

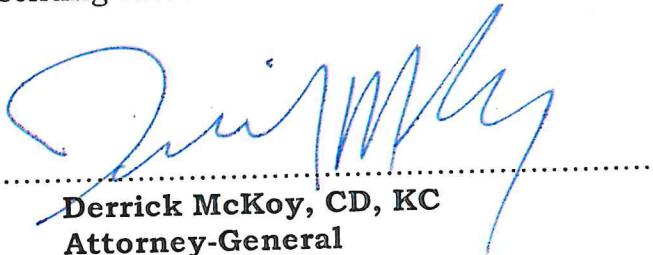
ATTORNEY-GENERAL'S CHAMBERS
Kingston, Jamaica

December 27, 2023

I have examined the accompanying Bill
entitled

**An Act to Amend “the Agricultural Produce
(Amendment) Act, 2023”**

and I am of the opinion that the Bill is one that
is not contrary to the Constitution and that there
is no legal objection to the Governor-General
assenting thereto.



Derrick McKoy, CD, KC
Attorney-General

JAMAICA

No. 19 - 2023

I assent,

[L.S.]

Syd. P. L. Allen.

Governor-General.

27th day of December 2023

AN ACT to Amend the Agricultural Produce Act.

[28th day of December 2023]

BE IT ENACTED by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1.—(1) This Act may be cited as the Agricultural Produce (Amendment) Act, 2023, and shall be read and construed as one with the Agricultural Produce Act (hereinafter referred to as "the principal Act") and all amendments thereto.

Short title
and
construction.

Amendment
of section 2
of principal
Act.

2. Section 2 of the principal Act is amended by—

- (a) inserting in the correct alphabetical sequence, the following definitions—

““aquaculture” means the cultivation, propagation or farming of fish, whether from egg, spawn, spat or seed, including the rearing of fish lawfully taken from the wild or lawfully imported into Jamaica by other similar processes;

“Authority” means the Rural Agricultural Development Authority, established under section 3 of the Rural Agricultural Development Authority Act;

“certificate of registration” means a certificate issued under section 2B of the Act;

“Chief Inspector of Produce” means, the inspector so designated to authorize the certification of produce, plants, plant products, other regulated articles and facilities associated with trade;

“commercial significance” means, production of crops or livestock intended for commerce or profit;

“criminal record report” means a report generated after a search of—

- (a) the register of all persons convicted of a crime in Jamaica, kept pursuant to section 43 of the Criminal Justice (Administration) Act or such other records as may be prescribed in relation to the conviction of a person for a criminal offence under the laws of Jamaica; or
- (b) records, similar to those referred to in paragraph (a) kept pursuant to the laws of another country, state or territory;

“dealer’s licence” means a licence issued under section 3;

“Director” has the meaning assigned to it under section 2 of the Meat and Meat Products and Meat By-Products (Inspection and Export) Act;

“fish” means the whole or part of any aquatic plant or animal whether piscine or not, and includes any molluscs, crustaceans, coral, sponge, holothurians or other echinoderms, reptiles and marine mammals (including their eggs and all juvenile stages thereof) its products and by-products;

“indigenous herbs and spices” include parsley, rosemary, lavender, oregano, basil and cinnamon;

“licensed dealer” means any person holding a dealer’s licence under this Act;

“marine products” include fish, lobster, conch, bivalve molluscs, marine gastropods, shrimps and all other aquatic animals, or the parts thereof including their roe;

“prescribed produce” means any of the vegetables, fruit or ground provisions listed in the Schedule to the Agricultural Produce (Vegetables, Fruit and Ground Provisions (Export)) Regulations;

“produce book” means the book required under section 11;

“relevant enactment” means any enactment specified in the First Schedule to the Praedial Larceny (Prevention) Act;”;

(b) deleting the definition of “agricultural produce” and substituting therefor, the following—

““agricultural produce” means any—

(a) produce or any by-products thereof, prescribed in the Second Schedule; or Second Schedule.

Third Schedule.

- (b) livestock, poultry, fish or any by-products thereof, prescribed in the Third Schedule;”;
- (c) deleting the definition of “contract” and substituting therefor the following—
““contract” means any agreement, arrangement or understanding, whether oral or in writing, and whether for a fixed or indeterminate period, whereby any person is contracted to sell or deliver agricultural produce to any other person who contracts to buy or receive the same for delivery or sale;”;
- (d) deleting the definition of ‘dealer’ and substituting therefor the following—
““dealer” means any person who grows, rears or buys agricultural produce to sell;”;
- (e) deleting the definition of “exporter” and substituting therefor the following—
““exporter” means a person, firm or company carrying on the business of exporting agricultural produce from the Island;”;
- (f) deleting the definition of “place” and substituting therefor the following—
““place” means any place or premises where any agricultural produce is grown, stored, reared, bought or sold;”;
- (g) deleting from the definition section and throughout the Act, the words “specially protected produce” and substituting therefor, in each case, the words “agricultural produce”; and
- (h) deleting the definition of “unmarketable fruit” and substituting therefor the following—
““unmarketable fruit” means fruit that in the opinion of the Inspector at the time of inspection, is in a bruised, damaged or immature condition;”.

