

CHAPTER 32

THE PRODUCE PROTECTION ACT.

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CHAPTER 32

THE PRODUCE PROTECTION ACT.

Commencement: 15 July, 1913.

An Act to provide for the protection of produce. 1.

Interpretation.

In this Act—

- (a) “labourer” includes all persons, excepting superintendents and assistant superintendents, temporarily or permanently employed on any plantation in any capacity whether agricultural, menial or otherwise;
- (b) “plantation” means any land on which any of the following trees or plants are growing—
 - (i) coffee, tea, rubber, cotton, tobacco or wheat; (ii) trees or plants producing edible fruits; and (iii) other such trees or plants as may from time to time be specified in that behalf by the Minister by statutory instrument;
- (c) “produce” means the fruit, leaf, bark, latex, root and every part of any of the trees and plants mentioned in paragraph (b) of this section.

2. Loitering or lurking on plantation.

Every person found loitering or lurking about any plantation, unless he or she can give satisfactory reason to the court before whom he or she is tried for that loitering or lurking, commits an offence and is liable on conviction to imprisonment for a period not exceeding two months or to a fine not exceeding four hundred shillings or to both such imprisonment and fine.

3. Possessor of produce to be deemed guilty of theft until contrary is shown.

Whenever any produce is found in the possession of any person who is unable to give a satisfactory account of his or her possession of the produce, that person commits an offence and is liable on conviction to the punishment provided for theft under section 261 of the Penal Code Act.

4. Restriction on purchase of produce.

It shall not be lawful for any person to purchase or take in barter or exchange or receive any produce from any labourer employed on any plantation, and any person contravening this section commits an offence and is liable on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding two hundred shillings or to both such imprisonment and fine.

5. Arrest without warrant for offences.

Any administrative officer, police officer or justice of the peace (hereafter called an “authorised person”) may, without warrant, arrest any person reasonably suspected of having committed an offence against this Act; and an authorised person may call upon any person to aid and assist him or her in the execution of his or her duty, and if any person so called upon neglects or refuses without lawful excuse to aid and assist the authorised person every such offender commits an offence.

6. Assaulting, etc. any authorised person.

If any person assaults, obstructs, hinders or resists any authorised person in the execution of his or her duty or any person acting in the aid of the authorised person, every such offender commits an offence.

7. Power of authorised person.

Whenever an authorised person has reasonable cause to believe that any person is in possession of tea, coffee, tobacco or rubber, the authorised person may require that person to disclose the contents of any sack, basket, bundle, package, vehicle or other receptacle in the custody or possession of that person; and if any person refuses or neglects to disclose the contents, he or she commits an offence.

8. Provisions in suit against authorised person.

(1) Where any suit is commenced against any authorised person for any act done in pursuance or execution or intended execution of sections 5, 6 and 7, the following provisions shall have effect—

- (a) the suit shall not lie or be instituted unless it is commenced within four months next after the act complained of;

- (b) wherever in any such suit a judgment is obtained by the defendant, the court may order that costs be taxed as between advocate and client;
- (c) tender of amends before the suit was commenced may in lieu of or in addition to any other plea be pleaded.

(2) If the suit was commenced after the tender referred to in subsection (1)(c) or is proceeded with after the payment into court of any money in satisfaction of the plaintiff's claim and the plaintiff does not recover more than the sum tendered or paid, he or she shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs to be taxed as between advocate and client as from the time of the tender or payment.

9. Penalty.

Any person who commits an offence against sections 5, 6 and 7 is liable on conviction to a fine not exceeding two hundred shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

10. Rules.

The Minister may make rules—

- (a) requiring growers, purchasers or receivers of produce to keep registers or other books and prescribing the matters to be recorded in them;
- (b) generally, for the protection of growers, purchasers, or receivers of produce, and for carrying out the purposes and provisions of this Act,

and may fix such penalties for the breach or nonobservance of any rule as he or she may think proper, not exceeding imprisonment for a period of two months or a fine of four hundred shillings or both such imprisonment and fine.

11. Rules may provide for arrest without warrant.

In any rules made under section 10, the Minister may provide that any administrative officer or police officer may, without warrant, arrest any person reasonably suspected of having committed a breach or nonobservance of any such rule.

12. Power to make rules for the licensing of dealers.

The power of making rules conferred on the Minister by section 10 shall extend to rules providing for the licensing of buyers and growers of and dealers in produce and imposing fees and conditions for the issue of licences.

13. Saving of licensing provisions in other Acts.

Notwithstanding anything in this Act, no licence governed by rules issued under this Act shall be deemed to dispense with the necessity for a licence under any other Act for the time being in force and applicable to the circumstances.

14. Penalties.

After the publication of any rules under section 12 and subject to those rules, the penalties for dealing in or buying produce without a licence contrary to the rules or for any breach or nonobservance by a licensee of any of the provisions of this Act (other than sections 5, 6 and 7) or rules shall be as follows—

- (a) on a first conviction, a fine not exceeding seven hundred and fifty shillings or imprisonment for a period not exceeding three months or both such fine and imprisonment;
- (b) on a second or subsequent conviction, a fine not exceeding two thousand shillings or imprisonment for a period not exceeding one year or both such fine and imprisonment.

History: Cap 242.

Cross Reference

Penal Code Act, Cap. 120.