



## ST. CHRISTOPHER AND NEVIS

### **CHAPTER 14.04**

### **COTTON ACT** and Subsidiary Legislation

**Revised Edition**  
showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

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## **CHAPTER 14.04**

### **COTTON ACT**

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## CHAPTER 14.04

### COTTON ACT

AN ACT TO CONTROL THE GROWING OF COTTON, AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### PART I

##### PRELIMINARY

###### Short title.

1. This Act may be cited as the Cotton Act.

###### Interpretation.

2. In this Act, unless the context otherwise requires—

“Chief Agricultural Officer” means the officer for the time being in charge of the Department of Agriculture;

*(Amended by Act 7 of 1976)*

“agricultural officer” means any officer of the Department of Agriculture and any person authorised in writing by the Chief Agricultural Officer to carry out the provisions of this Act;

*(Amended by Act 7 of 1976)*

“Association” means the West Indian Sea Island Cotton Association (Incorporated);

“cotton” includes cotton seed, cotton plant, seed cotton and lint cotton;

“cotton stainer” means the pest known as the cotton stainer in any stage of development;

“infectious plant” means any tree, shrub or herb declared to be an infectious plant by the Minister and includes the fruit or other product of any such tree, shrub or herb, and the roots, trunks, stems, branches, fruits, leaves or other parts thereof or any parts severed from any such tree, shrub or herb, including empty pods or husks;

“Minister” means the Minister responsible for Agriculture;

*(Inserted by Act 7 of 1976)*

“old cotton” means any cotton plants and all or any portion of the same growing or remaining on any lands on the last day of the close season, or any cotton plants growing from seed planted during the close season, and includes any plant declared by the Minister to be an infectious plant growing or remaining as aforesaid or growing from seed, or cutting planted during the close season;

*(Amended by Act 6 of 1976)*

“owner” means the person for the time being receiving or entitled to receive the rent of the land in connection with which the word is used or who would receive or be entitled to receive the same if the land were let out at rack rent, and includes any joint tenant, tenant in common or co-partner and any civil attorney;

“rogue plant” means any cotton plant not being, in the opinion of the Chief Agricultural Officer or agricultural officer, true to the Sea Island type.

*(Amended by Act 7 of 1976)*

#### **Appointment of agricultural officers.**

3. (1) For the purposes of carrying into effect the provisions of this Act, the Minister may, from time to time, appoint agricultural officers who shall be under the control of the Chief Agricultural Officer.

(2) Agricultural Officers may be appointed for the State or for each of the islands of St. Christopher and Nevis and shall be paid such remuneration as may be voted by the National Assembly.

*(Amended by Act 7 of 1976)*

## PART II

### CONTROL OF COTTON GROWING

#### **A plant may be declared an infectious plant by the Minister.**

4. The Minister may, by notice published in the *Gazette*, declare any plant to be an infectious plant within the meaning of this Act and thereupon such plant shall be deemed to be a cotton plant for all purposes of this Act.

*(Amended by Act 6 of 1976)*

#### **Appointment of a planting season and a close season.**

5. (1) The Minister may, by notice published in the *Gazette*, appoint a planting season and a close season for cotton.

(2) Such seasons may be appointed for the State, or for each of the islands of St. Christopher and Nevis.

*(Amended by Act 6 of 1976)*

#### **Planting restricted.**

6. No person shall sow or plant any cotton except during the planting season.

#### **Land to be cleared of cotton during close season.**

7. No person shall allow any cotton to remain in any land in his or her occupation or control during the close season.

#### **Cotton plants to be destroyed.**

8. (1) The occupier of any land on which cotton is or has been growing shall destroy, to the satisfaction of the agricultural officer, all cotton remaining on such land before the preparation of such land for any new crop and before the first day of the close season in each year.

(2) The occupier of any land on which cotton is or has been growing shall, before the preparation of such land for any new crop, obtain the permission of the

agricultural officer to do so:

Provided that unless permission is refused within forty-eight hours of an application for the same it shall be deemed to have been granted.

