

THE LOCAL INDUSTRIES (SAFEGUARDING)
ACT

Cap. 220.
Law
4 of 1954.
Act
42 of 1969
3rd Sch.

[20th June, 1935.]

1. This Act may be cited as the Local Industries (Safe-
guarding) Act. Short title.

2. In this Act— Interpreta-
tion.
“factory” means any building or place intended to be
used, or used, for the manufacture of any article the
manufacture of which is controlled by this Act, and
includes machinery intended to be used or used, in
the manufacture of any such article.

3.—(1) Notwithstanding anything in any enactment Licence
required
for manu-
facture of
specified
articles and
for erection
of factories.
First
Schedule.
contained, no person shall—
(a) manufacture for sale any article specified in the
First Schedule; or
(b) erect, or otherwise establish, or operate, any
factory for the manufacture for sale of any article
specified in the said Schedule,
except under and in accordance with the terms of a licence
granted in that behalf by the Minister.

(2) Any licence under subsection (1) may be granted
for such term and subject to such conditions as the Minister
may in his absolute discretion think fit.

4.—(1) Subject to the provisions of this section, the Power to
add or
remove
from
First
Schedule.
4/1954
S. 2.
Minister may, from time to time, by order, add or remove
any article to or from the First Schedule.

(2) Orders made under this section shall not have
any force or effect until publication thereof in the *Gazette*

and shall, as and from the date of such publication, have the same force and effect as if they were contained in and formed part of this Act.

First
Schedule.

(3) No order shall be made under this section adding any article to the First Schedule until after the following conditions have been complied with—

- (a) the proposal of the Minister to make the order has been published at least three times in twenty-one clear days in the *Gazette* and in one other of the newspapers of this Island, the last publication of such notice to appear in the *Gazette* and in such other newspaper at least two weeks prior to the making of the order;
- (b) the proposal of the Minister has been referred not less than one month before the making of the order to the authority empowered under any law for the time being in force to regulate or control the manufacture, processing, distribution, marketing or sale of the article or of any raw material used in such manufacture or processing for the recommendations of such authority upon such proposal;
- (c) if the Minister has reason to believe that any person is interested in, or is liable to be injuriously affected by, such order, a copy of such notice has been served upon that person at least two weeks prior to the making of the order :

Provided that omission or failure to serve such notice shall not invalidate any order made under this section or give to any person any cause of action by reason of such omission or failure.

(4) Any person claiming to be interested in or liable to be injuriously affected by any order proposed to be made under this section and any authority empowered

under any law for the time being in force to regulate or control the manufacture, processing, distribution, marketing or sale of the article or of any raw material used in such manufacture or processing may, within the prescribed time, lodge with the Minister an objection in writing setting out the grounds upon which such person claims to be interested in, or liable to be injuriously affected by, the order proposed to be made, or upon which the authority claims to be interested in the order proposed to be made, and in either case the grounds upon which such person or authority will rely in support of their objection. The Minister shall thereupon appoint a committee of not less than three persons to enquire into and consider all evidence and matters submitted by, or on behalf of, the person or authority; and for the purposes of such enquiry, the members of the committee are hereby empowered to administer oaths and to examine such person, or any person representing the authority, and any witnesses produced on his behalf, on oath. The committee shall report to the Minister in relation to such objection, but the Minister shall not be bound to abide by or to act upon the matters contained in such report.

5.—(1) Application for a licence under this Act, accompanied by the prescribed fee, shall be made to the Minister in the form set forth in the Second Schedule and the licence, if granted, shall, on payment of the amount of duty fixed by the Minister, be issued in the prescribed form which, in every case, shall set out the amount of such duty and the term for which and the conditions (if any) subject to which the Minister has granted the licence.

Application
for and
grant or
refusal of
licence.
Second
Schedule.

(2) The application shall be lodged with the Minister at least fourteen clear days before the same is considered and a copy thereof shall be published in the *Gazette* and in one other of the newspapers of this Island at least twice in nine clear days before such application is considered

and, in the case of an application to erect, establish or operate a factory, to manufacture for sale any article similar to that for which a licence has been granted under this Act and is subsisting, a copy of such application shall be served on the holder of such licence at least ten clear days before such application is considered, and the holder of such licence shall, if he intends to oppose the grant of such licence to the applicant, lodge with the Minister an objection in writing setting out his grounds of opposition and shall deliver a copy of such objection to the applicant not less than five clear days before the consideration of the application and he shall be entitled to appear and oppose the grant of such licence.

(3) A copy of the application together with any conditions which the Minister contemplates attaching to any licence which may be granted consequent upon the application shall be forwarded to any authority empowered under any enactment for the time being in force to regulate or control the manufacture, processing, marketing, distribution or sale of the article or of any raw material used in such manufacture or processing at least fourteen clear days before the application is considered, for the purpose of enabling the authority to make recommendations upon such application and upon such terms, and recommendations made by the authority shall be considered by the Minister at the time when the application is considered.

