

THE COFFEE INDUSTRY REGULATION ACT

REGULATIONS
(*under section 7*)

The Coffee Industry (Cess) Regulations, 1951

L.N. 87/51

The Coffee Industry Regulations, 1953

L.N. 35/53
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ORDER
(*under section 10*)

The Coffee Cess Order, 1993

L.N. 89^{AA}/93

THE COFFEE INDUSTRY REGULATION ACT

REGULATIONS
(under section 7)

THE COFFEE INDUSTRY (CESS) REGULATIONS, 1951

*(Made by the Coffee Industry Board on the 23rd day of August,
1951 and approved by the Governor in Executive Council
on the 27th day of August, 1951)*

L.N.
87/51

1. These Regulations may be cited as the Coffee Industry (Cess) Regulations, 1951.
2. For the purposes of these Regulations coffee shall be deemed to be exported on the day on which the bill-of-lading or air-shipping bill covering such coffee is issued.
3. So long as there is in force any cess imposed under section 10 of the Act, no person other than the Board shall export any coffee, the proceeds of sale of which are subject to any such cess, without first depositing with the Board an amount equivalent to the cess upon such coffee.
4. Every exporter of any such coffee shall, immediately after the sale of any such coffee, make a return to the Board (verified by voluntary declaration) showing the amount of coffee sold, the amount of coffee, if any, still left unsold and/or the amount of coffee, if any, which has become unmerchantable and has been dumped or destroyed and such exporter shall, upon request by the Board, furnish all such further information as the Board shall require.
- 5.—(1) Upon the receipt of such return as provided for in regulation 4, or upon the Board being otherwise satisfied of the sale of any such coffee as aforesaid, the Board shall be entitled to retain and appropriate to the cess the amount referable to the quantity sold, and the Board shall refund such portion of the exporter's deposit as is referable to the portion of such coffee, if any, as the Board is satisfied has become unmerchantable and has been dumped or destroyed.

(2) All coffee exported as aforesaid which has not within twelve months from the date of export been shown to the satisfaction of the

Board to have become unmerchantable and to have been dumped or destroyed shall be deemed to have been sold and the Board shall thereupon be entitled to appropriate to the cess the amount of the deposit referable to such coffee.

6. Any person who contravenes or fails or omits to comply with any of the provisions of these Regulations shall be guilty of an offence and shall upon summary conviction thereof before a Resident Magistrate be liable to a fine not exceeding treble the value of the coffee in respect of the export of which the offence is committed.

7. In these Regulations, "coffee" includes "coffee product" as defined in the Act.

THE COFFEE INDUSTRY REGULATION ACT

REGULATIONS
(under section 7)

THE COFFEE INDUSTRY REGULATIONS, 1953

(Made by the Coffee Industry Board on the 12th day of March,
1953 and approved by the Governor in Executive Council
on the 23rd day of March, 1953)

L.N. 35/53
Amd:
L.N. 216/59
225/68
307/73
134A/83

1. These Regulations may be cited as the Coffee Industry Regulations, 1953.

2. In these Regulations—

“the Board” means the Coffee Industry Board established by section 3 of the Act;

“blue mountain coffee” means—

coffee that is—

(a) grown in the Blue Mountain area as described in the Schedule; and

Schedule.

(b) processed or manufactured at any coffee works specified in the Schedule and to which a licence granted pursuant to regulation 5 relates.

“blue mountain blend” means any coffee or coffee product comprising blue mountain coffee in such proportion as to account for not less than 20 *per centum* of its weight;

“coffee” means coffee beans whole or broken whether in the cherry or pulp or separated from the pulp, and whether cured or uncured, ripe or unripe, whether in the form of parchment, double husk, or clean, and whether dried or undried, washed or unwashed, fermented or unfermented, roasted or unroasted;

“coffee works operator” means the owner, operator, occupier or manager of a coffee works;

“coffee dealer” means a person holding a current licence under the Agricultural Produce Act entitling him to carry on the business of buying and selling coffee and a coffee dealer’s licence under these Regulations;

“special coffee dealer” means a person holding a current licence under the Agricultural Produce Act entitling him to carry on the business of buying and selling coffee and to whom a special coffee dealer’s licence has been granted by the Board;

“export” means to take or cause to be taken out of the Island to any other place;

“purchase” includes exchange or barter whether for goods or services and any agreement or contract to purchase, exchange or barter;

“sell” includes exchange or barter whether for goods or services and any agreement or contract to sell, exchange or barter;

“the Secretary” means the Secretary of the Board or the person for the time being holding or performing the duties of that office.

