

CHAPTER 20

THE ANTIGUA AND BARBUDA AGRICULTURAL DEVELOPMENT CORPORATION ACT

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ANTIGUA AND BARBUDA AGRICULTURAL
DEVELOPMENT CORPORATION

(1st March, 1979.)

1111978.

1. This Act may be cited as the Antigua and Barbuda **Short title.**
Agricultural Development Corporation Act.
2. In this Act unless the context otherwise requires— **Interpretation.**
“agriculture” includes fisheries, forestry, horticulture
and the use of land for any purpose of husbandry,
inclusive of the keeping or breeding of livestock,
poultry or bees, the cultivation of fruit, vegetables
and the like and the establishment of grasslands
and of soil or water conservation works, and
“agricultural” has a corresponding meaning;
“the Corporation” means the Antigua and Barbuda
Agricultural Development Corporation establish-
ed under section 3;
“land” includes messuages, tenements and
hereditaments, corporeal or incorporeal, of every
kind and description and houses and other buildings
and any estate, right, title or interest in, to or over
land.
3. (1) There is hereby established a body to be called **Establishment
of Corporation.**
the Antigua and Barbuda Agricultural Development
Corporation.
- (2) The Corporation shall consist of—
(a) the Director of Agriculture;
(b) the Chairman of the Central Marketing Cor-
poration; and
(c) seven other members to be appointed by the
Minister:

Provided that no Cabinet Minister, Speaker of the House of Representatives, President of the Senate or Leader of the Senate may be appointed.

(3) The Minister shall appoint a Chairman and a Deputy-Chairman from among the non *ex-officio* members of the Corporation.

(4) A member of the Corporation shall, subject to the provisions of subsection (6), (7) and (8) hold office for such period, not exceeding three years, as the Minister may direct in the instrument appointing such member, but such member shall be eligible for re-appointment.

(5) The Minister may by instrument in writing appoint some suitable person as a member of the Corporation to act temporarily in the place of any member of the Corporation in the case of the absence or inability to act of such Member.

(6) Any member of the Corporation other than the Chairman may at any time resign his office by instrument in writing addressed to the Chairman thereof, who shall forthwith cause the same to be forwarded to the Minister, and upon the date of the receipt by the Chairman of such instrument such member shall cease to be a member of the Corporation.

(7) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

(8) The Minister by instrument in writing may at any time revoke the appointment of any member of the Corporation if he thinks it expedient so to do.

(9) The appointment, removal, death or resignation of any member of the Corporation shall be notified in the *Gazette*.

Incorporation.

4. (1) The Corporation shall be a body corporate having perpetual succession and a common seal, with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatever kind:

Provided that no sale of land or lease for a period of seven years or more may be made without the prior approval of Cabinet.

(2) The Corporation may sue and be sued in its corporate name and may for all purposes be described by such name, and service upon the Corporation of any notice, order or other document of whatsoever kind, shall be executed by delivering the same to or sending it by registered post addressed to the Secretary of the Corporation at the Office of the Corporation.

5. (1) The seal of the Corporation shall be kept in the custody of the Chairman or Deputy-Chairman or such officer of the Corporation as the Corporation may approve, and may be affixed to instruments pursuant to a resolution of the Corporation and in the presence of the Chairman or Deputy-Chairman and one other member.

**Affixing of seal
and authentication
of documents.**

(2) The seal of the Corporation shall be authenticated by the signature of the Chairman or Deputy-Chairman and such other member, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, and all decisions of the Corporation may be signified under the hand of the Chairman or Deputy-Chairman.

6. The Corporation shall pay to each member of the Corporation, in respect of his office as such, such remuneration and allowances (if any) as the Minister may determine and to the Chairman and to the Deputy Chairman in respect of his office as such, such remuneration and allowances (if any) in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member as may be so determined.

**Remuneration of
members.**

7. The Corporation shall appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, such officers, agents and servants as it deems necessary for the proper carrying out of the provisions of this Act:

**Appointment of
officers and
servants.**

Provided that—

(a) no salary in excess of the rate of six thousand dollars per annum shall be assigned to any post without the prior approval of the Minister;

(b) no appointment shall be made to any post to which a salary in excess of six thousand dollars per annum is assigned without the prior approval of the Minister; and

(c) no provision shall be made for the payment of any pensions, gratuities or other like benefits to any officers or servants or to others by reference to their service without the prior approval of the Minister.

**Meeting of
Corporation and
procedure.**

8. (1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Corporation may determine.

(2) The Chairman, or in the event of his being absent from Antigua and Barbuda or for any reason whatsoever unable to act, the Deputy-Chairman, may at any time call a special meeting within seven days of a requisition for that purpose addressed to him in writing by any three members of the Corporation.

(3) The Chairman, or in his absence the Deputy-Chairman shall preside at all meetings of the Corporation.

(4) The Chairman, or in his absence the Deputy-Chairman and three other members of the Corporation shall form a quorum.

(5) The decisions of the Corporation shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal the Chairman or Deputy-Chairman presiding at the meeting shall have a casting vote.

