

CHAPTER 113**THE COTTON TRAFFIC ACT**

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COTTON TRAFFIC

*(2nd August, 1941.)*10/1941.
18/1989.

1. This Act may be cited as the Cotton Traffic Act. **Short title.**

2. In this Act— **Interpretation.**

"Accountant-General" means the officer for the time being performing the duties of Accountant-General and includes any Treasury Officer authorized by the Accountant-General to act on his behalf.

"Agricultural Officer" means the Superintendent of Agriculture of Antigua and Barbuda;

"cotton" includes seed cotton and lint cotton;

"cotton planting season" means the period not included in the close seasons declared by proclamation issued under the Cotton Protection Act, and the Cotton Planting (Regulation) Act; **Cap. 111.
Cap. 110.**

"Chief Cotton Protection Officer" means any person appointed as such under the provisions of this Act;

"Cotton Protection Officer" means any person appointed as such under the provisions of this Act;

"licensed purchaser" means a person for the time being licensed under the provisions of this Act to purchase cotton in Antigua and Barbuda;

"licensed seller" means a person for the time being licensed under the provisions of this Act to sell cotton in Antigua and Barbuda.

3. The Public Service Commission may for the purposes of this Act appoint a fit and proper person to be Chief Cotton Protection Officer and also such other persons as may be necessary as Cotton Protection Officers. **Appointment of
Chief Cotton
Protection
Officer, &c.**

Grower of cotton to be registered.

4. (1) Every owner or occupier or person having the management of any lands, who plants the same with cotton shall within seven days after the last day of the cotton planting season, attend personally at the office of the nearest Cotton Protection Officer and make application in the form contained in Schedule A, to be registered as a grower of cotton.

Schedule A.

(2) In any case where the occupier of any lands is not the owner thereof the particulars contained in the application for registration shall be verified either by the owner or his representative or some responsible person known to the Cotton Protection Officer.

Issue of certificate of registration.

5. A Cotton Protection Officer to whom application under section 4 has been made shall, on being satisfied as to the accuracy of the information contained in such application issue a certificate of registration in the form contained in Schedule B, and shall notify the Chief Cotton Protection Officer who shall keep a register of the names of all persons to whom certificates of registration have been issued.

Schedule B.

Inspection of land and power of entry.

6. The Agricultural Officer shall within three months after the last day of the cotton planting season cause the lands of all persons who have been registered as cotton growers to be inspected and the information furnished in their applications for registration under section 4 to be verified by the Cotton Protection Officers; and it shall be lawful for the Cotton Protection Officers at all reasonable times to enter upon and examine such lands and to pass over any other lands for the purpose of obtaining access thereto.

No cotton to be sold without licence.

7. (1) No person shall sell any cotton in Antigua and Barbuda without having first obtained a licence to do so in accordance with the provisions of this Act.

(2) The preceding sub-section shall not apply in the case of—

- (a) a licensed purchaser, or
- (b) a person who—

- (i) sells as the agent of a licensed seller cotton produced from the area in respect of which the licence was issued, and
- (ii) informs the purchaser or the person acting on his behalf that he is selling as agent for such licensed seller, and
- (iii) produces to the purchaser or the person acting on his behalf the current licence and vendor's record book of such licensed seller.

8. Any person who is desirous of obtaining a licence to sell cotton shall fill in and sign an application for such licence in the form contained in Schedule C. Every such application shall be submitted to the Cotton Protection Officer for the district in which the applicant resides and the Cotton Protection Officer shall, after verifying the particulars therein stated, countersign and return the same to the applicant who shall lodge the same with the Agricultural Officer.

Application for licence to sell cotton.

Schedule C.

9. Upon the receipt of an application for a licence to sell cotton duly countersigned by a Cotton Protection Officer the Agricultural Officer shall; upon payment by the applicant of the sum of twelve cents, issue a licence in the form contained in Schedule D together with a vendor's record book the pages of which shall be in the form contained in Schedule E.

Issue of licence and vendor's record book.

Schedule D.

Schedule E.

10. (1) No person shall purchase any cotton in Antigua and Barbuda without having first obtained a licence so to do under the provisions of this Act; nor shall any person having obtained such a licence purchase cotton otherwise than at the premises to which such licence applies.

Purchase of cotton without licence prohibited.

(2) The preceding sub-section shall not apply in the case of a person who purchases cotton on behalf of a licensed purchaser at the premises to which such purchaser's licence applies.

11. (1) Any person who is desirous of obtaining a licence to purchase cotton shall fill in and sign an application for such licence in the form contained in Schedule F to be obtained from the Treasury.

Application and issue of purchaser's licence.
Schedule F.

(2) The Accountant-General shall have absolute discretion to grant or refuse a licence under this section. Any person aggrieved by a refusal may appeal to the Cabinet whose decision shall be final.

(3) On approving any application the Accountant-General shall so inform the applicant and shall on payment by him of the sum of forty-eight dollars issue a licence in the form contained in Schedule G.

Schedule G.

