



ST. CHRISTOPHER AND NEVIS

CHAPTER 14.05

COTTON EXPORT ACT

Revised Edition

showing the law as at 31 December 2002

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COTTON EXPORT ACT

Act 13 of 1935 ... in force 31st December 1935

Amended by: Act 6 of 1976

Act 7 of 1976

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CHAPTER 14.05
COTTON EXPORT ACT

AN ACT TO MAKE PROVISION RESPECTING THE EXPORT OF COTTON FROM SAINT CHRISTOPHER AND NEVIS TO THE PRESCRIBED AREA; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

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

Interpretation.

2. In this Act—

“Association” means the West Indian Sea Island Cotton Association;

“Committee” means the standing committee appointed by the Minister hereunder;
(Amended by Act 6 of 1976)

“cotton” means clean cotton lint;

“export certificate ‘A’” means an export certificate showing the amount of cotton which the exporter named thereon has been authorised to export hereunder and the quantity he or she shall be allowed to hold in the hereunder prescribed area;

“export certificate ‘B’” means an export certificate showing the amount of cotton which the exporter named thereon has been authorised to export after production of satisfactory evidence to the Committee by such owner that such cotton has been sold and is being exported for direct sale;

“Minister” means the Minister responsible for Agriculture;
(Inserted by Act 7 of 1976)

“prescribed area” includes the United Kingdom and the continent of Europe and such other areas as the Minister may, from time to time, prescribe by Notice;
(Amended by Act 6 of 1976)

“prescribed form” includes such forms as the Minister may, from time to time, direct to be used;
(Amended by Act 6 of 1976)

“prescribed quantity” means such quantity as the Minister, from time to time, shall prescribe by Notice.
(Amended by Act 6 of 1976)

Standing Committee.

3. (1) The Minister may appoint separate Committees of three members, two members of which will form a quorum, to deal with such matters as may be submitted to them in connection with the Islands of St. Christopher and Nevis.
(Amended by Act 6 of 1976)

(2) The Minister may request the Committee to consider and report to him or her, *inter alia*, upon the following subjects—

- (a) applications received for exporter’s licences and export certificates A and B;

- (b) the allocation or re-allocation of prescribed quantities amongst the exporters;
- (c) the approval of transfers and cancellations of export certificates;
- (d) such other matters upon which the Minister may ask their advice.

(Amended by Act 6 of 1976)

Exporter's licence.

4. The Minister may grant an exporter's licence to any person upon the production of such evidence as the Minister may require, that the applicant is an established and *bona fide* grower or exporter of cotton.

(Amended by Act 6 of 1976)

Limitation of exporter.

5. The Minister, with the advice of the Association or Committee, may prescribe the quantity of cotton which may be exported from the State, either by consignment, or direct sales in any year.

(Amended by Act 6 of 1976)

Export certificates.

6. (1) The Minister may issue export certificates (A or B) showing the name, address and licence number of the exporter and the total quantities of cotton authorised to be exported thereunder.

(2) The certificates referred to in subsection (1) shall provide for entries, duly certified by the Accountant-General, of all shipments to be made thereon:

Provided that the quantities authorised by certificate A shall not exceed the prescribed quantity:

Provided further that no certificate B shall be issued by the Minister until the exporter has satisfied the Committee that the cotton to be exported thereunder is a direct sale, and the Committee has recommended that a certificate B shall be issued.

(Amended by Act 6 of 1976)

Issue of certificate.

7. (1) All applications for export certificates A must be lodged with the Accountant-General before a proclaimed day in each year (of which thirty days' notice shall be given) in the prescribed form in the *Gazette*.

(2) Each exporter shall make a declaration in the prescribed form showing full details of the total amount of cotton which he or she wants authority to export.

(3) Within seven days after the proclaimed date the Minister, with the advice or recommendations of the Committee, shall consider all applications correctly lodged and may allocate the prescribed quantity amongst the exporters.

(Amended by Act 6 of 1976)

(4) After the annual allocation has been made, the Minister may re-allocate unexported balances of the prescribed quantities, or issue further certificates to individual exporters as he or she may deem just.

(Amended by Act 6 of 1976)

Issue of certificate B.

8. (1) Application for export certificate B may be lodged with the Chairperson of the Committee at any time, together with such evidence of direct sales as the Minister, from time to time, shall authorise the Committee to require.

(Amended by Act 6 of 1976)

(2) Upon receipt of such application, the Chairperson shall forthwith summon a meeting of the full Committee and consider the application.

(3) If the application is approved by the Committee it shall be so endorsed and signed by the Chairperson and one member and forwarded without delay to the Minister.

(Amended by Act 6 of 1976)

(4) The Minister may, upon receipt of the approved application, issue such export certificates B as he or she may deem just.

[Amended by Act 6 of 1976]

(5) The Minister may issue certificates B under a separate allocation in a similar manner to which certificates A are issued, or without allocation as he or she may deem expedient.

(Amended by Act 6 of 1976)

Transfer of export certificate.

9. (1) Any exporter may transfer the whole or any part of his or her export certificate to any other exporter, with the approval of the Minister.

(Amended by Act 6 of 1976)

(2) All applications for transfer must be made on the prescribed form of declaration, disclosing full particulars of the transaction, signed by both parties to the transfer and lodged with the Chairperson.

(3) The application for transfer shall be considered by the Committee and forwarded to the Minister with any recommendations of the Committee.

(Amended by Act 6 of 1976)

(4) Upon receipt of the recommendations of the Committee, the Minister, if he or she approves the transfer, may cause such transfer to be endorsed upon the original certificate or any new certificate issued in consequence of the transfer, and initial such endorsement.

(Amended by Act 6 of 1976)

(5) The endorsed certificate shall then be returned to the Chairperson for the signatures of the parties to the transfer and at least two members of the Committee.

Cancellation of balance of allocation.

10. The Minister may cancel the balance of any unused allocation of any exporter who refuses or neglects to transfer such unused balance remaining, at the request of the Committee, and re-allocate such balance as he or she may deem just:

Provided that such cancellation shall not be made when the exporter can prove to the satisfaction of the Committee that he or she is in possession of a quantity of cotton owned or grown by him or her sufficient to cover the unexported balance of the allocation authorised by such certificate, which he or she wishes to delay exporting for some date in the future.

Export entries on certificate.

11. The Accountant-General shall endorse and sign upon the certificate of the exporter all exportations of cotton and the balance remaining under the authority of such certificate.

Penalties.

12. (1) Any person who—

- (a) exports any cotton from the State without lawful authority under the provisions of this Act; or
- (b) makes any false statement or declaration in connection with the issue of any transaction connected with this Act,

shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars or six months imprisonment.

(Amended by Act 7 of 1976 and 9 of 1986)

(2) Nothing in this section shall prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence.

Power to make rules.

13. The Minister may make rules—

- (a) regulating proceedings under this Act;
- (b) prescribing the fees payable in respect of such proceedings;
- (c) prescribing penalties not exceeding one hundred and fifty dollars in respect of any contravention of such rules.

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