

SUGAR INDUSTRY CONTROL

THE SUGAR INDUSTRY CONTROL ACT

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SUGAR INDUSTRY CONTROL

THE SUGAR INDUSTRY CONTROL ACT

130th December, 1937.1

Cap. 372.
Laws
49 of 1953,
45 of 1953,
65 or 1956,
Acts
8 of 1970,
12 of 1973,
24 of 1978,
11 of 1994.
Short title.

1. This Act may be cited as the Sugar Industry Control Act.

2. In **this Act**—

Interpreta-
tion.

"approved marketing organization" means a **market-**
ing organization which the Authority has approved
as such for the purposes of this Act;

11/1994
S. 2.

"the Authority" **means** the Sugar Industry Authority
established under section 3;

8/1970
S. 2.

"cane fanner" means a person who cultivates sugar canes
for sale or delivery whether under contract or other-
wise, to a manufacturer at a factory, but **unless** the
context otherwise requires the expression shall not
include a manufacturer who cultivates sugar canes
on his own land;

45/1955
S. 2.

"export" or "exportation" means to **take** or **cause** to be
taken out of the Island, and the time at which any
sugar **shall** be taken aboard any export vessel shall
be deemed to be the time of the exportation of such
sugar;

"factory" means any factory, whether completely erected,
in the course of erection or intended to be erected,
which is for the time being specified in the First
Schedule, and at which sugar is manufactured or
is intended to be **manufactured**;

First Sched-
ule.

"functions" includes powers and duties;

8/1970
S. 2.

"import" means to bring or cause to be brought within the Island or the waters thereof;

81/1970
S. 2

"industry" means the sugar industry;

"Island export quota" and "Island local consumption quota" mean respectively such proportion, state in tons, of the Island quota, permitted to be exported, or to be made available for local consumption by virtue of an order made under Part III;

"the Island muscovado sugar quota" means the total number of tons of muscovado sugar permitted to be manufactured in a quota period;

"Island quota" means the total number of tons of sugar except muscovado sugar permitted to be exported from the Island in a quota period and to be made available in a quota period for consumption in the Island by virtue of an order made under Part III;

"Island reserve" means any sugar intended for export manufactured or on hand in excess of the Island quota;

"manufacturer" means a person owning or having control of a factory;

"quota period" means any period in respect of which an Island quota has been fixed by an order made under Part III;

11/1994
S. 2

"raw sugar" means sugar in the form of brown crystals (containing impurities) of which the sucrose content by weight, in the dry state, corresponds to a polarimetric reading of less than 99.5";

"sugar" means sugar in any of its commercial forms except the products known as wet sugar and final molasses, and includes beet and any other sugar, and such products of the sugar cane, except wet sugar and final molasses, which the Minister by order

may from time to time declare to be sugar for the purposes of this Act;

"ton" means a long ton of 2,240 lbs. avoirdupois.

PART I. *The Sugar Industry Authority*

8/1970
§ 3.

3.—(1) There is hereby established for the purposes of this Act a body to be known as the Sugar Industry Authority.

Memorandum
Sugar Industry
Authority.

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Sugar Industry Authority and otherwise in relation thereto.

Third
Schedule.

4.—(1) It shall be the duty of the Authority to advise the Minister—

Functions
of the
Authority
12/1973
S. 2 (a)

- (a) on all matters of general policy with respect to the operations and development of the industry;
- (b) with respect to applications for licences in relation to the introduction of mechanical units in the industry; and the measures to be adopted in dealing with the incidence and effect of redundancy as a consequence of mechanization of the industry;
- (c) with respect to the use, on an economic and efficient basis, of ports in relation to the exportation of sugar.

(2) The Authority shall have power to perform any functions assigned to it by or under this Act or any other enactment.

12/1973
S. 2 (b)

5. It shall be lawful for the Authority to undertake, foster and co-ordinate scientific research in relation to the industry, and encourage the application of the results of such research to the development of the industry; and, in particular, but without prejudice to the generality of the foregoing—

Research
and
planning.

- (a) analyse and keep under constant review all existing practices, new developments or issues which importantly affect the future of the industry;
- (b) organize and promote studies in scientific techniques with respect to the farming of canes and the manufacture of sugar.

**Marketing
of sugar and
molasses.**

6. The Authority shall make arrangements for the marketing of sugar and molasses for local consumption and for export; and for these purposes the Authority shall have power—

- (a) to review all existing policies in relation to the marketing of sugar and molasses;
- (b) to negotiate with suitable persons with a view to appointing such persons as agents for the marketing of sugar and molasses;
- (c) to provide for the payment to such agents of such fees or allowances as the Authority may determine; and
- (d) to provide for the payment of any costs reasonably incurred in relation to the marketing of sugar and molasses.

**Policy
directions
by Minis-
ter.**

7. The Minister may from time to time, after consultation with the chairman of the Authority, give to the Authority directions of a general character as to the policy to be followed in the exercise and performance of its functions, and the Authority shall give effect to such directions.

Cess.

8. Without prejudice to the provisions of section 19 of the Sugar Cane Farmers (Incorporation and Cess) Act, the Minister may, for the purposes of this Act, by order, impose on all canes delivered to a factory a cess at such rate as the Minister may approve on the recommendation of the

Authority; and he may also in like manner impose a cess upon all sugar manufactured at such factory.

9.—(1) Every sugar manufacturer shall—

Deduction
of cess.

- (a) compute the amount of cess payable in respect of canes delivered to his factory by a cane farmer and deduct it from any sums payable by him to such cane farmer;
- (b) compute the amount of cess payable in respect of sugar manufactured at his factory,

and thereafter the manufacturer shall pay the amounts so computed to the Authority.

(2) If any sugar manufacturer fails to pay to the Authority the amounts referred to in subsection (1), or any portion thereof, the Authority may recover the amount outstanding by action in a Resident Magistrate's Court as if it were a debt owed by the manufacturer to the Authority.

10. Where the Authority makes any recommendation to the Minister by virtue of section 8, 16, 20 or 21, the Minister shall not be obliged to act in accordance with such recommendation.

Recommendations by
Authority.

11.—(1) Subject to the provisions of this Act, the Authority may—

Powers of
Authority.

- (a) demand from any manufacturer, cane farmer, wholesale or retail dealer in sugar, or from any category of manufacturer or cane farmer, such returns in such form as the Authority may require;
- (b) *[Deleted by Act 11 of 1994.]*
- (c) demand and obtain from the Commissioner of Customs or any officer of Customs such information as the Authority may from time to time require;

L.N.
93/1986.