Purchaser's record book.

12. Every licensed purchaser shall keep a purchaser's record book the pages of which shall be in the form contained in Schedule H.

Schedule H.

Duration of licence, etc.

13. Every licence granted under this Act shall expire on the 31st day of July in each year and upon the expiration thereof every licensed seller and every licensed purchaser shall cause his expired licence, together with all books and records whatsoever required to be kept by him to be delivered to the Agricultural Officer.

Production of vendor's record, etc.

14. (1) Where any cotton is offered for sale the owner thereof or his agent shall produce to the purchaser or his agent at the premises in respect of which the purchaser's licence has been issued the vendor's record book.

(2) The licensed purchaser or his agent shall at the time of any purchase of cotton enter in the vendor's record book and in the purchaser's record book all the particulars therein indicated as being required, and shall then sign his name to each of the entries made in such books.

Production of certificate of registration at ginnery, etc.

15. (1) When any cotton is brought to any ginnery to be ginned the owner or bearer of such cotton shall produce to the owner or occupier or person in charge of the ginnery, the certificate of registration relating to the land on which the cotton was grown or in the case of a licensed purchaser the purchaser's record book and the owner occupier or person in charge of the ginnery shall enter upon the certificate or in the purchaser's record book the quantity of cotton so presented.

(2) The owner or occupier or person in charge of any ginnery shall keep a ginner's record book the pages of which shall be in the form contained in Schedule I and such owner, occupier or such person shall make an entry in such ginner's record book of all the particulars therein indicated as being required at the time when any cotton is brought to be ginned. **Schedule I**

(3) Every such entry shall be signed by such owner or occupier or person in charge of the ginnery and by the person bringing the cotton to be ginned.

16. The vendor's record book, the purchaser's record book and the ginner's record book shall at all reasonable times be open to the inspection of any Police Officer, Cotton Protection Officer or of any other person on the written requisition of any Police Officer or Cotton Protection Officer, and any Police Officer or Cotton Protection Officer or other such person may demand the production of the said records at any convenient place and may take a copy of any entry or entries in such records. **Books open to inspection.**

17. It shall be the duty of every holder of any licence under the provisions of this Act and of the owner, occupier or person in charge of any ginnery at all times to give to any Police Officer, Cotton Protection Officer or person authorized in writing by them or any of them all information in his power concerning any sale or purchase of cotton or any transaction connected with any cotton, and to give to them every assistance in his power in detecting any breach of any of the provisions of this Act or any larceny or illicit dealing or trading in cotton. **Obligation to give information and assistance for detecting breaches of the law.**

18. (1) All cotton being removed from one place to another shall be accompanied by the seller's licence issued to the owner of such cotton under the provisions of this Act or by a permit in writing from the owner or his representative which permit shall be in the form contained in Schedule J: **Removal of cotton.**

Provided that nothing in this subsection shall be construed to apply to cotton in the course of removal from the field where such cotton shall be gathered, to the store-room **Schedule J.**

of the owner of such cotton, or to cotton in the course of removal for export.

Schedule K.

(2) No cotton whatever shall be moved between the hours of six p.m. and five a.m. unless the person removing the same has in his possession at the time of such removal a permit in the form contained in Schedule K and signed by a Police Officer.

Sale of cotton in excess of quantity produced.

19. If it shall appear to a Magistrate that a licensed vendor has during the period in which his licence remains in force sold cotton which is in excess of the quantity which could reasonably have been produced from the land planted by him, such licensed vendor shall be guilty of an offence against this Act unless he satisfies the Magistrate that such excess of cotton was his property and was acquired by him lawfully.

Power to make Regulations.

20. The Cabinet shall have power to make regulations providing for—

(a) the marking of every bale of cotton ginned and pressed in any ginnery;

(b) records to be kept by the Comptroller of Customs of particulars of cotton exported.

Offences.

21. Any person who—

(a) sells cotton to a person other than in accordance with the provisions of this Act, or

(b) purchases cotton from a person other than in accordance with the provisions of this Act, or

(c) unlawfully makes use of any vendor's record book or licence of another person, or wilfully makes any false statement or representation for the purpose of effecting the sale of cotton, or

(d) wilfully makes any false statement or misrepresentation with the intent to obtain a vendor's record book or licence under this Act, or

(e) being the holder of a licence under this Act or being the owner or occupier or person in charge of any

ginnery refuses, neglects or fails to permit the inspection of or to produce any of his records when lawfully required so to do, or to allow any copy thereof to be taken in accordance with the provisions of this Act, or

(f) being the holder of a licence under this Act or being the owner or occupier or person in charge of any ginnery wilfully makes or gives any false statement to any Police Officer or Cotton Protection Officer concerning any sale or purchase of cotton or any dealing in cotton or in relation to any matter or thing incidental to any such sale or purchase or intended sale or purchase, or

(g) wilfully makes any false statement to the owner or occupier or person in charge of any ginnery concerning any cotton taken to such ginnery, or

(h) refuses to permit or in any way obstructs or hinders the examination by the Cotton Protection Officers of any lands of a registered cotton grower, or

(i) in any manner whatsoever fails to comply with the provisions of any of the sections of this Act or of any regulations made thereunder,

shall be guilty of an offence against this Act.

