

**THE SUGAR CANE FARMERS (INCORPORATION AND
CESS) ACT**

RULES
(under section 9)

The Cane Farmers Rules, 1944

L.N. 49/45
179/58
214/67

ORDERS
(under section 19)

(Omitted)

THE SUGAR CANE FARMERS (INCORPORATION AND
CESS) ACT

RULES
(under section 9)

THE CANE FARMERS RULES, 1944

(Made by the All-Island Jamaica Cane Farmers Association on the
14th day of March, 1945 and approved by the Governor in
Executive Council on the 24th day of July, 1945)

L.N. 49/45
Amd:
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1. These Rules may be cited as the Cane Farmers Rules, 1944.
2. In these Rules, unless the context otherwise requires—
“the All-Island Association” means the All-Island Jamaica Cane
Farmers Association;
“Committee” means the Committee of Management of the All-
Island Association.
3. The Committee may grant approval for the formation of branch
associations in pursuance of its aims and objects and in accordance with
these Rules.
4. The aims and objects of every branch association shall be—
 - (i) to promote, foster and encourage the growing of canes by
cane farmers and the orderly and proper delivery thereof
to factories and the extension and welfare of cane farming as
an industry;
 - (ii) to aid in settling disputes which may arise between members
of the branch association and sugar factories, between
members of the branch association and labour, and between
members *inter se*;
 - (iii) to act as agents for members of the branch association or
any of them in any matter within the scope of the authority
of the branch association;
 - (iv) to co-operate with the All-Island Association in carrying
out its objects, and in particular—

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- (a) to collect information when required by the All-Island Association;
- (b) to pass on to its members information and notices from the All-Island Association either by means of meetings of the branch association or by posting such information or notices in places frequented by members of the branch association;
- (c) to report the views of the branch association or its committee on any matter referred to it by the All-Island Association;
- (d) to report to the All-Island Association any case in which the branch association or its committee has been unable to come to a satisfactory arrangement with a sugar factory;
- (e) to receive from time to time such sums of money as may be granted to the branch association by the All-Island Association and to expend such moneys in accordance with the terms or conditions under which the grant was made;
- (v) to do all such acts, matters and things as may appear to the branch association to be conducive to the attainment of the above aims and objects but subject none the less to the general directions of the All-Island Association.

5. No branch association shall have power to bind the Committee or the All-Island Association to any expenditure or to any financial liability.

6. The rules of all branch associations and all amendments thereto shall be subject to the approval of the Committee and until such approval has been obtained the rules of a branch association and any amendment thereto shall have no force or effect.

7. The chairman of every general meeting shall be the chairman of the Committee, or failing him, the vice-chairman of the Committee, or failing him, a member of the Committee to be chosen by the members of the Committee present at the general meeting, or failing any such member of the Committee a member of the All-Island Association to be chosen by the members of such Association present at the general meeting.

8. The order of business at an annual general meeting shall be—
- (i) to read the notice convening the meeting;
 - (ii) to put for confirmation as correctly recorded the minutes of the last general meeting;
 - (iii) to make or amend rules when necessary;
 - (iv) to present the annual report of the Committee;
 - (v) to present the financial statement as audited and the auditor's report;
 - (vi) to present the estimate of income and expenditure for the current year;
 - (vii) to elect members of the Committee;
 - (viii) to elect auditors;
 - (ix) to consider any other matter submitted for consideration of the meeting.

9. Any member who desires to bring forward any matter for discussion at an annual general meeting shall give notice thereof in writing to the secretary of the All-Island Association at least seven days before the date fixed for such general meeting.

10. No business other than that specified in the notice of a special general meeting may be transacted at any such meeting.

11. A general meeting may be adjourned to such time and/or to such place as the members present may direct.

12. No business which was not included in the business of an original meeting may be transacted at an adjourned meeting.

13. Every member attending a general meeting shall give the following particulars to the official at the door appointed for the purpose—

- (a) his name; and
- (b) the sugar factory in respect of which he is a registered cane farmer.

14. Visitors to a general meeting shall sit apart from members, provided that in special circumstances a visitor may be invited to the platform by or on behalf of the chairman of the meeting.

15. The decision of the chairman of any general meeting on all points of order or concerning the interpretation of any of these Rules shall be final and every member shall forthwith accept every such decision.

16. No motion may be debated unless and until it has been seconded by a member and proposed by the chairman of the meeting.