- (d) order from time to time the inspection of any stocks of sugar held by, or under the control of a manufacturer or any other person, by an officer of Customs or a member of the Constabulary Force, and may require any such person as aforesaid to furnish returns in respect of such stocks of sugar;
- (e) order from time to time the inspection of any stocks of sugar held by any retail dealer, by an officer of Customs or a member of the Constabulary Force, and may require a report with respect to the result of such inspection;
- (f) issue licences for the importation of raw sugar;
- (g) demand and obtain from any person concerned with the sale or purchase of any sugar damaged by water, fire or act of God or the Queen's enemies, full particulars with respect to such sale or purchase, as the case may be, of the sugar, and such other information as the Authority may require;
- (h) issue licences in respect of quotas, and to cane farmers;
- (i) register, transfer or cancel the registration of cane farmers;
- (j) summon to a meeting of the Authority any manufacturer, or wholesale or retail dealer in sugar, and may question him for the purpose of obtaining information relative to the manufacture of sugar or stocks thereof; and any such summons shall be issued by the secretary of the Authority on the order of the chairman and shall give at least three days' clear notice to the person summoned of the time and place of the Authority's meeting;
- (k) with the approval of the Minister responsible for finance, borrow sums required by it for meeting

11/1994
S. 3 (c).

12/1973
S. 3.

any of its obligations or discharging any of its functions;

(l) where charged with responsibility for the management or administration of any fund (whether such fund is obtained by way of a loan from Government or any other source, or otherwise) may with the approval of the Minister make loans—

(i) to any registered cane farmer or cane grower for any purpose for which the fund is provided;

(ii) to any sugar manufacturer, if the fund is constituted wholly or partially for use in connection with the manufacture of sugar, and where the Authority makes a loan to any person pursuant to this paragraph it may demand and obtain from such person such accounts or other information and in such form as it may require, in order to ensure the repayment of the loan in accordance with the terms and conditions under which it was made and that it will be or is being used for the purpose for which it was granted;

(m) with the approval of the Minister and the Minister responsible for finance, invest, in undertakings designed to promote the interests of the sugar industry and of persons employed therein, any sums held by the Authority which are not allocated to the purposes of a particular fund.

26/1978
S. 2.

(2) Any person who—

(a) fails to furnish any information required by the Authority, or to comply with any demand, summons or requirement by the Authority;

(b) assaults, impedes or obstructs or aids or abets any person in assaulting, impeding or obstructing any member of the Authority or any person authorized by the Authority in the exercise of any of the powers under this section; or

(c) knowingly makes any false or incorrect return, or knowingly gives any false or incorrect information, shall be guilty of an offence and shall be liable, on summary conviction before a Resident Magistrate, to a penalty not exceeding one hundred dollars and in default of payment thereof to imprisonment for a term not exceeding three months.

PART II. *Restriction on Importation of Sugar and Prohibition of Exportation of Muscovado Sugar*

Restriction on importation of all sugar and prohibition of exportation of muscovado sugar.

8/1970
S. 7 & Sch.
11/1994
S. 4 (a).

11/1994
S. 4 (b).

12. No person shall—

- (a) import any raw sugar into the Island except under a licence first obtained for the purpose from the Authority;
- (b) export from the Island any muscovado sugar, and every person who is concerned in importing or exporting any sugar contrary to the provisions of this section shall, on summary conviction before a Resident Magistrate be liable to a penalty not exceeding ten thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

Seizure and forfeiture of sugar.

13. Any sugar imported, or exported or attempted to be exported, contrary to the provisions of this Part may be seized as though it were prohibited goods within the meaning of sections 40 and 41 of the Customs Act, and shall be forfeited and may be disposed of as the Minister may direct.

Onus of proof.

14. In proceedings for the forfeiture of any sugar under this Part the onus of proof shall lie on the person claiming the sugar and it shall not be necessary for the person prosecuting the suit to prove that the sugar is liable to seizure or forfeiture.

Search of vessels.

15. The officers of Customs or any person acting with their concurrence may stop any ship or boat which they

have reason to suspect has on board any sugar of which the importation or exportation is prohibited under this Part, and may detain such ship or boat until search has been made and such sugar if found has been seized and removed under this **Part**.

PART III. *Island Quotas*

16.—(1) The Minister may, on the recommendation of the Authority, by order published in the *Gazette* fix—

Island
Quotas.
8/1970
S. 7 & Sch.

(a) the Island quota;

(b) the Island export quota;

(c) the Island local consumption quota;

(d) the Island muscovado sugar quota,

for any quota period **specified** in the order.

(2) The Minister may, on the recommendation of the Authority, by like order fix the maximum aggregate quantity of the Island reserve which may be kept in stock in the Island during any quota period specified in the order.

8/1970
S. 7 & Sch.

(3) The Minister may, on the recommendation of the Authority, at any time by like order vary any such quota or the maximum aggregate quantity of the Island reserve fixed as aforesaid and revoke or amend any such order previously made.

8/1970
S. 7 & Sch.

17. [Repealed by Act 11 of 1994.]

PART IV. *Special to Local Consumption Sugar*

18.—(1) The Authority may make regulations from time to time placing all sales for local consumption of all vacuum pan and refined sugar manufactured in any quota period under the control of the approved marketing organization.

Sale of
sugar for
local con-
sumption.
8/1970
S. 7 & Sch.
11/1994
S. 6 (a).

11/1994
S. 6 (b).

(2) No person who is or shall become a party to any agreement with the approved marketing organization for the pooling of sales of local consumption quota sugars shall make available or cause to be made available for local consumption any vacuum pan or refined sugar during the continuance of any such agreement except through the approved marketing organization, subject always to the rights, powers and duties of the Authority.

11/1994
S. 6 (b).
8/1970
S. 7 & Sch.

(3) Any person who shall make any sugar available for local consumption, or cause the same to be made available for local consumption, contrary to this section or regulations made thereunder shall, on summary conviction before a Resident Magistrate, be liable to a fixed penalty of one thousand dollars per ton or part of a ton of such sugar and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

11/1994
S. 6 (c).

(4) This section shall not apply to muscovado sugar or to any sale locally of sugar the exportation of which is *bona fide* prevented by damage from fire, water or act of God or the Queen's enemies.

