

THE RICE INDUSTRY BOARD ACT

ARRANGEMENT OF SECTIONS

Preliminary

1. Short title.
2. Interpretation.

Establishment and Functions of Board

3. Establishment and constitution of the Board.
4. Incorporation.
5. Functions of the Board.
6. Regulations.
7. Cess.
8. Minister may issue general directions in matters of policy.
9. Appeal to Minister from decision of the Board.

Financial

10. Funds and resources of the Board.
11. Borrowing powers.
12. Guarantee by Minister of borrowings by the Board and repayment of sums issued to meet guarantees.
13. Accounts and audit.
14. Annual report and estimates.

Miscellaneous

15. Procedure and meetings.
16. Power to delegate.
17. Appointment of officers and servants.
18. Protection of the Board.
19. Protection of members of the Board.
20. Remuneration of members.
21. Minutes receivable in evidence.

THE RICE INDUSTRY BOARD ACT

[1st October, 1956.]

Law
38 of 1956.
Act
42 of 1969
3rd Sch.*Preliminary*

1. This Act may be cited as the Rice Industry Board Act. Short title.

2. In this Act unless the context otherwise requires— Interpreta-
tion.

“Board” means the Rice Industry Board established by this Act;

“chairman” means the chairman of the Board and includes the acting chairman;

“member” means a member of the Board and includes the chairman;

“Minister” means the Minister responsible for trade;

“nominated member” means a member appointed upon the nomination of a body authorized by this Act to nominate a member;

“nursery” means any nursery for the cultivation of rice plants or rice seedlings;

“rice” includes rice in the straw or in the husk;

“rice grower” means a person in possession of land and entitled to grow rice thereon;

“rice mill” means any plant, machinery, appliance or apparatus, whether similar to the foregoing or not, and any premises, used for the curing, drying, washing, processing or preparation for sale, of rice.

Establishment and Functions of Board

3.—(1) There shall be established for the purposes of this Act a body to be called the Rice Industry Board. Establishment
and constitu-
tion of the
Board.

RICE INDUSTRY BOARD

(2) The Board shall consist of five members appointed in manner following, that is to say—

- (a) three by the Minister of whom one shall be appointed by the Minister to be the chairman;
- (b) one by the Minister upon the nomination of the Agricultural Development Corporation established under the Agricultural Development Corporation Act;
- (c) one by the Minister upon the nomination of the Jamaica Rice Growers' Co-operative Association Limited.

(3) The appointment of every member of the Board shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

(4) Every member shall be eligible for reappointment.

(5) A person shall be disqualified from being appointed or from being a member of the Board so long as he is a member of the House of Representatives.

(6) If the chairman is absent or unable to act, the Minister may appoint a person, whether or not such person is already a member of the Board, to act temporarily in the place of the chairman.

(7) If a nominated member is absent or unable to act, the body by which he was nominated may nominate a suitable person to act temporarily in the place of such member.

(8) If any member other than a nominated member is absent or unable to act or has been appointed to act as chairman, the Minister may appoint a suitable person to act temporarily in the place of such member.

(9) Any member of the Board, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and upon the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Board.

(10) 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.

(11) The Minister may at any time revoke the appointment of any member of the Board if he think it expedient so to do.

(12) The appointment, resignation, revocation of appointment or death of any member of the Board shall be notified in the *Gazette*.

4.—(1) The Board shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of land and other property of whatever kind.

Incorporation.

(2) The seal of the Board shall be kept in the custody of the chairman or the secretary of the Board and may be affixed to instruments pursuant to a resolution of the Board and in the presence of the chairman, one other member and the secretary.

(3) The seal of the Board shall be authenticated by the signatures of the chairman and the secretary of the Board and such seal shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of the Board may be signified under the hand of the chairman or any

member of the Board authorized to act in that behalf or the secretary of the Board.

(5) The Board may sue and be sued in its corporate name and may for all purposes be described by such name, and service upon the Board of any notice, order or other document shall be executed by delivering it to, or by sending it by registered post addressed to, the secretary of the Board at the office of the Board.

Functions of
the Board.

5.—(1) It shall be the duty of the Board—

- (a) to promote the interests and efficiency of the rice industry of the Island and to assist in the development of that industry;
- (b) to secure the most favourable arrangements for the purchase, handling, marketing, sale, importation and exportation of rice;
- (c) upon being required to do so by the Minister, to make recommendations to the Minister as to any matter directly or indirectly affecting, relating to, or connected with, the rice industry or persons engaged in that industry.

