

CHAPTER 91**COTTON PROTECTION**1/1922
1/1926

(4th May, 1922.)

1. This Ordinance may be cited as the Cotton Protection Ordinance.

Short title.

2. In this Ordinance—

Interpretation.

“close season” means the period in each year declared to be a close season either for the Colony or any area thereof under the provisions of section 4;

“cotton district” where a close season has been prescribed for the Colony under section 4, means the Colony, and where a close season has been so prescribed for any area of the Colony, means such area;

“cotton stainer” means the pest known as the cotton stainer in whatever stage of development it may be;

“inspector” means any officer or non-commissioned officer, of the Police Force or any other person appointed under this Ordinance as an inspector;

“old cotton” means any cotton plants and all or any portion of the same growing or remaining on any land on the first day of the close season or any cotton plants growing from seed planted during the close season;

“occupier” used in reference to land in the absence from the Colony of the occupier, means the manager or other person in charge of the land:

Provided that where land is let out on half share or any other share system the person who would, but for such letting, be the occupier of the land within the meaning of the foregoing part of this definition, shall be deemed to be the occupier;

“pink boll worm” means the pest known as the pink boll worm in whatever stage of development it may be;

“tree”, “shrub” and “herb” respectively include the fruit or other product of any tree, shrub or herb, inclusive of the cotton plant and the roots, trunks, stems, branches, fruits, leaves or other parts thereof or any part severed from any tree, shrub or herb including empty pods or husks.

Application of close season to okro and sorrel plants.

3. Where under section 4, the Administrator in Council declares any period of any year to be a close season within the meaning of this Ordinance, that close season shall be deemed to extend to okro and sorrel plants and the provisions of this Ordinance shall, so far as they are applicable, apply to such plants in like manner as they apply to cotton plants.

Power of Administrator in Council to prescribe close season.

4. (1) The Administrator in Council may, from time to time, by proclamation published in the *Gazette* and by public notice, declare any period of each year to be a close season within the meaning of this Ordinance either for the whole Colony or for such area or areas thereof as may be specified in such proclamation, and the Administrator in Council may by such proclamation prescribe different close seasons for different areas.

(2) Any proclamation issued by the Administrator in Council and published in the *Gazette* and by public notice under this section may be revoked, amended or varied by a proclamation similarly issued and published.

Cotton plants to be burned *in situ* before preparation of land for new crop and before first day of close season.

5. (1) The occupier of any land shall completely root up and burn all cotton plants and all or any portion of the same growing or remaining on any such land occupied by him, before the preparation for any new crop of the land on which the said cotton plants and all or any portion of the same are growing or remaining and before the first day of the close season. The said cotton plants and all or any portion of the same shall be completely burnt on the land on which they have been grown or if such be not practicable then on the nearest suitable place thereto.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

Planting of cotton prohibited during close season.

6. Any person who sows or plants, or causes to be sown or planted, any cotton on any land in a cotton district during the close season shall be guilty of an offence.

7. Any person who stores or keeps any cotton seed, seed cotton, cotton lint, or any cotton plant or any portion of the same save in the manner provided by this Ordinance or by any regulations made thereunder, shall be guilty of an offence.

Cotton to be stored in accordance with this Ordinance.

8. (1) The Administrator in Council may appoint, in addition to, or in substitution for, any officer or non-commissioned officer of the Police Force, any other fit and proper person or persons to be inspector or inspectors for the purposes of this Ordinance.

Appointment of inspectors.

(2) An Inspector shall receive such salary as the Administrator in Council may determine.

9. Any inspector may without notice and with or without assistants at all reasonable times enter upon any land, ginneries or cotton seed storehouses for the purpose of—

Inspector may visit any land.

(a) ascertaining whether any cotton plants or any portion of the same are growing or remaining on any such land, in contravention of the provisions of this Ordinance; or

(b) ascertaining whether the cotton stainer or pink boll worm or other insect pest of cotton is present on any tree, shrub or herb, or any soil or manure; or

(c) searching for any tree, shrub or herb upon which the cotton stainer or pink boll worm or other insect pest of cotton is accustomed to feed.

10. Any inspector may without notice and with or without assistants burn any old cotton growing or remaining on any such land and the estimated value of the work done by any such inspector and any of his assistants and any expenditure incurred in doing such work shall be a civil debt recoverable summarily from the occupier of the land.

Inspector may burn old cotton.

11. Whenever it is made to appear on oath that there is reasonable cause to suspect that any person is in possession of any cotton seed, seed cotton, cotton lint, cotton plants, or any portion of the same in any building or other place contrary to the provisions of this Ordinance, or of any regulation made thereunder, it shall be lawful for any Magistrate by warrant under his hand to authorize any member of the Police Force or any Local Constable to enter (and if necessary by force) and

Searches authorized.

search any place and if any cotton seed, seed cotton, cotton lint, cotton plant, or any portion of the same is found in any place so searched to seize and secure the same for the purpose of being dealt with under the provisions of this Ordinance or of any regulation made thereunder.

Protection of
person acting
under
Ordinance.

12. Any inspector or other person authorized under the provisions of this Ordinance shall not be deemed to be a trespasser by reason of any entry or destruction or action taken or thing done under this Ordinance or by virtue of any regulation made thereunder, or be liable for any damage occasioned by carrying out any of the provisions of this Ordinance or of any regulation made thereunder, unless the same was occasioned maliciously and without reasonable cause.

Obstruction of
person acting
under
Ordinance.

13. Any person who shall in any manner obstruct or impede any person in the execution of any of the powers conferred by this Ordinance or by any regulation made thereunder shall be guilty of an offence.

Power to make
regulations.

14. (1) The Administrator in Council may, from time to time, make regulations relating to all or any of the following matters—

(a) control of cotton ginneries (with respect to the eradication and prevention of insect pests and diseases);

(b) fumigation and disinfection of seed for planting;

(c) transport of seed for planting, cotton seed, seed cotton, cotton lint and of all bags and packages which have been used therewith;

(d) disposal of cotton seed, seed cotton, cotton lint, cotton plants, or any portion of the same seized for the contravention of this Ordinance or any regulation made thereunder;

(e) storage of cotton seed, seed cotton or cotton lint and all bags and packages which have been used therewith;

(f) eradication and prevention of the spread of the cotton stainer and pink boll worm and of other insect pests and diseases including the destruction of any trees, shrubs or herbs upon which the cotton stainer or pink boll worm or other insect pests of cotton are accustomed to feed.

(2) All regulations made under this section after publication in the *Gazette* and by public notice, shall be of the same force and effect as if contained in this Ordinance.

(3) It shall be lawful for the Administrator in Council out of moneys voted for that purpose by the Legislative Council to make grants by way of compensation to occupiers and to owners (according to their respective interests) in respect of any plants or trees destroyed by virtue of this Ordinance or of any regulation made thereunder in cases where in the opinion of the Administrator in Council substantial damage has been occasioned by such destruction.

15. In every case where any question arises in any proceedings before a Magistrate or in any court of law whether a person be the occupier of any land, the onus of proving that such person is not the occupier of such land, shall be upon the defendant.

Proof of
ownership

16. Any person who is guilty of an offence against this Ordinance or who contravenes any regulation made thereunder shall be liable on summary conviction to a penalty not exceeding four hundred and eighty dollars.

Penalty.