**Powers of agricultural officers.**

**9.** (1) An agricultural officer may, without notice and with or without assistants, enter any land on which he or she has reason to believe that cotton is growing or has been sown or planted—

- (a) for the purposes of ascertaining whether the provisions of this Part have been or are being complied with; and
- (b) for the purpose of ascertaining whether the cotton stainer is present or any rogue plant growing thereon.

(2) If an agricultural officer finds any rogue plant growing on the lands or is satisfied as to the presence of the cotton stainer on land, he or she may uproot or otherwise destroy any such rogue plant, and he or she may take such measures as he or she may deem necessary for the eradication or control of the pest and for the prevention of the spread of the pest in the State, and he or she may, if necessary, destroy any trees, shrubs, herbs, or other plants upon which the cotton stainer is accustomed to feed.

**Searches authorized.**

**10.** (1) Whenever it is made to appear on oath that there is reasonable cause to suspect that any person is in possession of any cotton in any building or other place contrary to the provisions of this Act, it shall be lawful for any Magistrate, by warrant under his or her hand, to authorise any member of the Police Force or any local constable to enter (if necessary by force) and search any such buildings or place and seize and secure any cotton found therein for the purpose of being dealt with under the provisions of this Act.

(2) Any person who hinders or molests any person acting under the authority of any warrant issued under subsection (1) shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars or to a term of imprisonment not exceeding six months.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Magistrate may order destruction of cotton.**

**11.** (1) Whenever it is made to appear on oath that any cotton is upon any land in contravention of this Part, it shall be lawful for a Magistrate to order the destruction of the same:

Provided that twelve hours notice of such order shall be given to the occupier of such land before the destruction is begun.

(2) The reasonable expenses of the destruction of any cotton under an order made under subsection (1) shall be recoverable summarily as a civil debt at the suit of the Chief Agricultural Officer under the provisions of the Magistrate's Code of Procedure Act, Cap. 3.17.

*(Amended by Act 7 of 1976)*

**Compensation for substantial damage.**

**12.** It shall be lawful for the Minister, out of moneys voted for that purpose by the National Assembly, to compensate any occupier or owner of land for any trees,

shrubs, herbs or other plants destroyed under section 11 in any case where, in the opinion of the Minister, substantial damage has been suffered by such destruction.

PART III  
CONTROL OF COTTON SEED

**Agricultural Officer to control cotton seed for planting.**

13. The distribution of cotton seed intended for planting in the State shall be controlled by the Chief Agricultural Officer.

**Planting of cotton seed.**

14. (1) No cotton seed shall be planted—

- (a) in the island of Saint Christopher, unless and until it has been inspected and approved for planting by an agricultural officer; or
- (b) in the island of Nevis, unless it has been obtained from the Government Ginnery at Nevis or from an agricultural officer.

(2) Any person who contravenes or fails to comply with any of the provisions of this section shall be liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Cotton seed not approved or not supplied under section 14 to be destroyed.**

15. All cotton seed not approved or obtained under the provisions of section 14 shall be destroyed, to the satisfaction of an agricultural officer—

- (a) by heat, composting or conversion into meal; or
- (b) by crushing after delivery to an oil factory for oil extraction:

Provided that such destruction shall be completed before a date in each year to be appointed by the Minister by notice in the *Gazette*:

Provided further that for good and sufficient reason the Minister, on the recommendation of an agricultural officer, may grant in writing an extension of time beyond the date appointed by notice as aforesaid.

*(Amended by Act 6 of 1976)*

**Export of cotton seed prohibited.**

16. (1) No cotton seed shall be exported from the State without the consent of the Minister.

(2) No cotton seed shall be sent from one island to another island within the State without the consent of the Minister.

**Agricultural officer may acquire cotton seed for planting.**

17. (1) An agricultural officer, on the request of any person and on being satisfied that such person cannot otherwise obtain cotton seed for planting, may obtain cotton



seed from any person possessing cotton seed fit for planting:

Provided that—

- (a) the person possessing the cotton seed does not reasonably require the same for planting;
- (b) three clear days' notice in writing is given to the person possessing the cotton seed by the agricultural officer stating that cotton seed is required for planting and specifying the amount so required; and
- (c) the cotton seed obtained is paid for, or a tender of the purchase price is made, at the prevailing market price.