(2) Subject to the provisions of this Act, the Board shall have power, for the purpose of discharging any of its functions under this Act, to do anything and to enter into any transaction which, in the opinion of the Board, is necessary to ensure the proper discharge of its functions.

(3) In particular and without prejudice to the generality of the provisions of subsections (1) and (2), the Board shall have power—

- (a) to establish, maintain or operate, any nurseries, research stations, rice mills or other works in connection with the rice industry;
- (b) to provide for the registration of growers of rice;

- (c) to provide for the registration, licensing and control of rice mills and any machinery for processing rice;
- (d) to regulate the grading for sale of rice grown in the Island;
- (e) to control and fix the price to be paid for the sale of rice, whether wholesale or retail, or for services in connection with the processing of rice;
- (f) to regulate and control the distribution of rice;
- (g) to buy and sell rice;
- (h) subject to such directions as the Board may receive from the Minister, to prohibit or regulate the importation or exportation of rice.

6.—(1) The Board may, with the approval of the Minister, make regulations— Regulations.

- (a) providing for the registration, subject to such exemptions as may be specified—
 - (i) of all rice growers or of any particular class of rice growers;
 - (ii) of all rice mills or any particular class of rice mills;
- (b) providing for the keeping of any register pursuant to the provisions of paragraph (a) and the form of any such register and the procedure to be followed in relation to the registration of any person or undertaking required to be registered pursuant to such paragraph, and the fees to be paid in respect of such registration;
- (c) providing, subject to such exemptions as may be specified, for the licensing (including the grant and refusal of licences) of operators of rice mills or any particular class of rice mills;

- (d) providing for the form of application for any licence pursuant to the provisions of paragraph (c) and the fees to be paid upon such application and in relation to the grant or refusal of any such licence and the form and conditions of any such licence;
- (e) prohibiting or restricting, subject to such exemptions as may be specified, the establishment, maintenance or operation by any person other than the Board except under and in accordance with the terms of a licence granted by the Board, of any rice mill;
- (f) prescribing the grades and types and quality of rice;
- (g) prescribing the price to be paid to the grower, processor, distributor or dealer in rice in respect of any grade, type or quality of rice, so, however, that different prices may be fixed in respect of the same grade, type or quality of rice if delivered at different delivery points or in respect of the same grade, type or quality of rice purchased or sold by dealers of different categories;
- (h) prescribing, subject to such exemptions as may be specified, the records to be kept by any person who is required pursuant to paragraph (a) to be registered or who has control of any undertaking so required to be registered or who is required pursuant to the provisions of paragraph (c) to be licensed;
- (i) prescribing, subject to such exemptions as may be specified, the returns to be made by any person who is required to be registered pursuant to the provisions of paragraph (a) or who has the control of any rice mill so required to be registered or

who pursuant to the provisions of paragraph (c) is required to be licensed, or who is liable to pay any cess under this Act and the time at which and the form in which any such returns are required to be made and the particulars to be contained in such returns;

- (j) requiring, subject to such exemptions as may be specified, any person who is required pursuant to the provisions of paragraph (a) to be registered or who has the control of any rice mill so required to be registered or who is licensed or who is liable to pay any cess under this Act, to furnish to the Board or to some person designated by the Board such information in relation to the growing, drying, washing, cleaning, processing, transporting, distributing or the purchase or sale of rice;
 - (k) providing for the entry at all reasonable times during the hours of daylight by persons appointed by the Board upon any land on which rice is grown or upon any premises used or believed by the Board to be used or about to be used, for any purpose connected with the milling of rice or the storage, purchase, sale or distribution of rice;
 - (l) prescribing the form in which and the time within which any person aggrieved by any decision of the Board may appeal to the Minister against such decision;
 - (m) providing for the collection of any cess imposed under section 7.
- (2) Notwithstanding the provisions of section 29 of the Interpretation Act, regulations made under this section may prescribe greater penalties than those specified in the said section 29, so, however, that the maximum penalty that may be

imposed by any such regulations shall be a fine of one thousand dollars or imprisonment with or without hard labour for a term of twelve months, or to both such fine and imprisonment.

42/1969
3rd Sch.

(3) All regulations made under this section shall be subject to negative resolution.

Cess.

7.—(1) Subject to the provisions of subsection (2) the Board may, on or before the first day of April in any calendar year, impose a cess upon the proceeds of the sale by any person in Jamaica of any rice produced in the Island to the operator of a rice mill during the financial year commencing on such first day of April.