3. Section 2A of the principal Act is repealed and replaced by the following—

Repeal and replacement of section 2A of principal Act.

“ Restriction on engaging in the trade or business of growing or rearing agricultural produce.

2A.—(1) Subject to section 3 and except in accordance with this Act and any regulations made under this Act, a person shall not—

- (a) engage in the trade or business of growing or rearing agricultural produce; or
- (b) grow, rear or buy agricultural produce to sell,

unless the person has been granted a licence in accordance with the Act.

(2) Subsection (1) shall not apply to—

- (a) the sale or export of agricultural produce grown and sold by the grower on premises owned or occupied by the grower;
- (b) a person who buys agricultural produce for domestic use;
- (c) an activity which yields or involves a quantity of agricultural produce which is
 - (i) sufficient for consumption by the grower and the grower’s household; or
 - (ii) too small to be of commercial significance.

(3) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction in a Parish Court, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years.

(4) This section shall not apply to regulated agricultural commodities in relation to which a licence has been granted under the Jamaica Agricultural Commodities Regulatory Authority Act.

Application
for
registration.

2B.—(1) Every person who—

- (a) intends to engage or engages in the trade or business of growing or rearing agricultural produce; or
- (b) grows, rears or buys agricultural produce to sell,

shall apply in the prescribed form and manner, to the Authority for a certificate of registration.

(2) Subsection (1) shall not apply to—

- (a) the sale or export of agricultural produce grown and sold by the grower on premises owned or occupied by the grower;
- (b) a person who buys agricultural produce for domestic use;
- (c) a farmer who grows or rears his own agricultural produce for sale; or
- (d) an activity which yields or involves a quantity of agricultural produce, which is—
 - (i) sufficient for consumption by the grower and the grower's household; or
 - (ii) too small to be of commercial significance.

(3) The certificate of registration under subsection (1) shall remain in force for a period of five years.

(4) Where the holder of a certificate of registration fails to apply for a dealer's licence under section 3 within one year of the granting of the certificate of registration, the registration is automatically cancelled.”.

4. Section 3 of the principal Act is repealed and replaced with the following—

“ Licence. 3.—(1) Every person who intends to engage in or is engaged in the trade or business of buying, selling or exporting agricultural produce, shall apply to the Authority in the prescribed form and manner to be licenced as a dealer under the Act.

(2) An application under subsection (1), shall be accompanied by—

- (a) evidence of payment of the non-refundable prescribed application fee; and
- (b) such information and documents as may be required by the Authority, from time to time.

(3) A dealer's licence shall allow the holder of the licence, his agent or servant so authorized, on the premises of the grower or producer, in any parish in the Island, to buy agricultural produce in the following categories—

- (a) any agricultural produce specified in the Second Schedule;
- (b) any livestock, poultry or fish specified in the Third Schedule; or
- (c) any regulated agricultural commodities in relation to which a licence has been granted under the Jamaica Agricultural Commodities Regulatory Authority Act.”.

Second
Schedule.

Third
Schedule.

Repeal and
replacement
of section 3
of principal
Act.

Repeal and
replacement
of section 4
of principal
Act.

“ Application
for
licence.

5. Section 4 of the principal Act is repealed and replaced with the following—

4.—(1) The application under section 3 shall be accompanied by—

- (a) pursuant to section 2B, evidence of the registration granted by the Authority; and
- (b) a criminal record report not exceeding twelve months in respect of the applicant.

(2) The Authority may, pursuant to section 3, request the applicant to furnish such additional information and documentation as the Authority may consider necessary for the processing of the application.

(3) An application pursuant to subsection (1), shall be deemed incomplete if—

- (a) any of the documentation or information required is omitted or not provided; or
- (b) the application contains or is based on false or misleading representation or information which is false in a material particular.

(4) The Authority shall not log or process an incomplete application.

(5) Where the Authority determines that an application does not satisfy the requirements under this section, the Authority shall refuse to grant the licence and shall notify the applicant, in writing, within forty-five days of the refusal, stating the reasons therefor and notifying the applicant of the right of appeal under section 38.

