

**THE JAMAICA AGRICULTURAL SOCIETY
INCORPORATION ACT**

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THE JAMAICA AGRICULTURAL SOCIETY
INCORPORATION ACT

Cap. 169.
Acts
6 of 1968,
6 of 1978,
14 of 1996.

[19th June, 1941.]

1. This Act may be cited as the Jamaica Agricultural Society Incorporation Act. Short title.

2. In this Act—

“agricultural commodity organization” means any organization of farmers established or maintained primarily to further the interests of its members with regard to a particular agricultural commodity;

“annual general meeting” or “general meeting” means the annual general meeting or general meeting, as the case may be, of delegates of Branch Societies, Associations of Branch Societies and Approved Member Organizations held in accordance with by-laws made under section 14;

“Approved Member Organization” means any agricultural commodity organization which is recognized as an Approved Member Organization in accordance with rules made under section 13;

“Branch Society”, “Association of Branch Societies” and “Affiliated Society” mean, respectively, a Branch Society, an Association of Branch Societies and an Affiliated Society established in accordance with rules made under section 13.

3.—(1) As from the date of the coming into operation of this Act, the existing organization known as the Jamaica Agricultural Society shall be a body corporate under the Society to be a Corporation.

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name of the Jamaica Agricultural Society (hereinafter referred to as "the Society").

(2) The Society may sue and be sued in such name, and shall have perpetual succession and a common seal, and may from time to time make, change, alter and renew the said seal as to the Society may seem fit.

Powers.

4. The Society may acquire, purchase, lease, take, hold and enjoy, either absolutely or subject to any trusts, movable and immovable property of every description, and, subject as hereinafter provided, may sell, convey, assign, surrender and yield up, mortgage, demise, re-assign, transfer or otherwise dispose of any movable or immovable property vested in it upon such terms as to the Society may seem fit.

Vesting of property.

5. All real and personal property which, on the date of the coming into operation of this Act is vested in (or purports to be vested in), the unincorporated organization known as the Jamaica Agricultural Society, shall, as from such date, be vested in the Society for the like estate and interest and to the like extent as such property was held by or vested in (or purported to be vested in) such unincorporated organization, and subject to all trusts, mortgages, charges or encumbrances affecting such property, or any part thereof.

Objects of the Society.

6. It is hereby declared that the objects of the Society are—

- (i) to promote and encourage agriculture, horticulture, arboriculture, apiculture and stock-raising in all their branches;
- (ii) to establish and maintain an office of the Society in Kingston and, if necessary, sub-offices in various parts of Jamaica, for the dissemination

- of information upon the matters specified in paragraph (i) to the members of the Society;
- (iii) to provide for the reading of papers and the delivery of lectures, and for courses of instruction and the holding of examinations in subjects connected with the matters specified in paragraph (i);
 - (iv) to provide and award premiums for the encouragement of agriculture, horticulture, arboriculture, apiculture and stock-raising;
 - (v) to provide for the holding, from time to time, of agricultural and live stock exhibitions;
 - (vi) to promote, acquire an interest in, or finance any company or organization, or to carry on any trade, business, school, college, administration centre, exhibition, model farm or pen, experimental work or scientific research, calculated to promote directly or indirectly, or to contribute to, the agricultural or economic welfare of Jamaica;
 - (vii) to apply the funds placed at the disposal of the Society for the purposes of the Society.

7.—(1) The Governor-General shall be Patron of the Society.

Patron,
President
and Vice-
Presidents
of Society.
6/1978
S. 3.
14/1996
S. 2 (a).

(2) At an annual general meeting the delegates in attendance at such meeting shall elect one of the members of the Board of Management referred to in section 9 to be the President, and two of such members to be Vice-Presidents, of the Society.

(3) Subject to subsection (4), the persons elected under subsection (2) as President and Vice-President, respectively,

14/1996
S. 2 (b).

[The inclusion of this page is authorized by L.N. 96/1998]

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shall serve in that capacity for a period of three years and shall be eligible for re-election.

14/1996
S. 2 (b).

(4) Where, before the expiration of two years from the date of election under subsection (2), the President or a Vice-President fails, without reasonable cause, to attend at least four consecutive meetings of the Board of Management, his tenure of office as President or Vice-President, as the case may be, may be terminated in accordance with subsections (5), (6), (7), (8), (9), (10) and (11).

14/1996
S. 2 (b).

