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## CHAPTER 111

### THE COTTON PROTECTION ACT

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## COTTON PROTECTION

*(29th March, 1922.)*

7/1922.  
 5/1926.  
 8/1927.  
 14/1929.  
 1/1938.  
 5/1941.  
 12/1948.

1. This Act may be cited as the Cotton Protection Act. **Short title.**

2. In this Act— **Interpretation.**

"close season" means the period in each year declared to be a close season either for Antigua and Barbuda or any area thereof under the provisions of section 3;

"cotton district" where a close season has been prescribed for Antigua and Barbuda under section 3, means Antigua and Barbuda, and where a close season has been so prescribed for any area of Antigua and Barbuda, means such area;

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

"inspector" means any gazetted officer, or subordinate police officer, of the Police Force or any other person appointed under this Act 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 Antigua and Barbuda 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.

Power of  
Governor-General  
to prescribe close  
season.

**3.** (1) The Governor-General may by proclamation published in the *Gazette* declare any period of each year to be a close season within the meaning of this Act either for Antigua and Barbuda or for such area or areas thereof as may be specified in such proclamation, and the Governor-General may by such proclamation prescribe different close seasons for different areas.

(2) Any proclamation issued by the Governor-General and published in the *Gazette* under this section may be revoked, amended or varied by a proclamation similarly issued and published.

(3) Where the Governor-General by proclamation declares any period of any year to be a close season he may by the same or any other proclamation declare that such close season shall extend to such other plants as may be specified in such proclamation and thereupon that close season shall extend accordingly and the provisions of this Act shall, so far as they are applicable, apply to such other plants in like manner as they apply to cotton plants.

Cotton plants to  
be burned before  
first day of close  
season.

**4.** (1) The occupier of any land shall completely burn all cotton plants and all or any portion of the same growing or remaining on any such land occupied by him, before the first day of the close season.

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

**5.** Any occupier who shall at any time dispose of any cotton plants, or any part thereof other than seed cotton, whether the same be growing or remaining on any land occupied by him, by any means other than burning shall be guilty of an offence.

Disposal of cotton plants by burning.

**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.

Planting of cotton prohibited during close season.

**7.** (1) Any person who intends to plant cotton upon any land of which he is the occupier, shall, on or before the last day of the close season proclaimed in respect of the area in which the land upon which he intends to plant cotton is situate, and for the year in which he intends to plant cotton, give notice to the officer in charge of the police station of the district wherein the land in respect of which the notice is given is situate, of the land on which he intends to plant cotton, in the form set out in the Schedule.

Notice to be given by occupier.

Schedule.

(2) The occupier of any land who—

(a) plants any cotton upon any land occupied by him, without having given the notice required by subsection (1), or

(b) has any cotton growing or remaining upon any land occupied by him other than land in respect of which he shall have given notice as required by subsection (1), shall be guilty of an offence:

Provided that nothing in this section shall be deemed to affect the provisions of section 4.

**8.** The provisions of sections 4, 6 and 7 shall not apply to experiments in cotton conducted by or under the supervision of the Agricultural Department.

Exemption from provisions of sections 4, 6 and 7.

**9.** 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 Act or by any regulations made thereunder, shall be guilty of an offence.

Cotton to be stored in accordance with this Act.

**10.** (1) The Governor-General may appoint, in addition to, or in substitution for, any gazetted officer, or

Appointment of inspectors.

subordinate police officer, of the Police Force, any other fit and proper person or persons to be inspector or inspectors for the purposes of this Act.

(2) An inspector shall receive such salary as the Governor-General may determine.

Inspector may visit any land.

**11.** Any inspector may without notice and with or without assistance at all reasonable times enter upon any land for the purpose of—

(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 Act; 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.

Inspector may burn old cotton.

**12.** 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.

Searches authorized.

**13.** 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 Act, 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 search any place and if any cotton seed, seed cotton, cotton lint, cotton plants 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 Act or of any regulation made thereunder.

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

**Protection of person acting under Act.**

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

**Obstruction of person acting under Act.**

**16.** (1) The Governor-General may make regulations relating to all or any of the following matters—

**Power to make regulations.**

(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 Act 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 of 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* shall be of the same force and effect as if contained in this Act.

Compensation to occupiers and owners.

**17.** It shall be lawful for the Governor-General out of moneys voted for that purpose by Parliament 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 Act or of any regulation made thereunder in cases where in the opinion of the Governor-General substantial damage has been occasioned by such destruction.

Proof of ownership.

**18.** 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.

Penalty.

**19.** Any person who is guilty of an offence against this Act or who contravenes any regulation made thereunder shall be liable on summary conviction to a penalty not exceeding five hundred dollars.

Suspension of Act.

**20.** The Governor-General may, by proclamation to be published in the *Gazette*, suspend the operation of this Act or of any of the provisions of any section or sections thereof for such period as such proclamation may prescribe.

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SCHEDULE

S.7.

NOTICE OF INTENTION TO PLANT COTTON

To the officer in charge of the ..... police station.

I hereby give you notice that I intend during the year 19 ,  
to plant cotton upon the undermentioned lands of which I am  
the occupier.

| Description of land | Acreage of land to be<br>planted in cotton |
|---------------------|--|
|                     |  |

Date

Signature .....

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