(2) Any person who neglects or refuses to deliver cotton seed for planting when required so to do in accordance with the provisions of subsection (1) shall be liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

#### PART IV

#### COTTON TRAFFIC

##### **No person to sell cotton without licence.**

**18.** No person shall sell or barter any cotton without having first obtained a vendor's licence in the prescribed form to do so.

##### **Application for vendor's licence.**

**19.** Application for a vendor's licence shall be made in writing to an agricultural officer in the prescribed form and shall be stamped with an adhesive stamp of the value of twelve cents:

Provided that if the application is refused, the agricultural officer shall refund the sum of twelve cents to the applicant.

##### **Agricultural officer to grant or refuse vendor's licence.**

**20.** (1) The agricultural officer shall, within one week after the receipt of an application for a vendor's licence, grant or refuse to grant the same, and if he or she refuses to grant the licence, he or she shall declare such refusal by writing his or her reasons therefor and appending his or her signature and the date of such refusal on the face of the application and inform the applicant accordingly.

(2) A record of all applications so refused and a record of all applications granted shall be kept by the agricultural officer.

##### **Vendor's record.**

**21.** Every licensed vendor shall keep a record of all sales of cotton and upon any sale being effected shall fill in the particulars thereof on the back of his or her licence and shall present the licence to the purchaser for his or her signature and the purchaser shall sign the same in the space provided for the purpose.

**Purchase of cotton prohibited.**

22. No person shall purchase any cotton without having first obtained a purchaser's licence in the prescribed form to do so.

**Application for purchaser's licence.**

23. (1) Application for a purchaser's licence shall be made in writing to the Chief Agricultural Officer in the prescribed form.

(2) There shall be payable in respect of any such licence a fee of twenty-four dollars:

Provided that no licence shall be required for the purchase of stained lint cotton to be used by the purchaser or for sale in manufactured goods.

**Licence to purchase.**

24. (1) The Chief Agricultural Officer shall, within two days after the receipt of an application for a purchaser's licence, grant or refuse the same and, if he or she refuses to grant the licence, he or she shall declare such refusal by writing his or her reason therefor and appending his or her signature and the date of such refusal on the face of the application and inform the applicant accordingly.

(2) Any person aggrieved by the refusal of the Chief Agricultural Officer to grant a licence may appeal to the Minister, whose decision shall be final.

(3) A record of all applications so refused and of all applications granted shall be kept by the Chief Agricultural Officer.

**Purchase on premises.**

25. A person to whom a licence has been granted shall not purchase cotton elsewhere than at the premises mentioned in his or her licence.

**Purchaser's record.**

26. Every licensed purchaser shall keep a book (herein-after called the "purchaser's record") in the prescribed form.

**Particulars to be entered in purchaser's record.**

27. Upon a purchase of cotton being effected the licensed purchaser shall forthwith enter full particulars of such purchase in the purchaser's record and shall sign such entry.

**Duration of licence.**

28. A licence to sell or purchase cotton shall expire on the thirty-first day of December in each year.

**Removal of cotton.**

29. (1) No cotton shall be moved from any one place to another between the hours of sunset and sunrise without a permit which shall be issued by the owner, or other person, on whose behalf the cotton is to be moved:

Provided that nothing in this section shall be construed to apply to cotton in the course of removal from the field where such cotton shall be gathered, to the storehouse of the owner of such cotton.

(2) The permit shall be signed by the owner or other person on whose behalf it is to be moved and shall contain the following particulars as to—

- (a) the location of the storehouse from where the cotton is removed;
- (b) the destination of the cotton;
- (c) the quantity;
- (d) the kind of cotton (lint or seed);
- (e) the name of the owner; and
- (f) the date of the removal.

## PART V

### COTTON GINNERIES

#### **Licence to gin.**

**30.** No person shall gin any cotton without first having obtained from the Chief Agricultural Officer a ginnery licence in the prescribed form to do so.