(4) On the consideration of the application the Minister may make enquiries touching the application and may require answers to be made to such enquiries, and may administer oaths and may examine upon oath any person, and may require and compel the production upon oath of any books, contracts, agreements, accounts and documents in any way relating to such enquiries or matters.

(5) In case any person shall refuse to attend in obedience to any summons, or to give evidence, or shall

refuse to produce any books, contracts, agreements, accounts or writings as aforesaid, such person shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding twenty dollars to be recovered by the seizure and sale of his goods and chattels and for want of sufficient goods and chattels to imprisonment for a term not exceeding sixty days with or without hard labour for each such act.

(6) Every person to whom a licence is granted under this Act shall on the 31st day of March in each year transmit to the Minister a statement of his accounts in relation to the business transacted by him under such licence during the twelve months ended the thirty-first day of December of the immediately preceding year.

(7) Where on any application for a licence the Minister considers that the grant thereof would be prejudicial to the public interest he shall refuse to grant the licence. ^{4/1954} S. 3.

(8) The decision of the Minister to grant or to refuse a licence shall be final and conclusive and shall not be liable to appeal, or to be questioned by any proceedings in any court of law.

(9) In every case where the Minister grants a licence under this Act he shall fix the amount of duty payable thereon.

(10) A licence granted under this Act may be revoked at any time by the Minister if he is satisfied that there has been a breach of, or failure to comply with, any of the conditions subject to which the licence was granted.

6.—(1) Any person who acts in contravention of any of the provisions of this Act shall be guilty of an offence and shall on summary conviction before a Resident Magistrate be liable to a penalty not exceeding two hundred dollars and in default of payment to imprisonment for any term ^{Offences and penalties.}

not exceeding six months with or without hard labour, and in the case of a continuing offence to a further penalty not exceeding four hundred dollars in respect of each day on which the offence continues after conviction and in default of payment to imprisonment for any term not exceeding six months with or without hard labour.

(2) Where a person convicted of an offence against this Act is a company, the chairman and every director of the company, and every officer of the company concerned in the management thereof, shall be guilty of the like offence, unless he proves that the act constituting the offence took place without his knowledge or consent.

Power to
make regu-
lations.

7.—(1) The Minister may make regulations generally for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1), provide—

- (a) for the fees to be paid in respect of applications for licences under this Act;
- (b) for the form to be used for licences granted under this Act;
- (c) for the procedure to be followed and the fees to be paid upon lodging objections against the addition of any article to the First Schedule;
- (d) for the procedure to be followed and the fees to be paid upon lodging objections against the grant of a licence under this Act;
- (e) for the keeping of books at factories and the inspection of such books;
- (f) for controlling the prices to be paid for local raw materials required by any industry to which this Act applies;
- (g) for controlling the distribution by manufacturers of manufactured articles to which this Act applies;

First
Schedule.

- (h) for specifying the rates of commission which may be paid to any person between the time of manufacture and the time of sale by retail of any manufactured articles to which this Act applies;
- (i) for controlling the prices at which any manufactured articles to which this Act applies may be sold by manufacturers, distributors, wholesalers and retailers;
- (j) for requiring articles manufactured under this Act to conform to prescribed standards of quality and for the grading of such articles and for prescribing different standards of quality in respect of different grades of such articles;
- (k) for requiring the producers and dealers in local raw materials used in the manufacture, and the manufacturers, distributors, wholesalers and retailers, of any articles manufactured under this Act to make such returns in such form as may be prescribed;
- (l) for specifying the minimum and maximum production of any manufactured articles to which this Act applies.

(3) Where any authority is empowered under any enactment for the time being in force to regulate or control the manufacture, processing, distribution, marketing or sale of any article or of any raw materials used in the manufacture or processing of such article, no regulations shall be made under this section affecting any article unless the proposed regulations have been referred to the authority for its recommendations thereon.

(4) The Minister may attach to the breach of any regulations made under paragraphs (e) to (l) of subsection (2) such penalty not exceeding fifty dollars as he may think fit; and such penalty shall be recoverable in a summary manner in the Resident Magistrate's Court.

LOCAL INDUSTRIES (SAFEGUARDING)(Sections
3 (1), 4 (1))**FIRST SCHEDULE**

Cornmeal.
 Wholemeal.
 Condensed Milk, sweetened and unsweetened.
 Powdered and Skimmed Milk.
 Reconstituted Milk.

L.N. 242/66

(Section
5 (1))**SECOND SCHEDULE****FORM OF APPLICATION***Application to Erect a Factory or to Manufacture*

Pursuant to section 5 of the Local Industries (Safeguarding) Act,
 I hereby make application to the Minister for a licence to manufacture

.....
 Surname and Christian names of the applicant.

Address of the applicant.

Description of the articles to be manufactured.

Situation of the proposed factory.

Capital to be invested in the business of the factory.

(State whether the capital is subscribed, or is to be subscribed,
 from local sources and, if not, state the source or sources
 from which the capital is, or is to be derived).

Nationality and domicile of applicant.

(If a company state in addition the names of the directors,
 their nationality and domicile).

Estimated daily output of factory.