

SALE OF PRODUCE ACT

CHAPTER 63:52

Act

54 of 1921

Amended by

10 of 1922

38 of 1922

29 of 1925

20 of 1930

26 of 1932

19 of 1934

17 of 1942

30 of 1947

51 of 1952

150/1956

20 of 1961

12 of 1963

18 of 1966

*35 of 1966

(*Amends this Act indirectly, i.e., by amending Ordinance 20 of 1961)

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1-35	.. 1/2006

Note on Subsidiary Legislation

Licensing Produce Order (GN 150/1956) has been incorporated in section 2 in the definition of “licensable produce”.

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister’s approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 63:52

SALE OF PRODUCE ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

LICENCES TO DEAL IN LICENSABLE PRODUCE

3. No person to deal in licensable produce without licence.
4. Form, duration, and effect of licence.
5. Partners, agents, etc.
6. Licences not assignable.
7. Substitution of premises.
8. Conditions precedent to issue of licence.
Appropriation.
Liability under bond.
Evidence of conviction.
Substitution of surety in certain cases.

APPLICATIONS FOR LICENCES

9. When licence may be granted.
10. Licensing sessions.
Special sessions.
11. Notice of sessions.
12. Application for licence.
13. Opposition to grant of licence.
Grounds of opposition.
14. Disqualification where licence refused.
15. Return of licences to be published.

POWER TO CANCEL LICENCE

16. Power to cancel licence.

APPEAL

17. Right of appeal.
To Judge in Chambers.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

Notice of Appeal.
Copy of notice to be sent to clerk.
Notice of hearing.
Costs.

CONDUCT OF BUSINESS: OFFENCES

18. Sign boards.
19. Scales, etc., and books to be kept by dealers.
Proper entries to be made.
20. Power of entry, inspection, etc.
21. Offences by persons not being licensed dealers.
Exemptions.
22. Dealing in uncured produce.
Power to search for uncured produce.
23. Disposal of produce seized.
24. Restrictions as to dealing.
Exceptions.
25. Refusing to answer or making false answers.
26. Owner to give written authority to contractor.
27. Sale by agents, etc.
28. Written authority to be retained.
29. Penalty.
30. Purchasing from children.
31. Drying produce.
32. Manufacturers.
33. Purchase of coconuts.
34. Using, etc., false or forged authority.
35. Time of entry.
36. Power to arrest person conveying produce.
37. Prosecution of offences.
38. Corporal punishment.
39. Forfeiture of licence.
40. Liability of partners, agents, etc.
41. Certain provisions not to apply to Central Marketing Agency.

SCHEDULE.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

CHAPTER 63:52

SALE OF PRODUCE ACT

An Act relating to the sale of produce.

1950 Ed.
Ch. 23 No. 18.
54 of 1921.
Commencement.

[3RD DECEMBER 1921]

1. This Act may be cited as the Sale of Produce Act.

Short title.

2. In this Act—

Interpretation.
[150/1956
20 of 1961
12 of 1963
*35 of 1966
150/1956].

“citrus fruit” includes oranges, lemons, limes and grapefruit;

“coconuts” means ripe or dry coconuts, whether husked or not husked, and includes the dry kernels of coconuts;

“district” means magisterial district;

“licensable produce” includes mace, nutmegs, kola nuts, tonca beans, and rubber, and such other article of produce as the President, by Order, may from time to time direct to be included in such term;

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

“licensed premises” or “premises” means the apartment, room or store specified in the licence of any licensed dealer;

“nutmegs” means nutmegs whether in the pod or separated from the pod, whether cured or uncured, ripe or unripe;

“owner” includes the tenant or person in the actual possession of, and the manager of or other person having the chief authority on, any plantation or lands;

“produce” includes licensable produce and also sugar cane, coconuts, citrus fruits and provisions;

“provisions” means ground provisions, and includes yams of all descriptions, tantias, dasheen, cassava or manioc, sweet potatoes, arrowroot, plantains, bananas, indian corn, ripe peas and beans, and other foodstuffs cultivated in Trinidad and

*Amends this Act by amending Ordinance 20 of 1961.

Tobago above or beneath the soil, but does not include fruit other than plantains or bananas, or any green vegetable other than indian corn;

“purchase” includes barter or exchange;

“rubber” means unmanufactured india rubber, and includes the milk or gum or rubber in the crude state of any of the following species of trees—*Mimusops* (*Balata*) *Hevea*, *Castilloa*, *Funtumia*, *Cryptostegia*, *Manihot*, *Landalphia*, and *Ficus* and of any other tree or plant that may from time to time be declared a rubber-bearing tree or plant by Order of the President; but in no proceeding under this Act shall it be incumbent on the prosecution to prove that any substance, being apparently of the nature and description of unmanufactured india rubber, is the produce of any of the plants herein enumerated, but the proof that such substance is not derived from any of such plants shall in every case be on the party accused;

“town” means the City of Port-of-Spain, the City of San Fernando, the Borough of Arima, and the Town of Scarborough;

“village” means any collection of separate and detached dwelling houses or shops—

- (a) not less than twenty in number, the property of different owners or occupied by different persons;
- (b) not being more than one hundred and fifty feet apart from one another;
- (c) not more than sixty feet distant from any public road.

