

THE BANANA INSURANCE ACT

ARRANGEMENT OF SECTIONS

PART I. *Introductory*

1. Short title.
2. Interpretation.

PART II. *Qualification for, determination of, and payment of, benefit*

3. Statutory insurance.
4. Qualification for statutory benefit.
5. Contractual insurance.
6. Qualification for contractual benefit.
7. First general condition for benefit.
8. Second general condition for benefit.
9. Third general condition for benefit.
10. Special condition for statutory benefit.
11. Amount of benefit.
12. Determination of indemnity percentage.
13. Payment of benefit.

PART III. *Procedure for Assessing Incidence of Damage*

14. Return claiming benefit.
15. Inspection to be made.
16. Board to define areas and declare average percentage of loss.
17. Establishment of review tribunals.
18. Review of assessment by tribunal.

PART IV. *Financial Provisions*

19. Establishment of Banana Insurance Fund.
20. Investments.
21. Imposition of cess.

[The inclusion of this page is authorized by L.N. 480/1973]

22. Payment and collection of the cess.
23. Loans.
24. Re-insurance.
25. Application of funds of Board.
26. Audit.
27. Exemption of Board's income from income tax.
28. Income Tax on benefit.

PART V. Administrative Provisions

29. Board to be successor of Banana Industry Insurance Board.
30. Meetings and delegation.
31. Regulations.
32. Penalties.
33. Returns.
34. Board's functions under the Banana Board Act not abrogated.

THE BANANA INSURANCE ACT

[24th October, 1946.]

Cap. 27.
Acts
12 of 1962,
18 of 1965,
42 of 1969,
3rd Sch.
3 of 1971.

PART I. *Introductory*

1. This Act may be cited as the Banana Insurance Act. Short title.
- 2.—(1) In this Act— Interpreta-
tion.
- “affected cultivation” means any banana cultivation which is damaged by windstorm;
- “appropriate tribunal” means any tribunal established under section 17 having the power to exercise the powers conferred and to perform the duties imposed under section 18 in relation to any application for the review of any assessment of the average percentage of loss suffered by banana cultivations in any area;
- “area” means any area defined by the Board under section 16;
- “assessed acreage” means the acreage of any banana cultivation as computed in accordance with the provisions of subsection (2) of section 3;
- “assessed percentage of loss” means the percentage of loss assessed by the Board in accordance with the provisions of section 16;
- “banana cultivation” means any parcel of land on which bananas are grown immediately prior to any windstorm with a view to export or to sale for export;
- “banana grower” means any person for the time being in possession or control of any banana cultivation;
- “the Board” means the Banana Board established in accordance with the Banana Board Act; 18/1965
S. 2.

“cess” means the cess imposed under section 21;

“indemnity percentage” means the indemnity percentage as determined in accordance with the provisions of section 12;

“insurance year” means the period beginning on the 1st January in any year and ending with the 31st December in the same year;

“qualified person” means—

(a) in relation to statutory benefit, a person who is qualified under section 4 to receive statutory benefit; and

(b) in relation to contractual benefit, a person who is qualified under section 6 to receive contractual benefit;

“windstorm” means any hurricane, tornado, cyclone, whirlwind, gale, or atmospheric disturbance, whether similar to the foregoing or not, which the Board is satisfied is likely to have caused appreciable damage to any banana cultivation.

12/1962
S. 2.

(2) For the purposes of this Act bananas sold for the purpose of being exported and in respect of which cess has been collected shall be deemed to have been exported.

PART II. *Qualification for determination of, and payment of, benefit*

Statutory
insurance.

3.—(1) Every banana grower shall be statutorily insured under this Act, in respect of the assessed acreage of his banana cultivation, against loss consequent upon damage to such cultivation occasioned by windstorm.

12/1962
S. 3(a).

(2) For the purposes of this Act the assessed acreage of any banana cultivation in any insurance year shall be computed by dividing the total number of insurance weight units of bananas grown upon such cultivation and exported

ted or deemed to have been exported or sold for export during the preceding insurance year by the declared constant. 12/1962
S. 3(c).

(3) For the purposes of subsection (2), the Minister may, after considering any recommendation of the Board, declare the figure that shall be the declared constant in respect of any insurance year, by order made prior to the commencement of the insurance year to which such order relates, and may, in like manner, fix the weight of bananas that shall be an insurance weight unit; so, however, that any figure declared or weight fixed as aforesaid shall continue to be the declared constant or the insurance weight unit unless and until varied by a subsequent order.

