

LAWS OF GUYANA

COCONUT PRODUCTS (CONTROL) ACT

CHAPTER 69:05

Act

36 of 1935

Amended by

17 of 1939

26 of 1949

47 of 1950

4 of 1985

13 of 1989

11 of 1993

6 of 1997

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Cap. 69:05

Coconut Products (Control)

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**Note
on
Repeal**

This Act repealed Copra Products Ordinance (31 of 1933)

CHAPTER 69:05

COCONUT PRODUCTS (CONTROL) ACT

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CHAPTER 69:05

COCONUT PRODUCTS (CONTROL) ACT

1953 Ed.
c. 253

36 of 1935

An Act to make provision to regulate the manufacture and sale of certain products obtained from the kernel of the coconut, and for purposes connected therewith.

[1ST JANUARY, 1936]

Short title. **1.** This Act may be cited as the Coconut Products (Control) Act.

Interpretation. **2.** In this Act—

c. 19:02 “commissioner” means a commissioner appointed under the District Government Act;

“Comptroller” means the Comptroller of Customs;

“copra or crude coconut oil producer” means any person who manufactures copra or crude coconut oil for sale or for use in his own manufactory;

“coconut products” means deodorised coconut oil, lard substitute and any other product derived or manufactured wholly or in part from the kernel of the coconut as the Minister shall by notification in the *Gazette*

include under such designation;

“deodorised coconut oil” means any oil manufactured in Guyana from the kernel of the coconut and which has been subjected to any process or treatment whatsoever for removing the characteristic odour or flavour or acidity of the crude oil;

c 19:02

“district” means a district declared and established under the District Government Act;

“Government Analyst” includes an assistant analyst;

“lard substitute” means any edible fat manufactured in Guyana from coconut oil in imitation of lard;

“manufacturer” includes any person beneficially interested in or superintending or directing the manufacture of coconut products for sale.

PART I

MANUFACTURERS AND COPRA AND CRUDE COCONUT OIL PRODUCERS

Licence to
manufacture
coconut
products.
[6 of 1997]

3. (1) A person shall not manufacture coconut products unless he is a holder of a licence in respect of each factory where he so manufactures.

(2) Any person who contravenes this section shall be liable to a fine of ninety-seven thousand five hundred dollars, and the court shall order to be forfeited all machinery, implements, utensils, materials and coconut products which shall be on the premises where the manufacture has been carried on.

Application for
and grant of
licence to
manufacture
coconut

4. (1) Every manufacturer of coconut products within ten days after the commencement of this Act and every person who desires to manufacture coconut products shall make application in writing to the commissioner of the

products.
[6 of 1997]

district for a licence (hereinafter referred to as a manufacturer's licence) in respect of each factory in the district in which he intends to manufacture coconut products.

(2) The application shall contain the following particulars, that is to say—

- (a) the name, occupation, and abode of the applicant;
- (b) the name and description of the product intended to be manufactured;
- (c) a description of the premises intended to be used in the manufacture of the product;
- (d) a description of all the vessels and utensils intended to be used in connection with the manufacture; and
- (e) the purpose for which each of those vessels and utensils is intended to be used.

(3) If the application is untrue in any material particular, the person signing it shall be liable to a fine of nineteen thousand five hundred dollars.

(4) All licensed premises shall be fenced or enclosed to the satisfaction of the commissioner and shall be provided with the modes of ingress or egress directed by him.

(5) The commissioner may refuse to issue a licence to any applicant who has been convicted of felony or of an offence involving dishonesty or of an offence under this Act.

Duration and
duty on licences
[26 of 1949
4 of 1985
13 of 1989
11 of 1993
6 of 1997]

5. (1) Every manufacturer's licence shall, unless previously revoked, expire on the 31st December in every year.

(2) There shall be paid for every manufacturer's licence a duty of three hundred dollars.

(3) A duty imposed by this section shall be paid before the issue of the licence in respect of which it is imposed.

(4) Before any manufacturer's licence is issued the manufacturer shall either deposit with the Accountant General the sum of five hundred dollars or enter into a bond with two good and sufficient sureties to the satisfaction of the commissioner for that amount for the payment of any duties that may become payable by him under this Act.

Registration of
copra or crude
coconut oil
producers.
[4 of 1985
13 of 1989
11 of 1993
6 of 1997]

6. (1) Every person who is a copra or crude coconut oil producer shall apply in writing to the commissioner of the district to have his name registered in respect of the district where he produces or intends to produce copra or crude coconut oil.

