

THE CARGO PREFERENCE ACT

[15th June, 1979.]

Act
11 of 1979.

1. This Act may be cited as the Cargo Preference Act. Short title.

2. In this Act—

Interpreta-
tion.

“cargo” includes goods of any kind carried or to be carried in or on a ship or other vessel;

“liner cargo” means cargo that normally moves, in liner ships, in parcels, any one of which does not constitute a substantial portion of a vessel’s cargo capacity, shipped and consigned by a number of shippers to a number of consignees under arrangements whereby the cost of loading and discharging such cargo is included in the freight charges;

“liner ship” means a ship, not being a tramp vessel, which plies along fixed routes on pre-announced schedules carrying general cargo, whether packaged or containerised, at scheduled rates;

“tramp vessel” means a ship which, at any time when the description is relevant to a distinction from a liner ship—

- (a) caters for full shiploads of homogeneous cargo; or
- (b) if chartered, operates mainly for the use of the charter; or
- (c) while not plying along fixed routes or on pre-announced schedules, caters for general cargo, whether packaged or containerised.

Certain cargoes to be carried only in Government ships.

3.—(1) Subject to the provisions of subsection (5), and to section 4, no person shall import or export from Jamaica, as the case may be, any of the cargoes specified in subsection (2) except in ships owned, chartered or operated by the Government and approved for the purpose by the Minister.

(2) The cargoes referred to in subsection (1) are—

- (a) bauxite, alumina and such other natural resources of Jamaica and their by-products, as may be prescribed;
- (b) such agricultural products, to be exported from Jamaica as may be prescribed;
- (c) such government-controlled goods, to be exported from or imported into Jamaica, as may be prescribed.

(3) For the purposes of this Act a ship is deemed to be owned by the Government if the Government or an agency of the Government owns the majority of shares of such ship or the company or companies owning, chartering or operating such ship.

(4) The Minister shall not approve a ship for the purpose of subsection (1) unless he is satisfied that the freight charged by such ship is not unreasonable.

(5) The provisions of this section shall not apply to the carriage of liner cargoes.

(6) In this section—

“agricultural product” includes livestock, poultry, fish and the product of any plant or animal;

“government-controlled goods” means goods purchased or sold by the Government or an agency of the Government or an enterprise owned or controlled by the Government and includes goods moving in commerce following a transaction to which the Government is a party.

4. The requirement in section 3 that the cargoes specified in that section shall be imported into or exported from Jamaica, as the case may be, only in ships owned, chartered or operated by the Government may be waived by the Minister in the following circumstances and to the following extent—

Waiver of the requirement in section 3.

- (a) where the country to which such cargoes are exported or from which such cargoes are imported, as the case may be, has expressed its desire to participate in the transportation of such cargoes, the Minister may allow a maximum of fifty per cent of such cargoes to be carried in ships belonging to or flying the flag of such country, so, however, that where such ships are unable to carry the cargoes so allowed the whole of such cargoes shall be carried in ships owned, chartered or operated by the Government;
- (b) where the Minister is of the opinion that it is in the national interest so to do, he may allow the whole or any part of the cargoes specified in section 3 to be carried in ships of the shipper's choice.

5.—(1) The Minister may make regulations generally for giving effect to the purpose of this Act.

Regulations.

(2) In particular and without prejudice to the generality of subsection (1), any such regulations may prescribe anything required or authorized to be prescribed under this Act.

6. Any person who contravenes the provisions of this Act or any regulations thereunder shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine of fifty thousand dollars or an amount estimated by the Court to be equal to the value

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of the freight lost as a result of such contravention, whichever is the greater, and in default thereof to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.