19. [Repealed by Act 11 of 1994.1

**PART V. Manufacturers' Quota Licences and Quotas
Thereunder**

Factories
may be
added to or
removed
from the
First
Schedule.
8/1970
S. 7 & Sch.

20.—(1) The Minister may, on the recommendation of the Authority, by order add or remove any factory to or from the First Schedule, and may substitute any factory, mentioned in or added to the said Schedule, by any other factory.

(2) No person shall manufacture sugar unless he is a manufacturer and no manufacturer shall manufacture sugar unless there has been issued to **him** in respect of a **factory**, and prior to the manufacture by him of **sugar**,

thereat a licence (in this Act referred to as "quota licence") as hereinafter provided.

(3) *[Deleted by Act 11 of 1994.]*

21.—(1) Where the Minister is satisfied that any person is erecting or desires to erect any factory (in this section referred to as a "prospective factory") and as to the following particulars in relation to such **factory**—

Prospective
factory.

- (a) the name by which it is intended to be known; and
- (b) the place where it is being or is intended to be erected; and
- (c) the estimated manufacturing capacity which it will possess when its erection is complete,

the Minister may, on the recommendation of the Authority, make an order adding such prospective factory by the name by which it is intended to be known to the First Schedule.

8/1970
S. 7 & Sch.

First
Schedule.

(2) The Minister may, before making any order under subsection (1), require the person who is erecting or desires to erect the prospective factory to furnish such information and to produce such documents or plans relating thereto as the Minister may think fit.

(3) Upon the making of any order under subsection (1), the prospective factory to which such order relates shall for all purposes be deemed to be a factory **specified** in the **First Schedule**.

22.—(1) Application for a quota licence **shall** be made to the Authority which may, in its absolute discretion, issue or refuse to issue a licence of either class.

Application
for and
issue of
quotas and
export
licences.

(2) A quota licence issued under this section shall be in the relevant form set forth in the Second Schedule, shall be issued in respect of the quota period specified in the licence, shall endure only so long as that quota period

8/1970
S. 7 & Sch.
Second
Schedule.

endures, and there shall be attached to a licence such conditions as may be prescribed:

Provided that it **shall** be a condition of every quota licence issued under this section that the manufacturer shall accept, subject to such conditions as may be prescribed, and subject to the provisions of Part VI, supplies of canes delivered at his factory by a cane farmer who is registered at that factory as a supplier of canes thereto.

(3) A quota licence shall ~~fix~~ the total number of tons of sugar which the manufacturer is permitted to make available for local consumption under the licence (in this Act referred to as "manufacturer's quota") and shall ~~fix~~ in tons the several proportions of the manufacturer's quota which the manufacturer is permitted to make available for local consumption (in this Act referred to as "manufacturer's local consumption quota").

11/1994
S. 8 (c) (iii).

(4) *[Deleted by Act 11 of 1994.1]*

11/1994
S. 8 (c) (vi).

(5) The Authority may, in the prescribed manner, subject to such conditions as may be prescribed, **cancel**, vary, amend, amalgamate or transfer quota licences.

(6) *[Deleted by Act 11 of 1994.1]*

11/1994
S. 8 (c) (vii).

(7) Before issuing, varying, amending, amalgamating or transferring any licence under this section, the Authority shall refer the application or question to any organization representative of manufacturers **for the** advice of the organization but the Authority shall not be bound by any advice tendered by the organization.

In cases of
hardship
Authority
may increase
manu-
facturer's
quota of any
manu-
facturer.
8/1970
S. 7 & Sch.
11/1994
S. 8 (d).

23. On representation by the organization referred to in subsection (7) of section 22 that hardship is experienced by any one or more manufacturers by reason of the quotas allotted to him or them and that his or their manufacturer's quota or quotas should be increased, the Authority, if satisfied that it would be just so to do, may, notwithstanding anything contained in this Act and although all **quota**

licences map have been issued for the current quota period, make proportional deductions from the manufacturer's quota of the remaining manufacturers and may re-allocate the quantity so obtained to the manufacturer or manufacturers in whose case or cases hardship is experienced, and the Authority shall amend all quota licences accordingly:

Provided always that the aggregate of all such deductions shall not exceed 1,500 tons of sugar in any quota period.

24.—(1) It shall be lawful for a manufacturer to hold as part of the Island reserve such stocks of sugar in excess of the amount named in the quota licence issued to such manufacturer as the Authority may from time to time, in writing, approve.

Island
Reserve
Quota.

8/1970
S. 7 & Sch.

(2) The Authority in approving such quantities shall have due regard to the Island reserve as fixed by the Minister by order as provided in section 16 (2), so that the aggregate of the approved quantities held in stock as the **Island** reserve shall not exceed the amount of the Island reserve so fixed.

8/1970
S. 7 & Sch.

25.—(1) Any person whose licence has been cancelled under subsection (5) of section 22, or who, being an applicant for the issue to him of a licence, or for the variation, amendment, **amalgamation or** transfer of any licence under this Act, is aggrieved by the refusal or failure of the Authority to **issue**, vary, amend, amalgamate or transfer the licence or with *any* quotas or quantities specified in the licence, may within the prescribed time and in the prescribed manner appeal to the Minister.

Right of
appeal of
persons
aggrieved.

(2) On any such appeal the **Minister** shall have **power** to make such order as he thinks fit, and any such order shall be **final** and conclusive and shall be binding upon the Authority.

8/1970
S. 7 & Sch.

SUGAR INDUSTRY CONTROL

Offence to
manufacture
or export
sugar with-
out licence,
and offences
by licence-
holders.

26.—(1) Any person **who**—

- (a) not being the holder of a quota Licence, manufactures sugar; or
- (b) *[Deleted by Act 11 of 1994.1]*
- (c) being the holder of a quota **licence**—
 - (i) makes available for local consumption any sugar in excess of the manufacturer's local consumption quota fixed by his licence, or in contravention of the provisions of Part IV or regulations made under that Part;
 - (ii) holds as part of the Island reserve any stocks of sugar in excess of the amount which the Authority shall for the time being have approved, in writing, for such holder in pursuance of section 24;
 - (iii) refuses or fails to accept deliveries of cane farmers' canes in contravention of the **con-
ditions** attached to his licence,

(d) *[Deleted by Act 11 of 1994.1]*

shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding ten thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding six months, and in the case of a continuing offence, to a penalty not exceeding ten thousand dollars in respect of each day on which the offence continues after conviction, and in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding twelve months, and any sugar **manu-
factured**, made available for local consumption, or held in reserve, in contravention of the provisions of **this** section may be seized as though it were prohibited goods within the meaning of sections 40 and 41 of the Customs Act, and **shall** be forfeited and may be disposed of as the Minister may

8/1970
S. 7 & Sch.