(2) The commissioner shall register the name of every person so applying and shall issue to him a certificate of registration.

(3) There shall be paid for every certificate of registration a fee of three hundred dollars.

(4) Any copra or crude coconut oil producer who shall produce copra or crude coconut oil without having been registered under this section shall be liable to a fine of four thousand eight hundred and seventy-five dollars.

Register to be
kept by
commissioner.

7. (1) Every commissioner shall cause to be kept a register of all persons to whom he has granted licences under this Act and of all persons registered under section 6.

(2) Every commissioner of a district shall cause to be published in the *Gazette* and a daily newspaper the name of every person in a district to whom a licence has been issued or who is registered under section 6 or whose licence has been suspended or revoked.

PART II
DUTY ON COCONUT PRODUCTS AND THE KEEPING
OF BOOKS

Duty on coconut products. [17 of 1939]

8. (1) There shall be raised, levied and collected on all coconut products which have been manufactured in Guyana and are delivered for consumption in Guyana such duties as may, from time to time, be fixed by resolution of the National Assembly.

c. 80:01

(2) The payment of the duties so imposed may be enforced and the amount recovered in the same manner as if they were duties imposed by the Tax Act.

Books to be kept by manufacturer of coconut products. [6 of 1997]

9. (1) Every manufacturer of coconut products shall keep at each factory a book in which he shall enter in respect of each month the appropriate entries hereunder enumerated—

- (a) the quantity of all copra or crude coconut oil received into the factory;
- (b) the name and address of every person from whom he has purchased copra or crude coconut oil and the date and quantity of each purchase and the price paid;
- (c) the quantity of copra or crude coconut oil used for the manufacture of deodorised coconut oil and lard

substitute respectively;

- (d) the number of gallons of deodorised coconut oil and pounds of lard substitute manufactured;
- (e) the number of gallons of deodorised coconut oil and pounds of lard substitute exported;
- (f) the number of gallons of deodorised coconut oil and pounds of lard substitute delivered for consumption in Guyana;
- (g) the number of gallons of deodorised coconut oil and pounds of lard substitute remaining in the factory at the end of the month; and
- (h) the amount due for duty.

(2) Every manufacturer shall within ten days after the expiration of each month make to the commissioner of the district in which the factory is situated a true and correct return of the matters entered in the book required to be kept under this section and shall at the time of making the return pay the duty imposed by section 8.

(3) Every manufacturer who fails to keep the book or who omits to make an entry or makes a false entry in the book required to be kept under subsection (1) or who omits to make the return required by subsection (2) or makes a false return shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

Books to be kept by producers of

10. (1) Every producer of copra or crude coconut oil shall keep a book in which he shall enter —

copra and
crude oil.
[6 of 1997]

- (a) the quantity of coconuts obtained, purchased or received;
- (b) the name and address of every person from whom he has purchased or received such coconuts;
- (c) the quantity of copra or crude coconut oil produced therefrom;
- (d) the name and address of every person to whom such copra or crude coconut oil has been sold or delivered and the amount of money received in respect thereof.

(2) Every producer who fails to keep the book or who omits to make an entry or makes a false entry in the book required to be kept under this section shall be liable to a fine of nineteen thousand five hundred dollars.

**PART III
MISCELLANEOUS**

Power to apply
Act to other
products.

11. (1) Subject to negative resolution of the National Assembly, the Minister may, by order, include under the designation of "coconut products" for the purposes of this Act any other product derived or manufactured wholly or in part from the kernel of the coconut, and in such case this Act shall apply to that product from the date specified in the order.

(2) Where any order is made under the preceding subsection it shall set out what duties (if any) shall be raised, levied and collected on the product mentioned therein and in such case the duties may be enforced and the amount recovered in the manner provided by this Act.

Minister to fix price of copra. [6 of 1997]

12. (1) Every manufacturer shall pay for all copra purchased by him a price which shall not be less than the price which the Minister may from time to time fix having regard to the current local market price and other conditions prevailing in the City of Georgetown. The price so fixed shall be published in the *Gazette* and one daily newspaper and be effective from the day following the date of publication in the *Gazette*:

Provided that the price last published shall continue in force until another price shall be published.

(2) Any manufacturer who shall contravene the provisions of this section shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

Minister may fix standards of quality and price. [6 of 1997]

13. (1) The Minister may from time to time, by notice published in the *Gazette*, prescribe standards of quality, and fix maximum wholesale and retail prices for coconut products manufactured and intended to be sold for consumption in Guyana.