(6) Minutes in proper form of each meeting shall be kept by the Secretary or such other officer as the Corporation may appoint for the purpose, and shall be confirmed by the Corporation at the next meeting and signed by the Chairman or the Deputy-Chairman as the case may be.

(7) The Corporation may, after consultation with the Minister co-opt any one or more persons to attend any particular meeting of the Corporation for the purpose of assisting or advising the Corporation in any matter with which the Corporation is dealing, but no co-opted person shall have the right to vote.

(8) Subject to the provisions of this Act, the Corporation shall have the power to regulate its own proceedings.

9. (1) No act done or proceedings taken under this Act shall be questioned on the ground—

Protection of Corporation.

(a) of the existence of any vacancy in the membership of, or any defect in the constitution of the Corporation; or

(b) of any omission, defect or irregularity not affecting the merits of the case.

(2) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Corporation in respect of any act done *bona fide* in pursuance of or execution or intended execution of this Act.

(3) Where any member of the Corporation is exempt from liability by reason only of the provisions of this section, the Corporation shall be liable to the extent that it would be if the said member was a servant or agent of the Corporation.

10. It shall be the duty of the Corporation—

Functions of Corporation.

(a) to stimulate, facilitate and undertake the development of agriculture in Antigua and Barbuda and to carry out, operate and participate in such Agricultural projects as the Minister may approve; and

(b) to develop and manage, on a commercial basis, such plantations and other agricultural land as may from time to time be vested in it along the lines of the Government's agricultural policy and so as to stimulate and encourage the private sector; and

(c) to prepare and subsequently administer such agricultural development schemes, particularly of a commercial nature as the Minister may approve.

Power of
Corporation.

11. The Corporation shall, subject to the provisions of this Act, have power to carry on all activities the carrying on of which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its duties under this Act.

Regulations.

12. (1) The Corporation may, with the written approval of the Minister, make regulations generally for better carrying out of the purposes of this Act.

(2) Regulations made under this section shall be laid before the House of Representatives so soon as may be after they are made, and if the House of Representatives resolves that the regulations be annulled, they shall thereupon cease to have effect but without prejudice to anything previously done thereunder or to the making of new regulations.

Power of
Minister to give
general
directions.

13. The Minister may give to the Corporation directions of a general character as to the policy to be followed in the exercise **and** performance of its functions in relation to matters appearing to the Minister to concern the public interest, and the Corporation shall give effect to any such directions.

Funds and
resources of
Corporation.

14. (1) The funds and resources of the Corporation shall consist of—

(a) such sums as may be provided for the purpose from time to time by Parliament by way of grant or advance;

(b) such sums as may from time to time accrue from the operations of the Corporation;

(c) such sums or property which may in any manner become payable at or vested in the Corporation in respect of any matter incidental to its powers and duties;

(d) such sums as may from time to time be borrowed by the Corporation for the purpose of meeting any of its obligations or discharging any of its functions; and

(e) such sums as may become available from any source approved by the Minister.

(2) Subject to the provisions of subsection (3) the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(3) The power of the Corporation to borrow for capital purposes shall be exercisable only with the approval in writing of the Cabinet as to the amount, as to the sources of the loan and as to the terms on which the loan may be accepted and such approval may either be general or limited to a particular loan or otherwise and may be either unconditional or subject to conditions.

15. (1) The funds of the Corporation shall be applied towards meeting the obligations and discharging any of the functions of the Corporation under this Act and any matters incidental to the foregoing. **Application of funds of Corporation.**

(2) The power of the Minister to give directions to the Corporation shall extend to the giving to them of directions as to any matter relating to the establishment or management of the said funds, the carrying of funds to the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

16. Any sums standing to the credit of the Corporation may from time to time be invested in securities approved either generally or specifically by the Minister, and the Corporation may from time to time, with the like approval, re-invest any such sums in all or any of such securities. **Investment of funds.**

17. (1) The Corporation shall keep accounts of its transactions in such form and manner as shall satisfy the Minister and such accounts shall be audited annually by an auditor appointed by the Corporation with the approval of the Cabinet. **Accounts and audit.**

(2) The Director of Audit shall be entitled, on the direction of the Minister, to carry out at any time an investigation into, or a special audit of such accounts.

(3) The members, officers and servants of the Corporation shall grant to the Director of Audit or the auditor appointed to audit the accounts under subsection (1) as the case may be, access to all books, documents, cash and securities of the Corporation and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Corporation.

(4) If any person fails to comply with the provisions of subsection (3) he shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Annual Report.

18. (1) The Corporation shall as soon as possible after the expiration of each financial year and in any event not later than the thirtieth day of June in any year, submit to the Minister a report containing—

(a) an account of its transactions throughout the preceding financial year in such detail as the Minister may direct; and

(b) a statement of the accounts of the Corporation audited in accordance with the provisions of section 17.

(2) The Minister shall cause a copy of the said report together with a copy of the auditor's report to be laid on the table of both houses of Parliament as soon as practicable after the receipt thereof.