#### **Application for ginner's licence.**

**31.** Application for a ginner's licence shall be made in writing to the Chief Agricultural Officer in the prescribed form.

#### **Chief Agricultural Officer to grant ginner's licence.**

**32.** (1) The Chief Agricultural Officer shall, within two weeks after receipt of an application for a ginner's licence, grant or refuse the same and, if he or she refuses to grant the licence, he or she shall declare such refusal by writing his or her reason therefor and appending his or her signature and the date of such refusal on the face of the said application and inform the applicant accordingly.

(2) Any person aggrieved by the refusal of the Chief Agricultural Officer to grant a licence may appeal to the Minister, whose decision shall be final.

(3) A record of all applications so refused shall be kept by the Chief Agricultural Officer.

#### **Conditions of ginner's licence.**

**33.** Before granting a ginner's licence, the Chief Agricultural Officer shall satisfy himself or herself—

- (a) that the provisions of any Regulations made under this Act relating to ginneries have been fulfilled; and
- (b) that the floors and walls of the place intended for use as a ginnery contain no open seams or chinks.

#### **Duration of ginner's licence.**

**34.** Every ginner's licence shall expire on the last day on which ginning is permitted in the season of issue.

**Transfer of licence prohibited.**

35. No licence shall be transferred, changed or assigned without the approval of the Chief Agricultural Officer endorsed thereon.

**Ginnery licence.**

36. No place shall be used for the ginning of cotton unless the same is duly licensed for the purpose by the Chief Agricultural Officer.

**Register of ginneries.**

37. The Chief Agricultural Officer shall keep a register of all ginneries in respect of which licences have been issued and shall allot to every ginnery a registered mark.

**Suspension of licence.**

38. If the holder of a ginnery licence fails to maintain the ginnery, in respect of which the licence is issued, in a condition satisfactory to the Chief Agricultural Officer, the Chief Agricultural Officer may suspend the licence until such improvements, repairs or other sanitary arrangements as he or she may specify in writing have been executed to his or her satisfaction.

**Ginner's record.**

39. Every ginner shall keep a book (which shall be called the ginner's record) in the prescribed form in which shall be entered forthwith full particulars of all cotton received at his or her ginnery and of the quantity of seed obtained from the ginning of such cotton and of the manner of disposal of such seed and each entry shall be signed at the time of the making thereof by the ginner or by any person duly authorised by him or her.

**Cotton bales to be marked.**

40. The ginner shall mark upon each bale of cotton, before it leaves his or her ginnery, in legible letters, not less than one inch in length, a serial number, the mark prescribed for his or her ginnery and the words "Grown in St. Kitts", "Grown in Nevis", according to the island wherein the same shall have been exclusively grown, and all cotton, not grown exclusively in any one of the said islands, or not grown in the State, shall be marked "Mixed Growth" or "Foreign Growth" as the case may be.

**Bags and packages to be boiled or fumigated before return.**

41. All bags and packages containing cotton and delivered at any cotton ginnery shall, before return, be boiled or fumigated in a manner approved by the Chief Agricultural Officer.

## PART VI

## MISCELLANEOUS PROVISIONS

**Inspection of records.**

42. The records required to be kept under this Act by any vendor, purchaser or ginner shall at all reasonable hours on business days be produced for the inspection of the Chief of Police or any Police Officer or any other person on the written authority

of the Chief Agricultural Officer, and any such officer or other person so inspecting any of the said records shall be at liberty to make a copy and take away with him or her such copy of any entry or entries in the said records.

**Power to make Regulations.**

**43.** The Minister may make Regulations relating to all or any of the following matters—

- (a) the control and state of repair of cotton ginneries;
  - (b) the fumigation and disinfection of seed for planting;
  - (c) the transport of seed for planting, seed cotton, cotton lint, and of all bags and packages which have been used therewith;
  - (d) the disposal of any cotton seized for the contravention of any offence under this Act;
  - (e) the storage of cotton and all bags and packages which have been used therewith;
  - (f) annual returns stating particulars as to acreage and locality of all cotton planted;
  - (g) for the prevention and eradication of insect pests and cotton diseases;
  - (h) prescribing the forms of applications, licences, permits, certificates and records under this Act and the manner in which records shall be kept; and
  - (i) generally, for the carrying into effect any of the provisions of this Act.
- (Amended by Act 6 of 1976)*

**Burden of proof.**

**44.** In every case where any question arises in any proceedings before a Magistrate or any Court of law, whether a person be the owner, occupier or person having the charge or management of any lands or of any ginnery, plantation or estate the onus of proving that such person is not the owner, occupier or person having the charge or management of such lands, plantation or estate shall be upon the defendant.