4. Every banana grower who in relation to any affected cultivation complies both with the general conditions for benefit and with the special condition for statutory benefit shall be qualified to receive statutory benefit in respect of damage occasioned to such cultivation in any insurance year by any windstorm. Qualification
for statutory
benefit.

5.—(1) Every banana grower who, within a period commencing fourteen months before the beginning of an insurance year and ending on the 31st May in such insurance year, has either— Contractual
insurance.

(a) replanted in bananas the whole or any part of his banana cultivation; or

(b) brought under cultivation in bananas any land on which bananas were not previously cultivated during the preceding insurance year,

may, in accordance with the provisions of this section, effect contractual insurance against loss occasioned to such bananas consequent upon the occurrence of any windstorm during such insurance year.

(2) Where a banana grower satisfies the Board that his actual acreage under cultivation in bananas in any insurance year, after excluding any acreage in respect of which he may effect contractual insurance under subsection (1), is in excess of his assessed acreage, then he may in accordance with the provisions of this section effect contractual insurance in respect of such excess acreage against loss occasioned to the bananas on such excess acreage consequent on the occurrence of any windstorm during such insurance year.

(3) Every banana grower who desires to effect contractual insurance shall, before the 1st July in the insurance year in which he desires to effect insurance—

- (a) in the case of insurance effected under subsection (1), after he has replanted or first brought under cultivation any bananas, make application in the prescribed form to the Board, specifying, *inter alia*—
- (i) the total acreage replanted or first brought under cultivation, as the case may be, within the period referred to in subsection (1) and the date when such acreage was so replanted or first brought under cultivation; and
 - (ii) the acreage so replanted or first brought under cultivation in respect of which he desires to effect contractual insurance; and
 - (iii) the acreage so replanted or first brought under cultivation which he elects to exclude from contractual insurance as is in this section mentioned;
- (b) in the case of insurance effected under subsection (2), make application in the prescribed form to the Board, specifying, *inter alia*, his actual acreage under banana cultivation, his assessed acreage and

any acreage in respect of which he desires to effect contractual insurance under subsection (1); and

- (c) in either such case, forward with such application the necessary premium for the acreage in respect of which he desires to effect contractual insurance:

Provided that no contractual insurance may be effected in respect of any acre on which there is planted less than three hundred banana trees.

(4) The premium payable shall be such sum for each acre in respect of which contractual insurance is desired as may be prescribed by regulations under section 31, so, however, that the regulations may prescribe additional premiums in respect of the payment of which a prescribed increase in the indemnity percentage of the declared unit of benefit may be obtained. ^{3/1971} S. 2 (a), (b).

(5) No contractual insurance may be effected to cover any loss consequent upon a windstorm which occurred prior to the receipt by the Board of the application and the necessary premium.

(6) The Minister may, after considering any recommendation of the Board, in respect of any insurance year, by order vary—

- (a) the commencing and ending dates of the period referred to in subsection (1);
- (b) the date and the minimum number of banana trees to an acre mentioned in subsection (3);
- (c) the amount of premium payable under subsection (4) in respect of each acre:

Provided that any order made under this subsection shall be made prior to the commencement of the insurance year in respect to which such order relates.

Qualification
for con-
tractual
benefit.

6. Every banana grower who, in relation to any affected cultivation or part thereof, has effected contractual insurance under this Act and who complies with the general conditions for benefit shall be qualified to receive contractual benefit in respect of the damage occasioned by windstorm during the relevant insurance year to *bananas growing upon the acreage in respect of which he effected such insurance.*

First
general con-
dition for
benefit.

7.—(1) The first general condition for the receipt of benefit by a banana grower is that the affected cultivation has suffered damage to an extent not less than the minimum statutory percentage or is situate in an area which in the opinion of the Board has suffered damage to an extent not less than the minimum statutory percentage.

(2) For the purposes of subsection (1)—

- (a) the minimum statutory percentage shall be forty per cent unless varied in relation to any insurance year as is in this subsection provided;
- (b) the Minister may, in any insurance year, after considering any recommendation of the Board, vary the minimum statutory percentage above referred to and declare the minimum statutory percentage for such insurance year.

Second
general
condition
for benefit.

8. The second general condition for the receipt of benefit by a banana grower is that he makes application for benefit in such manner within such time and in such form as may be prescribed and affords to the Board and to any person authorized by the Board such information and such opportunity of inspecting any books or records kept by him in relation to his banana cultivation and of inspecting any damage to his banana cultivation as may be required by the Board.