17. A motion that has been seconded shall not be withdrawn without leave of the seconder and the consent of the majority of the members present at the meeting.

18. All amendments not disallowed by the chairman of the meeting shall be put to the meeting before the original motion may be proposed.

19. A member desiring to speak shall stand in his place. Where two or more members rise to speak at the same time the chairman of the meeting shall decide the order in which they may speak.

20. Every member who speaks at a general meeting shall commence his speech by stating his name and the factory in respect of which he is registered as a cane farmer.

21. All speeches shall be strictly limited to the moving or seconding of a motion or to a motion or amendment that has been duly moved and seconded or to a point of order and shall be addressed to the chairman of the meeting.

22. When a member speaks to a motion or amendment to be submitted, the chairman of the meeting may at any time require such member to put in writing the terms of the motion or amendment and thereupon the member shall reduce into writing the motion or amendment. The chairman shall upon receipt of such writing decide whether or not the matter stated therein is worthy of debate, and where an adverse decision is given by the chairman of the meeting, the member shall not speak further in regard to the motion or amendment.

23. The mover of an original motion shall be entitled to speak once when moving his motion and once by way of reply but not otherwise. In reply he shall confine himself to matters raised, in his opening speech, or during the debate. After the mover has commenced his reply no other member may speak to the motion.

24. A member who seconds an original motion may, at his election, speak to the motion either at the time of seconding the motion or at some later stage of the debate. A member who seconds an amendment shall have no such right of election and may speak to the amendment at the time for seconding it and not otherwise.

25. Save as provided in rule 23, no member may speak more than once on the same motion or amendment unless it be for the purposes of explanation of a portion of his speech which has been misrepresented; such explanation shall be strictly confined to a correction of the misinterpretation and the member shall not introduce any new matter.

26. Amendments and motions for adjournment shall give rise to new questions and shall entitle members who have spoken on the original motion to speak again on the amendment or motion for adjournment.

27. No member other than the chairman of the meeting may interrupt a speaker save for the purpose of making a personal explanation of or raising a point of order.

28. On a point of order being raised the member then speaking shall resume his seat until the chairman of the meeting shall have given his decision on the point raised. The same point of order may not be raised more than once at the same meeting.

29. The mover of a motion (but not of an amendment) shall be entitled to speak for ten minutes when moving his motion and to speak for a further period of five minutes by way of reply when closing the debate, provided that the chairman of the meeting may in his discretion, allow such further time as to him may seem reasonable. No other member shall be entitled to speak for more than five minutes on any motion or amendment without leave of the chairman of the meeting. The time taken up in dealing with interruptions for the purpose of making personal explanations or of raising points of order may be excluded when reckoning the length of time taken by a speaker.

30. At the close of every debate the motion or amendment, as the case may be, shall be read by or on behalf of the chairman of the meeting and thereafter voted upon. When a motion or amendment includes two or more propositions, the chairman of the meeting may divide it into parts and when so divided each part shall be put by the chairman of the meeting as a separate question and voted on as such.

No member shall be allowed to speak on any question after it has been put to the meeting for a vote to be taken thereon.

31. Every question shall be decided by a show of hands which in the first instance may be estimated by the chairman of the meeting and such estimate, if unchallenged, shall, on the declaration of such chairman, be decisive. Where a member immediately challenges the estimate of the chairman, then the votes for or against the question shall be counted in such manner as such chairman may direct. The chairman shall declare the result of the count of the votes and his declaration shall be final.

32. Any member may decline to vote on any question put to a meeting.

33. In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

34. If any member uses offensive, abusive or objectionable language and refuses when called on to withdraw and apologize to the satisfaction of the chairman, or if any member refuses to accept and act upon a ruling by the chairman or commits any breach of these Rules or if any member or visitor disturbs the good order of the meeting, the chairman may require him to withdraw from the meeting.