**Offences.**

**45.** Any person who commits an offence against this Act or any Regulations made thereunder for which no special penalty is provided by this Act or any Regulations made thereunder shall be liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

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**FIRST SCHEDULE**

*(Section 22)*

**COTTON (FORMS) REGULATIONS**

**Short title.**

1. These Regulations may be cited as the Cotton (Forms) Regulations.

**Interpretation.**

2. In these Regulations and the Schedule thereto, "Act" means the Cotton Act.

**Forms.**

3. The forms required under the Act shall be those set out in the Schedule hereto.

**SCHEDULE TO THE REGULATIONS**

**THE COTTON ACT**

**LICENCE TO SELL COTTON**

*(Section 18)*

No..... of 20.....

Acreage planted and situation of the land from which cotton is to be gathered.	The date when the said land was planted.	Total estimated weight of all seed cotton to be gathered from said land.	Name of intending purchaser (if any).

Licence is hereby granted to .....  
of ..... to sell the cotton above mentioned.

Dated this ..... day of ....., 20 .....  
..... Agricultural Officer.

This licence remains in force until the 31st day of ..... 20 .....  
Fee paid.

.....  
..... Agricultural Officer.

THE COTTON ACT  
THE VENDOR'S RECORD  
(Section 21)

Date of sale.	Name of Purchaser.	Address of Purchaser.	No. of Purchaser's licence.	Previously sold.	Description (viz. lint or seed) and weight of cotton sold.	Price received per lb.	Signature of Purchaser or the person acting on his or her behalf.

THE COTTON ACT  
APPLICATION FOR A LICENCE TO SELL COTTON  
(Section 19)

No.....of 20.....

Acreage planted and situation of the land from which cotton is to be gathered.	The date when the said land was planted.	Total estimated weight of all seed cotton to be gathered from said land.	Exact weight of all seed cotton already gathered (if any) from said land.	Name of intending purchaser (if any).

To  
The Agricultural Officer

I hereby apply for a licence to sell the cotton above mentioned.

Dated this ..... day of ....., 20 .....

..... Applicant.

THE COTTON ACT
APPLICATION FOR LICENCE TO PURCHASE COTTON
(Section 23)

To
The Chief Agricultural Officer.

I hereby apply for a licence to purchase cotton in accordance with the provisions of the abovementioned Ordinance.

Dated this ..... day of ....., 20 .....
(Name).....
(Address).....

THE COTTON ACT
LICENCE TO PURCHASE COTTON
(Section 22)

Licence is hereby granted to.....of.....to purchase cotton at his/her premises situate at.....in this Presidency in accordance with the provisions of the abovementioned Act.

Dated this ..... day of ....., 20 .....
This licence remains in force until the 31st day of ..... 20 .....

Fee paid
.....

.....
Chief Agricultural Officer

THE COTTON ACT
PURCHASER'S RECORD
(Section 26)

Table with 7 columns: Date of purchase, Name of the vendor, Address of the vendor, No. of Vendor's licence, Description (viz. lint or seed) and weight of cotton purchased, Price paid per lb., Signature of purchaser or the person acting on his or her behalf.



THE COTTON ACT  
APPLICATION FOR LICENCE TO GIN COTTON  
(Section 31)

To  
The Chief Agricultural Officer.

I hereby apply for a licence to gin cotton in accordance with the provisions of the abovementioned Act.

Dated this ..... day of ..... 20 .....  
(Address).....  
(Name).....