11/1994
S. 8 (e) (ii).

11/1994
S. 8 (e) (ii).

direct, and the provisions of sections 14 and 15 shall, *mutatis mutandis*, apply to forfeiture proceedings and sugar under this section in like manner as they apply to forfeiture proceedings and sugar prohibited to be imported or exported under Part II.

(2) Every person who knowingly is a party to the contravention of any of the provisions of this section shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding ten thousand dollars and in default of **payment** thereof to imprisonment, with or without hard labour, for any *term* not exceeding six months.

11/1994
S. 8 (c) (iv).

PART VI. Cane Farmers

Registration, Licences and Prices

27.—(1) No manufacturer shall purchase canes from, or **accept** canes delivered by, a cane farmer and no cane fanner shall sell or deliver canes to a manufacturer, unless the cane **farmer** is registered in respect of the factory of the manufacturer for the supply of canes thereto.

Deliveries
not W be
accepted
unless cane
farmers are
registered.

(2) Any manufacturer or cane **farmer** who knowingly contravenes the provisions of this section shall be guilty of an offence and shall, on **summary** conviction **thereof** before a Resident Magistrate, be liable to a penalty not exceeding one thousand dollars for each such offence and in default of payment thereof to imprisonment, with or **with-**out hard **labour**, for any term not exceeding three months.

11/1994
S. 9.

28.—(1) Every cane fanner desirous of supplying sugar canes to a factory, **shall** apply to the Authority to be **regis-**tered under this Act in respect of such factory, and every such application shall **set out**—

Registration
of cane
farmers.
8/1970
S. 7 & Sch.

SUGAR INDUSTRY CONTROL

- (a) the factory to which the farmer proposes to **deliver** his sugar canes;
- (b) the area of sugar cane which the farmer has under cultivation, or the area of land which he proposes to cultivate in sugar cane.

8/1970
S. 7 & Sch.

(2) On receipt of such application the Authority shall refer it to the manufacturer **affected** thereby for his recommendations. Where a cane farmer applying for registration in respect of a factory is already registered in respect of one or more other factories, the application shall be **referred** to all the manufacturers **affected** for their recommendations.

8/1970
S. 7 & Sch.

(3) The Authority shall not be bound by the recommendations of such manufacturers, and may grant or refuse any application in its discretion.

(4) Where a cane farmer applying for registration in respect of one factory is already registered in respect of another factory, the Authority may, in its **discretion**—

8/1970
S. 7 & Sch.

- (a) cancel the registration in respect of the first factory;
- (b) grant such application upon such terms and subject to such conditions as the Authority may think **fit**.

(5) The registration in respect of a factory of any cane farmer who fails to deliver to such factory any **canes** for two consecutive crop seasons shall be deemed to be **cancelled**, and such cane **farmer** shall thereupon **cease** to be registered in respect of such factory.

(6) Any cane farmer or manufacturer aggrieved by the refusal to register a cane farmer, or by the registration, or the cancellation or transfer of the registration, of a cane farmer may, within two months of the act complained of and not later, appeal to the Minister **who** shall have power to make such order upon such appeal as he thinks **fit**. Every such order shall be final and conclusive and shall be binding

on the Authority, and shall be substituted for the order of the Authority to which the appeal relates, and such substituted order shall for *all* purposes be deemed to be an order of the Authority.

8/1970
S. 7 & Sch.

(7) *{Deleted by Act 11 of 1994.}*

29. {Repealed by Act 11 of 1994.1}

30.—(1) In respect of every cane farmer registered by the Authority, a certificate of registration in the prescribed form shall be issued by the Authority to the manufacturer in respect of whose factory the registration has been effected, and such manufacturer shall—

Certificate
of
registration.
8/1970
S. 7 & Sch.
44/1955
S. 4.

- (a) countersign the certificate, or cause it to be countersigned by his duly authorized agent;
- (b) deliver the certificate to the cane farmer to whom it relates **not** later than thirty days after the date of the registration;
- (c) enter in a **register**, to be kept for the purpose by the manufacturer. the name and address of the cane fanner.

(2) A certificate of registration shall, unless cancelled or transferred, entitle the cane farmer named on the **certificate** to supply canes to the factory subject to the provisions of **section 32**.

31.41) Every manufacturer who—

Offences.

- (a) **fails** to deliver to a cane farmer within thirty days of the date of registration the certificate of registration referred to in subsection (1) of section **30**; or
- (b) fails to countersign such certificate; or
- (c) fails to keep *the* register referred to in such

subsection, or to enter in such register the required particulars,

shall be guilty of an offence against this Act and liable on conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or in default of payment to imprisonment with hard labour for any period not exceeding three months.

11/1994
S. 13.

(2) Every cane farmer who—

(a) knowingly makes any false or incorrect statement in any such application as is provided for in subsection (1) of section 28; or

(b) delivers in his own name sugar canes grown by any other person, whether a registered cane farmer or not, save with the prior written permission of the

8/1970
S. 7 & Sch.

Authority,

shall be guilty of an offence against this Act and liable on conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or in default of payment to imprisonment with hard labour for any period not exceeding three months.

11/1994
6.13.

Cane
farmers'
licences.
8/1970
S. 7 & Sch.

32.—(1) Whenever the Authority is satisfied that it is expedient in the interests of the sugar industry that the supply of cane farmers' canes should be limited, the Authority may with the approval of the Minister, by order published in the *Gazette* declare that from a date to be specified in the order no cane farmers' canes shall be delivered at a factory except under a licence (in this Act referred to as "cane farmer's licence").

(2) Where the cane farmer's licence fixes a less quantity of canes than the quantity which the cane farmer would be entitled to deliver at the factory and the manufacturer compellable to accept under any subsisting contract made between them, the quantity fixed by the con-

tract shall be deemed to be varied accordingly and the manufacturer shall not accept any quantity of canes in excess of the quantity fixed by the cane farmer's licence.

(3) Whenever the Authority shall declare by order published in the *Gazette* that from a date to be specified in the order no cane farmers' canes shall be delivered at a factory except under a cane farmer's licence the Authority shall issue such cane farmer's licence to each registered cane farmer or, as the case may be, each manufacturer who cultivates sugar canes on his own land, in such manner and for such quantity of canes as is hereinafter provided.

