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

Current Authorised Pages

<table>
<thead>
<tr>
<th>Pages (inclusive)</th>
<th>Authorised by L.R.O.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 24</td>
<td>... 1/2012</td>
</tr>
</tbody>
</table>

L.R.O. 1/2012
Index

of

Subsidiary Legislation

<table>
<thead>
<tr>
<th>Subsidiary Legislation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coconut Products Rules (R. 2/4/1936)</td>
<td>17</td>
</tr>
</tbody>
</table>

Note on Repeal

This Act repealed Copra Products Ordinance (31 of 1933)
CHAPTER 69:05
COCONUT PRODUCTS (CONTROL) ACT

ARRANGEMENT OF SECTIONS

SECTION
1. Short title.
2. Interpretation.

PART I
MANUFACTURERS AND COPRA AND CRUDE COCONUT OIL PRODUCERS

3. Licence to manufacture coconut products.
4. Application for and grant of licence to manufacture coconut products.
5. Duration and duty on licences.
6. Registration of copra or crude coconut oil producers.
7. Register to be kept by Commissioner.

PART II
DUTY ON COCONUT PRODUCTS AND THE KEEPING OF BOOKS

8. Duty on coconut products.
9. Books to be kept by manufacturer of coconut products.
10. Books to be kept by producers of copra and crude oil.

PART III
MISCELLANEOUS

11. Power to apply Act to other products.
12. Minister to fix price of copra.
13. Minister may fix standards of quality and price.
15. Power to enter and inspect factory and producer’s premises and inspect books.
17. Discharge of defendant from prosecution in certain cases.
18. Presumption that coconut products manufactured in Guyana.

L.R.O. 1/2012
SECTION

19. Minister may make rules.

SCHEDULE—Certificate of Analysis.

CHAPTER 69:05

COCONUT PRODUCTS (CONTROL) ACT

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—

“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;

“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

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.

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
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.
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.

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.

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.
Duty on coconut products. [17 of 1939]

 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

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.

(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.

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.

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

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.
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.

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.

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.
(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.

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.

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
Discharge of defendant from prosecution in certain cases.

16. 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.

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.

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.

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.

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

COCONUT PRODUCTS (CONTROL) ACT CERTIFICATE
OF ANALYSIS

To..................................

I, the undersigned ......................... Analyst do hereby certify that I have received on the ......................day 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 this .......................................day of .................. 20..................

(Signed) ...........................................

Analyst

____________
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.
SCHEDULE A

District..................................................................................
General No. ..................
Divisional No. ..............
Date .....................20 ......
Name

..........................................................................................
Manufacturer — Coconut Products.
Locality

..........................................................................................
Amount $5.

COCONUT PRODUCTS (CONTROL) ACT
SECTION 4

MANUFACTURER’S LICENCE

LICENCE is hereby granted to

..........................................................................................
of .............................................................................
to manufacturer coconut Products in factory
situated at .................
..............................from the date hereof to the
31st December, 20 ......
he having paid the sum of FIVE DOLLARS
for this licence.

Commissioner

Folio…………………

Commissioner

Value $5

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

L.R.O. 1/2012
COCONUT PRODUCTS (CONTROL) ACT

SECTION 6

CERTIFICATE OF REGISTRATION

______________________________

This is to certify

that........................................................................

of

........................................................................

has
this day been ...............................................

registrered as a ..........................................

Producer at .............................................in the

.................................................................District.

.................................................................Commissioner

Fee 25c.

Date.............20......
SCHEDULE C

COCONUT PRODUCTS (CONTROL) ACT

FORM 1

REGISTER OF MANUFACTURERS OF COCONUT PRODUCTS

<table>
<thead>
<tr>
<th>Date</th>
<th>General No.</th>
<th>Divisional No.</th>
<th>Name</th>
<th>Address</th>
<th>Locality of Factory</th>
<th>Amount</th>
<th>Remarks</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>c.</td>
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FORM 2

REGISTER OF COPRA PRODUCERS

<table>
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<tr>
<th>Date</th>
<th>General No.</th>
<th>Name</th>
<th>Address</th>
<th>Locality of Factory</th>
<th>Amount</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>c.</td>
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FORM 3

REGISTER OF CRUDE COCONUT OIL PRODUCERS

<table>
<thead>
<tr>
<th>Date</th>
<th>General No.</th>
<th>Name</th>
<th>Address</th>
<th>Locality of Factory</th>
<th>Amount</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>c.</td>
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</table>
SCHEDULE D

COCONUT PRODUCTS STOCK BOOK

COCONUT PRODUCTS (CONTROL) ACT

**Left Half of Form**

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Pounds of Copra received</th>
<th>Gallons of Crude Coconut Oil Received</th>
<th>Name and Address of Person from whom Purchased</th>
<th>Price Paid</th>
<th>Pounds of Copra used</th>
<th>Gallons of Crude Oil used</th>
</tr>
</thead>
<tbody>
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<td></td>
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<td></td>
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**Right Half of Form**

<table>
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<th>Manufactured</th>
<th>Date Exported</th>
<th>Exported</th>
<th>Date Delivered</th>
<th>Delivered for Consumption In Country</th>
<th>On Hand</th>
<th>Amount due for Duty</th>
</tr>
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<tbody>
<tr>
<td>Gallons of Deodorized Coconut Oil</td>
<td>Pounds of Lard Substitute</td>
<td>Gallons of Deodorized Coconut Oil</td>
<td>Pounds of Lard Substitute</td>
<td>Gallons of Deodorized Coconut Oil</td>
<td>Pounds of Lard Substitute</td>
<td></td>
</tr>
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$L.R.O. 1/2012$
SCHEDULE E

FORM 1
COCONUT PRODUCTS (CONTROL) ACT

Authority to the holder of a Manufacturer’s licence

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 deodorised coconut of a standard of quality of ...........and the said*.................may remove the said .......... Pounds lard substitute Gallons deodorised coconut to .....................within ...............hours from ..............o’clock of the...........day of ........20....

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

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

*State name of carrier

L.R.O. 1/2012
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...................

Manufacturer’s Licence No..............for the

factory situated at ......................have this day

sold to .............................................of.............

.................... 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 the ..........day

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.
SCHEDULE E Cont’d

FORM 3

COCONUT PRODUCTS (CONTROL) ACT

SECTION 16

No. 

COCONUT PRODUCTS (CONTROL) ACT

SECTION 16

AUTHORITY TO REMOVE MORE THAN

Ten pounds lard substitute

One gallon deodorized coconut oil

Ten pounds lard substitute

gallons deodorized coconut and authority is hereby granted to him to remove the

said

gallons deodorized coconut oil

to

within

hours

from

o’clock of the
day

20

Licensed Retailer

.......................... District.

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

L.R.O. 1/2012