Third
general con-
dition for
benefit.

9. The third general condition for the receipt of benefit by a banana grower is that he shall, if required so to do—

[The inclusion of this page is authorized by L.N. 480/1973]

- (a) enter into an undertaking in such form as may be prescribed to apply the whole or such part of any sum received by him by way of benefit as the Board may specify to the restoration, rehabilitation or extension of his banana cultivation; and
- (b) in the case of an insured person who has previously received benefit, satisfy the Board that the whole or such part of any benefit so previously received by him as the Board may have specified was expended in the restoration, rehabilitation or extension of his banana cultivation.

10. The special condition for the receipt of statutory benefit by an insured person is that he proves that he or some other person from whom he derived title to the affected cultivation exported or sold for export or is deemed to have exported during the previous insurance year bananas grown upon such cultivation.

Special condition for statutory benefit.

11.—(1) Every qualified person shall receive in relation to any affected cultivation—

Amount of benefit.

- (a) by way of statutory benefit, for every acre of the assessed acreage of such cultivation, a sum of money equivalent to the indemnity percentage of the declared unit of benefit;
 - (b) by way of contractual benefit, for every acre in respect of which he has effected contractual insurance, a sum of money equivalent to the indemnity percentage of the declared unit of benefit,
- together with any prescribed increase therein to which he may be entitled by virtue of the payment of additional premiums referred to in subsection (4) of section 5.

3/1971
S. 3(a), (b).

[The inclusion of this page is authorized by L.N. 480/1973]

(2) For the purposes of this section—

- (a) unless varied in relation to any insurance year as is in this subsection provided, the declared unit of benefit shall be twenty-five dollars;
- (b) the Minister may in any insurance year, after considering any recommendation of the Board, vary the declared unit of benefit and declare an amount to be the declared unit of benefit for such insurance year.

Determina-
tion of in-
demnity
percentage.

12.—(1) The indemnity percentage in relation to any affected cultivation shall be determined by deducting from the assessed percentage of loss in relation to such cultivation the statutory deductible percentage.

(2) For the purposes of this section—

- (a) unless varied in relation to any insurance year as is in this subsection provided, the statutory deductible percentage shall be twenty per cent of the entire risk;
- (b) the Minister may in any insurance year, after considering any recommendation of the Board, vary the statutory deductible percentage and declare the statutory deductible percentage for such year.

Payment of
benefit.

13.—(1) Subject to the provisions of subsection (2), every insured person who is qualified to receive any statutory benefit under section 4 or any contractual benefit under section 6 shall be paid such benefit so soon as may be after the Board have computed the amount of benefit payable to him.

(2) The Board may deduct from any benefit payable to any insured person any sum owed by him to the Board under this Act.

PART III. *Procedure for Assessing Incidence of Damage*

14.—(1) Every banana grower whose banana cultivation is damaged by any windstorm shall, within the prescribed time after the occurrence of such windstorm or within such further period as the Board may, in any special case, permit, make a return to the Board in the prescribed form claiming benefit in respect of the loss occasioned to him by such windstorm. Return
claiming
benefit.

(2) Every return under subsection (1) shall contain in relation to the affected cultivation such particulars as may be prescribed and shall estimate in the prescribed manner the percentage of damage, other than excluded damage, suffered by such cultivation consequent upon such windstorm.

(3) Every return under subsection (1) shall be accompanied by a deposit of such sum of money as the Board may prescribe, and—

- (a) where the assessed percentage of loss is less than forty per cent; or
- (b) where the estimate of the percentage of loss contained in such return is greater than the assessed percentage of loss by more than seven and one-half per cent,

every such deposit shall be forfeited to the board.

(4) In this section “excluded damage” means damage to any bananas growing upon any acreage as to which the banana grower elected to exclude from any contractual insurance as provided in subsection (3) (a) (iii) of section 5.

15.—(1) So soon as may be after the occurrence of any windstorm in respect of which the Board receive any claim for benefit under section 14, or consider that they are likely to receive any such claim, the Board shall, for the purpose Inspection
to be
made.

of complying with section 16, cause an inspection to be made of any affected cultivation in respect of which any such claim has been made or of any region within which they consider any affected cultivations are likely to be comprised.

