

COCOA INDUSTRY (REGULATION) (CONSOLIDATION) DECREE, 1968 (NLCD 278)

ARRANGEMENT OF PARAGRAPHS

Paragraph

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IN pursuance of the Proclamation entitled "Proclamation for the constitution of a National Liberation Council for the administration of Ghana and for other matters connected therewith," published in Gazette No. 11 of Monday, 28th February, 1966, this Decree is hereby made:—

Paragraph 1—Cocoa for Sale, Etc., to be Thoroughly Dry.

No person shall buy or sell or offer or expose for sale or tender in satisfaction of any claim or demand, or shall export any cocoa which is not thoroughly dry or which contain any foreign matter.

Paragraph 2—Dry Cocoa Only to be Transported.

No person other than a grower of cocoa who is transporting his cocoa from the land on which it was grown to his premises for the purpose of fermenting and drying it, shall transport cocoa which has not been thoroughly dried.

Paragraph 3—Inspection and Sealing of Cocoa Before Export.

No person shall export or cause or permit to be exported or attempt to export any cocoa unless and until the same has been inspected by an inspector who shall have affixed to each bag a seal and grade-mark.

Paragraph 4—Power to Inspect Cocoa.

An inspector may require any person in possession of or transporting or offering for sale any cocoa, to submit the same for inspection.

Paragraph 5—Power to Enter Premises.

An inspector may at all reasonable times enter any premises in which cocoa is kept or suspected of being kept and inspect any cocoa found therein and may affix, remove or alter any seal or grade-mark on any bag containing such cocoa.

Paragraph 6—Unauthorised Persons not to Attach Seals or Grade Marks.

No person other than an inspector may attach a seal of any description to any bag containing cocoa or place on any bag any grade-mark.

Paragraph 7—Seals and Grade-marks not to be Removed or Altered Except by an Inspector.

Where a seal or grade-mark has been affixed by an inspector to a bag containing cocoa, no person other than an inspector or a person authorised in writing by him shall remove or alter such seal or grade-mark or remove or in any other way alter the contents of such bag.

Paragraph 8—Advisory Committee.

The Commissioner responsible for Agriculture may appoint for any area an Advisory Committee to assist the Chief Inspector in matters concerning the operation of this

Decree, which Committee shall include such number of persons representative of producers, Chamber of Commerce or exporters as he may think fit and such persons shall retain membership at the Commissioner's pleasure.

Paragraph 9—Chief Inspector to be Chairman of Advisory Committees.

The Chief Inspector or such officer as he may depute for the purpose shall be an ex officio chairman of any such committee.

Paragraph 10—Inspector to be a Member.

The senior inspector of the area concerned shall be an ex officio member of any such Committee.

Paragraph 11—Power to Chief Inspector to Co-opt.

Whenever any member of an Advisory Committee is absent from Ghana or for any other reason is unable to perform his duties as member the Chief Inspector may co-opt any person to be a member of the Committee during the absence or inability of the first mentioned member.

Paragraph 12—Obstruction of an Inspector.

No person shall obstruct or resist an Inspector in the lawful exercise of his functions under this Decree or under any regulations made thereunder.

Paragraph 13—Penalties in Respect of Offences under this Decree or under Regulations made thereunder.

(1) Any person who contravenes the provisions of paragraph 1 of this Decree shall be guilty of an offence and shall, upon summary conviction, be liable to a term of imprisonment not exceeding five years but not less than one year.

(2) Any person who contravenes any of the provisions of paragraphs 2, 3, 6, 7 and 12 of this Decree and any person who fails to submit cocoa for inspection when required so to do by an Inspector under the provisions of paragraph 4 of this Decree shall be guilty of an offence and shall, on summary conviction be liable to a fine not exceeding Nø500 or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(3) Notwithstanding the provisions of any other enactment a District Court shall have power to try any person charged with any offence prescribed by any provision of this Decree or of any regulation made under this Decree and to impose any penalty authorised to be imposed under that provision.

(4) For the removal of doubts it is hereby declared that section 297 of the Criminal Procedure Code, 1960 (Act 30) (which authorises the court in the case of certain offences, to impose a fine in addition to or in lieu of imprisonment) does not apply to an offence under subsection (1) of this section or any other offence under this Decree or under any regulations made thereunder in respect of which a minimum term of imprisonment is prescribed.

(5) Where any person is convicted of any offence under this Decree or under any regulations made thereunder any cocoa or any other article or thing used in connection with the offence shall, if the court so orders, be forfeited to the Republic.

Paragraph 14—Offences Committed by Bodies of Persons.

Where any offence under this Ordinance or under any regulations made under this Decree is committed by a body of persons, every director, partner and officer of that body shall be deemed also to be guilty of that offence unless he proves to the satisfaction of the Court that the act in respect of which he is charged was committed by some person other than himself and that the act was committed without his knowledge, consent or connivance and that he exercised all such diligence to prevent the commission of that act, as he ought to have exercised having regard to all the circumstances.

Paragraph 15—NLC to make Regulations.

The National Liberation Council may by legislative instrument make regulations for any of the purposes following—

- (a) prescribing the standards of quality of cocoa intended for export and the grade-marks to be used for such standards,
- (b) prescribing the methods and procedure to be used for inspection of cocoa, and for affixing seals and grade-marks to bags of cocoa, and the period for which such seals and grade-marks shall be effective,
- (c) providing for the cleansing and proper maintenance of premises in which cocoa is stored or kept,
- (d) prescribing the fees to be paid for any matter or thing done under this Decree,
- (e) prescribing for the breach of any regulation a penalty not exceeding N¢4,000 fine or 10 years imprisonment or both, including in any case where it appears to be appropriate, the prescription of a minimum penalty,
- (f) generally for the better carrying into effect of the purposes of this Decree.

Paragraph 16—Interpretation.

In this Decree unless the context otherwise requires:—

"Chief Inspector" means the Chief Inspector of Produce,

"Grade-mark" means a distinguishing mark or inscription prescribed by Regulations under this Decree to be placed on a bag of cocoa which has been graded.

"Inspector" means the Chief Inspector or any person appointed by him to exercise the powers of inspection and grading of cocoa under this Decree,

"Seal" means a seal prescribed by Regulations made under this Decree for sealing a bag of cocoa which has been graded.

Paragraph 17—Repeals.

The following enactments are hereby repealed:—

Cocoa Industry (Regulation) Ordinance (Cap.185), Cocoa (Control of Exportation) Ordinance (Cap. 187), the Cocoa Industry Regulation (Amendment) Ordinance, 1953 (No.23 of 1953), and the Cocoa Industry (Regulation) Ordinance (Amendment) Decree, 1968 (NLCD 257).

Made this 31st day of August, 1968.

LT.-GEN. J. A. ANKRAH

Chairman of the National Liberation Council

Date of Gazette Notification: 6th September, 1968.