

THE SUGAR (RESERVE FUNDS) ACT

ORDERS  
(under section 5)

(Omitted)

REGULATIONS  
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THE SUGAR (RESERVE FUNDS) ACT

REGULATIONS  
(under section 9)

THE SUGAR INDUSTRY (CAPITAL REHABILITATION FUND)  
REGULATIONS, 1949

(Made by the Governor in Executive Council on the 4th day of  
April, 1949)

L.N. 28/49  
Amul:  
L.N. 103/52  
119/59  
30/64  
269/75

1. These Regulations may be cited as the Sugar Industry (Capital Rehabilitation Fund) Regulations, 1949.

2. In these Regulations—

“the Authority” means the Sugar Industry Authority established by section 3 of the Sugar Industry Control Act;

“the Fund” means the Sugar Industry Capital Rehabilitation Fund created by section 3 of the Act;

“rehabilitation” means expenditure on replacements, improvements or additions of a capital nature to existing buildings, plant, machinery or equipment pertaining to sugar factories or their ancillary services and on cane cultivations and includes expenditure on deferred maintenance or on new capital developments.

3. The amount available for distribution shall be the aggregate of the amounts collected from sugar manufacturers in respect of the Fund and any other amounts which may from time to time accrue to the Fund from any source whatever, together with any interest accruing thereon after deducting therefrom the proportion of the allowable expenses incurred by the sugar manufacturers in connection with the amounts received by them for payment into the Sugar Reserve Funds which is applicable to the Fund.

*THE SUGAR INDUSTRY (CAPITAL REHABILITATION FUND)  
REGULATIONS, 1949*

4. If any sugar manufacturer submits a claim under regulation 9 and if that claim is accepted by the Authority he shall be entitled to withdraw from the Fund the amount of such claim up to his proper proportion of the sums he has contributed thereto subject to the provisions of regulation 5.

5.—(1) Cane farmers shall share in the Fund as hereinafter provided.

(2) The allocation of the Fund as between factories on the one hand and all cane cultivations (including those of cane farmers) on the other hand shall be made in relation to the capital employed in the factories and in the fields in accordance with paragraph 74 of the Sugar Industry Commission's Report on capital subject to any revisions agreed on by the Authority as necessary to include all additional investments which have been made since the Sugar Industry Commission's valuation.

(3) Distribution of that portion of the Fund applicable to cane cultivations as a whole as between sugar manufacturers and cane farmers shall be made on the basis of canes delivered to each factory from the estates' cultivations and by cane farmers respectively.

6.—(1) A cane farmer's right to his allocation from the Fund shall determine if he fails to claim the allocation for a period of six years from the date when the right first accrued.

(2) Any allocations remaining unclaimed for the period of six years shall be paid to the All-Island Jamaica Cane Farmers' Association.

7. Sugar manufacturers and cane farmers shall be entitled to spend their receipts from the fund upon rehabilitation of whatever nature.

8. A sugar manufacturer or cane farmer operating more than one factory or cane farm may spend the whole or a portion of his receipts from the Fund on rehabilitation in connection with any one factory or its ancillary services or the cane cultivations connected therewith or any cane farm.

9. Claims in respect of expenditure incurred on rehabilitation shall be supported by statements duly certified by auditors or by evidence of a nature satisfactory to the Authority. In the case of sugar manufacturers claims shall be scrutinized by the Sugar Manufacturers' Association (of Jamaica) Limited and in the case of cane farmers by the All-Island Jamaica Cane Farmers' Association before such claims are submitted to the Authority.

**10.** Expenditure in respect of claims once admitted but not fully met by the moneys available in the Fund at the time may be carried forward.

**11.** Payments to any cane farmer from the Fund may include intended future expenditure on rehabilitation in addition to past expenditure. Evidence satisfactory to the Authority shall be subsequently furnished by any such cane farmer showing that the intended expenditure has in fact been incurred.