(2) So soon as may be after the completion of any inspection under subsection (1) every inspector shall, subject to the directions of the Board, make a report to the Board either—

- (a) estimating the percentage of loss suffered by any affected cultivation in respect of which a claim for benefit under section 14 has been received by the Board; or
- (b)
 - (i) containing a fair estimate of the incidence of damage occasioned by the windstorm in the region to which the report relates;
 - (ii) specifying the various areas within such region which in the opinion of the inspector have suffered an approximately similar percentage of damage and the boundaries of such areas;
 - (iii) estimating the approximate average percentage of damage suffered by banana cultivations situate in such area.

(3) In making the estimate referred to in paragraph (a) or paragraph (b) (iii) of subsection (2) regard shall be had only to the number of banana trees (other than banana trees to which subsection (4) relates) which, immediately before the windstorm in respect of which the inspection is made, were growing upon any affected cultivation which is inspected and which were rendered incapable of producing at maturity fruit of merchantable quality, by reason of the windstorm.

(4) In making the estimate referred to in paragraph (a) or paragraph (b) (iii) of subsection (2) regard shall not be had to any young plants or to any banana trees which immediately before the windstorm in respect of which the inspection is made were growing upon any acreage as to which the banana grower elected to exclude from any contractual insurance as provided in subsection 3 (a) (iii) of section 5.

(5) For the purposes of this section "young plants" means banana trees which the grower shall satisfy the inspector were planted subsequent to the 31st October last preceding the windstorm in respect of which the inspection is made.

16. So soon as may be after the receipt of any report under subsection (2) of section 15, the Board shall consider such report and shall consider any claim under section 14 and the Board shall, in its absolute discretion, either—

Board to define areas and declare average percentage of loss.

- (a) assess the percentage of loss suffered by each affected cultivation in respect of which a claim under section 14 has been made; or
- (b)
 - (i) define the area within which are comprised affected cultivations which have suffered an approximately similar percentage of damage; and
 - (ii) assess the average percentage of loss suffered by affected cultivations within each such area consequent upon the windstorm in respect of which the assessment is made.

17.—(1) For the purposes of section 18 there shall be established in such manner as may be prescribed so many tribunals as may be prescribed each of which shall, in relation to such areas as the Board may specify, exercise the powers conferred and perform the duties imposed by section 18.

Establishment of review tribunals.

(2) Every tribunal established under subsection (1) shall consist of three members.

Review of
assessment
by tribunal.

18.—(1) (a) Where, in the case of an assessment under paragraph (a) of section 16, any banana grower is dissatisfied with such assessment he may within the prescribed time make application to the Board in the prescribed manner for a review by the appropriate tribunal of such assessment.

(b) Where, in the case of an assessment under paragraph (b) of section 16, any number of banana growers who together control not less than fifty per cent of the aggregate acreage of all the affected cultivations situate within any area are dissatisfied with such assessment they may within the prescribed time make application to the Board in the prescribed manner for a review by the appropriate tribunal of such assessment.

(2) Every application under subsection (1) for the review of any assessment shall be accompanied by the prescribed deposit.

(3) So soon as may be after the receipt of any application under subsection (1) for the review of any assessment, the Board shall refer such application to the appropriate tribunal together with all the information, reports, returns or records which the Board considered in making such assessment.

(4) As soon as may be after the appropriate tribunal receives from the Board any application for the review of any assessment, the tribunal shall consider such application together with all documents relating to such assessment and shall take such steps, whether by inspecting or causing to be inspected the affected cultivation or cultivations situated in the area to which such application relates (as the case may be) or otherwise, as the tribunal in its absolute discretion may think necessary to determine the accuracy or other-

wise of such assessment, and shall make a report to the Board.

(5) In the case of an application for review under paragraph (a) of subsection (1), if the appropriate tribunal reports to the Board that in the opinion of the tribunal the percentage of loss suffered by the affected cultivation to which the application relates—

- (a) does not exceed the assessment by more than seven and one-half per cent, then the assessment for all purposes shall be final and conclusive and the deposit paid under subsection (2) shall be forfeited to the Board;
- (b) exceeds the assessment by more than seven and one-half per cent, then the assessment shall be amended by the substitution for the percentage specified therein the percentage which in the opinion of the tribunal is the percentage of loss suffered by the affected cultivation and the deposit paid under subsection (2) shall be refunded.

(6) In the case of an application for review under paragraph (b) of subsection (1) if the appropriate tribunal reports to the Board under subsection (4) that in the opinion of the tribunal the average percentage of loss suffered by banana cultivations in the area to which the application relates does not exceed by more than seven and one-half per cent the assessment under paragraph (b) of section 16 in respect of which the application for review was made, the assessment by the Board shall for all purposes be final and conclusive and the deposit paid under subsection (2) in relation to the application for review shall be forfeited to the Board.