8/1970
S. 7 & Sch.

45/1955
S. 5 (b).

(4) (a) The cane farmer's licence issued under subsection (3) shall—

45/1955
S. 5 (d).

- (i) be in the prescribed form;
- (ii) authorize delivery of sugar canes only to the factory specified in the licence;
- (iii) fix the quantity (hereinafter referred to as "the basic quantity") of sugar canes which may be delivered under the licence during a quota period; and
- (iv) be subject to such conditions as may be prescribed.

(b) The Authority before issuing a cane farmer's licence may refer the application to any organization representative of cane farmers for the advice of the organization thereon, but the Authority shall not be bound by any advice tendered by any such organization.

8/1970
S. 7 & Sch
11/1994
S. 14 (a).

(c) Upon the application of a cane farmer to whom a licence has been issued under the provisions of this section, the Authority may in the prescribed manner and subject to such conditions and restrictions as may be prescribed, cancel, vary, amend or transfer such licence.

SUGAR INDUSTRY CONTROL

(d) For the purposes of this section the conditions and restrictions mentioned in paragraph (c) may—

- (i) specify the mode of transfer, cancellation or variation of any cane farmer's licence;
- (ii) restrict the transfer of any cane farmer's licence to any class or category of registered cane farmers;
- (iii) specify the manner of distribution or apportionment of the relevant basic quantity or part thereof (including the priority to be enjoyed by any class or category of registered cane farmers) upon the cancellation or variation of a cane farmer's licence.

45/1955
S. 5 (d).

(5) In the case of—

(a) a registered cane farmer, the basic quantity shall—

(i) be equivalent to the quantity of sugar canes delivered by him during the basic quota period to the factory in respect of which he is (or had then been) registered, where the quantity of sugar canes so delivered is not in excess of the fixed minimum quantity;

(ii) where the quantity of sugar canes so delivered is in excess of the fixed minimum quantity, be equivalent to the statutory percentage of such quantity of sugar canes or the fixed minimum quantity whichever may be greater;

(b) a manufacturer who cultivates sugar cane, the basic quantity shall be equivalent to the statutory percentage of the quantity of sugar cane cultivated by him or on his behalf and delivered to his factory during the basic quota period, unless the Authority determines that by reason of any basic quantity

8/1970
S. 7 & Sch.

allotted to a registered cane farmer in accordance with the proviso to this subsection the basic quantity of the manufacturer shall be reduced by such amount as the Authority may think just and proper, so, however, that the basic quantity of the manufacturer shall not be reduced in any case where paragraph (ii) of the said proviso applies:

Provided that if the Authority is satisfied that a registered cane farmer delivered sugar canes for the first time during the quota period immediately following the basic quota period (hereinafter called the "specified quota period") or would experience hardship if the basic quantity allotted to him is not greater than that specified in paragraph (a) by reason of—

- (i) the extension during the specified quota period of his cultivation with the consent of the manufacturer in respect of whose factory he is registered; or
- (ii) the destruction of his cultivation or damage thereto during the basic quota period by fire, drought, disease or any other vis major or act of God,

the basic quantity in the case of such a cane farmer may in the discretion of the Authority be fixed at the amount he would be entitled to under paragraph (a) if for the references therein to the basic quota period there were substituted references to the specified quota period; in which event the manufacturer thereby affected as well as the registered cane farmer shall have a right of appeal under section 34.

(6) For the purposes of subsection (5)—

45/1955
S. 5 (c).

- (a) the statutory percentage shall be the percentage declared as such from time to time by order made by the Minister after consultation with the

8/1970
S. 7 & Sch.

Authority, and published in the *Gazette*: Provided that any order varying any statutory percentage shall not be made to take effect—

- (i) before the expiration of twelve months after the publication of such order; and
 - (ii) at any date other than the **date** of the commencement of a quota period;
- (b) the fixed minimum quantity shall be one hundred tons: Provided that the Minister may from time to time by notice vary the fixed minimum quantity;
- (c) the basic quota period shall be such period as the Minister shall declare.

11/1994
S. 14 (b).

(7) Any cane farmer who delivers canes, and any manufacturer who accepts delivery of canes, in contravention of the provisions of this section or of any of the terms or conditions of the licence issued thereunder shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding one thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

8/1970
S. 7 & Sch.

(8) Where **the** registration of a **cane** farmer **has** been deemed to have been cancelled under subsection (5) of section 28, the canes which such cane farmer would be entitled under licence to deliver shall be allocated by the Authority among the other cane farmers licensed in **respect** of the factory for which such **cane** farmer was licensed.

65/1956
S. 2.

(9) Notwithstanding anything to the contrary the provisions of this section shall not apply to sugar cane which is delivered to a factory—

- (a) by a cane farmer with the permission in writing

of the Authority for the purpose of enabling a ^{8/1970}
manufacturer— **S. 7 & Sch.**

- (i) to meet the deficiency, where the supply of cane delivered ~~or~~ to be delivered at his factory under cane farmer's licences during a quota period is or is likely to prove insufficient to produce the amount of sugar which the manufacturer is entitled to dispose of under his quota licence for such period;
- (ii) to maintain his portion of the **Island** reserve approved in accordance with the provisions of section 24;

(b) for any purpose other than that of **manufacturing** sugar.

(10) For the purposes of this section the expression ^{45/1955}
"cane **farmer**" includes a manufacturer who cultivates sugar **S. 5 (a).**
canes on his own land.

33.—(1) Whenever the Authority is **satisfied**—

- (a) that any particular factory is unable economically to grind a greater quantity of sugar cane than the amount ground in a previous quota period; and
- (b) that more sugar cane is likely to be delivered to such factory by cane farmers than the amount delivered by them in such previous quota period,

the Authority may, with the approval of the **Ministry**, by ^{8/1970}
order declare that from a **date** to be specified in the order, **S. 7 & Sch.**
but not less than eighteen months from the date on which the order is made and notwithstanding anything in this Act, no cane farmer's sugar canes shall **be delivered** at the factory specified in the order except under a licence (in this Act referred to as a "special cane farmer's licence").

(2) In any case where under this section the Authority ^{8/1970}
declares by order that **no** cane **farmer's** canes shall **be de-** **S. 7 & Sch.**

livered at a particular factory except under a special cane farmer's licence, the Authority shall issue a special cane farmer's licence to each cane farmer registered in respect of the factory to which the order applies.

