

I assent,

CUTHBERT M SEBASTIAN

Governor-General.

5th March, 2012.



SAINT CHRISTOPHER AND NEVIS

No. 8 of 2012

AN ACT to make provision for the registration of vendors of agricultural produce and livestock and for related matters.

[Published 5th March 2012, Extra Ordinary Gazette No. 10 of 2012.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

1. Short title and commencement.

(1) This Act may be cited as the Agricultural Produce and Livestock (Registration of Vendors) Act 2012.

(2) This Act shall come into force on such date as the Minister may appoint by Order published in the *Gazette*.

2. Interpretation.

In this Act, unless the context otherwise requires-

“agricultural produce” means root crops, plants, grasses, pulses, vegetable, cereals,
.....~~fruit and~~ fibers;

“certificate of registration” means a certificate of registration issued under section 6;

“farm animal” includes any horse, mare, gelding, foal, colt, donkey, mule, ass, ox,
bull, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog, rabbit or pig;

“livestock” includes any farm animal or poultry or the carcass, head, skin, or any
other part or product thereof;

“Minister” means the Minister responsible for agriculture;

“poultry” includes any fowl, chicken, turkey, duck, goose or other bird commonly
reared for the purpose of human consumption;

“Register” means the Register of Vendors of Agricultural Produce and Livestock kept by the Registrar in accordance with section 3.

“Registrar” means the Registrar of Vendors of Agricultural Produce and Livestock designated pursuant to section 3;

“vehicle” means any cart, carriage, dray, motor car, tractor, lorry or wheeled vehicle of any kind and, where the vehicle is drawn by an animal, includes such animal.

3. Registrar and register.

(1) The Minister may, by Order, designate a person on prescribed conditions to be the Registrar of Vendors of Agricultural Produce and Livestock.

(2) The Registrar shall maintain a Register to be known as the Register of Vendors of Agricultural Produce and Livestock.

(3) The Register shall contain the names, addresses and any other particular as may be prescribed, of all persons who are registered as vendors of agricultural produce and livestock under this Act.

(4) The Register shall be open to inspection by any member of the public at any reasonable time.

(5) A copy of the Register shall be published in the *Gazette* by the Registrar at such times and in such manner as may be prescribed.

4. Application for Registration or Renewal.

(1) An application for registration, or renewal of registration shall

- (a) be made to the Minister;
- (b) be in the form set out in the Second Schedule;
- (c) set out the grounds on which the applicant is eligible for registration, including a brief description of the nature of the applicant’s business; and
- (d) be accompanied by a copy of a police certificate and such fee as the Minister may prescribe.

(2) The Minister may request the submission of other documents or other evidence for verification of any matter stated in the application form.

5. Registration as vendor of agricultural produce or livestock.

(1) A person who sells, trades in, deals in, supplies or otherwise disposes of agricultural produce or livestock of the value or weight prescribed in the First Schedule shall be registered in the manner provided in this Act.

(2) Where a person applies under this section to be registered or for renewal of registration, the Minister may cause such person to be registered or renew his registration and shall issue a certificate of registration or renewal of registration in a form approved by the Minister.

(3) A person who is required under this section to be registered and who

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- (a) sells, trades in, deals in, supplies or otherwise disposes of agricultural produce or livestock of the value or weight prescribed in the First Schedule without a valid certificate of registration issued under section 6(1); or
- (b) fails to comply with subsection 6(2),

commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

6. Certificate of Registration.

- (1) A certificate of registration
 - (a) is valid for a period of five years from the date of issue upon payment of the prescribed fee, if any, and is renewable on expiry;
 - (b) shall carry
 - (i) a registration number;
 - (ii) the date of issue;
 - (iii) the date on which the certificate of registration shall expire; and
 - (iv) such other particulars as the Minister thinks fit.
- (2) A person registered under this Act shall
 - (a) keep his certificate of registration in his possession and, on being so required, by a police officer, produce it for examination; or
 - (b) cause his certificate of registration or a duplicate of such certificate of registration to be conspicuously displayed at the place from which he sells, trades in, deals in, supplies or otherwise disposes of agricultural produce or livestock or in each such place, where there is more than one.
- (4) Notwithstanding subsection (2), where a person is unable to produce his certificate of registration when so required, a police officer may permit that person to produce the certificate of registration in person within forty-eight hours thereafter at such police station as may be specified by the police officer, and if the certificate of registration is so produced that person shall not be convicted of an offence under this section.

