

THE COCONUT INDUSTRY AID ACT
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THE COCONUT INDUSTRY AID ACT

[13th February, 1932.]

Cap. 61.
Acts
42 of 1969
3rd Sch.,
31 of 1987
S. 22,
41 of 1995,
6 of 2003.

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

Short title.

2. The Minister may from time to time make and when made may rescind, alter or repeal rules for carrying out the provisions of this Act and as to any matter arising under this Act and may enforce such rules by means of penalties not exceeding forty dollars to be recovered as penalties under this Act.

Rules.

Any rules made in pursuance of this section shall be published in the *Gazette* and shall be deemed to be within the powers conferred by this Act and shall be of the same force and effect as if enacted in this Act and shall be judicially noticed.

PART I. *Licensing Imports of Edible Oils*

3.—(1) References in this Part to “the Board” shall be deemed to be references to the Coconut Industry Board constituted under the Coconut Industry Control Act.

Powers and
duties of the
Board.
31/1987
S. 21.

(2) The Minister may by order set out the powers and duties of the Board for the purposes of this Act.

4.—(1) It shall not be lawful to import any coconut product or substitute into this Island except under a licence first obtained for the purpose from the Board:

Licence
necessary
for impor-
tation.
41/1995
S. 4.
6/2003
S. 3(a)(i).

Provided, however, that whenever it shall appear to the satisfaction of the Minister that it is no longer necessary in the interests of the edible oil manufacturing industry in this Island to continue such control of the importation of

6/2003
S. 3(a)(ii).

coconut products and substitutes into this Island as aforesaid it shall be lawful for the Minister from time to time by order to be published in the *Gazette* to withdraw or modify such control and by like order at any time to vary or revoke such order previously made and to reimpose such control as aforesaid.

Minister may
control export
of copra and
edible oil.
6/2003
S. 3(b).

6/2003
S. 3(b).

(2) Whenever it shall appear to the satisfaction of the Minister that it is necessary in the interests of the consumers of edible oil in this Island to control the export from this Island of coconut products or substitutes, it shall be lawful for the Minister from time to time by order to be published in the *Gazette* to prohibit the export from this Island of any coconut products or substitutes except under a licence first obtained for the purpose from the Minister and by like order at any time to vary or revoke such order previously made.

6/2003
S. 3(c).

(3) For the purposes of this section—

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

“substitutes” has the meaning assigned to it by the Coconut Industry Control Act.

5. *[Repealed by Act 6 of 2003.]*

Penalty on
contraven-
tion.
6/2003
S. 5(a)(b).

6. Every person who is concerned in importing any coconut product or substitute or in exporting any copra or edible oil contrary to the provisions of this Part or to any order made hereunder as aforesaid shall on conviction be liable to a penalty of twenty thousand dollars and in default of payment of the penalty imposed to imprisonment with or without hard labour for three months.

7. *[Repealed by Act 6 of 2003.]*

8. Any coconut product or substitute imported contrary to the provisions of this Part or to any order made hereunder as aforesaid may be seized as though it were prohibited goods within the meaning of section 39 of the Customs Act, or of any enactment passed in amendment thereof or substitution therefor, and shall be forfeited and may be disposed of as the Minister may direct.

Forfeiture
on contra-
vention.
6/2003
S. 6.

9. In proceedings for the forfeiture of any coconut product or substitute under this Part the onus of proof shall be upon the person claiming such coconut product or substitute and it shall not be necessary for the person prosecuting the suit to prove that the coconut product or substitute is liable to seizure or forfeiture.

Onus of
proof in
proceedings
for
forfeiture.
6/2003
S. 6.

10. The officers of Customs and any person acting with their concurrence may stop any ship or boat which they have reason to suspect has on board any coconut product or substitute of which the importation is prohibited under this Part and may detain such ship or boat until search has been made and such coconut product or substitute if found has been seized and removed under the provisions of this Part.

Powers of
Customs
Officers.
6/2003
S. 6.

6/2003
S. 6.

11. The Governor-General in Council may direct in any particular case that no suit for forfeiture under this Part shall be commenced or if any such suit has been commenced may cause the same to be stopped by directing the Attorney-General to take such step as may be necessary to stop such suit.

The
Governor-
General in
Council
may direct
no suit or
stop any suit
and return
goods or
fine.

The Governor-General in Council may if he thinks fit after the condemnation of any edible oil under this Part return the whole or any portion of such edible oil to the owner thereof.

12. Every offence under this Part or under any order made hereunder shall be tried summarily in a Resident Magistrate's Court and the offence shall be deemed to have been committed in the parish in which the offender resides.

Trial of
offences.
42/1969
3rd Sch.

PART II. *Increase of Tariff on Edible Oils*

Power of
Minister by
order to
impose duty
on coconut
product or
substitute.
6/2003
S. 6.
6/2003
S. 6.