LICENCES TO DEAL IN LICENSABLE PRODUCE

No person to deal in licensable produce without licence.

3. It shall not be lawful for any person to carry on the business of a dealer in any description of licensable produce without having obtained a licence to deal in licensable produce in the form and manner and subject to the conditions in this Act set forth.

Form, duration, and effect of licence. Schedule.

4. (1) A licence to deal in licensable produce shall be in the form set out as Form B in the Schedule.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

(2) Such licence shall commence on one of the following days, namely, 1st of January, 1st of April, 1st of July, or 1st of October, and shall expire on 31st of December next after it is granted.

(3) Subject to the exceptions as to licensable produce mentioned in section 24(2), a licence shall be available only for the premises in which the business of the licensed dealer is carried on, and must specify the premises in respect of which it is granted.

(4) A licence shall extend to only one set of premises.

5. (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 business. Partners, agents, etc.

(2) If any person resident outside Trinidad and Tobago desires to carry on the business of a licensed dealer, application for a licence may be made in his name by his partner, agent or Attorney-at-law.

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

6. No licence shall be assignable or shall be deemed to authorise any person to carry on the business of a licensed dealer by reason of his being the personal representative of the person to whom a licence has been granted beyond such time as would enable the personal representative to apply for and obtain a licence. Licences not assignable.

7. Subject to the requirements of section 9, a Magistrate may authorise a licensed dealer to transfer his licensed trade to premises other than those specified in his licence, but situated within the district of the Magistrate. A fee of fifteen dollars shall be payable on every application for a transfer under this section. Substitution of premises. [51/1980].

8. (1) No licence to deal in licensable produce shall be issued to an applicant unless — Conditions precedent to issue of licence. [12 of 1963 51/1980].

(a) the applicant shall pay to the Magistrate issuing the same a licence duty of one hundred and fifty dollars for the year or part of the year up to and

including 31st of December next after the granting of the licence;

Schedule.

Ch. 19:06.

- (b) a bond in the form set out as Form E in the Schedule shall have been entered into by a surety on behalf of the applicant, except that nothing in the Registration of Deeds Act contained shall require that any such bond shall bear the signature of an Attorney-at-law or certificated conveyancer as having prepared such bond before it is subscribed by a qualified functionary as defined by that Act.

(2) Every such surety shall be an individual and not a company or association, and such Magistrate shall have an absolute discretion as to accepting or refusing any person offered by an applicant for a licence as his surety.

(3) It shall be unlawful for any applicant for a licence or any licensed dealer, or any person acting on behalf of such applicant or licensed dealer, to indemnify or to agree to indemnify, whether directly or indirectly, any person offered as surety as aforesaid, whether by deposit of the amount or any part thereof secured by the bond, or in any other way whatsoever, against loss by reason of the forfeiture of such bond; and no action shall lie against an applicant by a surety to recover any money paid by him in respect of his liability under such bond, nor shall such applicant be under any liability whatsoever to repay to the surety any money paid by him or on his account in respect of such liability, nor shall such surety be entitled to set off the amount so paid against any claim against him by the applicant.

Appropriation.

(4) All licence duties received by a Magistrate shall be paid by him to the Comptroller of Accounts.

Liability under bond.

(5) In the event of the conviction of a licensed dealer for any offence under this Act, the bond that he is required by this section to enter into immediately becomes forfeited and the amount due on the bond may be recovered by the Director of Public Prosecutions whether from the principal or surety in the manner provided by sections 79, 80, 81 and 82 of the Summary Courts Act in the case of a sum of money adjudged to be paid by an order.

Ch. 4:20.

(6) A copy of the order of any Magistrate convicting a licensed dealer of any offence under this Act, certified by the clerk of the Court, shall, upon proof of the identity of the defendant, be deemed sufficient evidence of conviction for the purposes of subsection (5).

Evidence of conviction.

(7) In the event of a surety paying any money due under his bond, or becoming bankrupt, or dying, or of an action being commenced by the Director of Public Prosecutions on any bond, the licensed dealer shall, within seven days of such payment, bankruptcy or death, or of such action being commenced, procure another surety to enter into a bond in the form and subject to the conditions in this section set forth. If any dealer fails to comply with the requirement of this subsection, his licence shall be forfeited and become absolutely null and void.

Substitution of surety in certain cases.

APPLICATIONS FOR LICENCES

9. (1) Subject to this Act, licences to deal in licensable produce may be granted by the Magistrate of the district within which the premises to be licensed are situated—

When licence may be granted. [12 of 1963].

- (a) in respect of any premises situated in a town or village;
- (b) in respect of any premises situated and being in any collection of houses or shops, not being a village within the meaning of this Act, but which may from time to time be declared by the President, by Order, to be a village for the purposes of this Act;
- (c) in respect of any premises situated within one mile of a Police Station, or within one mile of the boundary of a town,

but no place shall be deemed a village within the meaning of this section unless it has been in existence for at least three years prior to an application for a licence in respect of premises situated within such alleged village.

(2) Every first application for a licence under this section shall be accompanied by a plan of the premises in respect of which the application is being made.