(7) In the case of an application for review under paragraph (b) of subsection (1) if the appropriate tribunal reports to the Board under subsection (4) that in the opinion

of the tribunal the average percentage of loss suffered by banana cultivations in the area to which the application relates exceeds by more than seven and one-half per cent the assessment under paragraph (b) of section 16 in respect of which the application for review was made, the assessment shall be amended by the substitution for the percentage specified therein the percentage which in the opinion of the tribunal is the average percentage of loss suffered by banana cultivations in the area to which such application relates, and the deposit paid under subsection (2) shall be refunded to the persons by whom it was paid.

(8) In this section "assessment" means any assessment made by the Board under section 16.

PART IV. *Financial Provisions*

Establishment of
Banana
Insurance
Fund.

19.—(1) For the purposes of this Act there shall be established under the control and management of the Board a fund called the Banana Insurance Fund.

(2) The proceeds of the cess raised, levied or collected under section 21 and any premiums paid to the Board under section 5 and any moneys borrowed by the Board under section 23 and any sums received by the Board by way of re-insurance or from the sale of any of their assets, or otherwise, under this Act shall be paid into the Banana Insurance Fund.

Investments.

20. Any moneys forming part of the Fund shall from time to time—

12/1962
S. 4.

(a) be invested in such manner as the Minister may approve, in the public securities of Jamaica or any other Commonwealth country, or such other securities as the Minister may from time to time approve; or

- (b) be placed on deposit with the Accountant-General or in such bank or banks as the Board may, with the approval of the Minister, from time to time direct.

21.—(1) There shall be raised, levied and collected for the purposes of this Act a cess upon each insurance weight unit of bananas— Imposition
of cess.

- (a) exported from Jamaica; or 12/1962
S. 5(a).
 (b) purchased for the purpose of being exported, irrespective of whether or no such insurance weight unit of bananas is subsequently exported from Jamaica.

(2) The Minister may, after considering any recommendation of the Board, from time to time by order fix the rate at which cess shall be levied on each insurance weight unit of bananas or part of such unit. 12/1962
S. 5(b).

22.—(1) The cess shall be paid by every banana grower and shall be collected and paid over by the exporter in accordance with regulations made under section 31. Payment and
collection
of the cess.

(2) Any exporter who fails—

- (a) to collect or to pay over, in accordance with the regulations, any cess or any part thereof due under this Act; or
 (b) to comply with any regulations relating to any such collection or payment over,

shall be guilty of an offence against this Act.

(3) Nothing in this section contained shall be deemed to prejudice or interfere with the right of the Board to recover from an exporter the amount of any cess due to be collected and paid over by him.

23.—(1) Whenever the Minister is satisfied by the Board that it is necessary or expedient for the Board to borrow Loans.
3/1971
S. 4.

[The inclusion of this page is authorized by L.N. 480/1973]

money for discharging any of its obligations or carrying out any of its functions under this Act, the House of Representatives may by resolution authorize the Board to borrow such sums as may be specified in the resolution.

(2) Any loan authorized under subsection (1) or any part of such loan may be raised by the Board by the issue of stock or debentures or both in such form and on such conditions as may be approved by the Minister or by such other means as may be approved by the Minister, and the principal moneys and interests represented by such stock, debentures or loan are hereby charged upon and shall be payable out of the funds and assets which accrue to the Board under this Act.

18/1965
S. 4(b).

(3) The principal moneys and interest represented by any loan authorized under subsection (1) are hereby guaranteed by the Government of Jamaica and in the event of default in the payment thereof by the Board shall be charged upon and be payable out of the Consolidated Fund and assets of the Government of Jamaica.

Re-
insurance.

24. The Board may effect re-insurance in respect of the whole or any part of the potential liability incurred by them for the payment of benefit under this Act at such rates and subject to such conditions as the Minister may deem reasonable.

Application
of funds of
Board.
18/1965
S. 5(a)-(c).

25.—(1) Subject to the provisions of subsection (2), the moneys forming part of the funds of the Board under this Act shall be applied towards—

- (a) the payment of all expenses incurred by the Board in the execution of the provisions of this Act;
- (b) the payment of any sums by way of premiums on the re-insurance of any potential liability incurred by the Board under this Act;

- (c) the payment of benefit to insured persons in accordance with the provisions of this Act;
- (d) the payment of interest upon any moneys borrowed by the Board under this Act and the repayment of such moneys;
- (e) the creation of such a reserve fund as the Board may, with the approval of the Minister, consider adequate for the purposes of this Act.

