

CHAPTER 185.**AGRICULTURAL.****ARRANGEMENT OF SECTIONS.****SECTION.**

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CHAPTER 185.**AGRICULTURAL.**

23 of 1946.
29 of 1949.

An Ordinance to enable the Governor in Council to make rules for the prevention of the introduction or spread of pests destructive to trees and crops; for the control of the growing of agricultural crops and for the preparation, marketing, movement, storage, transport and export of agricultural produce.

[15TH SEPTEMBER, 1946.]

Short title
and
application.

1. This Ordinance may be cited as the Agricultural Ordinance, and shall apply to the Colony and Protectorate.

Interpreta-
tion.

2. In this Ordinance, and in any rules made thereunder, unless the context otherwise requires—

“adulterate” means to falsify, deteriorate or increase the apparent bulk or weight or conceal the inferior quality of the produce by combination, admixture or addition therewith or thereto of some foreign, superfluous or inferior substance, matter or thing, whether deleterious or not or by the use of artificial means, and includes abstracting from produce part of it so as injuriously to affect its nature, substance or quality or soaking or manipulating it so as to increase its bulk or weight, and includes in the case of rubber, to admix with rubber the latex or latices of any other tree not yielding rubber or yielding rubber of a different variety;

“approved” where it occurs means approved by the Director of Agriculture;

“buy” includes agreeing to buy, and the expressions “buying” and “bought” shall be construed accordingly;

“buyer” means the person who himself conducts the transaction of buying, whether for himself or for another;

“clean” includes freeing produce from any foreign, superfluous or inferior matter by picking, or other means, including boiling in the case of palm oil, and includes freeing produce from excessive moisture;

“dealer in produce” includes any person whether as principal or agent to whom has been granted a licence to sell, purchase, deal in, possess for the purpose of sale, export or possess for the purpose of export, agricultural produce, but does not include the grower or original producer of such produce;

“export” with its grammatical variations and cognate expressions means to take or cause to be taken out of Sierra Leone;

“Inspection Station” means a place established or appointed for the inspection and grading of produce, and notified as such in the *Gazette*;

“market” means a market notified as such in the *Gazette*;

“pest” includes any insect, vermin, fungus, parasite, bacterium, virus or disease harmful to produce, and includes any insect, fungus, bacterium, virus or other pest destructive to agricultural or horticultural crops or to trees or plants;

“plant” includes everything in the nature of a plant, and the fruit, leaves, cuttings, bark or any part thereof whatsoever, whether living or dead, severed or attached;

“produce” includes palm oil, palm nuts, palm kernels, ginger, groundnuts, benniseed, rubber, gum copal, piassava, maize, rice, chillies, cotton and every other product of the soil whatsoever, whether raw or partly or wholly manufactured and shall include beeswax and honey;

“sale” includes a bargain to sell as well as a sale and delivery;

“seller” means a person who sells or agrees to sell goods.

Power of the Governor in Council to make rules.

3. The Governor in Council may make rules for all or any of the purposes following—

(1) for preventing the introduction or spread of any insect, fungus, bacterium, virus or other pest destructive to agricultural or horticultural crops or to trees or plants;

(2) for prohibiting or regulating the landing in Sierra Leone of any tree or plant or the leaves, branches, stems, roots, seed or fruit of any tree or plant, or any vegetable substance or any soil or other article the landing whereof may appear to be likely to introduce such insect, fungus, bacterium, virus or other pest and for directing or authorising the treatment or destruction of any such article if landed;

(3) for directing or authorising the treatment, removal or destruction of any crop, tree, plant or substance on which any insect, fungus, bacterium, virus or other pest in any stage of its existence is found or by means of which it may appear to be likely to spread, and the entry on any lands for the purpose of such treatment, removal or destruction or for the purpose of any examination or inquiry authorised by rules made under this Ordinance, or for any other purpose of such rules;

(4) for prohibiting the growing or cultivation of any plant or crop during specific periods of the year;

(5) for prohibiting the importation, sowing or use of any particular kind of tree or plant or the leaves, branches, stem, roots, seed or fruit of any particular kind of tree or plant or any other vegetable substance or for specifying any particular kind as the only kind to be imported, sown or used;

(6) for prescribing the ports or places at which the importation and entry of any tree or plant or the leaves, branches, stems, roots, seed or fruit of any tree or plant or any vegetable substance shall be lawful;

(7) for prescribing the payment of compensation in respect of any crop, tree, plant, or other substance destroyed under the provisions of any rule made under this Ordinance;

(8) for regulating the sowing, harvesting, collecting and preparation of agricultural produce;

(9) for maintaining or improving the quality of agricultural produce;

(10) for providing for the sampling of all agricultural produce;

(11) for prohibiting the adulteration of agricultural produce by any person and for prohibiting the possession of any such adulterated agricultural produce;

(12) for providing for the establishment of markets for the purchase and sale of agricultural produce; for prescribing the method of payment for agricultural produce in such markets, for providing for the prohibition of resale of agricultural produce in such markets and for providing for the control of such markets;