35. Members of the Committee shall be elected in accordance with the procedure outlined in this rule and rules 36 and 37—

- (i) where there is any vacancy on the Committee, the secretary of the All-Island Association shall issue a notice in the press and send a copy thereof to the chairman and secretary of each branch association in the parish to which such vacancy relates;
- (ii) every notice issued under this rule shall be headed "Notice of Election of Parish Representative to the Managing Committee of the All-Island Jamaica Cane Farmers Association", and shall be in the form set out in the First Schedule;
- (iii) every notice shall be published in not less than two issues of a daily newspaper which is circulating in Jamaica, and copies of such notice shall be sent by registered post to the

First
Schedule.

chairman and secretary of each branch association of cane farmers of the parish concerned and to any member representing such parish on the Committee;

- (iv) every notice shall contain the following information—
 - (a) the number of vacancies on the Committee;
 - (b) the name of the parish in respect of which a representative or representatives shall be elected;
 - (c) the number of representatives to be elected in respect of the parish concerned; and
 - (d) the date, time and place when the meeting shall be held for an election to fill the vacancies on the Committee;
- (v) every meeting for the election of any person to fill any vacancy on the Committee shall be a special parish meeting which shall be held in the parish in respect of which a representative is to be elected to fill that vacancy;
- (vi) subject to the provisions of paragraph (v) the date, time and place of every special parish meeting held for the purpose of filling any vacancy on the Committee shall be determined by the Committee;
- (vii) where the vacancies on the Committee are occasioned by the retirement of a number of members, the date of the special parish meeting shall be not later than the 7th day of November in the year of such retirement and the members so retired shall continue to hold office until the next annual general meeting notwithstanding the fact that the date of such retirement precede the date of the annual general meeting;
- (viii) the period of the notice to be given for the holding of a special parish meeting for the purpose of filling any vacancy on the Committee shall be twenty-one days from the date of the last publication in the newspaper of the notice issued in pursuance to paragraph (iii).

36.—(1) Nominations to fill any vacancy on the Committee shall be in writing in the form set out in the Second Schedule and shall be headed “Nomination Form: Election to the Committee of Management of the All-Island Jamaica Cane Farmers Association”.

Second
Schedule.

(2) Every cane farmer who is a candidate for election to the Committee shall be nominated by eight members of the All-Island

Association who are growing canes within the parish where the branch association is established, and such members shall—

- (a) sign the nomination form;
- (b) state their addresses; and
- (c) state the name of the sugar factory in respect of which they are registered cane farmers.

(3) Every nomination shall be sent to the secretary of the All-Island Association at least ten days prior to the date appointed for the holding of the election and the secretary shall cause such nomination to be published at least seven days prior to the date of the election in an issue of a daily newspaper which is circulating in Jamaica.

(4) Subject to the provisions of paragraphs (1) and (2) the chairman of a special parish meeting for the purpose of filling any vacancy on the Committee may allow nominations to be made at such meeting where the number of nominations received prior to the meeting is less than the number of vacancies on the Committee.

(5) Every special parish meeting held for the purpose of filling any vacancy on the Committee shall be attended by an officer appointed by the All-Island Association in that behalf, and such officer shall call the meeting to order for the purpose of electing a chairman to preside over the said meeting.

(6) The officer of the All-Island Association on calling the special parish meeting to order shall satisfy himself that the number of representatives of the parish in which the election is being held constitutes a quorum for the purpose of such parish.

(7) The quorum of every special parish meeting shall be—

- (a) in a parish with over one thousand registered cane farmers fifty members; and
- (b) in a parish with less than one thousand registered cane farmers twenty-five members.

(8) Where the number of registered cane farmers attending any special parish meeting held for the purpose of filling any vacancy on the Committee is less than the number specified for the constitution of a quorum and within one hour after the time appointed for the holding of such meeting a quorum is not present, the officer of the All-Island Association shall adjourn the meeting for a period of seven days and such meeting shall be held at the same time and place on the expiration of the seven days.

(9) Every nomination received by the All-Island Association shall be available for inspection at a special parish meeting and the officer of the All-Island Association shall cause such nomination to be produced for inspection on the request of any member attending such meeting.

(10) Visitors to a special parish meeting held for the purpose of filling any vacancy on the Committee shall sit apart from members, but in special circumstances a visitor may be invited to the platform by or on behalf of the chairman of the meeting.

37.—(1) Subject to the provisions of paragraph (7) of rule 36, where the officer of the All-Island Association is satisfied that a quorum is present at a special parish meeting held for the purpose of filling any vacancy on the Committee, he shall call for nominations for the position of chairman of such meeting, and in the event of only one person being nominated, such person shall be declared chairman of the meeting and shall preside over the election. If two or more persons are nominated for the position of chairman, the officer shall conduct an election by the show of hands and the person obtaining the majority of the votes shall be declared chairman for the purpose of the meeting.