22. Any person guilty of an offence against this Act shall on summary conviction be liable to a fine not exceeding three thousand dollars. **Penalty.**

23. A licensed purchaser who is convicted of a second offence against this Act shall forfeit his licence. **Forfeiture of licence.**

24. Nothing in this Act contained shall prejudice or in any wise affect any civil or criminal proceedings which but for the passing of this Act might be taken or instituted against any person: **Act not to affect certain proceedings.**

Provided always that no person shall be liable to be punished twice for the same offence.

SCHEDULE A

S.4

APPLICATION FOR REGISTRATION AS A GROWER OF COTTON

I hereby apply to be registered as a grower of cotton planted on (1).....of land situate at (2).....which I hold as (3)..... thereof.
19.....

.....
Applicant.

(4) I (We) certify that the above particulars are correct.

.....
Owner or representative or other person.

- NOTE:— (1) Here insert area of land actually planted in cotton.
 (2) Here insert situation of land.
 (3) Here insert how land is held whether as owner, tenant or otherwise.
 (4) To be endorsed by owner or some responsible person where applicant is not the owner of the land.

SCHEDULE B

S.5

CERTIFICATE OF REGISTRATION AS A GROWER OF COTTON

It is hereby certified that.

ofis hereby registered as a grower of (1).....of cotton planted on land situate at (2)

.19

.....
Cotton Protection Officer.

- (1) Here insert acreage actually planted in cotton.
- (2) Here insert situation of land.

SCHEDULE C

S.8

APPLICATION FOR LICENCE TO SELL COTTON

No.....

To the Agricultural Officer.

I hereby apply for a licence to sell cotton planted on (1).....land situate at (2)..... which land has been duly registered as required by section 5 of the Cotton Traffic Act.

.....
Applicant.

Countersigned.

Cotton Protection Officer.

- (1) Here insert area of land planted in cotton.
- (2) Here insert situation of land.

SCHEDULE D

S.9

LICENCE TO SELL COTTON

No. of 19....

Area of land planted	Situation of land

Licence is granted to.....
of.....to sell cotton from the
above mentioned land until the.....day of
.....19.....

.....
Agricultural Officer.

SCHEDULE E

S.9

The Cotton Traffic Act

VENDOR'S RECORD BOOK

Date of sale	Name of Purchaser	Address of Purchaser	No. of Purchaser's Licence	Description (viz: lint or seed) and weight of cotton sold	Price received per lb.	Signature of Purchaser or Agent

SCHEDULE F

S.11

APPLICATION FOR LICENCE TO PURCHASE COTTON

No.

To *the Accountant-General*.

I hereby apply for a licence to purchase cotton at my premises
situate at.....in Antigua and Barbuda in
accordance with the provisions of the Cotton Traffic Act.
.....19.....

(Name).....

(Address)

SCHEDULE G

S.11(3)

LICENCE TO PURCHASE COTTON

No..of 19...

Licence is hereby granted to
of.....to purchase cotton at his
(or her) premises situate at.....
in Antigua and Barbuda in accordance with the provisions of the
Cotton Traffic Act.

.19

.....
Accountant-General.

Fee Paid
\$48.00

SCHEDULE H

S.12

The Cotton Traffic Act

PURCHASER'S RECORD BOOK

Date of Purchase	Name and Address of Vendor	No. of Vendor's licence	Description, situation and area of land	Name and Address of bearer	Description (<i>viz.</i> : lint or seed) and weight of cotton purchased	Price paid per lb.	Signature of Purchaser or Agent

S.15

SCHEDULE I

The Cotton Traffic Act

GINNER'S RECORD BOOK

(1) Date of receipt	(2) Name of owner	(3) If bearer not owner name of bearer and address	(4) Name and description of lands on which grown	(5) All par- ticulars on grower's certificate	(6) Whether to be ginned or ginned and shipped	(7) Weight of seed cotton	(8) Signature of ginner, occupier or agent	(9) Signature of owner or bearer of cotton	(10) Weight of lint	(11) Serial number of bales	(12) Signature of ginner, occupier or agent

Columns (10), (11) and (12) to be completed after ginning

SCHEDULE J

S.18(1)

The Cotton Traffic Act

PERMIT TO REMOVE COTTON

Permission is hereby granted to.....
of.....to remove from.....
and convey to.....(1).....
of lint or seed cotton.....19.....

.....
Owner.

(1) Here insert quantity.

SCHEDULE K

S.18(2)

The Cotton Traffic Act

PERMIT TO REMOVE COTTON BY NIGHT

Permission is hereby granted to.....
of..... to remove and convey to
.....between the hours of.....
and.....on the..... day of.....
19.....(1).....of lint or seed cotton.
.....19.....

.....
Police Officer.

(1) Here insert quantity.