13. Notwithstanding anything contained in the Customs Act or any other law that may from time to time be in force in this Island it shall be lawful for the Minister by an order to be published in the *Gazette* (which order when so published shall have the force of law) either immediately upon the publication of such order as aforesaid or from such date as may be set forth in such order to impose a duty on all coconut product or substitute imported into this Island at a rate not exceeding the rate set out in subsections (a) and (b) hereunder and to revoke or repeal the duty (if any) then imposed on such coconut product or substitute by, under or in pursuance of any law of this Island then being in force:

(a) on all coconut product or substitute, the growth, produce or manufacture of the United Kingdom or the Dominion of Canada or of any part of the Commonwealth or of any other country to which any preferential tariff in force in the Island for the time being has been made to apply under or in pursuance of any law of this Island for the time being in force a duty not exceeding forty-seven and one-half cents per gallon:

Provided that such coconut product or substitute shall be accompanied by such evidence of origin as may be prescribed by the Minister from time to time;

(b) on all other coconut product or substitute a duty not exceeding sixty-seven and one-half cents per gallon.

All the provisions of the Customs Act and of the rules and regulations made thereunder for the time being in force in this Island shall apply to any duty on coconut product or substitute imposed by order as aforesaid in so far as the same are applicable.

PART IIA. *Cess*

13A.—(1) Subject to subsection (2), the Board may impose a cess on coconut products or substitutes manufactured in or imported into Jamaica.

Cess on spe-
cified coco-
nut products
or substitutes.
4/1995
S. 5.
6/2003
S. 6.

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

PART III. *Licence to Manufacture*

14.—(1) No person shall engage in the business of manufacturing edible oil in this Island except under and in accordance with the terms of the licence granted in that behalf by the Minister.

Licence
necessary to
manufacture
edible oil.

(2) Every licence granted under this Part shall be for the period from the 1st April in one year to the 31st March in the succeeding year and shall specify the number of gallons of edible oil the licensee is permitted to manufacture.

(3) The Minister on the recommendation of the Board appointed under Part I may at any time after the grant of a licence amend the same by varying the amount of gallons stated therein.

(4) Every licensee under this Part shall on the request of the Minister forthwith surrender his licence to have the same amended in accordance with subsection (3).

(5) Any person offending against the provisions of this section shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding twenty thousand dollars and the court before which any offender is tried and convicted may, in addition to any penalty imposed, suspend or cancel the offender's licence.

6/2003
S. 7.

15.—(1) Every person who intends to become an edible oil manufacturer, shall before commencing such business apply to the Minister for a licence whereupon the Minister shall consider the same and grant or refuse the application.

Application
for licence.

(2) Every holder of a licence under this Part who intends to carry on the business of manufacturing edible oil after the 31st day of March in any year shall within thirty days of the expiration of his licence make application to the Minister for the grant of a new licence whereupon the Minister shall consider the same and grant or refuse the application.

First
Schedule.

Second
Schedule.

(3) Applications for a licence under this Part shall be made to the Minister in the form set forth in the First Schedule and the licence, if granted, shall be in the form set forth in the Second Schedule and shall be subject to such terms and conditions to be specified in the licence as the Minister may deem just.

(4) It shall be an offence under this section to make any false statement in an application for a licence.

(5) Where on any application for a licence the Minister considers the grant thereof would be prejudicial to the interest of the coconut industry he shall refuse to grant a licence, and where on any application for a licence the Minister considers the interest of the coconut industry requires the grant of a licence for the manufacture of a smaller number of gallons of edible oil than mentioned in the application the Minister shall grant a licence for the manufacture of such quantity of edible oil as he considers best suited to the requirements of the said industry.

(6) The decision of the Minister to grant or to refuse a licence or to grant a licence for the manufacture of a smaller amount of edible oil than applied for shall be final and conclusive and shall not be liable to appeal or to be questioned by any proceedings in any court of law.

(7) Any person offending against the provisions of this section shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding twenty thousand dollars

and the court before which any offender is tried and convicted may, in addition to any penalty imposed, suspend or cancel the offender's licence.

16. Every offence under this Part shall be tried summarily before a Resident Magistrate and the offence shall be deemed to have been committed in the parish in which the offender resides.

Trial of
offences.
42/1969
3rd Sch.

(Section
15 (3))

FIRST SCHEDULE

APPLICATION FOR LICENCE TO MANUFACTURE EDIBLE OIL

Pursuant to section 15 of the Coconut Industry Aid Act, I hereby make application to the Minister for a Licence to manufacture Edible Oil.

Surname and Christian

Names of the Applicant.....

Address of the Applicant.....

Situation of the factory

or proposed factory.....

Capital to be invested in

the business of the factory.....

(State whether the capital is subscribed or is to be subscribed from local sources and if not, state the source or sources from which the capital is or is to be derived.)

Nationality and domicile

of Applicant.....

(If a Company state in addition the names of the Directors, their nationality and domicile.)

Quantity of Edible Oil for which it is desired the Licence should issue.....

Monthly capacity of the factory.....
(State in gallons.)

Average monthly sales of Edible Oil for the past 18 months.....

(Section
15 (3))

SECOND SCHEDULE

I,.....

Minister of.....hereby grant
a Licence to.....of the parish
of.....to manufacture for sale.....
gallons Edible Oil.

This Licence expires on the 31st day of March 19 .

.....
Minister

[The inclusion of this page is authorized by L.N. 95/1997]