(5) A resolution for the termination of the tenure of office of the President or a Vice-President, as the case may be, may be presented at the second annual general meeting next after the annual general meeting at which he was elected and shall have effect if it is supported by the votes of not less than two-thirds of the delegates in attendance at that second annual general meeting.

14/1996
S. 2 (b).

(6) A resolution under subsection (5) shall state the reason for the resolution as specified in subsection (4).

14/1996
S. 2 (b).

(7) Where the delegates intend to present a resolution referred to in subsection (5), notice of the resolution shall—

- (a) be signed by two delegates;
- (b) be lodged in the office of the Society at least thirty-five days before the second annual general meeting; and
- (c) state the reason for the intention to move the resolution as specified in subsection (4).

14/1996
S. 2 (b).

(8) At least twenty-one days before the second annual general meeting, the Board of Management shall cause to be served on the President or Vice-President concerned—

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- (a) a copy of the notice referred to in subsection (7);
and
- (b) a statement advising him of the right of reply
conferred by subsection (10).

(9) Evidence in support of the reason specified in subsection (4) may be adduced from the records of the Society and the Board of Management shall cause a copy of such evidence to be served on the President or Vice-President to whom it relates at least fourteen days before the second annual general meeting. 14/1996
S. 2 (b).

(10) The President or Vice-President, as the case may be, may, upon receipt of the notice referred to in subsection (7), reply in writing to the matters stated therein and a copy of such reply shall be given to each delegate before a vote is taken at the second annual general meeting. 14/1996
S. 2 (b).

(11) Where a resolution is presented in accordance with subsection (5) for the termination of the tenure of office of— 14/1996
S. 2 (b).

- (a) the President, the chairman of the meeting shall be elected by a majority of votes of the delegates in attendance at that meeting; or
- (b) a Vice-President, the chairman of that meeting shall be the President and if the President is absent from the meeting, the chairman of the meeting shall be elected in accordance with paragraph (a).

8.—(1) The Board of Management referred to in section 9 shall, on or before the 15th day of January in each year, prepare and submit to the Minister true Estimates of the

Estimates
to be
submitted.

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income receivable and expenditure to be incurred during the financial year commencing on the 1st day of April then following.

(2) The Board shall submit its Estimates in the form required by the Minister, who may approve or amend such Estimates.

(3) All new appointments, and any proposed variation in the emoluments of an existing appointment, shall receive the approval of the Minister before being included in the Estimates :

Provided that nothing in this subsection shall apply to any appointment, the total annual emoluments of which are less than seven hundred dollars, if such emoluments are paid from any source other than moneys granted to the Society by Government.

(4) All new or special expenditure shall receive the approval of the Minister before being included in the Estimates.

(5) Save with the approval of the Minister, no further sum shall be expended during any financial year other than is provided in the Estimates relating to such financial year.

Board of
Management.

9. The affairs of the Society shall, subject to the provisions of this Act, be managed by a Board of Management (hereinafter referred to as "the Board"), which, subject always to such provisions, shall control the income, capital funds and property of the Society and govern, direct and decide all matters connected with the appointment of the officers and servants of the Society and with the administration of the affairs, and the accomplishment of the objects and general purposes, of the Society, and the Board shall have and may exercise all the powers conferred on the Society by this Act.

10. All deeds, documents or other instruments requiring the seal of the Society shall be sealed with the common seal of the Society in the presence of two members of the Board who shall sign every such deed, document or other instrument to which the common seal is affixed, and such signing shall be sufficient evidence that the said seal was duly and properly affixed, and that the same is the lawful seal of the Society.

Execution of documents.

11.—(1) The Board shall consist of the undermentioned persons—

Provisions relating to the Board.
6/1968
S. 3(2) & Sch.

- (a) an officer of the Ministry of Agriculture nominated in that behalf by the Minister;
- (b) three members of the House of Representatives nominated by the said House;
- (c) one member of the Senate nominated by the Minister;
- (d) such persons as are elected by the Associations of Branch Societies, one being elected by each such Association;
- (e) three persons elected by the delegates of the Associations of Branch Societies from a panel submitted by members of the Society other than Branch Societies, Associations of Branch Societies and Affiliated Societies;
- (f) such persons as are nominated by the Approved Member Organizations, not more than one person being nominated by each such Organization.

6/1978
S. 4(a).