(3) Each application for a licence to a person, or in respect of premises, already licensed shall be deemed to be and be heard and determined afresh in every respect as if the same were a first application by such person or in respect of such premises, and no person shall be held to have any right or vested interest to a renewal of such licence on the ground of having previously been licensed, or to object to the grant of any licence to another person or in respect of premises on account of a licence having previously been granted to such objector or in respect of his premises.

(4) Except in the City of Port-of-Spain and the City of San Fernando, no such licence shall be granted for any premises in which any business other than that of a licensed dealer under this Act is being carried on, and if any other business be carried on in any such premises, then the licence granted under this Act shall be deemed to have determined and be of no effect.

(5) Except in the City of Port-of-Spain and the City of San Fernando, no licence shall be granted for any premises access to which can be had otherwise than from a public road.

(6) No licence shall be granted to the owner of any cocoa plantation in respect of any premises situated thereon or within one mile thereof.

(7) If application is made by any person for a licence in respect of any premises other than as in this section authorised, and not prohibited under subsections (4), (5), and (6), it shall be lawful for the President, on the report of the Magistrate of the district and of the Commissioner of Police, if he thinks fit, to authorise the Magistrate of the district at any time to hear and determine such application.

Licensing
sessions.
[51/1980].

10. (1) Ordinary sessions shall be held in the months of March, June, September and December for the purpose of granting licences, and, subject to this Act, the Magistrate may, at such sessions or any adjournments thereof, grant licences to such persons and in respect of such premises as in the exercise of his discretion he may think proper.

(2) The Minister may, if he thinks fit, authorise the Magistrate to hold special sessions for the granting of such licences. A fee of fifty dollars shall be payable in respect of each application considered at any such special sessions.

Special sessions.

11. The Magistrate shall, twenty-one days at least before any licensing session, appoint the time and place at which such session is to be held, and cause notice thereof to be published in the *Gazette* and to be affixed in some conspicuous place or places.

Notice of sessions.

12. (1) Every person desiring to obtain a licence in respect of any premises shall, fifteen days at least before the day appointed for the licensing session, make application to the Magistrate of the district within which such premises are situate.

Application for licence.

(2) The Magistrate shall cause notice of such application to be given to the First Division police officer in charge of the Police district, and to be published in the *Gazette*, and to be affixed in such place or places in the district as he may think fit.

(3) Every such application shall state the name, occupation and residence of the applicant and the situation and description of the premises in respect of which a licence is applied for, and such application shall be in the form set out as Form A in the Schedule.

Schedule.

13. (1) Any police officer, or the police officer in charge of the Police district, and any person being the owner, manager or overseer of any estate, or being a licensed dealer within the district or within three miles of the premises, may, at such licensing session, oppose the granting or renewing of any licence.

Opposition to grant of licence.

(2) The following shall be deemed grounds for opposing the granting or renewal of any licence and shall be considered by the Magistrate when giving his decision on any such application:

Grounds of opposition.

(a) that the applicant has been convicted of any offence involving dishonesty, or any offence against this Act, or is an undischarged bankrupt, or is of known bad character;

- (b) that the applicant is a person applying in his own name for the purpose of procuring a licence for or to enable the dealing to be carried on by or on behalf of any such person as mentioned in paragraph (a), or otherwise for or on behalf of some other person;
- (c) that the premises in respect of which the licence is applied for are not suitable for the purpose or are not in accordance with the provisions of this Act, or are not so situated as to be capable of reasonable observation by the police;
- (d) that the applicant is below the age of twenty-one years;
- (e) that the premises in respect of which the licence is applied for are situated within an area which already has a sufficient number of licensed premises.

Disqualification where licence refused.

14. (1) When a licence is refused to any person on the ground of personal unfitness, he shall be disqualified for any such licence for one year from the time when the licence would, if granted, have commenced.

(2) When a licence is refused on the ground of the unfitness of the premises in respect of which application is made, no licence shall be granted in respect of the premises for a like period.

(3) In either such case, the Minister may, by Order, permit fresh application to be made on behalf of such person or in respect of the premises before the expiration of such period.

Return of licences to be published.

15. A return of all licences granted under this Act specifying the names and places of abode of the licensees, the description of the licensed premises, and the terms for which the licences are granted, shall be published in the *Gazette*; and a book shall be kept by each Magistrate in which shall be recorded the grant or refusal of all such licences.

POWER TO CANCEL LICENCE

16. A Magistrate may cancel a licence in any of the following cases: Power to cancel licence.

- (a) if the applicant does not, within seven days after the granting of the application, take out his licence;
- (b) where a licence has erroneously been granted by the Magistrate upon insufficient or false information;
- (c) if application is made by a licensed dealer for the cancellation of his licence.

APPEAL

17. (1) Any person aggrieved by any decision of a Magistrate as to granting, refusing or cancelling of a licence, may give to such Magistrate written notice of appeal at the time of, or within two days of, the decision. Right of appeal.

(2) The appeal shall be to a Judge of the High Court sitting in Chambers. To Judge in Chambers.

(3) Notice in writing of any such appeal shall be served by the appellant on the person or persons opposing the licence or on the applicant for the licence, as the case may be, within six days of the decision appealed against. Notice of appeal.

