



Tonga

# **COPRA ACT**

**Chapter 44.04**

**2016 Revised Edition**





# COPRA ACT

## AN ACT TO REGULATE THE MAKING AND SALE OF COPRA<sup>1</sup>

Commencement [29th July 1926]

### 1 Short title

This Act may be cited as the Copra Act.

### 2 Interpretation

In this Act —

“**Chief Executive Officer**” means the Government chief executive officer responsible for agriculture;

“**copra**” means the kernel or meat of the coconut in either its green or dried condition;

“**Inspector of Agriculture**” means an inspector appointed under the Plant Quarantine Act<sup>2</sup>;

“**licensed trader**” means any person or body or persons corporate or unincorporate holding a licence issued under the Business Licences Act<sup>3</sup>, and includes any person in the employment of such licence holders;

“**Minister**” means the Minister responsible for agriculture.

### 3 Offences in the making of copra

Any person who —

- (a) makes copra from nuts which have not fallen naturally from the trees or from nuts which have begun to sprout or from immature nuts;
- (b) buys, sells or offers for sale or otherwise deals in any copra which has not been cut into pieces not larger than one-eighth of the nut;
- (c) dries or attempts to dry or cut out or attempts to cut out any copra on the bare ground or on grass;
- (d) permits copra in the process of drying to be exposed during rain;
- (e) stores partly dried green or wet copra in sacks, or heaps partly dried green or wet copra in bulk in any place;
- (f) spreads copra except at night time or during rain in or upon any drying place at a depth of more than two inches;
- (g) mixes dry copra with wet copra or with green copra or with copra that has not been sufficiently dried;
- (h) buys, sells, or offers for sale or otherwise deals in any bad or damaged copra;
- (i) covers copra during the process of drying in such a way as to exclude the free circulation of air through the copra; or
- (j) pounds or rams green copra when in sacks,

commits an offence against this Act and shall be liable accordingly:

Provided that no offence shall be held to have been committed under paragraph (d) of this section if the offender proves to the satisfaction of the Court that the copra in respect of which the charge is brought was freshly cut green copra.<sup>4</sup>

#### **4 Possession of bad copra**

Any licensed trader who has in his possession any bad or damaged copra commits an offence against this Act and shall be liable accordingly.

#### **5 Penalties**

- (1) Any licensed trader convicted of an offence against this Act shall be liable to a fine not exceeding \$250 and in default of payment to imprisonment for a term not exceeding 3 months and the Court may in addition to any other punishment imposed order that the trader's licence to buy copra shall be cancelled.<sup>5</sup>
- (2) Any person other than a licensed trader convicted of an offence against this Act shall be liable to a fine not exceeding \$100 and in default of payment to imprisonment for a term not exceeding 3 months and if any such person is the holder of a copra buyer's licence the Court may in addition to any other punishment imposed order that such licence shall be cancelled.<sup>6</sup>

- (3) No licence cancelled in accordance with subsections (1) and (2) shall be renewed without the consent of Cabinet.<sup>7</sup>

## **6 Appointment of officers**

There shall be appointed in the Public Service, additional officers generally to assist the Chief Executive Officer or other officer administering the Department of Agriculture.<sup>8</sup>

## **7 Duties of inspector**

- (1) The Chief Executive Officer and any Inspector of Agriculture may enter in the day time upon any land or into any building or upon any structure for the purpose of inspecting and taking samples of copra or of doing such other things as may be necessary for the purpose of this Act.
- (2) Any person who obstructs the Chief Executive Officer or any Inspector of Agriculture in the execution of any duty imposed on him by this Act commits an offence against this Act and shall be liable accordingly.

## **8 Cabinet consent to shipment of copra stored for 6 months**

Any person who without the consent of Cabinet ships or attempts to ship any copra which has been stored in Tonga for a period exceeding 6 months shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding \$250 and in default of payment to imprisonment for a period not exceeding 3 months.<sup>9</sup>

## **9 Provision of platforms**

- (1) No person shall be granted a copra buyer's licence under the Business Licences Act until the Chief Executive Officer or other officer approved by the Prime Minister has certified that such person possesses the proper plant platform and other facilities necessary to the satisfactory drying of copra.
- (2) Any person to whom a copra buyer's licence has been issued who allows his platform or other plant to fall into disrepair commits an offence against this Act and shall be liable on summary conviction to a fine of \$100 and the Court may in addition to any other punishment imposed order that the offender's copra buyer's licence shall be cancelled.<sup>10</sup>
- (3) No licence cancelled in accordance with subsection (2) shall be renewed without the consent of Cabinet.<sup>11</sup>

**10 Regulations**

The Minister with the consent of Cabinet may make regulations for the better carrying out of the provisions of this Act and in particular to provide for the following —

- (a) the proper storing of copra;
- (b) the erection of platforms or other plant for drying copra; and
- (c) the duties of inspectors.<sup>12</sup>

**11 Prosecution of offenders**

All offences against this Act shall be triable in the Magistrate's Court for the district in which the offence is alleged to have occurred. The Attorney General shall prosecute the offender.<sup>13</sup>

**ENDNOTES**

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- <sup>1</sup> Acts 14 of 1926, 14 of 1935, 28 of 1988 and 46 of 1988
- <sup>2</sup> Cap. 44.10
- <sup>3</sup> Cap. 40.02
- <sup>4</sup> Substituted by Act 14 of 1935
- <sup>5</sup> Amended by Act 28 of 1988
- <sup>6</sup> Amended by Act 28 of 1988
- <sup>7</sup> Substituted by Act 14 of 1935
- <sup>8</sup> Amended by Acts 14 of 1935 and 28 of 1988
- <sup>9</sup> Added by Act 14 of 1935 and Amended by Act 28 of 1988
- <sup>10</sup> Amended by Act 28 of 1988
- <sup>11</sup> Added by Act 14 of 1935
- <sup>12</sup> Amended by Acts 46 of 1988 and 42 of 2010
- <sup>13</sup> Amended by Act 46 of 1988