(6) Where the Authority is satisfied that the application fulfils the requirements under this section, the Authority shall approve the application and grant the dealer's licence.

(7) A dealer's licence shall be in the form set out as Form A in the First Schedule.

Form A.
First
Schedule.

(8) A dealer's licence granted under subsection (6), shall remain in force for a period of one year commencing on the 1st day of April in each year and unless earlier terminated, shall expire on the 31st day of March in the succeeding year.”

6. Section 5 of the principal Act is repealed and replaced with the following—

“Grounds for refusal of licence.

5. A dealer's licence shall not be granted to an applicant, who within five years immediately prior to the date of an application for a dealer's licence, was convicted of any of the offences under the Praedial Larceny (Prevention) Act or any other relevant enactment.”

Repeal and replacement of section 5 of principal Act.

7. Section 6 of the principal Act is repealed and replaced with the following—

“Certificate from the Chief Inspector of Produce.

6. A person who is licensed as a dealer and wishes to export any prescribed produce, shall obtain a certificate from the Chief Inspector of Produce certifying that such prescribed produce is suitable for export.”

Repeal and replacement of section 6 of principal Act.

8. Section 7 of the principal Act is repealed and replaced with the following—

“Licence for export.

7.—(1) A person who is licensed as a dealer and wishes to export any animal product or by-product, shall apply in accordance with section 8 of the Meat and Meat Products and Meat By-Products (Inspection and Export) Act, to the Board for an export licence.

Repeal and replacement of section 7 of principal Act.

(2) Subsection (1) shall not apply to any aquaculture, inland or marine products or any of its by-products for export.”.

Repeal and replacement of section 8 of principal Act.

9. Section 8 of the principal Act is repealed and replaced with the following—

“Cancellation of registration.”

8.—(1) The Authority may cancel the registration of a dealer if the person who was registered—

- (a) was convicted, within five years of the issuance of the certificate of registration, of any offence involving praedial larceny, larceny, farm theft, or any offence under a relevant enactment;
- (b) has not applied to the Authority for a dealer’s licence within one year of the issuance of the certificate of registration;
- (c) dies; or
- (d) surrenders the certificate of registration.

(2) Before cancelling the registration under subsection (1), the Authority shall—

- (a) notify the dealer in writing of the proposed cancellation;
- (b) state the reason for the cancellation; and
- (c) notify the dealer of the right of appeal conferred under section 38.”.

Repeal and replacement of section 9 of principal Act.

10. Section 9 of the principal Act is repealed and replaced with the following—

“Cancellation of a dealer’s licence.”

9. Where the holder of a dealer’s licence is convicted of an offence involving praedial larceny, larceny, farm theft, or any offence under a relevant enactment within five years of the issuance of the licence, the Authority shall—

- (a) cancel the dealer’s licence;
- (b) notify the dealer of the cancellation in writing, stating the reason for the cancellation;

- (c) prohibit the holder of that licence from obtaining another licence for a period of five years from the date of such conviction; and
- (d) notify the dealer of the right of appeal conferred under section 38.”.

11. Section 10 of the principal Act is amended by deleting the words “produce” and “class”.

Amendment
of section 10
of principal
Act.

12. Section 11 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting therefor the following—

“ (1) Every licensed dealer who purchases agricultural produce, shall keep a book, to record at the time of purchase of any agricultural produce, the following—

- (a) name and address of the owner of the produce;
- (b) date of the purchase;
- (c) description of the produce;
- (d) weight, number or grade, according to the number of hands or quantity of the produce;
- (e) price paid for the produce; and
- (f) name and address of the person from whom the licensed dealer or anyone on behalf of the licensed dealer, received the produce.

(2) The book under subsection (1) shall be open at all reasonable hours for inspection by a constable, Chief Inspector of Produce or any other person so authorized, under any enactment, for the time being in force, relating to praedial larceny.

Amendment
of section 11
of principal
Act.

(3) The person so authorized under subsection (2)—

- (a) may take possession of the book for the purposes of evidence or record;
- (b) shall not communicate to any other person, in any form or manner, any information obtained from an inspection of the book, except—
 - (i) for the purposes of providing evidence or information in relation to, and for the detection of any offence or suspected offence under this Act or any other enactment; or
 - (ii) for any other purpose connected with the administration of Justice.

(4) Notwithstanding subsection (3), the inspection conducted under subsection (2) and the information obtained thereof, may be communicated to the court, either before or after any proceedings in relation to any offence or suspected offence.”;

- (b) by renumbering subsections (2), (3), (4) and (5) as subsections (5), (6), (7) and (8);
- (c) in subsection (5), as renumbered, by deleting the words “shall be guilty of an offence” and substituting therefor the words “commits an offence”;
- (d) by deleting from subsection (7), as renumbered, the words “and where the delivery is of bananas, coconuts or citrus fruit”;
- (e) by deleting from subsection (8), as renumbered, the words “Any Court of Justice” and substituting therefor the words “any Jamaican court of competent jurisdiction”.

