

THE COPRA ORDINANCE, 1923.

Western Samoa.—No. 3, 1923.

AN ORDINANCE

made by the Administrator of the Territory of Western Samoa, with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act, 1921.

1. This Ordinance may be cited as the Copra Ordinance, 1923, and shall come into force on the first day of April, nineteen hundred and twenty-three.

2. In this Ordinance, if not inconsistent with the context,—

" Person " means and includes any person, partnership, or company :

" Inspector " means any officer of the Administration of Western Samoa authorized to examine and pass copra :

" Buyer " means any person holding a license to buy copra :

" Buyer's license " means any license to buy copra issued under the provisions of clause four of this Ordinance, and includes, where not inconsistent with the context, a special license issued under the provisions of clause eight of this Ordinance :

" Pulemu " means the Pulemu of the village wherein, or nearest to which, the store or copra-shed of a buyer is situated.

3. (1) No person shall—

(a) Make copra from other than matured coconuts, or buy or sell or offer for sale any copra so made.

(b) Take delivery of, buy, sell, or offer for sale undried or imperfectly dried or sweated copra, or rotten copra, or copra mixed with pieces of shell, stone, dirt, or other foreign substance.

(c) Buy or export copra (whether as principal or as agent for another person) without being the holder of a current buyer's license.

(d) Employ any other person to buy copra unless such other person is the holder of a current buyer's license.

(2) Any person committing a breach of any of the provisions of this clause shall be guilty of an offence and liable to a fine not exceeding one hundred pounds in the case of an individual, or two hundred pounds in the case of a company or other body corporate.

(3) On conviction of any person holding a buyer's license for an offence under this clause the Court may, in addition to any other penalty, order the license to be cancelled or to be suspended for such time as the Court may think fit.

(4) On conviction of any person for an offence under this clause the Court may, in addition to any other penalty, order that any copra which may be the subject-matter of the charge shall be forfeited or destroyed.

(5) The presence in the copra-shed of any person of copra made from immature coconuts, or copra defined in clause 3 (1) (b) of this Ordinance, shall be conclusive evidence that such copra was purchased or made by such person.

4. (1) A buyer's license may be issued by the Director of Agriculture to any person approved by such Director as a fit and proper person to hold such license, upon application in writing signed by or on behalf of the proposed licensee stating the locality and owner and number of the stores or copra-sheds where he proposes to exercise such license.

(2) Every buyer's license shall be in the form in the schedule, and shall be non-transferable, and shall, subject as hereinbefore provided, remain in force up to and inclusive of the thirty-first day of March next ensuing after the date thereof. A fee of two shillings and sixpence shall be chargeable for each license so issued.

(3) Any person when applying for a buyer's license may nominate some responsible person to act for him in his unavoidable absence or during his incapacity by illness, and the Director of Agriculture may in his discretion issue a provisional

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license authorizing the person so nominated to buy copra in the absence or during the incapacity of the buyer. The provisional license shall be valid only in the absence or during the incapacity of the buyer, and the buyer and the person holding such provisional license shall be jointly and severally liable under this Ordinance in respect of copra brought under the provisional license.

5. (1) No buyer shall buy or take delivery of copra except at the store or copra-shed named in his license, or at some other store or copra-shed used in connection therewith and belonging to the same owner.

(2) No person shall sell or offer for sale or give delivery of copra except at a store or copra-shed in respect of which a buyer's license shall be held by the person by whom or on whose behalf such copra is bought.

(3) No buyer shall buy or take delivery of and no person shall sell or give delivery of copra from Samoan producers except on the days and during the hours following:—

(a) At stores and copra-sheds within the boundaries of the former municipality of Apia, on Tuesdays and Thursdays, between the hours of 7 a.m. and 12 noon, and 1 p.m. and 5 p.m., and on Saturdays between the hours of 7 a.m. and 12 noon.

(b) At stores and copra-sheds elsewhere in Western Samoa, on Tuesdays, Thursdays, and Saturdays, between the hours of 6 a.m. and 6 p.m.

6. (1) If at any time copra is offered for sale by a Samoan to a buyer and the buyer is of opinion that such copra is not thoroughly dry or is otherwise unfit for sale, the buyer may require the Palenu'u to inspect such copra.