(2) Where any person has been nominated as a representative of any parish, such person shall not be eligible for appointment as chairman of the special parish meeting held for the purpose of filling any vacancy on the Committee at which he is a candidate for election.

(3) The chairman of a special parish meeting held for the purpose of filling any vacancy on the Committee shall not cast an original vote at such meeting.

(4) In case of an equality of votes, the chairman of a special parish meeting held for the purpose of filling any vacancy on the Committee shall have a casting vote.

(5) So soon as a chairman is elected, he shall call for and receive from the officer of the All-Island Association the nomination forms received by the All-Island Association, and such nomination forms shall be examined by the chairman.

(6) Where the number of valid nominations in respect of any parish does not exceed the number of vacancies, the chairman of a special parish meeting held for the purpose of filling any vacancy on the Committee shall declare the nominee or nominees, as the case may be, duly elected.

(7) Where the number of valid nominations exceeds the number of vacancies for any parish, the chairman of a special parish meeting held for the purpose of filling any vacancy on the Committee shall put the names of the nominees to the vote of the meeting.

(8) The mode of voting at a special parish meeting shall be—

(a) by a show of hands; or

(b) by secret ballot where twenty-five members are present at such meeting and demand a vote by secret ballot.

(9) No discussion nor speeches shall be permitted in connection with the election of members of the Committee.

(10) The votes cast at a special parish meeting held for the purpose of filling any vacancy on the Committee shall be counted by the chairman of such meeting and in counting such votes the chairman may seek the assistance of any member, or members present at such meeting, but a member who is a candidate at the election shall not assist in the counting of such votes.

(11) So soon as the result of any election is ascertained, the chairman shall declare such result at the special parish meeting held for the purpose of filling any vacancy on the Committee and thereafter the meeting shall stand adjourned.

(12) The officer of the All-Island Association who is present at a special parish meeting held for the purpose of filling any vacancy on the Committee shall notify the Committee of the name and address of any person elected to serve on the Committee, and every such notification shall be in writing and addressed to the secretary of the All-Island Association within a period of forty-eight hours of the holding of any such election.

38.—(1) A branch association may remove an elected member from the Committee by a vote of not less than two-thirds of the members present at a special general meeting.

(2) Where a special general meeting is called for the purpose of removing an elected member from the Committee, the requisition for such meeting shall be signed by not less than twenty-five members (being registered cane farmers) within the parish where the branch association is established.

FIRST SCHEDULE

(Rule 35)

NOTICE OF ELECTION OF PARISH REPRESENTATIVES TO THE MANAGING COMMITTEE OF THE ALL-ISLAND JAMAICA CANE FARMERS' ASSOCIATION

TAKE NOTICE that a vacancy-two vacancies have arisen with respect to the representative(s) of the parish of.....on the..... Committee of Management of the All-Island Jamaica Cane Farmers' Association, and it being necessary to fill the same, notice is hereby issued on the instructions of the Committee of Management which has appointed the.....day of.....19..... at.....o'clock a.m. (p.m.) for the holding of a special parish meeting of the members of the All-Island Association for the parish of.....at.....(here insert place of the meeting) for the purpose of electing a member/members to fill the said vacancies.

AND TAKE NOTICE that the nomination of persons to fill the said vacancies shall be in writing on the form prescribed and received by me at the address set out below by not later than the.....day of..... 19.....being ten days before the holding of the said election.

Sgd.....

Secretary

All-Island Jamaica Cane Farmers' Association,
4 North Avenue, Kingston Gardens, Kingston 4
P.O. Box 248, Kingston.

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SECOND SCHEDULE

(Rule 36)

NOMINATION FORM: ELECTION TO THE COMMITTEE OF MANAGEMENT ALL-ISLAND JAMAICA CANE FARMERS' ASSOCIATION

Name of candidate being nominated:.....
Address of Candidate:.....
Sugar factory at which candidate is registered:.....
Parish for which candidate is standing:.....
Date of election:.....

Signature of persons nominating candidate Address of such persons Sugar factory at which Registered

- 1.
2.
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NOTE: A nomination form shall contain the signatures of eight members of the All-Island Jamaica Cane Farmers' Association for the parish in which the election is being held. (Rule 36 (2) of the Cane Farmers Rules, 1944). This form shall be sent to the Secretary of the All-Island Jamaica Cane Farmers' Association, P.O. Box 248, Kingston (4 North Avenue, Kingston Gardens, Kingston 4) not later than ten days before the election of such parish representative.