

L.N. 63 of 1982

SUPPLIES AND SERVICES ACT, 1947
(ACT NO. IV OF 1947)

Agricultural Produce (Marketing) (Amendment) Regulations, 1982

IN exercise of the powers conferred by section 3 of the Supplies and Services Act, 1947, the Minister of Economic Development has made the following regulations:—

Citation.

G.N. 360 of
1952

1. These regulations may be cited as the Agricultural Produce (Marketing) (Amendment) Regulations, 1982, and shall be read and construed as one with the Agricultural Produce (Marketing) Regulations, 1952, hereinafter referred to as “the principal regulations”.

Amends
regulation 10 of
the principal
regulations.

2. In paragraph (2) of regulation 10 of the principal regulations immediately after the words “Police Force” there shall be inserted the words “or to any person appointed under section 4 of the Supplies and Services Act, 1947 or to any member of a body of persons so appointed”.

Amends
regulation 12 of
the principal
regulations.

3. In paragraph (1) of regulation 12 of the principal regulations, immediately after the words “by any person deputed in writing by him” there shall be inserted the words “or by any person appointed under section 4 of the Supplies and Services Act, 1947 or by any member of a body of persons so appointed”.

Amends
regulation 16 of
the principal
regulations.

4. For paragraph (3) of regulation 16 of the principal regulations there shall be substituted the following:

“(3) Any trader shall, if so required by the Director or by any member of the Police or by any person appointed under section 4 of the Supplies and Services Act, 1947 or by any member of a body of persons so appointed, produce on demand for examination any document (including books) in his possession and to furnish him with such information in such form and within such time as may be specified in the request.”.

Amends
regulation 26 of
the principal
regulations.

5. Regulation 26 of the principal regulations shall be amended as follows:

(a) for paragraphs (2), (3) and (4) thereof there shall be substituted the following:

“(2) Any person guilty of an offence against any of the provisions of these regulations, other than the provisions contained in paragraphs (f) and (g) of regulation 8, paragraph (2) of regulation 9, regulation 10 and paragraph (1) of regulation 12, regulations 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, shall be liable —

(a) on a first conviction to a fine (*multa*) of not less than five pounds but not exceeding twenty-five pounds;

(b) on a second conviction to a fine (*multa*) of not less than twenty-five pounds but not exceeding fifty pounds, so however that if the second offence is committed within twelve months from the first conviction the offender shall be liable to the penalties contained in subparagraph (c) of this paragraph;

(c) on a third or subsequent conviction, to a fine (*multa*) of not less than fifty pounds but not exceeding one hundred pounds and to the suspension of his licence for a period of not less than one month but not exceeding six months.

(3) Any person guilty of an offence against the provisions contained in paragraphs (f) and (g) of regulation 8, paragraph (2) of regulation 9, regulation 10, paragraph (1) of regulation 12, regulations 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 shall be liable —

(a) on a first conviction, to a fine (*multa*) of not less than fifty pounds but not exceeding two hundred and fifty pounds;

(b) on a second conviction, to a fine (*multa*) of not less than one hundred pounds but not exceeding five hundred pounds so however that if the second offence is committed within twelve months from the first conviction the offender shall be liable to the penalty contained in sub-paragraph (c) of this paragraph;

(c) on a further conviction, to a fine (*multa*) of one thousand pounds:

Provided that where the offence is one where any voucher or other document shown or produced for examination as required by paragraph (2) of regulation 10, paragraph (1) of regulation 12, paragraph (3) of regulation 16 of these regulations, is false or misleading or does not represent the true facts in any material respect, the person so showing or producing it and any person responsible for the drawing up of such voucher or document or for the making of the false, misleading or untrue entry therein, or consists in giving information which is incorrect or misleading as provided in paragraph (3) of regulation 16 of these regulations, the Court may, and if so requested by the prosecution shall, in addition to any other punishment sentence the offender to imprisonment for a term of not less than ten days and not exceeding six months.

(4) In addition to the punishments laid down in paragraph (3) of the provisions of this regulation, the Court shall, on the demand of the prosecution —

(a) in the case of a second conviction, order the suspension of the offender's licence for a period of not less than one week and not more than three months; and

(b) in the case of a further conviction, order the cancellation of any licence held by the offender and relating to any trade or business and of any licence relating to the place of business to which the offence relates.”;

(b) for paragraph (8) thereof there shall be substituted the following:

“(8) The provisions of the Probation of Offenders Act, 1957, shall not be applicable in respect of any offence against the provisions of these regulations.”;

(c) in paragraph (9) thereof for the words "by the Court of Magistrates" there shall be substituted the words "by the Court"; and

(d) immediately after paragraph (10) thereof there shall be added the following new paragraph:

"(11) Where an offence against these regulations is committed by, or an act or omission amounting to an offence may be attributed to, an individual acting in the name, or on behalf or in the interest of a partnership or an association or other body or group of persons, or where action is taken against an individual by virtue of his liability as a director, manager, secretary or other similar officer of such body, association or group as provided in section 13 of the Interpretation Act, 1975, or by virtue of any liability under section 10 of the Supplies and Services Act, 1947, and it results that an act or omission amounting to an offence against these regulations has occurred, the provisions of this section relating to the suspension or cancellation of any licence held by the offender or other person as aforesaid shall apply also to any licence held by or in the name, or on behalf or in the interest of the partnership, association or other body or group of persons of which the offender or other person as aforesaid is a director, manager, secretary or other officer or in whose name or interest or on whose behalf such person was acting, and such licence shall equally be suspended or cancelled accordingly."

Adds new
regulation 26A
to the
principal
regulations.

6. Immediately after regulation 26 of the principal regulations there shall be added the following new regulation:

"Trader
to be
responsible
for
offences
by
employees
etc.

26A. Every trader as defined in Part III of these regulations shall take all such steps as are required to ensure full compliance with all the provisions of these regulations; and even where any contravention of or non-compliance with any provision of these regulations may be attributed to any person in the employment of such trader or in the exercise of any act or function authorised or permitted by the trader, such trader shall also be guilty of that offence unless he proves that he took all reasonable steps to prevent the commission of the offence."