(2) Any person who sells or exposes for sale for consumption in Guyana any coconut product whether designated by any name or not which is below the prescribed standard of quality, or who sells for consumption in Guyana any coconut product at a higher price than that fixed by notice under this section shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars and to the forfeiture of all coconut products which shall be found to be below the prescribed standard of quality.

Taking of samples. [6 of 1997]

14. (1) Any Government medical officer, district commissioner, sanitary inspector or any officer authorised in writing either generally or specially by any commissioner or by the Government Analyst or any officer of the Georgetown City Council or the New Amsterdam Town Council and any police officer or constable (hereinafter referred to as sampling officers) may procure from any manufacturer or producer of

crude coconut oil or purchase from any person selling or exposing the same for sale for consumption in Guyana a sample of any article which is or which he suspects to be a coconut product.

(2) Where any sampling officer applies to procure from any manufacturer or producer aforesaid or to purchase from any person as aforesaid any article as aforesaid and in the latter case tenders a reasonable price for the quantity he requires for the purpose of analysis and the manufacturer or producer refuses to allow the sample to be procured or the person aforesaid refuses to sell the quantity required by the officer, that manufacturer or producer or person shall be liable to a fine of nineteen thousand five hundred dollars.

(3) Any person, who removes, throws away or destroys or causes to be removed, thrown away or destroyed any oil capable of being used in the manufacture of any coconut product in order to prevent or impede the procuring or purchase of a sample by any officer shall be liable to a fine of nineteen thousand five hundred dollars.

(4) Where a sampling officer procures or purchases a sample of any article as aforesaid for the purpose of analysis he shall then and there inform the person from whom he has procured or purchased the sample of his intention to have it analysed and shall divide the sample into three parts, each part to be marked and sealed or fastened up in the manner its nature will permit, and shall deliver one part to that person, retain one of the remaining parts for future comparison and production in court and shall forthwith take or send the third part, if he shall think fit, to the Government Analyst:

Provided that a sample shall not be divided where in the opinion of the sampling officer the quantity that can be procured or purchased is so small that a division would render each individual part insufficient for the purpose of analysis.

Schedule. (5) The Government Analyst, after completing any analysis under this section, shall give a certificate of the result thereof in the form contained in the Schedule, with any variations the circumstances of the particular case may require, and a copy of the certificate shall be served with the summons in any prosecution.

Power to enter and inspect factory and producer's premises and inspect books. [47 of 1950 6 of 1997]

15. (1) The Comptroller or a commissioner or any person authorised by either of them in writing or a district commissioner may at all reasonable times enter a factory or the premises of any producer of copra or crude coconut oil and may inspect and examine the factory or premises or any coconut products or copra or crude coconut oil thereon, and may inspect and make copies of any books kept under this Act and any books of account, invoices, receipts, vouchers and other documents:

Provided that a district commissioner may enter any factory or any premises whatsoever during the night if he has reason to believe that any coconut product is being manufactured therein.

(2) Any person who refuses to permit any person authorised by this section to enter or inspect or examine a factory or any premises aforesaid or any coconut products or copra or crude coconut oil thereon or to inspect or make copies of any books or documents as aforesaid, or obstructs any such person in such entry, inspection, examination or making of copies shall be liable to a fine of nineteen thousand five hundred dollars.

Permit required for removal of coconut products. [6 of 1997]

16. (1) No person shall remove or transport or cause to be removed or transported any coconut products exceeding one gallon or ten pounds in weight except on a permit granted by a commissioner:

Provided that a commissioner may upon any conditions he thinks fit, authorise any manufacturer or

retailer of coconut products to issue his own permits for the removal of any quantity of coconut products from his factory or retailer's premises.

(2) The permit shall state the quantity, source and destination of the coconut product and such other matters as may be prescribed by regulations.

(3) If a commissioner suspects that any person has removed or transported or is removing or transporting any coconut product in contravention of subsection (1), he may cause a sample to be taken for submission to the Government Analyst.

(4) If any person contravenes the provisions of this section he shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

Discharge of defendant from prosecution in certain cases.