13. Section 12 of the principal Act is hereby repealed.

Repeal of
section 12 of
principal Act.

14. Section 13 of the principal Act is amended by deleting the word, “Justice.”.

Amendment
of section 13
of principal
Act.

15. Section 14 of the principal Act is repealed and replaced with the following—

“Receipt or
invoice for
agricultural
produce.

14.—(1) A person shall not carry, on any water, highway or public road, any agricultural produce, unless such produce is accompanied by—

- (a) a receipt issued in accordance with subsection (2); or
- (b) where the agricultural produce was issued on credit, an invoice, in accordance with subsection (4).

(2) The receipt mentioned in subsection (1)(a) shall be—

- (a) issued in accordance with Form B of the First Schedule; and
- (b) issued by—
 - (i) the vendor of the agricultural produce; or
 - (ii) in any other case, the grower of the agricultural produce.

(3) Where a receipt is issued under this section to a licensed dealer—

- (a) the dealer shall keep the receipt along with the agricultural produce book for a period not less than six years from the date of the receipt; and
- (b) the receipt shall be deemed to form part of the receipt book and all the provisions of

this Act relating to the receipt book shall apply to every receipt.

(4) The invoice mentioned in subsection (1)(b) shall be in accordance with the form set out as Form C in the First Schedule and shall be issued by—

- (a) the vendor of the agricultural produce; or
- (b) in any other case, the grower of the agricultural produce.

(5) This section shall not apply to a person who carries agricultural produce other than for purposes of trade or business.”.

Amendment
of section 15
of principal
Act.

16. Section 15 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting therefor the following—

“(1) Every person who is required to issue a receipt under section 14(2), shall apply in the prescribed form and manner for a receipt book at any office of the Ministry responsible for agriculture in—

- (a) the parish in which the person resides;
- (b) the parish in which that person carries on business if the person is a licensed dealer; or
- (c) the parish in which the licence was issued.”;

- (b) in subsection (2) by deleting—

- (i) the words “Form C of the Second Schedule” and substituting therefor the words “Form B of the First Schedule”; and
- (ii) from the marginal note the words “Second Schedule” and substituting therefor the words “First Schedule”;

- (c) by deleting subsection (3).

- 17.** Section 16 of the principal Act is hereby repealed. Repeal of section 16 of principal Act.
- 18.** Section 17 of the principal Act is hereby repealed. Repeal of section 17 of principal Act.
- 19.** Section 18 of the principal Act is hereby repealed. Repeal of section 18 of principal Act.
- 20.** Section 19 of the principal Act is hereby repealed. Repeal of section 19 of principal Act.
- 21.** Section 20 of the principal Act is amended by deleting—
(a) subsection (1), and substituting therefor the following—
“ (1) The driver, operator or person in charge of a vehicle being used in or for the trade of agricultural produce, shall keep on that person, or in that vehicle when in use, a book wherein that person shall record, in the English language, at the time that driver, operator or person receives in the vehicle any agricultural produce—
(a) the name and address of each person from whom the person, or any other person acting on behalf of the person, received the agricultural produce;
(b) the description of the agricultural produce;
(c) the quantity of the agricultural produce;
(d) the name and address of the owner of the agricultural produce; and
(e) the place where, and the person by whom, the agricultural produce was grown or produced.”;
(b) from subsection (2), the words—
(i) “a Justice, or”; and

- (ii) “carrier under whose licence the vehicle is used” and substituting therefor the words “licensed dealer”.

Amendment
of section 21
of principal
Act.

22. Section 21 of the principal Act is amended by deleting from—

- (a) subsection (1)—
 - (i) the word “licensed”; and
 - (ii) the words “shall be guilty of an offence” and substituting “therefor the words “commits an offence”;
- (b) the chapeau of subsection (2), the words “shall be guilty of an offence” and substituting therefor the words “commits an offence”;
- (c) subsection (2)(d), the word “licensed”.

Amendment
of section 22
of principal
Act.

