

JAMAICA

No. 12 – 2021

I assent,

[L.S.]

Sgd. P. L. Allen

Governor-General.

30th day of June 2021

AN ACT to Amend the Agro-Investment Corporation Act; to entrust the functions of the Agricultural Marketing Corporation to the Agro-Investment Corporation; to repeal the Agricultural Marketing Corporation Act; and to provide for connected matters.

[30th June 2021]

NOW, THEREFORE, BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Agro-Investment Corporation (Amendment) Act, 2021, and shall be read and construed as one with

Short title
and
construction

the Agro-Investment Corporation Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Amendment
of section 2
of principal
Act.

2. Section 2 of the principal Act is amended by inserting the following definitions in the appropriate alphabetical sequence—

“agricultural produce” includes livestock, poultry, fish and the produce of any plant or animal;

“functions” includes powers and duties;”.

Amendment
of section 3
of principal
Act

3. Section 3 of the principal Act is amended by deleting subsections (1) and (2) and substituting therefor the following—

“ (1) There shall be established in accordance with this Act, a body to be called the Agro-Investment Corporation, which shall consist of a chairman, a deputy chairman and such number of other members, not being less than seven nor more than thirteen, as the Minister may, from time to time, determine.

(2) The chairman, deputy chairman and other members of the Corporation shall be appointed by the Minister from amongst persons appearing to the Minister to be qualified and having experience in a profession, occupation or discipline related to—

- (a) agriculture;
- (b) finance;
- (c) administration;
- (d) property management;
- (e) procurement;
- (f) accounting;
- (g) auditing; or
- (h) a profession, occupation or discipline which the Minister considers relevant to the advancement of the functions of the Corporation.”.

Amendment
of section 5
of principal
Act.

4. Section 5 of the principal Act is amended in subsection (4) by deleting the word “four” and substituting therefor the word “seven”.

5. The principal Act is amended by deleting section 7 and substituting therefor the following—

Repeal and replacement of section 7 of principal Act

“Appointment and employment of officers and employees. 7.—(1) For the proper carrying out of the provisions of this Act, the Corporation may appoint and employ to any office in the Corporation, such officers and employees at such remuneration and on such terms as the Corporation deems necessary.

(2) Except with the prior approval of the Minister responsible for the public service—

- (a) no salary in excess of the prescribed rate shall be assigned to any officer or employee; and
- (b) no appointment shall be made to any office to which a salary in excess of the prescribed rate is assigned.

(3) For the purposes of subsection (2), the prescribed rate shall be such rate as the Minister responsible for the public service may prescribe by order subject to affirmative resolution.

(4) The Governor-General may approve, subject to such conditions as the Governor-General may impose, the appointment of any officer in the service of the Government to any office with the Corporation, and any officer so appointed or while so employed, in relation to other rights as a public officer, shall be treated as continuing in the service of the Government.”.

6. The principal Act is amended by inserting next after section 7, as amended, the following—

Insertion of new section 7A in principal Act

“Pensions, gratuities and other retirement benefits. 7A. The Corporation, with the approval of the Minister responsible for the public service, in consultation with the Minister—

- (a) may enter into arrangements or make regulations respecting schemes, whether by way of insurance policies or otherwise; and

(b) shall make provision for—

- (i) medical benefits;
- (ii) pensions;
- (iii) gratuities; and
- (iv) other retirement benefits or disability or death benefits,

relating to officers and employees of the Corporation, and the arrangements, regulations or other provisions may include the grant of the benefits to the dependents and the personal legal representatives of the officers and employees.”.

Repeal and replacement of section 8 of principal Act

7. The principal Act is amended by deleting section 8 and substituting therefor the following—

“Functions of the Corporation

8.—(1) The functions of the Corporation shall be—

- (a) to stimulate, facilitate and undertake the development of agriculture in Jamaica;
- (b) to mobilize and manage a pool of funds to be used to enhance the competitiveness of Jamaican agriculture in the domestic and global markets;
- (c) to finance select agricultural support services including agricultural extension, research, marketing and strategic information to producers and exporters of agricultural produce;
- (d) to provide grants for projects in the non-traditional agricultural sector;
- (e) to organize and train farmers and technical personnel;

- (f) to facilitate the provision of agricultural extension services, sanitary services, land regularization services, credit access advice, marketing and adaptive research services from providers other than Ministries, Departments and Agencies of Government, or any other entity acting on behalf of the Government, where the services are not available within any Ministry, Department or Agency of the Government or any entity acting on behalf of the Government; and
- (g) to establish and maintain an efficient system of processing and marketing for agricultural produce by securing the most favourable arrangements for the purchase, handling and exportation of agricultural produce.

(2) Without prejudice to the generality of paragraph (1)(g) the Corporation shall—

- (a) provide and maintain adequate marketing outlets for agricultural produce;
- (b) buy and sell agricultural produce;
- (c) provide for the collection, transportation, storage, grading, packing and processing of agricultural produce; and
- (d) import and export agricultural produce.