(3) (a) The special cane farmer's licence issued under subsection (2) shall—

- (i) be in the prescribed form;
- (ii) be issued in respect, and for the duration, of the quota period specified in the licence;
- (iii) fix the quantity (hereinafter referred to as "the licensed quantity") of sugar canes which may be delivered under the licence;
- (iv) be subject to such conditions as may be prescribed.

(b) The licensed quantity shall be the maximum amount delivered by the cane farmer to the factory in respect of which the order applies in any one of the three quota periods immediately preceding the quota period in respect of which the order was made :

Provided that where the quantity of sugar canes which the cane farmer would be entitled to deliver to the factory and which the manufacturer compellable to accept under any subsisting contract made between them is in excess of the quantity which would be fixed as the licensed quantity under this section, the licensed quantity fixed under this section shall, in relation to such cane farmer, be the quantity which such cane farmer is entitled to deliver under such contract.

(c) If any cane farmer fails to deliver to the factory his licensed quantity then the amount by which his deliveries of sugar cane to the factory falls short of his licensed quantity shall be allocated by the Authority among the other cane fanners licensed in respect of that factory if they or any of them are able to make up such deficiency.

(d) In **addition** to such licensed quantity and any amount which, under paragraph (c), may be allocated to a cane farmer, the Authority may, if circumstances so **permit**, allow a cane farmer to deliver an increased quantity of sugar **cane**. 8/1970
S. 7 & Sch.

(4) **Notwithstanding** anything in this Act the Authority in any case where it is satisfied that the amount of canes deliverable by licensed cane farmers to a factory under this section would **inflict** undue hardship on such factory may, in its absolute discretion, by order vary the amount of canes to be delivered in any quota period by cane farmers licensed in respect of such factory and every such order shall **be** published in the *Gazette*. 8/1970
S. 7 & Sch.

(5) Any **manufacturer** or cane farmer aggrieved by any order of the Authority in relation to a special cane farmer's licence shall have a right of **appeal** in accordance with the provisions of section 34. 8/1970
S. 7 & Sch.

34. Any person who, being the applicant for a cane farmer's licence, is aggrieved by the refusal or failure of the Authority to issue such licence, or with any conditions imposed therein may, within the prescribed time and in the prescribed manner, appeal to the Minister, and the **Minister** shall have power to make such order as he may think proper; and any such order **shall** be final and conclusive and shall be binding on the Authority. Right
of appeal
of cane
farmer.
8/1970
S. 4.

35. [*Repealed by Act 11 of 1994.*]

PART VII. Determination of Disputes

36.—(1) All disputes between cane farmers and **manu-
facturers** arising out of any sale, purchase, delivery, **accept-
ance** or non-acceptance of cane farmers' **canes** to or by a manufacturer shall be determined by the Authority, and all S. 7 & Sch.
Disputes to
be referred
to the
Authority.

such disputes shall be referred to the Authority on reference made to the Authority within such time and in such **manner** as may be prescribed.

(2) Subject to the provisions of this Part a cane farmer or a manufacturer shall not bring any action or **proceeding** in any court of law in respect of any such dispute or for any matter arising out of any such dispute.

Mode of
compliance with
reference to
Authority.

37.—(1) **As** soon as a reference is made to the Authority the Authority shall forthwith cause a copy thereof to be served upon the respondent in the manner prescribed, together with a notice requiring the respondent to lodge with the Authority such answer as is prescribed in subsection (2) within the period therein prescribed, and that in default of compliance by the respondent therewith, or of his appearing at a time and place fixed in the notice, such order may be made as the Authority thinks just and proper.

(2) **If** the respondent intends to oppose an application he shall within seven days after **service** of notice, or within such extended period as the Authority may upon special request allow, lodge with the Authority a written answer containing a concise statement of the extent and grounds of his opposition.

(3) At the hearing of a reference the Authority may inform itself on any matters in dispute on the reference by any relevant evidence produced before it, or by the examination of any canes which may be the subject-matter of dispute, or by the certificate of the Island Chemist or other duly qualified analytical chemist nominated by the Minister, as to the sucrose content of any canes which may be the subject of dispute.

8/1970
S. 7 & Sch.

(4) On the written request by any party to the reference, the Authority **shall** hear the reference in public and

any such party shall whether the hearing **takes** place in public or in private be entitled to be represented by an attorney-at-law. 11 & 1994
S. 16.

38.—(1) In adjudicating on any dispute it shall be lawful for the Authority to award such **compensation**, damages and **costs** to either party as to the Authority may **seem** just, and to order either party to do or refrain from doing any act or thing which the Authority may **consider** just so to order, and any such order of the Authority shall have the **force** of a judgment of a Resident Magistrate's **Court** in matters within the Court's jurisdiction. Orders
by the
Authority.

(2) Any person aggrieved by an order made by the Authority or by any determination of the Authority pursuant to this section or section **37** may appeal to a Judge in Chambers who shall hear and determine the appeal and make such order as to the Judge may seem fit. 8/1970
Sch.

(3) Any such order made by a Judge in Chambers **shall** be ~~final~~ and binding on the Authority and on all **parties** to the proceeding.

(4) Rules of court may be made prescribing the notices to be given, the parties to be served, and the procedure to be followed, in relation to any appeal under subsection (2).

(5) On application in the prescribed form to the Resident Magistrate's Court for the parish in which the dispute arose by any person aggrieved by failure to carry out any order of the Authority or of the Judge in Chambers made under this section, the order may by leave of the Resident Magistrate's Court be enforced in the same manner as a judgment or order of such Court is **enforced**.

**This Part
not to apply
to certain
cases.
8/1970
S. 7 & Sch.**

39. The provisions of this Part relating to the determination of disputes by the Authority **shall** not apply to cane farmers and manufacturers who have entered into or shall enter into written agreements whereunder provision is made for the settlement of any dispute by arbitration or otherwise.

**11/1994
S. 17.**

PART VIIA. *Payment of Certain Revenues into the Consolidated Fund*

**Revenues
to be Paid
to Consoli-
dated Fund.**

39A. From and after the 22nd day of April, 1994, any sums received by the Authority representing surpluses **de-** rived from profits from the sale of imported raw sugar **shall** be paid by the Authority into the Consolidated Fund.