(2) Subject to the provisions of subsections (4), (5) and (6)—

- (a) every person nominated under paragraph (b) of subsection (1) shall hold office for the life of the House of Representatives by which he was nominated;

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- (b) every person nominated under paragraph (c) of subsection (1) shall hold office for the life of the Senate existing at the time of his nomination;
- (c) every elected member shall hold office until he retires in accordance with the provisions of subsection (3);
- (d) every person nominated to the Board under paragraph (f) of subsection (1) shall hold office for a period of three years beginning from the date upon which such nomination is approved by the Board and such persons shall be eligible for renomination.

6/1978
S. 4(b).

(3) (a) There shall retire from the Board on election day—

- (i) next after the first election day, five elected members; and
- (ii) next but one after the first election day, five elected members; and
- (iii) next but two after the first election day, six elected members,

and so thereafter in each succeeding triennial period.

(b) Elected members shall retire in the order of their seniority, the member who has served longest since he was last elected to the Board retiring first, and as between members of the same seniority the order of retirement shall be determined by lot.

(c) A member retiring under paragraph (a) shall be eligible for re-election.

(4) Any nominated or elected member who fails to attend meetings of the Board for a period of six months without having obtained leave of absence from the Board shall be deemed to have vacated his office.

(5) Any nominated or elected member who ceases to be eligible for nomination or election in the capacity in which he is serving on the Board, shall thereupon vacate his office.

(6) Any nominated or elected member may, by writing under his hand addressed to the President, resign his office.

(7) Where any nominated or elected member dies, or vacates his office in accordance with the provisions of subsection (4), (5) or (6), the body by which he was nominated or elected shall nominate or elect, as the case may be, another person to fill the ensuing vacancy on the Board until such time as the member by whose death or vacation of office the vacancy was occasioned would, but for such death or vacation of office, have ceased to hold office in accordance with the provisions of subsection (2).

(8) The rights, powers and duties of the Board and of the members thereof shall not be affected by any vacancy in the membership of the Board, nor by the fact that it is afterwards discovered that there was some defect in the appointment, nomination or election, or in the qualifications, of a person purporting to be a member of the Board.

(9) For the purposes of this section—

“election day” means the day on which the annual general meeting is held;

“elected member” means any member of the Board elected under paragraph (d) or (e) of subsection (1);

“nominated member” means any member of the Board nominated under paragraph (b), (c) or (f) of subsection (1).

6/1978
S. 4(c).

12.—(1) The Board shall annually prepare and present to the annual general meeting, a report of its proceedings, together with a complete statement of its financial position

Annual
Report of
Society.

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and its accounts, audited and certified by an auditor approved by the Minister.

(2) The Board shall forward certified copies of such report, statement and accounts to the Minister, who shall cause such certified copies to be laid before the House of Representatives.

Rules.

13.—(1) The Board shall on or before the thirtieth day of June, one thousand nine hundred and forty-seven, make by-laws regulating—

- (i) the number of delegates from each Association of *Branch Societies* who may attend the general meetings of the delegates of the Associations of *Branch Societies*;
 - (ii) the conduct of such meetings,
- and such by-laws, until revoked or amended, shall be deemed to be by-laws made by the delegates of the Associations of *Branch Societies* in accordance with the provisions of section 14.

(2) The Board may from time to time make rules for the following purposes—

- (a) the regulation of its proceedings, the calling of meetings, the quorum necessary for the transaction of business, the voting of the members of the Board, the appointment of a Chairman, and the procedure for the transaction of business;
- (b) the appointment of executive committees and sub-committees, and the delegation to such committees and sub-committees, of the powers and duties of the Board;
- (c) the appointment of officers, and the allocation of the duties of officers;
- (d) the keeping and presentation of accounts;

- (e) the establishment of Branch Societies, Associations of Branch Societies and Affiliated Societies;
- (ee) the formulation of procedures, and the laying down of conditions, subject to which any agricultural commodity organization may be recognized as an Approved Member Organization; 6/1978
S. 5.
- (ef) regulating the procedure for nominations to the Board by Approved Member Organizations under section 11 (1)(f) and for the giving of approval to any such nomination;
- (f) generally for carrying this Act into effect.

14. The delegates of Branch Societies, Associations of Branch Societies and Approved Member Organizations in general meeting, may from time to time make by-laws for the purposes of this Act— Society
to make
certain
by-laws.
6/1978
S. 6.

- (i) for prescribing the rights and privileges, and for regulating the admission and removal, of members of the Society;
- (ii) for regulating the use of the facilities of the Society by members of the Society and by the public;
- (iii) for regulating the number of delegates from each Branch Society, Association of Branch Societies and Approved Member Organization who may attend the general meetings or annual general meetings of the Society and for regulating the conduct of such meetings.