3. It shall be lawful for the Secretary or any other person authorized by the Board in writing for the purpose to enter at all reasonable times during the hours of daylight upon any land on which coffee is grown or upon any premises used or believed by the Board to be used or to be about to be used for any purpose connected with the processing of coffee berries or the manufacture of any coffee product or the storage, purchase, sale, export or distribution of any coffee berries or coffee product, and it shall be an offence against these Regulations for any person to obstruct or hinder the Secretary or any such authorized person in any manner.

4.—(1) Every coffee dealer and every special coffee dealer who shall purchase, collect or sell any coffee in the Island shall keep a record of every such purchase, collection or sale in a coffee record book which shall be in such form as the Board may from time to time prescribe and shall keep such coffee record book at his place of business and shall on demand produce it for inspection by the Secretary or any other person authorized by the Board in writing for the purpose or by any member of the Police Force.

(2) Every coffee works operator holding a licence under regulation 5 and who processes, manufactures, sells or exports any blue mountain coffee or blue mountain blend shall keep a record of the source of supply of such coffee or the ingredients of such blend, as the case may be, in a coffee record book and the provisions of paragraph (1) as respects the form, keeping, production and inspection of a coffee record book shall

mutatis mutandis apply in relation to a book required by virtue of this paragraph as they apply in relation to a book required by virtue of that paragraph.

5.—(1) No person other than the Board shall establish, maintain or operate any coffee works at any premises, unless he is the holder of a subsisting coffee works licence granted by the Board in respect of such premises.

(2) Every application for such licence shall be accompanied by satisfactory evidence that the coffee works complies with or is exempt from the requirements of the Factories Act and any regulations made thereunder, and that the applicant is the holder of a certificate issued by the Secretary or any person authorized in writing by the Board for the purpose, that in his opinion adequate plant, machinery, equipment, appliances and such other facilities as he may consider necessary have been provided for the pulping, curing, drying, washing, cleaning, processing, preparation for sale or manufacture of coffee or any coffee product.

6. Every application for a coffee works licence shall be in such form as the Board may from time to time prescribe and shall be accompanied by a fee of \$20.00, which may be reduced by the Board in such cases as the Board thinks fit. Subject to the right of appeal contained in section 9 of the Act the grant or refusal of a coffee works licence shall be entirely in the discretion of the Board and the Board may grant such licence for such period as it thinks fit and may renew such licence from time to time as it thinks fit or may grant such licence subject to such conditions as it thinks fit and may refuse such licence, or revoke such licence at any time after it has been granted or renewed.

7.—(1) No person other than a special coffee dealer shall sell any coffee to the Board.

(2) No person shall sell any coffee except to the Board or to the holder of a subsisting coffee dealer's licence or special coffee dealer's licence.

(3) No person other than the Board shall purchase any coffee unless he is the holder of a subsisting coffee dealer's licence or special coffee dealer's licence:

Provided that this regulation shall not apply to any purchase or sale of roasted coffee for domestic consumption or to the purchase of roasted coffee by a licensed wholesaler or retailer for the purposes of his business as such wholesaler or retailer.

8. Every application for a coffee dealer's licence or a special coffee dealer's licence or any renewal thereof shall be in such form as the Board may from time to time prescribe and shall be accompanied by the licence fee of \$1.00 and the Board may in its discretion grant such licence for such period as it thinks fit and may renew such licence from time to time as it thinks fit or may grant such licence subject to such conditions as it thinks fit and may refuse such licence, or revoke such licence at any time after it has been granted or renewed.

9.—(1) The Board may revoke any licence granted pursuant to these Regulations by serving notice to that effect in writing on the licensee.

(2) Any notice issued pursuant to paragraph (1) may be served on the licensee either personally or by being sent by registered post to his last known address, and any notice so sent by registered post shall be deemed to have been served not later than the fifth day succeeding the day when posted, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

10.—(1) No person in Jamaica shall—

- (a) for the purposes of, or with a view to, the sale by him or by his principal or his agent of any coffee or coffee product, cause or offer to cause to be transported into or out of Jamaica any such coffee or coffee product; or
- (b) whether as principal or agent, sell or offer to sell to any person, whether in or outside Jamaica, any coffee or coffee product, under any description which conveys or is likely to convey the impression that, to any substantial extent, the coffee or coffee product was produced, processed or manufactured at any of the coffee works herein-before mentioned unless such coffee or coffee product (as the case may be) is in fact produced, processed or manufactured at any of the aforementioned coffee works.

(2) Reference in sub-paragraph (1) to any description includes a reference to any description by label.