7. Receipt.

- (1) No person shall-
 - (a) purchase; or
 - (b) in any manner obtain possession or custody of,

agricultural produce or livestock of the value or weight prescribed in the First Schedule unless at the time of purchase or of obtaining possession or custody of the agricultural produce or livestock the person obtains a receipt from the vendor or other person as the case may be.

- (2) No person shall-

- (a) sell; or
- (b) otherwise dispose of,

agricultural produce or livestock of the value or weight prescribed in the First Schedule unless at the time of sale or disposal the person gives a receipt, to the purchaser or other person obtaining possession or custody of the agricultural produce or livestock.

(3) A receipt referred to in subsections (1) and (2) shall be in the prescribed form and shall include the following information-

- (a) the date of sale or disposal of the agricultural produce or livestock;
- (b) a description of the type and quantity of the agricultural produce or livestock sold or disposed of;
- (c) if the agricultural produce or livestock is purchased, the price paid therefor;
- (d) the name and signature of the person who is selling the agricultural produce or livestock; and
- (e) the name of the purchaser or person receiving the agricultural produce or livestock.

(5) A receipt referred to in this section shall be produced at the request of a police officer.

(6) A person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(7) A person who

- (a) when requested to produce a receipt, produces an invalid or false receipt;
- (b) issues a receipt that contains any false information in respect of the agricultural produce or livestock; or
- (c) in any way alters a receipt,

commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and in respect of a second or subsequent offence, to a fine not exceeding fifteen thousand dollars or to imprisonment for four years or both.

(8) It is a defence to a charge brought under this section to prove that the agricultural produce or livestock in respect of which the charge arose was cultivated or reared by the person so charged.

8. Conveying agricultural produce or livestock of several persons.

(1) A person in charge of a vehicle or other means of conveyance that is used for the purpose of conveying agricultural produce or livestock belonging to more than one person shall cause the agricultural produce or livestock to be placed in such a manner as to preserve the identity of ownership of the several items of agricultural produce or livestock belonging to those persons.

(2) A person in charge of a vehicle or other means of conveyance who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

9. Forging, counterfeiting certificate of registration.

A person who forges or counterfeits or causes to be forged or counterfeited any document purporting to be a certificate of registration under this Act commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

10. Amendment to schedules.

The Minister may, by order published in the *Gazette*, amend the Schedules to this Act.

11. Regulations.

(1) The Minister may make Regulations

- (a) generally for giving effect to this Act;
- (b) to implement and regulate a receipt book system in relation to the sale of agricultural produce and livestock;
- (c) to implement and regulate a farmer registration system;
- (d) to implement and regulate a vendor registration system;
- (e) pursuant to section 6, in relation to the certificate of registration to be issued under this Act;
- (f) for the appointment of inspectors;
- (g) for the prevention of praedial larceny;
- (h) prescribing anything that is authorised or required to be prescribed by this Act.

(2) Regulations made under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding twenty-five thousand dollars or to a term of imprisonment not exceeding three years or to both.

(3) Regulations made under this section shall be subject to negative resolution of the National Assembly.

12. Savings.

The provisions of this Act are in addition to the provisions of any enactment providing for the prevention of theft of agricultural produce or livestock and nothing in this Act shall limit or affect any such enactment.

13. Transition.

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(1) A person who immediately before the date of commencement of this Act was selling agricultural produce or livestock and who is required under this Act to be registered may continue to sell such agricultural produce or livestock without being registered under this Act

- (a) during the period of six months beginning with that date; and
- (b) if within that period application is made for registration, until that application is finalised or withdrawn.

(2) The Minister may, by order published in the *Gazette*, extend the period referred to in subsection (1) (a).

FIRST SCHEDULE

(Sections 5)

VALUE OR WEIGHT OF AGRICULTURAL PRODUCE OR LIVESTOCK

1. Agricultural produce of the value of one hundred dollars or more or of the weight of ten kilograms or more.
2. Livestock of the value of one hundred dollars or more or of the weight of ten kilograms or more.

SECOND SCHEDULE

(Sections 4)

APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION

- 1. Name and address of applicant
}.....
- 2. Place where agricultural produce
grown or purchased }.....
- 3. Place where livestock reared
or purchased }.....
- 4. Name and address of owner(s) of
agricultural produce or livestock
(if the owner is not the applicant) }.....
- 5. General Discription of type
and quantity of agricultural produce
or livestock sold and type of business }.....
- 6. Is this an application for renewal }.....

I.....ofhereby certify that the information contained herein is true to the best of my knowledge, information and belief.

CURTIS A. MARTIN

.....
Speaker

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Passed by the National Assembly this 24th day of February, 2012.

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.....
JOSÉ LLOYD
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*Clerk of the
National Assembly*