PART VIII. General

**Regulations.
8/1970
S. 6 (a).**

40.—(1) The Authority may, with the approval of the Minister, make regulations for the carrying out of the provisions of this Act and in particular but without prejudice to the generality of the foregoing may make **regulations—**

- (a) with respect to the registration of cane farmers, and the transfer and cancellation of such registration;
- (b) prescribing the conditions with respect to the delivery, measurement, examination and testing of canes, the areas in which cane may be grown and harvested for the purpose of the industry, the tonnages to be grown in such areas, and the factories to which delivery may be made;
- (c) prescribing the form of returns to be furnished by factories, estates, cane fanners and trade unions, and the method of accounting to be used by cane farmers and estates;
- (d) prescribing the standard of sucrose content of canes or the juices expressed therefrom;
- (e) prescribing the method of weighing canes and the examination and correction of scales at factories;

SUGAR INDUSTRY CONTROL

- (f) for the supervision of arrangements relating to **the** marketing of sugar and molasses, both locally and abroad;
- (g) *[Deleted by Acr 11 of 1994.1]*
- (h) with regard to applications in respect of—
 - (i) quota licences;
 - (ii) *[Deleted by Act 11 of 1994.1]*
 - (iii) cane farmers' licences;
- (i) for the implementation of licensing in respect of production quota;
- (j) prescribing anything requiring to be prescribed under this Act;
- (k) with respect to such other matters as may be incidental to or connected with the foregoing.

(2) Regulations made under this Act shall be published in the *Gazette* and shall come into operation on such publication or at such other **time** as may **be fixed** by such regulations.

(3) **If** any person acts in contravention of, or fails to comply **with, any** regulation **made** under **this Act he shall** for each offence, on summary conviction thereof before a Resident Magistrate be liable to a penalty not exceeding one thousand dollars and in default of payment thereof to **imprisonment**, with or without hard labour, for any **term** not exceeding three months.

11/1994
S. 18 (b).

(4) Regulations made under this Act shall be of the same force and effect as if they were contained in and formed **part** of this Act.

41. The Authority may, **with** the approval of the **Minister**, whenever it is satisfied that it is expedient so to do, by order direct that the provisions of Part VI shall no longer have **effect** as from a date to be specified **in** such order, and

Part VI to
cease to
have effect
on order
by
Authority.
8/1970
S. 7 & Sch.

thereupon, as from such date, such provisions shall be deemed to have been repealed.

**Punishment
for offences
not other-
wise pro-
vided for.**

42. Any person who acts in contravention of, or who fails to comply with, any of the provisions of this Act or order made thereunder, and any person guilty of an offence under this Act, for which no special penalty is provided shall be liable, in respect of each such contravention, failure or offence, to a penalty not exceeding one thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding two months.

**11/1994
S. 20.**

**Trial of
offences.**

43. Every offence under, and every contravention of this Act or regulation or order made thereunder, shall be deemed to have been committed either at the place at which the same **was** actually committed or in the parish in which the offender resides.

**Offences by
companies.**

44. Where a person convicted of an offence against this Act is a company, the chairman and every director of the company, and every officer of the company concerned in the management thereof shall be guilty of a like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

Saving.

**11/1994
S. 21.**

45. Nothing in this Act contained shall operate to prejudice or prevent the approved marketing organization from arranging with manufacturers for interchange between manufacturers of sugar subject to the several manufacturers' export quotas and sugar subject to several manufacturers' local consumption quotas or shall prejudice or prevent, subject to the prior approval of the Authority, interchanges between manufacturers of sugar **subject** to the several

**8/1970
S. 7 & Sch.**

manufacturers' export quotas **and** sugar **which** the several manufacturers are respectively entitled to hold as part of the Island reserve.

46. Where under a written agreement entered *into* by a manufacturer with a cane farmer for the supply of canes by **the** farmer to the manufacturer, a cane farmer gives notice to **the** manufacturer in **terms** of such agreement of his intention to terminate the agreement, the manufacturer **shall** not after the determination of the agreement be compellable to **accept** deliveries of canes grown on the land in respect of which the agreement **was** made although, in either case, such cane farmer is a **cane** farmer registered at the factory of the manufacturer.

Termination
of cane
contract
by notice.

[The inclusion of this page is authorized by L.N. 79/1996]

SUGAR INDUSTRY CONTROL

FIRST SCHEDULE

(Sections 2 and 20)

Jamaica Sugar Estates	Holland
Grays Inn Sugar Factory Limited	Monymusk (New Factory)
Long Pond	Worthy Park
Bernard Lodge	Innswood
Rose Hall	Hampden
New Yarmouth	Frome Central
Appleton	Natural Cane Products Limited.

This Schedule has been amended by—

L.Nn.

38/1955, 68/1955, 267/1959, 18/1961, 379/1968, 458/1968, 65/1970, 128/1975, 335/1975, 472/1989.

SECOND SCHEDULE

(Section 22)

FORM OF QUOTA LICENCE

11/1994
S. 22 (a) (i).

A.B. is hereby **licensed in** respect of.....
 Factory, subject to the prescribed **conditions** during the period **fixed**
under section 16 of the Sugar Industry Control Act as the quota period
subject to such **licences**, conditions
 or regulations as may **be required**, prescribed or made under the
 provisions of the Sugar Industry Control Act during the said quota
 period to dispose of

for **local** consumption.....**tons**

of (State nature of **sugar**).

This licence is issued **subject** to the further following conditions—

When an **order** has **been made** under section 24 of the Sugar Industry Control Act. A.B. shall subject to **such** conditions as may be prescribed, accept all supplies of **canes specified** in a cane farmer's licence. which are **of** the usual varieties, standard **and** quality of Jamaica cane farmers' **canes** free from tops, dirt and trash, delivered at **the abovementioned** Factory during **the** said quota period by a **cane farmer** who is registered at the Factory.

11/1994
S. 22 (a) (i).

This **licence** shall endure from the date hereof until the expiration of the quota period.....**fixed** under **section 16 of the Sugar Industry Control Act.**

Dated this..... day **of**..... 19.....

8/1970
S. 7 & Sch.

Signed.....
 Chairman of the Sugar Industry Authority.

[The inclusion of this page is authorized by L.N. 79/1996]

THIRD SCHEDULE

(Section 3) 8/1970
S. 8.

1. The Authority shall consist of seven members to be appoint* by the Minister from among persons **who** by training and **experience** appear to him to be **suitable** for such appointment including **persons** appearing to him to have ability and experience in the areas of **finance**, law, economics and in matters **related** to the sugar industry.