(2) Any cess imposed under subsection (1) shall be of no effect unless and until approved by the Minister by order.

Minister
may issue
general
directions
in
matters of
policy.

8. The Minister may, after consultation with the chairman, give to the Board directions of a general character as to the policy to be followed by the Board in the exercise and performance of its functions having regard, in particular, to the necessity for maintaining essential supplies and protecting the interests of the consumer and the producer.

Appeal to
Minister
from
decision
of the
Board.

9.—(1) Any person aggrieved by any decision of the Board may appeal to the Minister in the prescribed manner.

(2) The Minister shall consider every appeal made under subsection (1) at such time and in such manner either in the presence or absence of the appellant and shall make such order in relation to such appeal as the Minister may think fit.

(3) Every decision of the Minister upon any appeal made pursuant to the provisions of this section shall be final and shall not be questioned in any legal proceedings.

Financial

10. The funds and resources of the Board shall consist of— Funds and resources of the Board.

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Island;
- (b) all sums received by the Board for the sale of rice;
- (c) all sums collected under the authority of regulations made under this Act;
- (d) sums borrowed by the Board for the purpose of meeting any of its obligations or discharging any of its functions;
- (e) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

11.—(1) Subject to the provisions of subsection (2), the Board may borrow sums required by it for meeting any of its obligations or discharging any of its functions. Borrowing powers.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Minister as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected, and an approval given in any respect for the purpose of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) In this section, the word “borrow” with its grammatical variations and cognate expressions, includes obtaining advances.

Guarantee
by Minister
of
borrowings
by the
Board and
repayment
of sums
issued
to meet
guarantees

12.—(1) With the approval of the House of Representatives, the Minister may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and of interests on any authorized borrowings of the Board.

(2) Where the Minister is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under the provisions of this section, he shall direct the repayment out of the Consolidated Fund and assets of this Island of the amount in respect of which there has been such default.

(3) The Board shall make to the Accountant-General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interests on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Accounts
and audit.

13.—(1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Minister.

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

(3) The Board may write off bad debts.

14.—(1) The Board shall in each year prepare and present on or before the first day of October to the Minister a report of its proceedings during the twelve months ending on the thirty-first day of March in such year, including a statement of its accounts audited in accordance with the provisions of section 13.

Annual
report and
estimates.

(2) A copy of such report together with a copy of the auditor's report shall be laid on the Table of the House of Representatives and of the Senate and shall be published in the *Gazette*.

(3) The Board shall, on or before the thirty-first day of October in each year, submit to the Minister for approval, its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year.

Miscellaneous

15.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such place and time and on such days as the Board may determine.

Procedure
and meet-
ings.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of a requisition for that purpose addressed to him by any member of the Board.

(3) The chairman shall preside at all meetings of the Board.

(4) The powers of the Board may be exercised at a meeting at which the chairman and at least two other members are present.

(5) The decisions of the Board 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 shall have a casting vote.

(6) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the chairman as soon as practicable thereafter at a subsequent meeting.

(7) Subject to the provisions of this section, the Board shall have power to regulate its own proceedings.

Power to delegate.

16. Subject to the provisions of this Act, the Board may delegate to any member the power and authority to carry out on its behalf such duties as the Board may determine.

Appointment of officers and servants.

17.—(1) The Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a secretary and such other officers and servants as it deems necessary for the proper carrying out of the provisions of this Act:

Provided that no officer or servant shall be employed at any salary in excess of two thousand dollars per annum unless with the prior approval of the Minister.

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Island to any office with the Board:

Provided that in relation to pension, gratuity, allowance, and to other rights as a public officer such officer shall be deemed to be in the service of the Island while so employed.

Protection of the Board.

18. No act done or proceedings taken under this Act shall be questioned on the ground—

- (a) of the existence of any vacancy in the membership of, or any defect in the constitution of, the Board; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

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

Protection
of members
of the
Board.

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

20. The Board shall pay to the chairman and other members of the Board such remuneration and allowances, if any, as the Minister may determine.

Remunera-
tion of
members.

21. Minutes made of meetings of the Board shall, if duly signed by the chairman, be receivable in evidence in all legal proceedings without further proof and every meeting of the Board in respect of which minutes have been so signed shall be deemed to have been duly convened and held and all the members present thereat to have been duly qualified to act.

Minutes
receivable
in evidence.