23. Section 22 of the principal Act is amended—

- (a) in subsection (1) by deleting—
 - (i) from paragraph (a) the words “traveller’s licence” and substituting therefor, the words “dealer’s licence”;
 - (ii) from paragraph (b) the words “he shall be guilty of an offence” and substituting therefor the words “commits an offence”; and
 - (iii) the words “Provided that the provisions of this section shall not apply to a grower of specially protected produce selling such produce grown upon his own property or to a person buying such produce for local consumption in Jamaica”;
- (b) by deleting subsection (2) and substituting therefor the following—

“(2) For the purposes of this section, a person selects agricultural produce, if that person receives, checks or chooses the agricultural produce on behalf of a licensed dealer, or for delivery to a licensed dealer.”

(3) The provisions of this section shall not apply to a grower of agricultural produce, selling such produce grown upon his own property.”.

24. Section 23 of the principal Act is repealed and replaced with the following—

“**Regulations.** 23.—(1) The Minister may make regulations for the purpose of giving effect to provisions of this Act and in particular, but without prejudice to the generality of the foregoing, the regulations may contain provisions in relation to the following matters—

Repeal and replacement of section 23 of principal Act.

- (a) the procedure for the registration of a person who—
 - (i) intends to engage in or has engaged in the trade or business of growing or rearing agricultural produce; or
 - (ii) grows, rears or buys agricultural produce to sell;
- (b) the imposition or alteration of fees in relation to any certificate, or licence under this Act;
- (c) the inspection, grading, classification and marking of any agricultural produce specified in the Second or Third Schedule, intended to be exported from the Island;
- (d) prescribing the forms of certificates of inspection, grading, classification and marking of any agricultural produce specified in the Second or Third Schedule intended to be exported from the Island;
- (e) governing the buying, selling or exportation of any agricultural produce;
- (f) the registration of consignors of any agricultural produce specified in the Second or Third Schedule intended to be exported from the Island;

Second or Third Schedule.

- (g) prescribing the forms, marks, stamps, brands, labels, tags and containers to be used in connection with the export of agricultural produce specified in the Second or Third Schedule;
 - (h) prescribing the powers and duties of Inspectors to be appointed under this Act;
 - (i) requiring shipping companies transporting agricultural produce from the Island to notify the Authority of—
 - (i) the dates of the sailing of the ships transporting the agricultural produce;
 - (ii) the names of the ships;
 - (iii) the ports at which such ships are to be loaded; and
 - (iv) countries to which such ships are to be consigned;
 - (j) the classes of buildings where agricultural produce is to be purchased, graded or stored;
 - (k) the standard measure or size of any box, bag or container to be used in the purchase of any other agricultural produce;
 - (l) prescribing the application procedure for the supply of receipt books and the imposition of any fees in relation thereto;
 - Third, Fourth
or Fifth
Schedule. (m) the removal or addition of any article of agricultural produce from the Third, Fourth or Fifth Schedule;
 - (n) the exercise of any power of the Authority under this Act.
- (2) Notwithstanding section 29 of the Interpretation Act, regulations made under this section

may prescribe greater penalties than those specified in that Act, and the maximum penalty that may be so prescribed shall be a fine not exceeding three million dollars, and in default of payment of the fine, to imprisonment for a term not exceeding three years.

(3) Regulations made under this Act shall be published in the *Gazette* and also made available to the public on the website of the Ministry responsible for agriculture.”.

25. Section 24 of the principal Act is repealed and replaced with the following—

“Amendment of monetary penalties and schedules by order. 24. The Minister may, by order, subject to affirmative resolution, amend any monetary penalty specified in this Act or regulations made under this Act.”.

Repeal and replacement of section 24 of principal Act.

26. Section 25 of the principal Act is repealed and replaced with the following—

“Designation of Inspectors. 25. The Minister may, from time to time, designate as Inspectors for the purposes of this Act, public officers or other persons who by training and experience are, in the opinion of the Minister, qualified to be so designated.”.

Repeal and replacement of section 25 of principal Act.

27. Section 26 of the principal Act is amended by deleting—

- (a) from the marginal note, the words “of produce intended for export. Fourth Schedule.” and substituting therefor the words “agricultural produce intended for export. Second and Third Schedules.”;
- (b) the words “Fourth Schedule.” and substituting therefor the words “Second and Third Schedules.”.

Amendment of section 26 of principal Act.

28. Section 27 of the principal Act is repealed and replaced with the following—

“Power of Inspector to inspect and detain. 27.—(1) Where an inspector has reasonable cause to suspect that any vehicle, aircraft, vessel, article, enclosure, container or other storage facility,

Repeal and replacement of section 27 of principal Act.

device or apparatus (hereinafter referred to as "specified equipment") is being used or has been used in the commission of an offence against this Act, the Inspector may, without warrant, search the specified equipment, and if such search reveals evidence that the specified equipment is being used or has been used for the Commission of any offence as aforesaid, the Inspector may seize and detain the specified equipment.

