

**THE BAUXITE AND ALUMINA INDUSTRIES
(SPECIAL PROVISIONS) ACT**

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SCHEDULE

THE BAUXITE AND ALUMINA INDUSTRIES
(SPECIAL PROVISIONS) ACT

Acts
28 of 1977,
3 of 1982.

[13th December, 1977.]

1. This Act may be cited as the Bauxite and Alumina Industries (Special Provisions) Act.

Short title.

2.—(1) In this Act, unless the context otherwise requires—
“associated producer” means—

Interpreta-
tion and
effect.

(a) subject to the provisions of section 4 (3),
any of the bauxite producers named in
the Schedule;

Schedule.

(b) any person declared under section 4 to be
an associated producer;

“bauxite producer” means a holder, under the Mining Act, of a mining lease, or special mining lease, for bauxite or laterite;

“production levy” means the tax imposed by the Bauxite (Production Levy) Act on bauxite or laterite extracted or won in Jamaica;

“transfer” includes convey and assign.

(2) If any provision of the Bauxite (Production Levy) Act is, in so far as it applies to an associated producer, inconsistent with this Act, this Act shall, to the extent of the inconsistency, prevail over that provision.

3.—(1) It is hereby declared that the appropriate Ministers may, on behalf of the Government, make or confirm such agreements and arrangements, containing such undertakings

Power to
make and
confirm
agreements.

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between the Government and associated producers, as the Ministers think expedient to enable the Government to participate in the operations of the bauxite, alumina and related enterprises of Jamaica.

(2) This section shall be deemed to have come into operation on the 1st day of October, 1976.

Power to
declare
certain
persons
associated
producers.

4.—(1) The Minister may, by order, declare to be an associated producer—

(a) any bauxite producer with whom the Government has an agreement in force under which the Government is associated either directly or indirectly with that bauxite producer in the production of bauxite or alumina in Jamaica or in related enterprises; or

(b) any person who—

(i) is engaged in the winning in Jamaica of bauxite or in the producing in Jamaica of alumina from bauxite won in Jamaica, and is, in the opinion of the Minister, in special relationship with the Government; or

(ii) is engaged in the winning in Jamaica of bauxite or in the producing in Jamaica of alumina from bauxite won in Jamaica, or is engaged in other related enterprises or in all those activities and enterprises, and in any case has entered into a special agreement with the Government for the purpose of facilitating the carrying on of those activities or enterprises or of rationalizing the bauxite industry.

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S. 3 (a).

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(2) Any order made under subsection (1) may contain such consequential, supplementary or ancillary provisions as the Minister thinks necessary or expedient.

(3) Each associated producer named in the Schedule shall continue to be an associated producer for the duration of the agreement under which the Government is associated with that associated producer in the production of bauxite or alumina in Jamaica or in related enterprises. Schedule.

(4) Any order made under subsection (1) shall be subject to affirmative resolution of the House of Representatives. 3/1982
S. 3 (b).

5.—(1) For the purpose of giving effect to any agreement between the Government and an associated producer, the Minister may, or if requested by the associated producer so to do he shall, by order, declare that any property which— Transfer
and vest-
ing of
property.
3/1982
S. 4 (a).
3/1982
S. 4 (b).

(a) is owned or legally transferable by a party to that agreement;

(b) that agreement requires to be transferred; and

(c) is specified in the order,
shall be transferred to and vested in such person, on such date, as the order shall specify.

(2) No order shall be made under subsection (1) which is inconsistent with the agreement aforesaid.

(3) Upon the date specified in an order made under subsection (1), the property so specified shall, by virtue of this section and without further assurance, be transferred to and vested in the person so specified.

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S. 4 (c).

(4) Nothing in this section shall prevent any property which is required to be transferred under an agreement between the Government and an associated producer from being transferred by methods other than the method for which this section provides.

Exemptions from approvals, consents, transfer tax, stamp duties and fees.

6. Notwithstanding anything in any other enactment where any property specified in an order made under section 5 is being transferred—

- (a) if the laying out or sub-division of land is necessary for that transfer, the Minister may, by order, declare that the Local Improvements Act and the Town and Country Planning Act shall not apply in relation to that transfer;
- (b) if that property comprises or is included in an agricultural unit within the meaning of the Land Development and Utilization Act, approval of the Commission under section 20 of that Act need not be obtained for that transfer;
- (c) that transfer shall be exempt from any tax imposed by the Transfer Tax Act;
- (d) any contract or agreement to transfer that property, and any instruments necessary for that transfer, shall be exempt from the payment of any stamp duties, registration or recording fees which, but for this section, would have been payable on that contract or agreement and on those instruments.

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7. In so far as any provision in any order made under section 4(4) or section 5 of the Bauxite (Production Levy) Act applies to an associated producer, the Minister—

Minister shall ensure that orders made under sections 4 (4) or 5 of Bauxite (Production Levy) Act are consistent with agreements.

- (a) shall do anything necessary (including the amending or varying of that provision) to ensure that, for the duration of any relevant agreement existing between the Government and the associated producer, that provision is consistent with that agreement; and
- (b) shall have all the powers necessary for the purpose of this section and, in particular, the power to include in any order made under section 4(4) or section 5 of the Bauxite (Production Levy) Act, different provisions in relation to different bauxite producers.

8. Associated producers shall be exempt from the liability under section 11 of the Mining Act to lodge with the Commissioner of Mines a sum, or give security therefor, for the payment of any compensation which may be payable under section 12 of that Act.

Exemption from liability under section 11 of Mining Act to lodge sum for compensation.

9. Notwithstanding anything in section 12 of the Mining Act, a bauxite producer who is an associated producer may, prior to the determination or payment of any compensation which may be payable under that section, mine on lands comprised in his mining lease or special mining lease.

Right to mine prior to determination or payment of compensation.

10. In section 45(1) of the Mining Act the words "for any other cause" shall be construed to include the necessity to give effect to any relevant agreement between the Government and an associated producer.

Application of section 45 of Mining Act.

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Minister shall ensure that orders and regulations made under Mining Act are consistent with agreements.

11. In so far as any provision in any order made under section 47A of the Mining Act or regulations made under section 99 of that Act applies to an associated producer, the Minister—

- (a) shall do anything necessary (including the amending or varying of that provision) to ensure that, for the duration of any relevant agreement existing between the Government and the associated producer, that provision is consistent with that agreement; and
- (b) shall have all the powers necessary for the purpose of this section and, in particular, the power to include in any such order or regulation different provisions in relation to different bauxite producers.

Income tax shall be credited against production levy.

12. Income tax paid under the Income Tax Act by a bauxite producer in respect of any year of assessment (or if that income tax is greater than the amount of production levy payable by that bauxite producer for that year of assessment, a portion thereof equal to the amount of production levy so payable) shall be allowed as a credit against the amount of production levy payable by that bauxite producer in that year of assessment or, in so far as not so allowed, in any previous or subsequent year of assessment.

Bauxite producer may be required to pay income tax in United States currency.

13. Any bauxite producer who is directed in writing by the Minister responsible for finance to compute and pay in lawful currency of the United States of America any income tax payable under the Income Tax Act by that bauxite producer shall comply with that direction.

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14. In so far as it is necessary to give effect to any provision in any agreement between the Government and any associated producer providing that payments under promissory notes issued by the Government shall be made net of Jamaican taxes, those payments shall accordingly be free from liability to tax.

Tax
exemption
in respect
of notes.

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SCHEDULE

(Sections 2 and 4)

Alcoa Minerals of Jamaica Inc.
Kaiser Bauxite Company
Reynolds Jamaica Mines Ltd.