LICENCE TO GIN COTTON  
(Section 30)

Licence is hereby granted to .....  
of ..... to operate a cotton ginnery at his/her premises  
situate at ..... in the State in accordance with the provisions  
of the abovementioned Act.

Dated this ..... day of ....., 20 .....

The Licence remains in force until the ..... day of .....  
20....., the last day on which ginning is permitted in the season of issue.

Fee paid  
.....

.....  
Chief Agricultural Officer



## SECOND SCHEDULE

(Section 43)

### COTTON PROTECTION REGULATIONS

#### Short title.

1. These Regulations may be cited as the Cotton Protection Regulations.

#### Records to be kept at Ginnery.

2. Every ginner shall keep at his or her ginnery, in addition to the Ginner's Record, a diary in which shall be entered—
  - (a) the quantity of carbon-bisulphide—
    - (i) purchased, from time to time, the date of purchase and the name and address of the vendor;
    - (ii) in stock;
    - (iii) used each day;
  - (b) the quantity of lint and cotton seed ginned each day;
  - (c) the quantity of cotton seed fumigated each day.

#### Delivery of Seed Cotton.

3. All seed cotton on hand on the first day of the close season shall be delivered to the ginneries not later than one week after that date and all seed cotton on hand in any ginnery shall be ginned not later than thirty days after the date of the commencement of the close season:

Provided that an extension of time may be granted by the Chief Agricultural Officer, with the approval of the Minister—

- (a) in the event of a breakdown of machinery in any ginnery; and
- (b) when, on account of the large size of the crop or of shortage of labour they are satisfied that such extension is necessary.

#### Fumigation.

4. (1) Every cotton ginnery shall be equipped with apparatus of a capacity sufficient to provide for the fumigation each night of all cotton seed ginned during the preceding day and with a proper store house for storing cotton seed after fumigation.

(2) All cotton seed shall be removed from the ginnery to the fumigator within twenty-four hours after ginning:

Provided always that cotton seed remaining in any ginnery on a Saturday night may be retained therein for forty-eight hours before removal to the fumigator.

(3) Cotton seed shall be fumigated in bulk or in bags, and the bags shall be so arranged that they do not touch each other or the floor, roof or walls of the fumigator.

(4) Fumigation shall be effected by means of carbon-bisulphide in concrete or other chambers fitted with air tight covers and approved by the Chief Agricultural Officer.

(5) The carbon-bisulphide shall be poured into a shallow dish or pan not more than one and a half inches in depth and placed on top of the seed, and the chamber immediately closed.

(6) Carbon-bisulphide shall be used in the ratio of one pound for every one hundred and twenty cubic feet of chamber.

(7) Fumigation shall continue for not less than twelve hours and shall be carried out to the satisfaction of the Chief Agricultural Officer or an agricultural officer.

(8) All ginneries shall be open to inspection by the Chief Agricultural Officer at all reasonable times.

#### **Cotton Houses, etc.**

5. (1) All cotton houses and yards shall be cleared of all cotton refuse not later than two weeks after the commencement of the close season.

(2) All cotton ginneries shall be cleared of all cotton refuse not later than thirty days after the commencement of the close season:

Provided that in the event of a breakdown of machinery in any ginnery the Chief Agricultural Officer may extend the time.

(3) All store houses where cotton seed is stored shall have concrete or close boarded floors.

#### **Transportation of Seed Cotton.**

6. (1) The bags or other packages in which seed cotton is transported from one place to another shall be so securely fastened as to prevent the escape of any of the contents.

(2) The carts or other vehicles used in the transportation of seed cotton shall be cleaned at the end of each day and all refuse of seed cotton removed and placed in the cotton house or ginnery.

#### **Disposal of Seed Cotton, etc., Seized.**

7. All cotton seized under the provisions of the Cotton Ordinance shall be destroyed or otherwise disposed of as the Chief Agricultural Officer may direct.

#### **Annual Return of Acreage.**

8. An annual return stating particulars of area and locality of all cotton plants shall be made by all cotton growers—

(a) in St. Kitts, to the Chief Agricultural Officer;

(b) in Nevis, to the Agricultural Officer,

not later than seven days after the end of the planting season.

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