(2) Where any specified equipment is seized pursuant to this section and—

- (a) any person is convicted of an offence under this Act; and
- (b) the Court is satisfied that—
 - (i) the person owns the specified equipment used in the commission of the offence;
 - (ii) the owner permitted it to be so used; or
 - (iii) the circumstances are otherwise such that it is just to do so,

the Court may, upon the application by the Director of Public Prosecutions, make an order for the forfeiture of the specified equipment which is the subject of the offence.

(3) On the application of the Director of Public Prosecutions before a Judge of the Parish Court having jurisdiction in the area where any specified equipment is seized and detained under subsection (1), notice of that intention and of the grounds therefor, shall be given forthwith to the owner of the specified equipment.

(4) Notwithstanding section (3), no notice is required to be given if the seizure was made in the presence of the owner of the specified equipment.

(5) The Court may order the forfeiture of the specified equipment, if the Court is satisfied that—

- (a) the specified equipment has been abandoned;
- (b) the circumstances in which the specified equipment was seized give reasonable cause to suspect that it was being used or has been used for the purpose of committing an offence against this Act, and it is otherwise just to do so.”.

29. Section 28 of the principal Act is repealed and replaced with the following—

“Penalty.

28. Any person convicted in a Parish Court of an offence under sections 20, 21 and 22 shall be liable to a fine not exceeding three million dollars, and in default of payment of such fine, to imprisonment for a period not exceeding three years.”.

Repeal and replacement of section 28 of principal Act.

30. Section 29 of the principal Act is amended—

(a) in subsection (1) by deleting—

- (i) the word “time” wherever it appears, and substituting therefor the words “reasonable time”;
- (ii) the words “mentioned in the Fourth Schedule” wherever they appear;

(b) by deleting subsection (2) and substituting therefor the following—

“(2) On the completion of an inspection, an Inspector may—

- (a) condemn any agricultural produce under this Act, if in the opinion of the Inspector, the agricultural produce is in such condition as to be unfit for exportation;
- (b) forbid the exportation of the condemned agricultural produce; or

Amendment of section 29 of principal Act.

(c) order the seizure and destruction of the condemned agricultural produce.

(3) Where an Inspector determines that the condemned agricultural produce should be seized and destroyed, the seizure and destruction shall be carried out by a constable under the superintendence of the Inspector.”;

- (c) by renumbering subsections (3) and (4) as subsections (4) and (5);
- (d) by deleting from subsection (4) as renumbered and the marginal note thereto, the words “Second Schedule” and substituting therefor, in each case, the words “First Schedule”;
- (e) by deleting from subsection (5) as renumbered—
 - (i) the words “subsection (3)” and substituting therefor the words “subsection (4)”; and
 - (ii) the marginal note thereto, the words “Second Schedule” and substituting therefor, in each case, the words “First Schedule”.

Repeal and replacement of section 30 of principal Act.

31. Section 30 of the principal Act is repealed and replaced with the following—

“Periodic review of the Act.

30. This Act shall be subject to periodic review by a committee of both Houses of Parliament appointed for that purpose.”.

Amendment of section 32 of principal Act.

32. Section 32 of the principal Act is amended by deleting the words—

- (a) “licensed produce dealer” and substituting therefor the word “dealer”;
- (b) “of the articles of”.

Repeal of section 34 of principal Act.

33. Section 34 of the principal Act is hereby repealed.

34. Section 35 of the principal Act is repealed and replaced with the following—

“Payment of additional expenses.

35. All expenses incurred in carrying out the provisions of this Act, in addition to the salaries of any Inspectors appointed thereunder, shall be paid from sums provided in the annual estimates of revenue and expenditure of the Island as approved by the House of Representatives.”.

Repeal and replacement of section 35 of principal Act.

35. Section 36 of the principal Act is repealed and replaced with the following—

“Offences.

36. A person commits an offence if that person—

Repeal and replacement of section 36 of principal Act.

- (a) except as provided by this Act, engages in the trade or business of growing or rearing agricultural produce or of buying and selling or buying and exporting agricultural produce, without having been registered or having applied for a dealer's licence under this Act;
- (b) adulterates in any manner any agricultural produce, for the purpose of improving the colour or adding weight thereto, or for any other purpose liable to deceive a purchaser;
- (c) being a licensed dealer, fails to exhibit and keep exhibited at all times, the certificate required to be exhibited under this Act in some conspicuous place at the entrance of the premises specified in the licence;
- (d) being a licensed dealer, neglects to keep or negligently or improperly keeps a book, pursuant to section 11;
- (e) being a licensed dealer, or person purchasing agricultural produce on behalf of such a dealer, wilfully destroys or mutilates any such books referred to in section 11, or wilfully

makes or concurs in making any false entry into any such book or omits or alters or concurs in omitting or altering any of the entries therein as required by this Act;

