CHAPTER 43

COAL OWNERS (Protection) ORDINANCE

To provide for the protection of owners of coal, stored or afloat in the harbours.

(31st December, 1915)*

Enacted by ORDINANCE X of 1915, as amended by Ordinances VIII of 1916 and XIX of 1920; Act X of 1924; Ordinance XII of 1940; Legal Notice 4 of 1963; and Acts: XLIX of 1981 and VIII of 1990.

Short title.

1. This Ordinance may be cited as the Coal Owners (Protection) Ordinance.

Licence.
Amended by: XIX. 1920.2; L.N. 4 of 1963.

2. (1) No person shall dredge for coal or other articles in any harbour without a licence from the Commissioner of Police, or in contravention of the conditions of such licence.

Time and place at which dredging is permitted and other conditions of licence.

(2) Any such licence shall specify the time and place at which dredging for coal or other articles is permitted, and shall contain such other conditions as the Commissioner of Police may deem expedient for the protection of owners of coal.

Duration of licence.

(3) Every such licence shall remain in force until the 31st December of the year in which it is issued, unless it is previously cancelled by the Commissioner of Police by order of the Minister responsible for the Police.

Powers of Police.
Amended by: XIX.1920.2; X.1924.2; VIII. 1990.3.

3. (1) It shall be lawful for any Police officer to seize any quantity of coal less than five tonnes in weight, in any case in which there are grounds for suspecting that the possession of such coal was acquired unlawfully.

(2) In any such case the coal and any boat or vehicle containing the same shall be forfeited, unless the person claiming such coal, on a summons issued against the Commissioner of Police, before the Court of Magistrates, within seven days from the seizure, proves to the satisfaction of that court that he is the lawful owner of the coal, or that he came lawfully in possession thereof:

Provided that, in default of such proof, any other person who shall satisfy the Commissioner of Police that he is the lawful owner or possessor of the coal seized as aforesaid, shall be entitled to the restitution thereof.

Penalty.

(3) Any person acting in contravention of article 2 shall, on conviction, be liable to the punishments established for contraventions; and in any such case the court may also order the forfeiture of the boat or other vehicle or of the implements made use of in connection with such contravention.

**See* Proclamation No. XVIII of 1915.

Licence to trade in coal.
Added by: VIII.1916.2. Amended by: XII. 1940.2; L.N. 4 of 1963.

4. (1) No person shall deal in coal without a licence from the Commissioner of Police.

Duration of licence.

(2) Such licence shall remain in force until the 3lst December of the year in which it is issued, unless it is previously cancelled by the Commissioner of Police by order of the Minister responsible for the Police.

Power of Commissioner to refuse licence.

(3) The Commissioner of Police shall have power to refuse such licence to persons of suspected character.

Contents of licence.

(4) The licence shall specify the place in which the licensee may carry on his trade, and shall contain such other conditions as the Commissioner of Police may deem expedient to impose for the protection of the owners of coal.

Where coal-dealers may carry on their trade.

(5) The limitation of the areas in which licensed coal-dealers shall be permitted to carry on their trade, shall be at the discretion of the Commissioner of Police.

Duties of coal-dealers.
Added by: VIII.1916.2. Amended by: XIX.1920.3.

5. (1) Every such dealer shall have his name and surname, together with the word "Coal-dealer", painted distinctly on the front of his warehouse, shop or other place of business.

(2) He must also keep books in which he shall duly enter any coal purchased or otherwise received by him, the name of the sellers or other persons from whom he obtained the same and their place of abode.

Power of Police officers.

(3) Any Police officer may at any time enter any shop or warehouse kept by any coal-dealer and inspect the things existing therein and the books referred to in subarticle (2).

Other duties of coal-dealers.
Added by: VIII.1916.2. Amended by: XIX. 1920.3; XII.1940.2,3.

6. (1) Every licensed coal-dealer shall, moreover, comply with the following rules:

(*a*) he shall not purchase or otherwise receive any coal from any person of suspected character who is unable to prove satisfactorily how he came into possession of such coal;

(*b*) he shall not purchase or otherwise receive or sell any coal before eight o'clock in the morning or after sunset;

(*c*) he shall give to any Police officer, whenever requested to do so, an account of any coal sold or disposed of by him, stating the name and other particulars of the person to whom he sold or otherwise transferred such coal;

(*d*) he shall, without delay, give notice to the Police, of any coal offered to him, which he has reasonable grounds to suspect to have been improperly obtained;

(*e*) he shall not sell or otherwise dispose of any coal purchased or received by him, before the lapse of forty

eight hours from the time when it came into his possession, unless he has obtained permission so to do from the Commissioner of Police.

(2) The provisions of paragraphs of article (1)(*a*) and (*b*) of shall apply to any person to whom any coal is offered, whatever his trade or business may be.

Punishment. *Added by: VIII. 1916.2. Amended by: XII. 1940.2; XLIX. 1981.4;. VIII. 1990.3.* Cap. 9.

7. (1) Any person who contravenes the provisions of articles 4, 5 and 6 shall, on conviction by the Court of Magistrates, be liable to the punishments established in the Criminal Code, for contraventions:

Provided that if, in the opinion of the court, the offence deserves a higher punishment, the court may apply such punishments cumulatively, or may award a fine (*multa*) or sentence the offender to imprisonment for a term not exceeding one month.

(2) Where any person is convicted of any offence under articles 4, 5 and 6, the coal in respect of which the offence was committed shall be forfeited:

Provided that any person, other than the offender, who shall satisfy the Commissioner of Police that he is the lawful owner or possessor of the coal seized, shall be entitled to the restitution thereof.

Definition of "coal-dealer". *Added by: VIII.1916.2.*

8. For the purposes of articles 4, 5 and 6, the expression "coal-dealer" shall mean any person who, not being a regular coal-importer, trades in coal.

Saving as to other laws.

9. Nothing in this Ordinance shall affect any other provision of law in force relating to fishing.