17. (1) Subject to this section, a defendant shall be discharged from a prosecution for selling or exposing for sale any coconut product which is below the prescribed standard of quality if he proves to the satisfaction of the court that he—

- (a) purchased the coconut product in question as the same in quality as that prescribed under this Act, and with a written warranty or invoice to that effect;
- (b) had no reason to believe, at the time when he sold it or exposed it for sale, that the coconut product was otherwise; and
- (c) sold the coconut product in the same state in which he purchased it.

(2) A warranty or invoice shall be a defence to

proceedings under section 13 only if the defendant has within seven days of the service of the summons sent to the prosecutor a copy of the warranty or invoice with a written address stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person.

(3) The person by whom the warranty or invoice is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may if it thinks fit, adjourn the hearing to enable him to do so.

(4) Where the defendant is a servant of the person who purchased the article under a warranty or invoice he shall be entitled to rely on the provisions of this section in the same way as his employer would have been entitled to do if he had been the defendant, provided that the servant further proves that he had no reason to believe that the coconut product was below the prescribed standard of quality.

Presumption that coconut products manufactured in Guyana.

18. Where during the prosecution of any case under the provisions of this Act any question arises as to whether the coconut product in question has been manufactured in Guyana it shall be presumed that the product has been manufactured in Guyana unless the defendant proves to the contrary.

Minister may make rules.

19. The Minister may make rules and prescribe forms in order to give effect to any of the provisions of this Act and for the keeping of books and the making of and times of making returns in substitution for those contained in this Act.

Penalties enforceable under Summary Jurisdiction Acts.

20. All offences and penalties under this Act may be prosecuted and recovered under the Summary Jurisdiction Acts.

s. 14

SCHEDULE

COCONUT PRODUCTS (CONTROL) ACT CERTIFICATE
OF ANALYSIS

To.....

I, the undersigned Analyst do hereby certify that I have received on theday of 20...., from.....sample purporting to be for analysis and have analysed the same, and declare the result of my analysis to be as follows—

I am of opinion that the said sample conforms to the standard of quality prescribed. does not conform

OBSERVATIONS

Dated thisday of20.....

(Signed)
Analyst

SUBSIDIARY LEGISLATION

R. 2/4/1936

COCONUT PRODUCTS RULES

made under section 19

1. These Rules may be cited as the Coconut Products Rules.
 2. The licence to be issued to a manufacturer of coconut products under section 4 of the Act shall be in form in Schedule A.
 3. The certificate of registration to be issued to a copra or crude coconut oil producer under section 6 (2) of the Act shall in the form in Schedule B.
 4. The register to be kept by every Commissioner under section 7 of the Act shall be kept in the forms numbered 1, 2 and 3 in Schedule C.
 5. The book to be kept by every manufacturer of coconut products at each factory under section 9 of the Act shall be kept in the form in Schedule D.
 6. The permits to be issued to remove or transport any coconut products under section 16 of the Act shall be issued in the forms numbered 1, 2 and 3 in Schedule E.
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Coconut Products (Control)

[Subsidiary]

Coconut Products Rules

SCHEDULE A

District.....	COCONUT PRODUCTS (CONTROL) ACT
General No.	SECTION 4
Divisional No.	_____
Date20.....	MANUFACTURER'S LICENCE
Name	_____
.....District.
Manufacturer —Coconut Products.	General No.
Locality	Divisional No.....
.....	LICENCE is hereby granted to
Amount \$5.
	of
	to manufacturer coconut Products in factory
	situated at
from the date hereof to the
	31 st December, 20.....
	he having paid the sum of FIVE DOLLARS
	for this licence.
.....	
Commissioner	

Folio.....

.....
Commissioner

Value \$5

Date.....20.....

[Subsidiary]

Coconut Products Rules

r. 3

SCHEDULE B

District.....
Date20.....
Name
Address
Locality
Copra
Crude Coconut Oil Producer
Registration Fee 25c.

COCONUT PRODUCTS (CONTROL) ACT
SECTION 6

CERTIFICATE OF REGISTRATION

.....District.

THIS IS TO CERTIFY

that.....

of

.....has

this day been Copra
registered as a Crude Coconut Oil
Producer atin the

.....District.

.....
Commissioner

Folio

.....
Commissioner

Fee 25c.

Date.....20.....

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Coconut Products (Control)

[Subsidiary]

Coconut Products Rules

SCHEDULE C

COCONUT PRODUCTS (CONTROL) ACT

FORM 1

REGISTER OF MANUFACTURERS OF COCONUT PRODUCTS

Date	General No.	Divisional No.	Name	Address	Locality of Factory	Amount		Remarks
						\$	c.	