(4) A copy of every such notice of appeal, together with an affidavit of service of the same, shall be lodged with the clerk to the Magistrate and forwarded by him to the Registrar of the Supreme Court and laid before the Judge in Chambers, who shall appoint a time for the hearing of the appeal. Copy of notice to be sent to clerk.

(5) The Registrar shall forthwith cause due notice of the day appointed for the hearing of the appeal to be communicated to the appellant, the respondent, and the Magistrate, and the Magistrate shall, on the receipt of such notice, transmit his notes and all papers and documents relating to the application, together with a short statement of the grounds of his decision, to the Registrar to be laid before the Judge in Chambers. Notice of hearing.

Costs. (6) The costs of the appeal shall be in the discretion of the Judge.

CONDUCT OF BUSINESS: OFFENCES

Sign boards.
[20 of 1961
*35 of 1966].

18. (1) Every licensed dealer shall cause to be painted in letters three inches at least in length, 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 the licensed premises, the name or names at full length of the licensed person together with the words “Licensed to deal in licensable produce.”

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

(3) Any person contravening this section is liable to a fine of one hundred dollars.

(4) Any person who puts or has any such letters as aforesaid upon his premises falsely importing that he is licensed under this Act is liable to a fine of one thousand dollars.

Scales, etc., and books to be kept by dealers.
[12 of 1963].
Ch. 31 No. 15.
(1950 Ed.).

19. (1) Every licensed dealer shall keep on his premises —
(a) scales and weights, or some other lawful weighing instrument, duly verified and certified according to the Weights and Measures Ordinance and capable of weighing up to two hundred pounds; and
(b) the following books according to the forms in the Schedule:

a book to be called “the Receipt (Cartage Book)” (form B¹);

a book to be called “the Weighing Book” (form C);

a book to be called “the Delivery (Cartage Book)” (form D);

Schedule.

*Amends this Act by amending Ordinance 20 of 1961.

- a book to be called “the Receipt Book” (form C¹);
- a book to be called “the Delivery Book” (form D¹).

The Weighing Book and the Cartage Books may contain such additional particulars as may be required by the course of business of the licensed dealer.

(2) Subject to section 24(2), every licensed dealer shall, immediately on the receipt of any licensable produce, whether his property or not, make the proper entries in the Receipt (Cartage) Book, and shall, until the same shall have been weighed, set aside and keep separate such licensable produce from all other licensable produce, and shall, when such produce is weighed, make immediately the proper entries in the Weighing Book and on the same day in the Receipt Book, and shall, immediately on the delivery of any licensable produce, whether his property or not, make the proper entries in the Delivery (Cartage) Book, and shall also on the same day make the proper entries in the Delivery Book. Proper entries to be made.

(3) Any licensed dealer—

- (a) who fails or neglects to keep on his licensed premises such scales and weights or instruments and books;
- (b) who fails or neglects to make entry in such books of such matters and things and in such manner as prescribed by this section;
- (c) in whose books 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 such books, is liable—
 - (i) for a first offence, to a fine of four hundred dollars;
 - (ii) for a second offence, to a fine of not less than four hundred dollars and not exceeding seven hundred and fifty dollars; and
 - (iii) for a third offence, to the full penalty of one thousand five hundred dollars and

the licence granted to him under section 9 shall be forfeited.

(4) In computing the weight of licensable produce, an allowance of one-half of one per cent on cocoa and five per cent on balata gum shall be made for shrinkage.

Power of entry,
inspection, etc.

20. (1) Any constable may enter the premises of any licensed dealer and—

- (a) call for and inspect the scales and weights or other weighing instruments required to be kept thereon under this Act, and the certificates of justness of such scales and weights or instruments;
- (b) call for and inspect the books required to be kept under section 19(1);
- (c) take a copy of any entry in such books;
- (d) examine the licensable produce in the possession of such dealer and the place where it is stored;
- (e) weigh and compare all such licensable produce as may be in stock with the entries in such books.

(2) Any licensed dealer who—

- (a) fails or neglects to produce such scales and weights or other weighing instrument or such certificates of justness;
- (b) fails or neglects to produce such books;
- (c) refuses to allow a copy of any entry in such books to be taken;
- (d) obstructs or resists any constable in the taking of any such copy; or
- (e) fails or neglects to give and provide such assistance as may be necessary to enable the constable to check the licensable produce in his possession,

is liable to a fine of two thousand dollars.

- 21.** (1) Any person, not being a licensed dealer, who—
- (a) purchases any licensable produce; or
 - (b) receives into his possession or custody any licensable produce,
- Offences by persons not being licensed dealers. [12 of 1963].

shall, subject to the exemptions appearing below, be liable to a fine of seven hundred and fifty dollars.

- (2) This section shall not extend to—
- (a) the purchase or receiving by the owner of any plantation, from any tenant or contractor in the occupation of any land parcel of such plantation, of the produce of such land;
 - (b) the purchase or sale for seed of licensable produce by the owner of any plantation or land;
 - (c) the purchase of licensable produce taken or sold under the process of any Court or sold by order of a Magistrate or Justice;
 - (d) the receiving of licensable produce by a banker, ship's agent or ship's consignee, or by a carrier for hire, or for keeping in cold storage;
 - (e) the receiving of licensable produce as a free gift;
 - (f) the receiving of licensable produce under any contract for the supply of any public institution in Trinidad and Tobago;
 - (g) the purchase by, or sale to, any person for domestic purposes of any licensable produce by a licensed dealer;
 - (h) the sale to the Superintendent of Public Gardens, Grounds and Pastures of licensable produce for the purposes of the Botanic Gardens; or
 - (i) the receiving or custody of licensable produce by an agent with the written authority of the owner or manager of the plantation or land from which the said produce has been derived.
- Exemptions.