- (f) during the selling or delivering of agricultural produce to a licensed dealer, gives a false name and address, or fails to give correctly the particulars required by section 11(7);
- (g) being a licensed dealer, or the agent of such dealer, refuses or neglects, without reasonable excuse, to the satisfaction of the Parish Judge, to produce the dealer's licence for inspection when required to do so under this Act;
- (h) being the vendor of any agricultural produce, fails to issue to any purchaser, the receipt required by section 14;
- (i) when carrying any agricultural produce along any water highway or public road, fails without satisfactory excuse, to produce the receipt required by section 14, on being requested to do so by a constable or an Inspector or agricultural warden;
- (j) carries any agricultural produce along any water highway or public road without the receipt required under section 14;
- (k) being a licensed dealer or an agent of a licensed dealer, fails or refuses to keep with accuracy any book or record prescribed under this Act;
- (l) purchases agricultural produce without a licence and fails to satisfy a Parish Judge that the agricultural produce was purchased with no intention to deal in such produce, as defined by the Act;
- (m) commits a breach of, or fails to, comply with any order or regulation made under this Act;

- (n) refuses to admit an Inspector onto any premises, place, vessel, boat or vehicle, as provided under this Act, or obstructs or impedes any such Inspector in the execution of his duty, or assists in such obstruction or impeding;
- (o) knowingly or fraudulently gives a false statement, certificate, receipt or invoice under this Act;
- (p) disposes of any agricultural produce which has been detained under subsection 29(2) otherwise than in accordance with the form of release issued by the Inspector under subsection 29(3)."

36. Section 37 of the principal Act is amended by—

- (a) deleting the words "Resident Magistrate" and substituting therefor the words "Judge of the Parish Court";
- (b) deleting the words "two hundred and fifty thousand" and substituting therefor the words "three million";
- (c) deleting the words "three months" and substituting therefor the words "three years"; or
- (d) deleting the words "where the penalty exceeds fifty thousand dollars, and not exceeding one month in all other cases".

Amendment
of section 37
of principal
Act.

37. Section 38 of the principal Act is amended by—

- (a) deleting the words "Rural Agricultural Development Authority" and substituting therefor the word "Authority"; and
- (b) inserting next after the words "under section 2A" the words "or an application for a dealer's licence under section 3".

Amendment
of section 38
of principal
Act.

38. The First Schedule to the principal Act is hereby repealed.

Repeal of
First Schedule
of principal
Act.

39. The Second Schedule to the principal Act is amended by
deleting—

- (a) from the heading the words “Second Schedule” and
substituting therefor the words “First Schedule”;

Amendment
of Second
Schedule of
principal
Act.

(b) Form A and substituting therefor the following as Form A—

“
THE AGRICULTURAL PRODUCE ACT
FIRST SCHEDULE
(Section 4)



Form A
Form of Dealer's Licence

Licence No. _____.

1. This is to certify that on the _____ day of _____, 20 _____

(Name of Licensee) of _____
(Address)

_____ is licensed under the Agricultural

Produce Act to _____

2. The following conditions, if any, shall apply to this licence:

A. _____.

B. _____.

C. _____.

3. This licence expires on the _____ day of _____, 20 _____.

Signed: _____
Chairman/Secretary
The Rural Agricultural Development Authority.”.

(c) Form B and substituting therefor the following as Form B—

“

FORM B

(Sections 14 and
15)

Agricultural Produce Receipt



Receipt #: _____ Farmer Reg. #: _____ Dealer Reg. #: _____

Received from _____

the sum of _____ dollars \$ _____

Address of purchaser _____

Name of owner of agricultural produce _____

Name of property on which agricultural produce was grown or reared _____

_____Description of agricultural produce _____

Quantity of agricultural produce _____

Weight _____

Place of destination of agricultural produce _____ Date _____

Name of owner of vehicle _____ Licence # of vehicle _____

Signature or witnessed mark of person or persons selling the agricultural
produce”;

(d) Form C;

(e) Form D and substituting therefor the following as Form C—

(Section 14)

FORMC
RAPTA



Farmer's Agricultural Produce Invoice

Customer Information	
Name:	<input type="text"/>
Address:	<input type="text"/>
Phone:	<input type="text"/>
TRN:	<input type="text"/>
 Transportation Information	
Destined Address:	<input type="text"/>
Mode of Transportation:	<input type="text"/>
Carrier:	<input type="text"/>
Number of Parcels:	<input type="text"/>
Est. Weight or Volume:	<input type="text"/>
 Farmer's Information	
Farmer Reg. No.	
Farm Address:	<input type="text"/>
Phone:	<input type="text"/>

Farmer and buyer declare that the information mentioned above is true and correct to the best of our knowledge.