Appointment of members. 11/1994 S. 23 (a).

2. (1) The **Minister** may, on the application of a member of the Authority, **grant** to such member leave of absence for **any** period not exceeding **six** months.

Leave and temporary appointments.

(2) The Minister may appoint any person to **act** temporarily in the **place** of any member of the Authority in the **case** of **the** absence or inability to act of such member.

(3) **In** the absence or inability to act, at any **meeting** of the chairman the remaining members of the Authority shall elect one of their number to preside at that meeting.

3. (1) The **appointment** of any member of the Authority 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**

Tenure of office.

(2) Every member of the Authority shall be eligible for reappointment

(3) Notwithstanding anything to the **contrary** the Minister may at **any** time revoke the appointment of the chairman or **any** other member of the Authority.

(4) ~~{Deleted by Act 11 of 1994.}~~

4. (1) Any member of the Authority 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 **from** the date of the receipt by the Minister of such **instrument** such member shall cease to be a member of the Authority.

Resignation.

(2) 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.

5. The names of all members of the Authority as **first** constituted and every change in the membership thereof shall **be published** in the **Gazette**.

Publication of membership.

6. (1) The Authority shall be a **body** corporate to **which** the provisions of section 28 of the Interpretation Act, shall apply.

Incorporation.

(2) The seal of the Authority shall be authenticated by the signatures of **the** chairman or one member of the Authority authorized to act in **that** behalf and an officer of the Authority so authorized to act.

SUGAR INDUSTRY CONTROL

(3) All documents, other than **those** required by **law** to be under seal, made by, and all decisions of the Authority may be signified under the hand of **the** chairman or any member or **officer** of the Authority authorized to **act** in that **behalf**.

Procedure,
and meet-
ings.

7. (1) The Authority **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 Authority shall determine.

(2) The **chairman** or, in the case of **the inability** to act of the **chairman**, the member **acting** as chairman, shall preside at all meetings of the Authority, and when so presiding the chairman or the member acting as chairman, as the case may be, **shall** have an **original** and a casting **vote**.

(3) **The** quorum of the Authority **shall** be four members of **the** Authority including **the** chairman or the **member** acting as chairman.

(4) Subject to the **provisions** of this **Schedule** the Authority **may regulate** its own **proceedings**.

(5) The chairman may at any time call a special meeting of the Authority and shall **call** a special meeting to be **held within seven** days from the **receipt of** the **written request** for that purpose **addressed** to him by at least two members of the Authority.

(6) The validity of any proceedings of the Authority shall not be **affected** by any vacancy amongst the members thereof or by any defect in the appointment of a **member** thereof.

Remunera-
tion of
members.

8. There shall be paid to **the** chairman and other members of the Authority and to the members of any committee appointed under paragraph 10 such remuneration, if any (whether by way of salaries or travelling or **other** allowances), as the Minister **may** determine.

Funds of
the Author-
ity.

9. The funds of **the** Authority shall **consist** of such moneys as may from time to time be **placed** at its disposition for **the purposes** of this Act by Parliament, and such other moneys as may lawfully be paid to **the** Authority.

Appoint-
ment of
Committee

10. (1) **The Authority shall appoint** a **Sugar Cane Prices Committee**, a **Sugar Committee** and such **number of local harvesting committees** as it may determine; and **may appoint** **other committees** for any such **general or special purposes** with **which** the Authority may be concerned **as in the opinion of** **the Authority would be better regulated and managed** by means of a committee.

(2) The number of members of a **committee** appointed under **sub-paragraph** (1), their functions and **terms** of appointment, the **quorum** of the committee and the **area**, if any, within which the committee is to exercise authority shall be **determined** by the Authority with **the** approval of the Minister.

SUGAR INDUSTRY CONTROL

(3) A **committee appointed** pursuant to this **paragraph** may include persons who **are** not members of the Authority, **so**, however, that the appointment of any **such** person shall be subject to the approval of the Minister.

(4) The provisions of paragraphs 13 and **14 shall** apply to a member of a **committee** who is not a member of the Authority in like manner as they apply to a member of the Authority.

(5) The validity of the **proceedings of a committee** appointed pursuant to this paragraph shall not be **affected** by any vacancy amongst **the members** thereof or by any defect in the **appointment** of a member thereof.

11. (1) It **shall** be lawful for the Authority to appoint and employ at such **remuneration** and on such **terms and conditions** as it **thinks** fit, a **secretary**, a **wst accountant**, a **sugar technologist**, and such other officers, agents and servants as it **thinks necessary for the proper carrying out of** its functions:

Power to
appoint
officers,
agents and
servants

Provided that no appointment to a post **carrying** a salary in excess of **the rate** of five thousand dollars per annum shall be made without 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 **public officer** in the service of Jamaica to any office with the Authority and any public officer so appointed **shall**, in relation to pension, gratuity, allowance and to other **rights** as a **public officer**, be treated as continuing in the service of the Government

12. The Authority **may**, with the **approval of the Minister**, make **regulations** determining generally the conditions of service of officers or **servants** of the Authority and **relating to the grant** of pensions, gratuities and other benefits to or in **respect of the service** of such **officers** or servants.

Regulations
governing
conditions
of service
and pen-
sions of
employees.

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

Protection
of members
of
Authority.

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

14. The office of chairman or member of the Authority shall not be a public **office for the purposes of Chapter V of the Constitution of Jamaica.**

Office of
chairman or
member not
a public
office.

Accounts
and audit
and esti-
mates.

15. (1) The Authority **shall** keep proper accounts and other records in relation to the business of the Authority and **shall** prepare annually a statement of accounts in a form satisfactory to the Minister and shall submit the same to the Auditor-General or an auditor appointed by the Authority with the approval of the Minister, to **be** audited.

12/1973
S. 4.

(2) The Authority **shall**, on or before the thirty-first day of August, in each year, submit to the Minister for his approval, its estimates of revenue and expenditure in **respect** of its financial year **commencing** on the first day of November next following.

Annual
report.

16. (1) ~~The~~ Authority **shall**, within three months after the end of **each** financial year ending on the 31st day of October, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Authority **during** that financial year, and **containing** such information relating to the proceedings and **policy** of the Authority as can be made public without detriment to the interest of the Authority.

(2) The Minister ~~shall~~ cause a copy of the report together with the annual statement of accounts and the auditor's report thereon and on the **accounts** to be laid on the respective Tables of both Houses of Parliament