(3) The onus of proving to the satisfaction of the Magistrate that a transaction falls within subsection (2) shall be upon the person alleging the same.

(4) If any constable has reasonable grounds for believing that an offence against this section has been committed in any premises, he may enter such premises, and also any house or building part of or contiguous thereto, and seize any licensable produce that may be found either upon such premises or in such house or building part of or contiguous thereto.

Dealing in uncured produce. [20 of 1961 *35 of 1966].

22. (1) Any licensed dealer who sells or who purchases, or on whose premises or in whose house or building being part of or contiguous to such premises is found, any unripe or uncured nutmegs or tonca beans, is liable to a fine of one thousand dollars.

Power to search for uncured produce.

(2) Any constable may enter the premises of any licensed dealer, and also any house or building part of or contiguous thereto in the occupation of the licensed dealer, whether such contiguous house or building is licensed under any other Act or not, and search for uncured produce therein of the kinds mentioned in subsection (1), and seize any such uncured produce that may be found either upon the licensed premises or in such house or building part of or contiguous thereto.

Disposal of produce seized.

23. Any produce seized by any constable under the powers in sections 21 and 22 shall be conveyed to the nearest Police Station and produced in evidence at the trial, and, on conviction of the offender, the same shall be forfeited and sold and the proceeds shall be paid into the Consolidated Fund for the use of Trinidad and Tobago.

Restrictions as to dealing. [20 of 1961 12 of 1963 *35 of 1966].

24. (1) Any person who sells or offers for sale to a licensed dealer, and any licensed dealer who purchases or delivers or takes delivery of any licensable produce—

- (a) on any Sunday, Christmas Day, Good Friday or public holiday;
- (b) at any place other than licensed premises; or

*Amends this Act by amending Ordinance 20 of 1961.

- (c) at any time except between the hours of six o'clock in the forenoon and six o'clock in the afternoon of any day,

shall, subject to the provisions appearing below, be liable to a fine of two thousand dollars.

(2) Nothing contained in this section shall be construed Exceptions. to prevent any licensed dealer from purchasing—

- (a) licensable produce from the owner and upon the lands on which the same has been actually grown, or from shipping the same directly from such lands;
- (b) licensable produce at a railway station or a steamer's depot; or
- (c) in any place, such licensable produce as may be ordered by the President to be purchasable at places other than licensed premises,

but entry of all licensable produce so purchased or shipped shall be made by such licensed dealer as far as possible in manner prescribed by section 19.

(3) Nothing contained in this section shall be construed to prevent the sale by any person of cured nutmegs to any person requiring the same for domestic or personal use and not trading or dealing in the same.

25. (1) Any person who, when offering for sale any licensable produce to a licensed dealer, refuses to answer or makes any false answer to any question put to him by the dealer or his servant for the purpose of ascertaining—

Refusing to answer or making false answers.

- (a) his name and abode;
- (b) the particular situation of the land of which the licensable produce is the produce; or
- (c) whether he is the owner, tenant or contractor in occupation of any such land, or the servant or agent of any such owner, tenant or contractor,
- is liable to a fine of one thousand dollars.

(2) The licensed dealer to whom any licensable produce is offered for sale, or his servant, or any person authorised by the dealer, may—

- (a) apprehend any person acting in contravention of subsection (1);
- (b) take such person to a Police Station of the district for the purpose of being detained there, unless he gives bail to the constable in charge of the Station by recognisance, with one sufficient surety, to any amount not exceeding one thousand dollars for his appearance for examination before a Magistrate in the usual course;
- (c) retain the licensable produce to be dealt with as the Magistrate shall direct.

(3) On the ownership of the licensable produce being proved to his satisfaction, the Magistrate shall order it to be delivered to the owner thereof.

(4) If the Magistrate is not satisfied as to the ownership of the produce, he shall order it to be sold at the expiration of seven days, and the moneys arising from the sale shall be paid to the person whom the Magistrate considers to be lawfully entitled thereto.

Owner to give written authority to contractor.

26. (1) Subject to the provisions mentioned below, every owner of any plantation, or in his absence, the manager thereof, shall, upon application made to him by any tenant or contractor on any such plantation, give to the tenant or contractor a written authority to sell all such licensable produce as may be alleged by the tenant or contractor to have been reaped or got on the land occupied by him. Such authority shall be in such form as may from time to time be prescribed by the Commissioner of Police.

(2) If such owner or manager shall reasonably suspect that such licensable produce or any part thereof has been reaped or got from any land other than that occupied by the tenant or contractor, he shall be at liberty to refuse to give such authority as mentioned above.

