

Copra Act 1953

Chapter 211.

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Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 211.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Copra Act 1953,

Being an Act relating to copra.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“Inspector” means an Inspector appointed under Section 2;
“person” includes a partnership, a company or a co-operative society;
“the regulations” means any regulations made under this Act.

2. APPOINTMENT OF INSPECTORS.

The Minister may, by notice in the National Gazette, appoint persons to be Inspectors for the purposes of this Act.

3. SUB-STANDARD COPRA.

(1) A person who makes copra from immature coconuts is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) A person who purchases, sells, offers for sale, barter or receives—

- (a) the undried kernel or meat of coconuts; or
- (b) imperfectly dried, sweated or rotten copra; or
- (c) copra made from immature coconuts; or
- (d) copra mixed with pieces of coconut shell, husk, stone, sand or any other foreign substance,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) On the conviction of a person of an offence against this section, the court that convicts him may, in addition to any other penalty, order that the kernel or meat of coconuts or copra in respect of which that offence was committed is forfeited to the State and shall be destroyed.

(4) The presence on any premises of the kernel or meat of coconuts or copra of any of the types specified in Subsection (2) is *prima facie* evidence that the kernel or meat or copra was made, purchased or received by the owner of those premises.

(5) Notwithstanding this Act, the Minister may issue a permit to a person to buy or sell undried kernel or meat of coconuts for the purpose of manufacturing desiccated coconut.

4. INSPECTION OF COPRA, ETC.

(1) At all reasonable times, an Inspector may—

- (a) enter any premises or ship for the purpose of examining copra and classifying copra into prescribed grades; and
- (b) examine and take extracts from or copies of a delivery docket, way bill, book or other writing evidencing the purchase, sale, delivery, ownership, place of production or destination of any copra found on any premises or ship.

(2) A person in charge of any premises or ship in which copra is stored who—

- (a) hinders or obstructs an Inspector in his entry to the premises or ship for the purposes of this section; or

(b) fails to produce on request any documents in his possession or under his control for examination by the Inspector under Subsection (1)(b),

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) A person who makes a false entry in a book, record or document relating to the purchase, sale, delivery, ownership, place of production or destination of any copra is guilty of an offence.

Penalty: A fine not exceeding K100.00.

5. EXAMINATION OF COPRA FOR EXPORT.

(1) Copra intended for export must not be shipped until—

- (a) examined by an Inspector; and
- (b) passed by him as fit for export; and
- (c) classified by him into a prescribed grade; and
- (d) marked with prescribed marks appropriate to its grade.

(2) An Inspector may—

- (a) condemn any copra as unfit for export, whether or not it has previously been passed by an Inspector as fit for export; and
- (b) refuse to pass copra as fit for export until it is reconditioned in a manner directed by him.

(3) Where copra that—

- (a) has not been examined, passed, classified and marked under this section; or
- (b) has been condemned as unfit for export, whether or not it has previously been passed as fit for export,

is shipped for export, the shipper and his employer are each guilty of an offence.

Penalty: A fine not exceeding K200.00.

(4) The Minister may, by notice in the National Gazette, exempt from Subsections (1) and (3) copra shipped for export at a port or place named in the notice.

6. APPEAL.

Where an Inspector—

- (a) classifies copra into a grade other than that into which the owner has classified it; or
- (b) condemns copra as unfit for export,

the owner may apply to a District Court for an order calling on the Inspector to show cause why the copra has been so classified or condemned, and the Court shall hear evidence relevant to the question and make such order as it thinks just.

7. IMMUNITY OF INSPECTOR.

An Inspector is not liable for damage occasioned by carrying out the provisions of this Act unless the damage was occasioned maliciously or without reasonable cause.

8. SPECIAL PERMITS TO PURCHASE UNDRIED COPRA.

(1) Notwithstanding this Act, a District Officer, on application, may grant to a person a special permit to purchase the undried kernel or meat of coconuts or imperfectly dried copra on such terms, and subject to such conditions and restrictions, as are specified in the permit.

(2) A duplicate of a special permit granted under Subsection (1) shall be sent to the Departmental Head immediately after the granting of the special permit.

(3) Nothing in this Act concerning the sale, purchase, barter or receipt of the undried kernel or meat of coconuts or imperfectly dried copra applies to the sale, purchase, barter or receipt of the kernel or meat of coconuts or copra in accordance with the terms and conditions of a permit granted under this section.

9. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular prescribing matters for and in relation to—

- (a) the storage on any premises or ship, before export, of copra intended for export; and
- (b) the classification of copra into grades and the method of marking appropriate to each grade; and
- (c) the certification of copra as fit for export and the cancellation of such a certification; and
- (d) the application for and grant of special permits to purchase the undried kernel or meat of coconuts or imperfectly dried copra; and
- (e) the imposition of penalties of fines not exceeding K40.00 for offences against the regulations.

Office of Legislative Counsel, PNG