(13) for empowering any specified officer to prescribe areas within, into or out of which the movement of produce may be prohibited, regulated or restricted;

(14) for empowering any specified officer to prescribe areas within which agricultural produce shall not be bought or sold except at prescribed markets or places;

(15) for prescribing the public officers who may grant licences, the persons or class of persons who shall require licences, the purposes for which and the conditions under which licences may be granted, and the form and validity of licences;

(16) for prescribing obligations with regard to the production of licences, and the public officers to whom licences shall be produced;

(17) for providing for the refusal, suspension, cancellation, modification, restriction or endorsement of licences;

(18) for prohibiting the movement, buying or selling of agricultural produce within a prescribed area, market or place except by persons licensed to buy agricultural produce within that area, market or place and for prescribing such area, market or place;

(19) for prohibiting dealers in produce from operating under their licence except within such area, market or place as is specified in the licence;

(20) for appointing ports and places at which agricultural produce may be exported and for appointing ports and places at which any specified kind of produce may be exported;

(21) for providing for the inspection and grading according to its quality of agricultural produce; for prohibiting the export of or the possession by any person other than the producer of any agricultural produce without such inspection

and grading and for prohibiting the export of or the possession by any person other than the producer of any agricultural produce of inferior quality;

(22) for providing for the control of the preparation, movement, marketing, storage, transport and export of any agricultural produce;

(23) for prescribing the manner in which buildings for storing agricultural produce shall be constructed;

(24) for providing for the establishment of places for the inspection and grading of any agricultural produce and for the control of such places;

(25) for prescribing the containers to be used for the marketing or export of agricultural produce and for the packing, closing, marking and sealing thereof; providing for the protection of produce in transit by land or water and prescribing the requirements to be complied with in respect of any vehicle, vessel, boat or canoe used for the transport of produce;

(26) for providing for the seizure and detention of any agricultural produce, the containers thereof and any vehicle, vessel, boat or canoe engaged in the transport thereof in respect of any or all of which a contravention of any rule is suspected and for empowering a court to declare any such agricultural produce and containers, vehicle, vessel, boat or canoe to be forfeited;

(27) for providing for powers of entry into any building or premises or place in or on which there is or is believed to be any produce to which this Ordinance applies and for stopping any vehicle, vessel, boat or canoe in or on which agricultural produce is being transported or is suspected of being transported;

(28) for prescribing the public officers who may demand information from any person suspected of contravening any rule;

(29) for prescribing the manner in which proceedings for a breach of any rule made under this Ordinance shall be instituted, the person or persons who may institute the same, and the person or persons who may conduct any such proceedings;

(30) for prescribing the onus of proof in respect of the possession of adulterated produce for sale or export, or the possession for export of agricultural produce of inferior quality;

(31) for prescribing the fees for licences and the fees to be paid for any matter or thing done under any rule made under this Ordinance;

(32) for providing for the appointment of officers to carry out the provisions of any rules made under this Ordinance and for investing them with powers necessary for the due execution of their duties;

(33) for providing for the appointment of Advisory Committees to advise on the carrying out of the provisions of any rule made under this Ordinance and for prescribing the areas in which they may operate;

(34) for providing for the exemption of any agricultural produce from any rule made under this Ordinance;

(35) for prescribing forms, documents, and notices to be used for the purpose of this Ordinance and for regulating the mode of service or delivery of documents and notices;

(36) for facilitating the prevention and detection of contraventions of any rule made under this Ordinance;

(37) for purposes incidental to any of the foregoing purposes:

Provided that any rules made under this section shall be laid before the first meeting of the House of Representatives after the making thereof for approval, amendment or revocation, but without prejudice to anything previously done under any rule so amended or revoked.

4. Any person who shall forge or counterfeit any licence, label, mark, brand or certificate, required, or provided for by any rule made under this Ordinance shall be guilty of an offence, and on summary conviction thereof shall be liable to a fine not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for a term not exceeding twelve months, or to both such fine and imprisonment.

Counter-
feiting labels,
marks, etc.,
an offence.

5. Any Inspector or Examiner—

(a) who wilfully and falsely represents to any person interested that any produce in respect of which a standard of quality or purity has been prescribed as a condition of being exported, offered for sale or delivered in pursuance of an agreement to sell, is of such standard; or

Offences by
Inspectors or
Examiners.

(b) who, when grading any produce in pursuance of any rules made under this Ordinance, wilfully grades such produce falsely;

shall be guilty of an offence, and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine and imprisonment.

Obstruction.

6. Any person who shall wilfully obstruct or hinder a public officer in the exercise of his powers under this Ordinance shall be guilty of an offence.

Penalties.

7. Any person who commits an offence under this Ordinance or any rule made thereunder, for which no penalty is prescribed, and any person who attempts to commit such an offence, shall, on summary conviction, be liable in respect of a first offence to a fine not exceeding fifty pounds, and in respect of a second or subsequent offence to a fine not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for a term not exceeding twelve months, or to both such fine and imprisonment.