(3) If, upon complaint made to a Magistrate by any tenant or contractor that such authority as mentioned above has been withheld by any such owner or manager without sufficient cause, such owner or manager fails to satisfy the Magistrate that such authority was withheld for sufficient cause, the onus of proof of which shall be upon such owner or manager, the Magistrate may order such owner or manager to pay to the complainant a reasonable sum as compensation for the loss, trouble and expense to which such complainant may have been put by reason of the withholding of such authority as aforesaid.

(4) Any tenant or contractor who offers or causes to be offered for sale any licensable produce to a licensed dealer shall deliver or cause to be delivered to such dealer a written authority to sell the produce.

27. Any licensed dealer to whom any licensable produce is offered for sale, and knowing or having reason to know that the person offering to sell the same is not the owner or manager of the plantation or parcel of land from which the said produce is alleged to be derived, shall not purchase the same unless such person shall produce a written authority to sell, signed by such owner or manager.

Sale by agents, etc.

28. A licensed dealer shall retain in his possession every written authority delivered to him under sections 26 and 27, for the period of six months from the date of delivery to him of such written authority, and shall produce the same for inspection if and when requested to do so by the owner of the plantation or land from which the produce was alleged to be derived, or by a constable.

Written authority to be retained.

29. Any person committing a breach of section 26(4), 27 or 28 is liable to a fine of one thousand dollars.

Penalty.

30. Any licensed dealer who purchases licensable produce from any person apparently under the age of fifteen years is liable to a fine of one thousand dollars.

Purchasing from children.

Drying produce.

31. (1) It shall not be lawful for any licensed dealer to dry licensable produce outside the limits of towns and villages, except in view of a public road, and upon notice in writing to the First Division police officer or police officer in charge of the Police district.

(2) Any person contravening this section is liable to a fine of four hundred dollars.

Manufacturers.
20 of 1961
*35 of 1966
51/1980].

32. A person who satisfies a Magistrate that he is a *bona fide* manufacturer of preparations of licensable produce and that he purchases licensable produce solely for the purpose of such manufacture, shall not be required to take out a licence to deal in licensable produce, but every such person shall be subject to the following provisions, that is to say:

Schedule.

- (a) he shall take out a licence in the form set out as Form G in the Schedule; the application for the licence shall be in the form set out as Form F in the Schedule, and for each such licence, whether granted for a year or part of a year, a duty of forty dollars shall be paid; the licences shall be granted at the ordinary licensing sessions under this Act;
- (b) every person licensed under this section shall, on his licensed premises, keep a book in which he shall, immediately upon the receipt of any licensable produce, enter the date of the receipt thereof, the name and address of the person from whom the licensable produce was received, and the quantity received;
- (c) any constable may enter the licensed premises and may call for and inspect such book, and may take a copy of any entry in such book; and any person who fails or neglects to produce such book, or refuses to allow a copy of any entry in such book

*Amends this Act by amending Ordinance 20 of 1961.

- to be taken or obstructs or resists any constable in the taking of a copy of any such entry, is guilty of an offence against this section;
- (d) any person contravening any of the foregoing provisions of this section is liable—
- (i) for a first offence, to a fine of four hundred dollars;
 - (ii) for a second offence, to a fine of not less than four hundred dollars, and not exceeding one thousand dollars; and
 - (iii) for a third offence, to the full penalty of one thousand dollars;
- (e) section 4(2), (3) and (4), sections 5, 6, and 7, section 8(4), and sections 16, 17 and 30 apply *mutatis mutandis*, to licences granted and persons licensed under this section.

33. It shall not be lawful for any person to purchase or receive coconuts except upon the following conditions:

Purchase of coconuts. [51/1980].

- (a) he takes out a licence in the form set out as Form I in the Schedule; the application for the licence shall be in the form set out as Form H in the Schedule, and for each such licence, whether granted for a year or part of a year, a duty of one hundred and fifty dollars shall be paid; such licences shall be granted at the ordinary licensing sessions under this Act;
- (b) every person licensed under this section shall keep a book in which he shall, immediately upon the receipt of any coconuts, enter the date of the receipt thereof, the name and address of the person from whom the coconuts were received, and the number or quantity received; where the coconuts are received by an agent on behalf of any person licensed under this section, it shall be the duty of the agent to keep a book in which he shall make the like entries;

Schedule.

- (c) paragraph (a) shall not apply to any person who shall purchase or receive any coconuts as agent for or on behalf of any person licensed under this section, but such agent shall, upon being required by a constable to do so, produce the written authority of the licensed person to purchase or receive such coconuts;
- (d) any constable may require any person purchasing or receiving coconuts, or whom he has reasonable cause to believe has been recently engaged in purchasing or receiving any coconuts, to produce such book and licence, or, in the case of an agent, such book and written authority, and to permit him to take a copy of any entry in such book; and any person who, upon demand to do so fails to produce such book and licence or written authority, as the case may be, or refuses to allow a copy of any entry in such book to be taken, is guilty of an offence against this section;
- (e) no person shall sell or purchase undried kernels of coconuts;
- (f) any person contravening any of the foregoing provisions of this section is liable—
 - (i) for a first offence to a fine of four hundred dollars;
 - (ii) for a second offence, to a fine of not less than four hundred dollars and not exceeding one thousand dollars; and
 - (iii) for a third offence, to the full penalty of one thousand dollars;
- (g) section 4(2), section 6, section 8(4), section 13(1), (2)(a), (b) and (d), and sections 16, 17, 25 to 30 (inclusive) apply *mutatis mutandis* to licences granted and persons licensed under this section;
- (h) this section shall not extend to—
 - (i) the purchase or receiving by the owner of any plantation, from any tenant or