(2) So soon as the Minister is satisfied that the assets of the Fund are in excess of the amount necessary to meet any liability which can reasonably be anticipated the Minister may authorize the Board to apply the whole or any part of such excess in any manner which the Minister deems to be conducive to the interest of the banana industry.

26. The Board shall keep separate accounts relating to their activities under this Act and such accounts shall be audited annually and where there is any amount outstanding on loan to the Board under section 23 such annual audit shall be made by the Auditor-General.

Audit.
18/1965
S. 6.

27. Notwithstanding anything to the contrary in any law, the income of the Board under this Act shall not be liable to the payment of income tax.

Exemption
of Board's
income from
income tax.
18/1965
S. 7.

28. Notwithstanding anything to the contrary in any law, where the whole of any moneys received by any banana grower by way of statutory benefit or of contractual benefit has not been applied by such banana grower for the restoration or rehabilitation of his banana cultivation in the year in which such moneys were received, only such amount thereof as has been so applied shall be deemed for the purposes of the Income Tax Act to be income derived or received in such year :

Income tax
on benefit.

Provided that the remaining portion thereof shall be deemed to be income derived or received in the next succeeding year.

PART V. *Administrative Provisions*

Board to be
successor of
Banana In-
dustry
Insurance
Board.

18/1965
S. 8.

29.—(1) The Board shall be deemed to be to all intents and purposes the successor of the Banana Industry Insurance Board constituted under this Act before the 1st July, 1965, and without prejudice to the generality of the foregoing provision of this section, the funds, assets, rights and liabilities of the said Banana Industry Insurance Board are hereby transferred to and vested in the Board accordingly.

(2) Unless and until other arrangements are made under section 17 of the Banana Board Act, all officers and servants holding office under the said Banana Industry Insurance Board (in this subsection referred to as the former Board) immediately prior to the 1st July, 1965, shall, from and after that date, hold under the Banana Board the like respective offices or employments and by the same tenure and upon the same terms as theretofore they held those offices under the former Board; and a superannuation scheme of the former Board for the benefit of their employees and trusts constituted in that behalf, the terms of which include provision for the determination of such trusts and the winding up of the affairs thereof in the case of dissolution of that Board by law, shall continue to be carried out, but not in relation to any employees other than those who joined the scheme before the said 1st July, 1965, as if the place of the former Board in relation to such scheme and trusts had been taken by the Banana Board as from the said date, and such terms shall be construed and have effect accordingly.

(3) Any officer in the employment of the Board by virtue of his appointment from the service of the Island to an office under the Banana Industry Insurance Board

with such approval in that behalf as was required by this Act before the 1st July, 1965, shall, in relation to pension, gratuity, allowance and to other rights as a public officer, be deemed to be in such service while so employed.

30.—(1) A meeting at which business under this Act is transacted by the Board shall be held by the Board at least once in every month. Meetings and delegation.

(2) The Board may from time to time delegate to any member, officer or servant of the Board, or to any committee thereof appointed by the Board, authority to carry out such portions of the duties committed to the Board by this Act as they may from time to time determine. 18/1965 S. 10.

31.—(1) The Board may make regulations for the better carrying out of this Act and generally for giving effect to the provisions of this Act and, without prejudice to the generality of the foregoing, for the collection and payment over of cess. Regulations 18/1965 S. 11.

(2) Regulations made by the Board under subsection (1) shall have no effect until approved by the Minister who may alter, add to or amend such regulations.

32. Every person guilty of an offence against this Act or against any regulations made thereunder shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment with hard labour for any period not exceeding twelve months or to both such fine and imprisonment. Penalties.

33.—(1) Within such period as may be prescribed every banana grower shall make a return to the Board in relation to each of his banana cultivations. Returns.

(2) Every return under subsection (1) shall—
(a) be in such form as may be prescribed;

- (b) specify the acreage of the banana cultivation to which it relates which is actually cultivated in bananas; and
- (c) contain such other particulars in relation to such banana cultivation as may be prescribed.

Board's
functions
under
the Banana
Board Act
not
abrogated.
18/1965
S. 12.

34.—Nothing in this Act shall be deemed to abrogate any functions, powers or duties assigned to the Board by the Banana Board Act.