(2) If the Palenu'u, having inspected such copra, finds that it is not thoroughly dry, or that it is otherwise unfit for sale, he shall fine the producer offering the same a sum not less than three shillings and not more than six shillings for each basket so offered which is unfit for sale, and if the Palenu'u finds that such copra is bad or cannot be made fit for sale he shall cause the same to be destroyed under his personal supervision.

(3) Nothing in this clause shall be deemed to relieve any person of responsibility under clause three of this Ordinance.

7. (1) Every buyer shall, whenever required so to do by an Inspector, permit such Inspector—

(a) To enter any store or copra-shed for the purpose of examining any copra stored therein;

(b) To examine and take extracts from any books and other writing evidencing the purchase or delivery of copra purchased by him.

(2) Any buyer who fails to comply with the requirements of this clause, or hinders any Inspector from entering any store or copra-house, or from examining any copra stored therein, or who refuses to produce any such books or writing as aforesaid, or who makes any false entry in any book or record relating to the sale or delivery of copra, shall be guilty of an offence and liable to a fine not exceeding twenty-five pounds.

8. (1) Notwithstanding anything in this Ordinance, if it appears necessary to the Administrator in the interests of producers of copra, the Administrator may from time to time grant a special buyer's license to any person he may think fit.

(2) Any such special license shall be subject to such special conditions as the Administrator thinks fit and causes to be inserted in such license, and to such of the provisions of this Ordinance as are not inconsistent with such special conditions.

(3) Any application for a license under this clause shall be advertised in a local newspaper by the applicant in such manner as the Administrator shall direct.

9. (1) All copra shipped for export direct from the plantations or brought from places outside Apia and transhipped direct to the exporting-vessel shall be inspected by an Inspector before shipment or transhipment, as the case may be, and if the same complies with the provisions of this Ordinance and is otherwise fit for export the Inspector shall pass same for shipment.

(2) If any such copra is found to be unfit for export, whether the same has previously been passed by an Inspector or not, the Inspector may refuse to permit the same to be shipped or transhipped, as the case may be.

(3) If any such copra shall be shipped or transhipped as aforesaid without inspection, or if any copra which an Inspector shall have condemned as unfit for export shall be shipped on or transhipped to any vessel for export, all persons responsible for or permitting such shipment or transhipment shall be guilty of an offence under this Ordinance, and on conviction shall be liable to a fine not exceeding one hundred pounds in the case of an individual, or two hundred pounds in the case of a company or other body corporate.

(4) If the owner of any copra condemned as aforesaid is dissatisfied with the decision of the Inspector he may apply to the High Court for an order calling upon the Inspector to show cause why such copra has been so condemned, and the High Court shall hear such evidence as may be relevant to the question, and make such order in the premises as shall to the Court seem just.

10. (1) Notwithstanding anything in this Ordinance, the Director of Agriculture may, upon the application of the owner or lessee of an artificial dryer, grant to such owner or lessee a special license to purchase undried copra upon such terms and subject to such conditions and restrictions as the Director of Agriculture shall in his discretion prescribe.

(2) Nothing in this Ordinance concerning the sale or purchase of undried or imperfectly dried copra shall apply to the sale of copra or to the purchase of copra by a person holding a special license to purchase undried copra.

11. Any person who shall commit an offence against or a breach of this Ordinance for which no other penalty is provided shall be liable to a fine not exceeding ten pounds.

12. The Copra Ordinance, 1920, is hereby repealed.

SCHEDULE.

To	WESTERN SAMOA.
	<i>The Copra Ordinance, 1923.</i>
COPRA-BUYER'S LICENSE.	BUYER'S LICENSE.
To whom issued :	No. _____
Employer : is hereby licensed to buy copra
	at
To act at	Provisional nominee (clause 4, para. 3) :
	Apia, the _____ day of _____ 192 .
Provisional nominee :
	Director of Agriculture.
Date of issue :	192 .
	(This license expires on 31st day of March, 192 .)

Assented to this 10th day of March, 1923.

[L.S.]

R. W. TATE, Administrator.