- contractor in the occupation of any land parcel of such plantation, of coconuts grown on land;
- (ii) the purchase or sale for seed of coconuts by the owner of any plantation or land or by the Agricultural department;
 - (iii) the purchase of coconuts taken or sold under the process of any Court or sold by order of a Magistrate or Justice;
 - (iv) the receiving of coconuts by a banker, ship's agent or ship's consignee, or by a carrier for hire, or for keeping in cold storage;
 - (v) the receiving of coconuts as a free gift;
 - (vi) the receiving of coconuts under any contract for the supply of any public institution in Trinidad and Tobago;
 - (vii) the purchase of coconuts by any huckster or hawker for the purpose of offering them for sale or for the purpose of making confectionery for sale; or
 - (viii) the purchase by, or sale to, any person of coconuts for domestic purposes.

34. Any person who knowingly uses or puts off, or attempts to use or put off, any false or forged authority to sell, purchase or receive licensable produce or coconuts is liable to imprisonment for six months. Using, etc., false or forged authority.

35. The power of entry conferred by this Act may be exercised— Time of entry.

- (a) at any time between the hours of six o'clock in the forenoon and six o'clock in the afternoon of any day;
- (b) at any time the premises are open; or

- (c) if the constable has reasonable grounds for believing that an offence against this Act has been committed, at any time during the day or night and on all days including Sundays and public holidays.

Power to arrest person conveying produce. [12 of 1963].

36. (1) It shall be lawful for—

- (a) any owner, manager, overseer or agent of any plantation whereon any kind of licensable produce or coconuts or citrus fruits is or are cultivated, without warrant, to apprehend and detain any person having in his possession or carrying or conveying any such kind of produce in and upon any such plantation, or in or upon any plantation, road or way immediately adjoining such first-named plantation;
- (b) any constable—
- (i) without warrant, to apprehend and detain any person, not being the owner of any plantation whereon any kind of licensable produce or coconuts or citrus fruits is or are cultivated, having in his possession, or who shall be found anywhere carrying or conveying, any such kind of produce; and
 - (ii) to stop and examine any horse or other beast of burden, or any cart, wagon or other conveyance, in order to ascertain whether any such kind of produce is being conveyed thereon or therein,

which such owner, manager, overseer, agent or constable may have reasonable cause to suspect to be stolen or unlawfully obtained.

(2) If any person liable to arrest under the provisions of this section escapes from any person attempting to arrest him or after he has been arrested, or lets fall or throws away such produce from his possession, or abandons the possession of any such produce, any Magistrate may, upon application, issue his warrant

for the arrest of such person, and upon his arrest such person shall be deemed to be a person apprehended and detained within the meaning of this section.

(3) The application for a warrant under subsection (2) may be made either by any of the persons named in subsection (1) who has actually made or attempted to make the arrest or by a constable.

(4) A person arrested under subsection (1) is liable to be dealt with as a suspected person within the meaning of the Praedial Larceny Prevention Act in the manner provided *mutatis mutandis* in sections 8 and 9 of that Act. Ch. 10:03.

37. All offences under this Act may be prosecuted, heard and determined, and all penalties incurred may be imposed or recovered in the manner provided by the Summary Courts Act. Prosecution of offences. Ch. 4:20.

38. (1) Any person convicted of the larceny of any produce, or of being accessory to the larceny thereof, or being the receiver of such stolen produce knowing the same to have been stolen, may, subject to the Corporal Punishment Act, in addition to any term of imprisonment to which he may be sentenced, be ordered by the Judge or Magistrate to undergo corporal punishment. Corporal punishment. Ch. 13:03.

(2) On conviction, for the first time, of any person for any of the offences named in subsection (1), it shall be in the discretion of the Judge or Magistrate passing sentence to award such additional punishment or not as he thinks fit; but, on a second or subsequent conviction of the same person for any such offence, the Judge or Magistrate passing sentence shall, on proof of such previous conviction, award such additional punishment in every case.

39. (1) If any person licensed under this Act is convicted of an offence against this Act, which the Magistrate determines is an offence involving dishonesty, the Magistrate, in addition to any other penalty which he may be authorised to inflict, shall order the licence of the offender to be forfeited and cancelled. Forfeiture of licence.

(2) If any person licensed under this Act is convicted of a third offence under this Act, the Magistrate may, in addition to any

other penalty which he may be authorised to inflict, order the licence of the offender to be forfeited and cancelled.

(3) The Magistrate shall cause notice of the forfeiture and cancellation of any licence, and of the date of the order of such forfeiture and cancellation, to be published in the *Gazette*.

Liability
of partners,
agents, etc.

40. (1) Where a licence is granted under this Act to two or more persons carrying on business in partnership, every such person is liable under this Act for the acts of the other or others; and on the hearing of an information against any such persons for any offence against this Act, evidence of any act done by any one of them shall be evidence against the other or others.