Section 14(2)a. The above mentioned invoice is a guide outlining the basic information to be included in invoices used by farmers.

Section 14(4) The above mentioned invoice is a guide outlining the basic information to be included in invoices used by farmers—

FORM C, *contd.*

PART B

Dealer's Agricultural Produce Invoice



Date:

Customer Information

Name: _____
Address: _____
Phone: _____
TRN: _____

Transportation Information

Desired Address: _____ Number of Parcels: _____
Mode of Transportation: _____ Est. Weight or Volume: _____

Carrier: _____

No. _____

Description

Quantity

Unit Price

Total

Dealer Information

Dealer Reg. No. _____
Address: _____
Phone: _____

Special Instructions

Dealer and Buyer declare that the information mentioned above is true and correct to the best of our knowledge.

Settlement Period: _____

Dealer's Signature

Date

Buyer's Signature

[No.] *The Agricultural Produce (Amendment) Act, 2023*

No. _____

“”

Section 14(2)a. The above mentioned invoice is a guide outlining the basic information to be included in invoices used by dealers.

- (f) Form E;
- (g) from Form F, the words "Form F" and substituting therefor the words "Form D";
- (h) from Form G—
 - (i) the words "Form G" and substituting therefor the words "Form E";
 - (ii) the numeral "19" and substituting therefor, in each case, the numeral "20".

40. The Third Schedule of the principal Act is hereby repealed.

Repeal of
Third
Schedule of
principal
Act.

41. The Fourth Schedule of the principal Act is amended by—

Amendment
of Fourth
Schedule of
principal
Act.

- (a) deleting from the heading the words "Fourth Schedule" and substituting therefor the words "Second Schedule";
- (b) inserting immediately below the words "Second Schedule", as amended, the following words "Agricultural Produce, By-Products and Extracts Thereof";
- (c) inserting in the correct alphabetical sequence the following—

"almond
aloe vera
bamboo
berries
broccoli
cactus
cashew nuts
cauliflower
cerasee
cherries
custard apple

fever grass
 grapes
 grass for animal feed (all varieties)
 indigenous herbs and spices
 lemon grass
 longan
 lychee
 mint (all varieties)
 mushrooms
 pakchoi
 rambutan
 soft fruits
 soy
 star fruit zucchini";

- (d) deleting the word "beans" and substituting therefor the words "beans (all varieties)";
- (e) deleting the words "cocoas, coffee, ginger, pimento, and turmeric";
- (f) deleting the words "pine apples" and substituting therefor the word "pineapple".

Amendment
of Fifth
Schedule of
principal Act.

42. The Fifth Schedule of the principal Act is amended by—

- (a) deleting from the heading the words "Fifth Schedule" and substituting therefor the words "Third Schedule";
- (b) inserting next after subparagraph (c) the following as subparagraph (d)—
 "(d) meat.".

43. The Sixth Schedule of the principal Act is amended by deleting from the heading the words “Sixth Schedule” and substituting therefor the words “Fourth Schedule”. Amendment of Sixth Schedule of principal Act.

44. Section 4 of the Rural Agricultural Development Authority Act is amended— Amendment of the Rural Agricultural Development Authority Act.

(a) in subsection (1), by inserting next after paragraph (d) the following as paragraph (e)—

“(e) issue in accordance with sections 2B and 3 of the Agricultural Produce Act—

- (i) certificate of registration;
- (ii) dealer’s licence.”;

(b) in subsection (2), by inserting next after paragraph (d) the following as paragraph (e)—

“(e) charge fees for services provided by or on behalf of the Authority.”.

45. Section 2 of the Praedial Larceny (Prevention) Act is amended by deleting the definition of “agricultural produce” and substituting therefor the following new definition— Amendment of the Praedial Larceny (Prevention) Act.

““agricultural produce” has the meaning assigned to it under section 2 of the Agricultural Produce Act.”.

Passed in the Honourable House of Representatives this 21st day of November, 2023.

JULIET HOLNESS,
Speaker.

Passed in the Senate this 15th day of December, 2023 with eight (8) amendments.

THOMAS TAVARES-FINSON, OJ, CD, KC, JP
President.

On the 19th day of December, 2023 the Honourable House of Representatives agreed to the amendments made by the Senate.

JULIET HOLNESS,
Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

*Sgt. Valerie A. Curtis
Clerk to the Houses of Parliament.*