COCONUT PRODUCTS (CONTROL) ACT

FORM 2

SECTION 7

REGISTER OF COPRA PRODUCERS

Date	General No.	Name	Address	Locality of Factory	Amount		Remarks
					\$	c.	

COCONUT PRODUCTS (CONTROL) ACT

FORM 3

SECTION 7

REGISTER OF CRUDE COCONUT OIL PRODUCERS

Date	General No.	Name	Address	Locality of Factory	Amount		Remarks
					\$	c.	

[Subsidiary]

Coconut Products Rules

SCHEDULE D

COCONUT PRODUCTS STOCK BOOK

COCONUT PRODUCTS (CONTROL) ACT

Left Half of Form

SECTION 9

Date Received	Pounds of Copra received	Gallons of Crude Coconut Oil Received	Name and Address of Person from whom Purchased		Price Paid	Pounds of Copra used		Gallons of Crude Oil used	
			Name	Address		Deodorized Coconut Oil	Lard Substitute	Deodorized Coconut Oil	Lard Substitute

Right Half of Form

Manufactured		Date Exported	Exported		Date Delivered	Delivered for Consumption In Country		On Hand		Amount due for Duty
Gallons of Deodorized Coconut Oil	Pounds of Lard Substitute		Gallons of Deodorized Coconut Oil	Pounds of Lard Substitute		Gallons of Deodorized Coconut Oil	Pounds of Lard Substitute	Gallons of Deodorized Oil	Pounds of Lard Substitute	
										\$ c.

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[Subsidiary]

Coconut Products Rules

r. 6

SCHEDULE E

FORM 1
COCONUT PRODUCTS (CONTROL) ACT

No.

COCONUT PRODUCTS (CONTROL) ACT

SECTION 16

District
No.....
Date.....
Manufacturer
Locality
To whom sent
Locality
No. of pounds
No. of Gallons.....
Standard of quality
Time allowed
Reasons alleged in application

AUTHORITY TO THE HOLDER OF A
MANUFACTURER'S LICENCE

UNDER SECTION 16

AUTHORITY is hereby granted to
.....the holder of the
Manufacturer's licence No.....for the factory
situated at
to remove Pounds lard substitute
Gallons deoderised coconut
of a standard of quality ofand the
said*.....may remove the
said..... Pounds lard substitute
Gallons deoderised coconut
towithin.....hours from
.....o'clock of the.....day of20.....

Given under my hand thisday of
.....20....

.....
Commissioner
.....District

*State name of carrier

[Subsidiary]

Coconut Products Rules

SCHEDULE E Cont'd
FORM 2

COCONUT PRODUCTS
(CONTROL) ACT

SECTION 16

District
No.....
Date.....
Licence holder
Locality
Purchaser
Locality
No. of gallons
No. of pounds
Standard of quality.....
Time allowed

No.

COCONUT PRODUCTS (CONTROL) ACT

SECTION 16

AUTHORITY TO REMOVE MORE THAN

I.....the holder of a
Manufacturer's Licence No.....for the
factory situated athave this day
sold toof.....
..... pounds lard substitute
gallons deodorized coconut
of a standard of quality of.....and
authority is hereby granted to him to remove the
said pounds lard substitute
gallons deodorized coconut oil
to.....within.....
hours from.....o'clock of theday
of....., 20.....

Given under my hand
this.....day of....., 20....

Licensed Manufacturer

NOTE.—This permit does not authorise the
removal of Lard Substitute or Deodorized
Coconut Oil from one licensed factory to another.

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[Subsidiary]

Coconut Products Rules

SCHEDULE E Cont'd

FORM 3

COCONUT PRODUCTS (CONTROL) ACT

No.

COCONUT PRODUCTS (CONTROL) ACT FORM 3

SECTION 16

SECTION 16

..... District.

.....

No.....
Date.....
Retailer
Locality
Licence No.
Purchaser
Locality
No. of gallons
No. of pounds
Time allowed

AUTHORITY TO REMOVE MORE THAN Ten pounds lard substitute
One gallon deodorised coconut

I.....the holder of a
Trade Licence No.....for
The Store situated athave
Shop this day sold
to.....of
pounds lard substitute
gallons deodorized coconut and authority is
hereby granted to him to remove the
said.....pounds lard substitute
gallons deodorized coconut oil
to.....within.....hours
from.....o'clock of theday
of....., 20.....

Licensed Retailer

..... District.