(2) Where a licence is granted to the partner, agent or attorney of a person resident outside Trinidad and Tobago under section 5(2), any such partner, agent or attorney is liable for all offences under this Act as if the licence had been granted to him.

(3) Where a person licensed under this Act is absent from Trinidad and Tobago, the attorney, manager, agent or clerk in charge of the business of any such licensed person is liable for all offences committed during any such absence.

Certain
provisions not
to apply to
Central
Marketing
Agency.
[51 of 1952
18 of 1966].
Ch. 68:01.

41. Section 3 and all other sections of this Act connected with the licensing and dealing in licensable produce by any person do not apply to the Central Marketing Agency established under the Central Marketing Agency Act.

SCHEDULE

FORM A

(Section 12).

THE SALE OF PRODUCE ACT

APPLICATION FOR DEALER'S LICENCE

I, *A.B. [Christian and surname and occupation of applicant]* residing at [*place of residence of applicant*] hereby make application for a licence to carry on the business of a dealer in licensable produce on the premises being [*insert description of the particular apartments, rooms and places where the business is to be carried on*], and propose as my surety, C.D. [*Christian and surname and occupation of proposed surety*] residing at

.....
A.B.
Signature of Applicant

FORM B

[Section 4(1)].
[51/1980].

THE SALE OF PRODUCE ACT

DEALER'S LICENCE

A.B. [Christian and surname and occupation of Licensee] residing at [*place of residence of Licensee*] is hereby licensed from the day of, 20....., until the 31st of December next to carry on the business of a dealer in licensable produce in the premises [*insert description of the particular apartments, rooms and places where the business is to be carried on*] for which licence he has paid the sum of \$150.

.....
Magistrate

(Section 19).

FORM B¹

THE RECEIPT (CARTAGE) BOOK

Date of receipt of produce	Name of person from whom received	Name of owner, tenant or contractor of plantation or land of which produce received is the product	If contractor or tenant, name of owner	Name and local situation of plantation or land of which produce received is the product	Number or quantity of bags or packages	Remarks

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

FORM C

(Section 19).

THE WEIGHING BOOK

No., 20.....

Bought from

M

Locality

<i>Bags</i>	<i>lbs. at</i>	\$	\$
”	”		
”	”	_____	_____
		\$	

WEIGHTS

(Section 19).

FORM C'

THE RECEIPT BOOK

Date of purchase or receipt of produce	Name of person from whom actually purchased or received	Name of owner, tenant, or contractor of plantation or land of which produce purchased or received is the product	If contractor or tenant, name of owner	Name and local situation of plantation or land of which produce purchased or received is the product	Weight, number or quantity purchased or received	Remarks

(Section 19).

FORM D

THE DELIVERY (CARTAGE) BOOK

Date	Licence No. of Cart	No. of Bags	Marks	Parties to whom or place to which delivered

FORM D¹

(Section 19).

THE DELIVERY BOOK

Date of sale or shipment for sale of Produce	Weight or quantity sold or shipped		Name and address of person or firm to whom sold locally or name of vessel by which exported	Remarks
	Bags	Weight		

FORM E

(Section 8).

THE SALE OF PRODUCE ACT

BOND UNDER SECTION 8

Republic of Trinidad and Tobago

Know all men by these presents that I
of in the Republic of Trinidad and Tobago
am held and firmly bound unto the State in the sum of two hundred and forty
dollars to be paid to the State, for which payment well and truly to be made I
hereby bind myself by these presents.

Dated this day of, 20.....

Now the condition of the above written bond is such that if
complies with the Sale of Produce Act as to licensed dealers and is not convicted
of any offence under the said Act or any Act amending the same, then this
obligation shall be void, but otherwise shall be and remain in full force.

Signed and delivered }
in the presence of }

(Section 32).

FORM F

THE SALE OF PRODUCE ACT

**APPLICATION FOR LICENCE TO MANUFACTURE
PREPARATION OF LICENSABLE PRODUCE**

I, *A.B. [full name and occupation of application]* residing at
hereby apply for a licence to manufacture *[state type of
preparation which it is proposed to manufacture]* at the premises.

.....
A.B.
Signature of Applicant

(Section 32).
[51/1980].

FORM G

THE SALE OF PRODUCE ACT

**LICENCE TO MANUFACTURE PREPARATION OF
LICENSABLE PRODUCE**

A.B. [full name and occupation of applicant] residing at
is hereby licensed from to 31st December next to manufacture
..... at the premises for which licence he has paid
the sum of \$40.00.

.....
Magistrate

(Section 33).

FORM H

THE SALE OF PRODUCE ACT

**APPLICATION FOR LICENCE TO PURCHASE
AND RECEIVE COCONUTS**

I, *A.B. [full name and occupation of applicant]* residing at
hereby apply for a licence to purchase and receive coconuts.

.....
A.B.
Signature of Applicant

FORM I

(Section 33).

THE SALE OF PRODUCE ACT

LICENCE TO PURCHASE AND RECEIVE COCONUTS

A.B. [full name and occupation of applicant] residing at is
hereby licensed from to 31st of December next, to purchase
and receive coconuts.

.....
Magistrate