11. No person, unless authorized in writing by the Board shall—

- (a) purchase, sell or export coffee other than Blue Mountain Coffee under a name that contains the words "Blue Mountain"; or
- (b) carry out any activity that is connected with the purchase, sale or export of coffee and involves the use of the words "Blue Mountain".

12. No coffee shall be exported from Jamaica unless it is exported by the Board or by a person authorized in writing by the Board.

13. No person shall pick, collect, offer for sale, sell or purchase any coffee berry which is entirely green in colour.

14.—(1) Every appeal to the Minister under section 9 of the Act shall be commenced by notice in writing addressed to the Permanent Secretary, Ministry of Agriculture. Such notice shall be lodged with the Permanent Secretary and a copy delivered to the Secretary of the Board within twenty-one days from the date of the decision appealed against.

(2) Every notice of appeal shall include—

- (i) the name and address of the appellant;
- (ii) particulars of the decision of the Board against which the appeal is being made;
- (iii) the grounds of the appeal;
- (iv) copies of all relevant correspondence and documents.

(3) The appellant shall before lodging his appeal deposit with the Secretary the sum of \$4.00 and shall lodge the receipt therefor with the Permanent Secretary along with the notice of appeal. The amount deposited shall be refunded if the Minister so directs; otherwise it shall be paid into the Consolidated Fund.

(4) Notwithstanding anything hereinbefore contained the Minister may hear and entertain any appeal lodged after the time limit herein provided if in all the circumstances of the case he thinks it just and proper to do so.

15. Any person who—

- (a) purchases, sells or exports any coffee or coffee product;
- (b) manufactures any coffee or coffee product;
- (c) carries out any activity that is connected with the purchase, sale or export of coffee and involves the use of the words "Blue Mountain",

in contravention of these Regulations shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate's Court to a fine of twenty thousand dollars or an amount not exceeding treble the value of the coffee or coffee product in respect of the purchase, sale, export or manufacture of which the offence is committed.

SCHEDULE

(Regulation 2)

Blue Mountain Area

Starting at Skibo and proceeding in an east-south-easterly direction to Swift River; thence east-south-easterly to Chelsea; thence east-south-easterly to Durham (Samba Hill); thence south-easterly to Belleview; thence south-easterly along the western slope of the John Crow Mountain to Cedar Grove; thence westerly to Font Hill; thence north-westerly to Ramble; thence westerly to Good Hope; thence north-westerly to Dallas; thence north-north-westerly to Industry Village; thence north-north-westerly to Maryland; thence north-westerly to Golden Spring; thence northerly to Brandon Hill; thence north-easterly to Tranquility; thence east-north-easterly to Skibo.

Coffee Works

Coffee works situated at Moy Hall, Silver Hill, Mavis Bank, Langley or Wallenford or at such other coffee works as the Board may from time to time determine with the approval of the Minister notified in the *Gazette*.

THE COFFEE INDUSTRY REGULATION ACT

ORDER
(under section 10)

THE COFFEE (CESS) ORDER, 1993

(Made by the Minister on the 29th day of June, 1993)

L.N. 89^{2A}/93

1. This Order may be cited as the Coffee (Cess) Order, 1993.
2. The Cess imposed pursuant to a resolution of the Coffee Industry Board upon the proceeds of the sale by any person in Jamaica of any coffee or any coffee product produced in Jamaica, whether such sale takes place in Jamaica or elsewhere, is hereby approved as set out in the Schedule.
- 3.—(1) Notwithstanding paragraph 2, the Cess imposed by the Coffee Industry Board shall apply only to coffee produced in Jamaica and sold locally or which is exported or taken from Jamaica from or after the 29th day of June, 1993.
(2) Coffee which is covered by a Bill of Lading or Air Shipping Bill shall be deemed to have been exported on the day on which such Bill of Lading or Air Shipping Bill is issued.

Schedule.

COFFEE INDUSTRY REGULATION

SCHEDULE

(Paragraph 2)

Cess on—

(a) green beans

(i) export—Blue Mountain Coffee	...	US\$0.26 per kg.
Blue Mountain Triage	...	US\$0.18 per kg.
High Mountain Supreme	...	US\$0.18 per kg.
Prime Washed Coffee	...	US\$0.09 per kg.
(ii) local—Blue Mountain Stocklot		
Coffee	\$2.64 per kg.
Lowland Coffee	\$1.21 per kg.

(b) cherry coffee

(i) Lowland	\$43.00 per box
(ii) Blue Mountain	\$91.00 per box