records to be kept, and providing for the submission of returns, by persons licensed under the provisions of this Act;
- (n) prohibiting the purchase or taking delivery of any coconuts by any copra maker or coconut exporter or exporter of coconut products from any person other than a registered coconut grower or the Board;
- (o) prohibiting the sale or delivery of any coconuts to any copra maker or coconut exporter or exporter of coconut products by any person other than a registered coconut grower or the Board;
- (p) requiring every coconut grower to produce a certificate of registration to any copra maker, coconut exporter or exporter of coconut products at the time of any sale or delivery of coconuts to such copra maker, coconut exporter or exporter of coconut products;
- (q) prescribing the procedure to be followed in relation to recording the disposal of coconuts by registered coconut growers and regulating the votes of registered coconut growers and the holding of elections to the Board and all matters incidental thereto or connected therewith;
- (r) requiring any coconut grower, copra maker, exporter, local trader or person trading in or engaged in the manufacture of coconut products, or any class of coconut growers, copra makers, exporters, local traders or persons trading in or engaged in the manufacture of coconut products, to make such returns and to give such information in such form and at such time as may be specified in relation to any matter concerning coconuts, coconut products or the coconut industry;
- (s) prescribing all things required to be prescribed.

(2) Every person who contravenes or fails to comply with any regulation made under subsection (1) shall on summary conviction before a Resident Magistrate be liable to such penalty (including the forfeiture of any coconuts or coconut products) as may be prescribed:

31/1987
S. 12 (c).
7/2003
S. 4 (b).

Provided that no penalty shall be prescribed in excess of fifty thousand dollars.

31/1987
S. 12 (d).

(3) For the purposes of this Part the Board shall be the licensing authority.

31/1987
S. 12 (e).

(4) In addition to the powers and duties expressly conferred upon the Board by this Act, the Board shall have such other powers and duties, whether similar to the foregoing or not, as may from time to time be defined by the Minister.*

31/1987
S. 12 (f).

(5) The Coconut Industry Board in the exercise or discharge of any powers or duties conferred upon it under this Act shall comply with all directions, whether general or special, given by the Minister.

Power to
add to or
remove from
First
Schedule.

31/1987
S. 13.

Second
Schedule.

7/2003
S. 5.

Power to
exempt from
the Act.

31/1987
S. 14.

21. The Board may, from time to time, subject to the approval of the Minister, by notice in the *Gazette* add or remove any coconut product to or from the First Schedule, or add or remove any substitute to or from the Second Schedule.

22. The Board may, with the approval of the Minister, grant to any person, or class of persons, total or partial exemption from all or any of the provisions of this Act or of any rules made thereunder, for such periods, and subject to such conditions and restrictions, as the Board with such approval may think fit.

*See L.N. 226/1957.

Report of Board and audited accounts to be forwarded annually.
31/1987
S. 19.

27. The Board shall furnish to the Minister within three months after the expiration of each year, a report for the year upon the administration of the affairs of the Board, together with a balance sheet and statement of the revenue and expenditure of the Board duly audited by an auditor approved of by the Board. The report shall be laid on the Table of the Senate and of the House of Representatives.

Offence by companies.
31/1987
S. 20.

28. Where a company is guilty of an offence under this Act or any regulations made thereunder, every director, manager, agent and officer of the company in Jamaica who is knowingly a party to, or who aids or abets, such offence shall be guilty of the like offence and shall be liable to the like penalty.

Exemption from income tax and stamp duty.
42/1995
S. 4.

29.—(1) The income of the Board shall be exempt from income tax.

(2) The Board shall be exempt from stamp duty on all instruments executed by it or on its behalf.

(3) Subsections (1) and (2) shall be deemed to have come into operation on the 1st day of January, 1971.

23. [Repealed by Act 31 of 1987.]

24. [Repealed by Act 31 of 1987.]

25.—(1) Every person aggrieved by any act, matter or thing done by the Board in pursuance of their duties and powers under this Act may by notice in writing appeal to the Minister.

Right of appeal from decision of Board.
31/1987
S. 17.

(2) Where any person appeals to the Minister under subsection (1), the Minister shall appoint a committee to hear the appeal.

(3) Every committee appointed under subsection (2) shall consist of three persons.

(4) Every committee appointed under subsection (2) shall have power to regulate its own procedure and shall have all the powers of a Commission of Enquiry under the Commissions of Enquiry Act to compel witnesses to attend and give evidence and to produce documents.

(5) The decision of any committee appointed under subsection (2) shall be final and shall be binding upon all parties to or affected by the matter the subject of the appeal.

PART IV. *General*

26. It shall be lawful for the Board to demand and obtain from the Commissioner of Customs and Excise and any customs and excise officers such information, either written or verbal, as the Board may from time to time deem necessary to enable them to exercise their powers or perform their duties under this Act.

Right of Board to obtain information from the Commissioner of Customs and Excise, etc.
12/1985
Sch.

FIRST SCHEDULE

(Section 20)

1. Soap.
2. Lard substitutes.
3. Butter substitutes.
4. Coconut oil of every kind including crude coconut oil and refined coconut oil.
5. All constituent parts and derivatives of coconut oil including glycerine and fatty acids.
6. Shredded coconut; that is to say, any part of the coconut kernel shredded, ground, grated, reamed, sliced, pulped or otherwise reduced to particles for sale or use.
7. Desiccated coconut; that is to say, shredded coconut which has been subjected to a drying process with or without the addition of any other substance.
8. Confectionery and flavouring products of every kind made wholly or in part from any part of the coconut, including coconut cream, coconut milk, coconut ice-cream and all products or preparations for use or sale in the confectionery, flavouring, ice-cream, sweet, candy or beverage trades.
9. Coir fibre and products thereof and including all products and by-products of the coconut husk.
10. Coconut shell charcoal and all products and by-products of the coconut shell.
11. Coconut meal; that is to say, the solid matter remaining after the expression or extraction by any process of liquids (including moisture and coconut oil) from the coconut kernel or from copra.
12. Stock and poultry feeds made wholly or in part from any part of the coconut.
13. Coconut water.

L.N.
130/2003.

SECOND SCHEDULE

(Sections 20 and 21)

*Oil or Fat Producing Items*7/2003
S. 6.
L.N.
63B/2005.

Almonds	Olives
Avocado	Palm Kernel
Castor Beans	Rape Seed

*COCONUT INDUSTRY CONTROL*SECOND SCHEDULE, *contd.*

Cocoa	Safflower
Groundnut (Peanut)	Sesame
Linseed	Shea Nut
Maize Germs	Soya Bean
Nutmeg	Sunflower Seed
Oil palm	