

CLAYING OF COCOA ACT

CHAPTER 64:22

Act
43 of 1922

Current Authorised Pages

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UNOFFICIAL VERSION

L.R.O.

UPDATED TO 31ST DECEMBER 2016

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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 64:22

CLAYING OF COCOA ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 64:22

CLAYING OF COCOA ACT

An Act to prohibit the claying of cocoa.

1950 Ed.
Ch. 23, No.9.

43 of 1922.

Commencement.

[1ST JANUARY 1923]

Short title.

1. This Act may be cited as the Claying of Cocoa Act.

Interpretation.

2. In this Act—

“clay” means the substance commonly known as “red clay”, and includes any substance capable of increasing the weight of or suitable for coating or colouring cocoa beans, or which may be used to make a mixture suitable for coating or colouring cocoa beans, whether such substance is in its natural condition or is mixed with any other substance;

“clayed cocoa” means any cocoa beans to which any clay has been added;

“inspector” means an inspector appointed under this Act;

“licensed dealer” means a dealer in licensable produce licensed under the Sale of Produce Act;

Ch. 63:52.

“vessel” includes schooners, sloops, droghers, flats, punts, boats, canoes, barges, scows, corials, rafts, or other craft.

Claying of
cocoa
prohibited.

3. Any person who adds clay to any cocoa is guilty of an offence.

Possession of
clayed cocoa.

4. (1) Any person who has in his possession or custody or under his control any clayed cocoa is guilty of an offence.

(2) For the purposes of this section, any clayed cocoa in the possession or custody or in the control of any banker, agent, warehouseman, or carrier shall be deemed to be in the possession of the owner or consignor of the cocoa, but the onus of proving the true ownership of the cocoa shall be upon the banker, agent, warehouseman, or carrier.

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5. Any person who sells or purchases or exports or who attempts to sell or purchase or export, any clayed cocoa is guilty of an offence.

Sale, purchase, or export of clayed cocoa prohibited.

6. Any licensed dealer on whose licensed premises or in whose house or building, being part of or contiguous to the licensed premises, any clay is found is guilty of an offence.

Licensed dealer in possession of clay.

7. (1) The Minister may appoint one or more persons to be inspectors for the purposes of this Act.

Appointment of inspectors.

(2) The names of any persons appointed under this section shall be published in the *Gazette*.

8. (1) Any inspector or any constable, without warrant, may enter any premises in the occupation or under the control of any licensed dealer, and also any house or building part of or contiguous to the premises in the occupation of the licensed dealer; and may search therein for clay or clayed cocoa, and seize any clay or clayed cocoa that may be found therein.

Power to enter premises of licensed dealer.

(2) The right of entry conferred by this section may be exercised between the hours of six o'clock in the forenoon and six o'clock in the afternoon of the same day.

9. (1) If any inspector or any constable has reasonable grounds for believing that an offence against any of the provisions of this Act is being or has been committed on any lands or in any premises, or that any clayed cocoa is stored or kept upon any lands or in any premises, the inspector or constable may apply to any Justice for a search warrant and with the warrant enter such lands or premises and also any house or building part of or contiguous to such lands or premises, and search therein, and seize and take away any clayed cocoa that may be found therein.

Power to enter any premises where offence suspected.

(2) The right of entry conferred by this section may be exercised at any time of the day or night, and on all days, including Sundays and public holidays.

Inspector to have the right to examine cocoa intended for export.

10. The inspector may examine any cocoa intended for or in process of shipment for export from Trinidad and Tobago, and for this purpose the inspector shall have the right to enter on board any vessel in any harbour, bay, roadstead, or river, and to search, with his assistants, any and every part of the vessel, and to open any receptacle or bag containing, or which he has reason to believe contains, cocoa, and if, upon the examination or search, any clayed cocoa is found, the inspector may seize and take away such cocoa.

Disposal of clay or clayed cocoa seized.

11. (1) Any clay or clayed cocoa seized under the powers contained in this Act shall be conveyed to the nearest Police Station or to such other place as the inspector may direct, and the inspector may give such directions as he may consider necessary for the removal thereto of the clay or clayed cocoa.

(2) On conviction of any person of any offence under this Act in respect of any such clay or clayed cocoa, the same shall be forfeited, and may be destroyed or otherwise disposed of in such manner as the Magistrate in his discretion may order. Such forfeiture shall be in addition to any punishment authorised by this Act.

Assaulting or resisting inspector or constable.

12. Every person who assaults, obstructs, or resists the inspector or any of his assistants or any constable in the execution of their duties under this Act, and every person who refuses or neglects to carry out any direction lawfully given by the inspector under section 11 is guilty of an offence.

Penalties.

13. (1) Any person who is guilty of any offence under this Act is liable on summary conviction to a fine of four thousand dollars.

On conviction, licence may be cancelled.

(2) If any licensed dealer is convicted of any 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.

14. Nothing contained in this Act shall be deemed to apply to cocoa which has been imported into Trinidad and Tobago under the provisions of the Cocoa (Import and Export) Act but the onus of proving to the satisfaction of the inspector that any cocoa has been so imported shall be upon the person alleging the same.

Exemption in
case of imported
cocoa.
Ch. 64:21.

15. The Minister may make Regulations for the better carrying out of the provisions of this Act.

Regulations.