(3) In exercise of its functions, and subject to subsection (4), the Public Bodies Management and Accountability Act and the Financial Administration and Audit Act, the Corporation may—

- (a) receive contributions or donations of money or other property of any kind from

national or international sources and shall deal with such money or property subject to any trusts, terms or conditions imposed by the donor thereof;

- (b) invest such portions of moneys received under paragraph (a) in such projects, ventures or activities as may be decided, from time to time;
- (c) lend or advance money upon such security as may be thought proper, or without taking any security therefor;
- (d) otherwise than as specified in paragraphs (b) and (c), provide financial assistance, as appropriate, to organizations for the establishment, carrying on or expansion of agricultural development enterprises;
- (e) consult and enter into arrangements with any Government agency, non-Government organization, corporation, company, multilateral organization or person that has functions related to the development of agriculture; and
- (f) do all such other things as the Corporation considers necessary or expedient for the purpose of carrying out its functions.

(4) Subject to subsection (5) all moneys of the Corporation not immediately required to be expended for the purpose of—

- (a) meeting any of its obligations; or
- (b) discharging any of the functions of the Corporation,

may be invested in such securities or held in such accounts as may be approved by the Minister and the Minister responsible for finance, and the Corporation may, with the approval of the Ministers sell all or any of such securities.

(5) All funds of the Corporation which are invested in securities or held in accounts under subsection (4) shall be kept, sold or used by the Corporation for the furtherance of the advancement of the functions of the Corporation under this Act.”.

8. The principal Act is amended by inserting next after section 8 the following section—

Insertion of new section 8A in principal Act.

“ Delegation of functions.

8A.—(1) The Corporation may, in writing, delegate any of its functions under this Act, other than the power to make regulations and the power of delegation, to any officer or employee that the Corporation considers appropriate.

(2) A delegation of a function under subsection (1) is revocable by the Corporation and the delegation shall not preclude the performance of that function by the Corporation.”.

9. Section 9 of the principal Act is amended by deleting subsection (2) and substituting therefor the following—

Amendment of section 9 of principal Act.

“ (2) The Corporation shall not—

- (a) exercise any borrowing powers; or
- (b) enter into negotiations or take any other steps to borrow money by way of the issue of bonds or other debt securities,

unless the amount to be borrowed, the source of the borrowing, the terms on which the borrowing is to be effected and any other aspect of such proposed borrowing is exercised with the approval of the Minister responsible for finance.”.

Repeal and replacement of section 10 of principal Act.

10. The principal Act is amended by deleting section 10 and substituting therefor the following—

“Advances and grants to Corporation and guarantee of payment of sums borrowed.

10.—(1) The Minister with responsibility for finance may, from time to time, make advances and grants to the Corporation out of moneys provided by Parliament for the purpose.

(2) With the approval of the House of Representatives, signified by resolution, the Minister with responsibility for finance may guarantee, in such manner and on such conditions as the Minister thinks fit, the repayment of the principal and the payment of interest and charges on any authorized borrowings of the Corporation made otherwise than by way of advance under subsection (1).

(3) Where the Minister with responsibility for finance is satisfied that there has been a default in the repayment of any principal moneys or in the payment of interest or charges guaranteed under this section, the Minister shall direct the payment or the repayment, as the case may be, out of the Consolidated Fund of the amount in respect of which there has been such default.”.

Insertion of new section 18 in principal Act.

11. The principal Act is amended by inserting next after section 17, the following—

“Regulations.

18.—(1) The Corporation may, with the approval of the Minister, make regulations for the purpose of giving effect to the provisions of this Act.

(2) Notwithstanding section 29 of the Interpretation Act, regulations made under this section may prescribe greater penalties than those specified in that Act, and the maximum penalty that may be so prescribed shall be a fine not exceeding two million dollars, and in default of payment of the fine, to imprisonment for a term not exceeding twelve months.

(3) Any regulations made under this section shall be subject to affirmative resolution.”.

12.—(1) The Agricultural Marketing Corporation Act is repealed.

Repeal of
Agricultural
Marketing
Corporation
Act.

(2) Notwithstanding the repeal of the Agricultural Marketing Corporation Act, a reference in any enactment to specific provisions of the repealed Act shall be construed as a reference to the equivalent provision of the Agro-Investment Corporation Act.

13. Notwithstanding the repeal of the Agricultural Marketing Corporation Act (hereinafter referred to as “the repealed Act”)—

Vesting of
property.

- (a) any property purchased by, belonging to or vested in the Agricultural Marketing Corporation under the repealed Act; or
- (b) any property of the Government vested in the Commissioner of Lands or the Accountant-General, as the case may be, and occupied, utilized or enjoyed by the Agricultural Marketing Corporation before the commencement date of this Act,

and all interests, rights and easements in respect of the said property shall, without any conveyance, assignment or transfer, belong to and be vested in the Corporation, subject to all and any trusts and to all debts, liabilities and obligations affecting the same, and to any enactment regulating the management, maintenance, control, supervision of and dealing with such property.

Passed in the House of Representatives this 25th day of May 2021.

JULIET HOLNESS
Deputy Speaker.

Passed in the Honourable Senate this 4th day of June, 2021.

THOMAS TAVARES-FINSON, CD, QC, JP
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Sgd. Valrie A Curtis
Clerk to the Houses of Parliament. Actg.