**12.** Cane farmers may be permitted to pool the amounts that are to be distributed to them from the Fund and to utilize this sum for the purpose of providing plant and/or equipment for joint use or joint services. Proposals in respect of any particular group of farmers shall be considered on the merits of each individual proposal.

**13.** A register shall be kept by the Authority showing—

- (a) the quantity of sugar exported from time to time by each exporter;
- (b) the amount of the statutory deduction payable to the Fund by each exporter;
- (c) the date of payment of such deduction; and
- (d) the amount of the claim or claims rendered by each sugar manufacturer and cane farmer and the decisions of the Authority in each case.

**14.** All disbursements from the Fund approved by the Authority shall be made by the Accountant-General with the approval of the chairman of the Authority and one other member.

## THE SUGAR (RESERVE FUNDS) ACT

REGULATIONS  
(under section 9)

## THE SUGAR INDUSTRY LABOUR WELFARE BOARD REGULATIONS, 1964

*(Made by the Minister under the above section and by virtue of paragraph 2 of the Sugar (Reserve Funds) (Deputation of Minister) Order, 1963 (revoked) on the 23rd day of January, 1964)*

L.N. 29/64  
Amd:  
L.N. 183/64  
371/65  
72/66  
61/68  
133/71  
434c/73

1. These Regulations may be cited as the Sugar Industry Labour Welfare Board Regulations, 1964.

2. The Sugar Industry Labour Welfare Board established under regulation 3 of the Sugar (Reserve Funds) Regulations 1948, (revoked)\* shall continue to exist and is hereafter in these Regulations referred to as "the Board".

3.—(1) The Board shall consist of the chairman of the Sugar Industry Authority and not more than twenty-one other members to be appointed by the Minister of whom—

- (a) four shall be public officers, one being nominated by the Minister responsible for labour, one by the Minister responsible for housing, one by the Minister responsible for health and one by the Minister responsible for welfare and respectively representing those ministries;
- (b) not more than five and not less than three shall be nominees of the trade unions having bargaining rights within the sugar industry to be selected by the Minister from a panel of five names to be submitted by each union to the intent that each union shall have at least one nominee on the board;
- (c) two shall be nominees of the Cane Farmers' Association;
- (d) two shall be nominees of the Sugar Manufacturers' Association.

\* Regulation 3 of the Sugar (Reserve Funds) Regulations, 1948 (revoked) reads as follows:  
"3. There are hereby established three Boards to be known as the Sugar Price Stabilization Board, the Sugar Industry Capital Rehabilitation Board and the Sugar Industry Labour Welfare Board which have the power to administer the Sugar Price Stabilization Fund, the Sugar Industry Capital Rehabilitation Fund and the Sugar Industry Labour Welfare Fund, respectively."

(2) The Minister shall appoint the chairman and the deputy chairman of the Board from among the members of the Board and may at any time terminate such appointment.

(3) In the case of the absence or inability to act of the chairman of the Board, the deputy chairman shall perform the functions of such chairman.

(4) At any meeting of the Board nine members shall form a quorum for the transaction of business.

(5) The office of a member of the Board other than any member referred to in sub-paragraph (a) of paragraph (1) shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

4.—(1) Notwithstanding the provisions of regulation 3 the Minister may appoint as alternate members to such members of the Board as have been appointed by him under sub-paragraphs (b), (c) and (d) of paragraph (1) of the said regulation 3—

- (a) not more than five and not less than three nominees of the trade unions having bargaining rights within the sugar industry to be selected by the Minister from a panel of five names to be submitted by each union to the intent that each union shall have an alternate member to each member appointed in respect of such union under sub-paragraph (b) of paragraph (1) of regulation 3;
- (b) two nominees of the Cane Farmers' Association;
- (c) two nominees of the Sugar Manufacturers' Association.

(2) No such alternate member shall be entitled to exercise the rights and perform the duties of a member of the Board unless the member in relation to whom he is an alternate member has informed the chairman that he will be absent or unable to act.

(3) The names of the chairman of the Board and of every substantive and alternate member thereof appointed in accordance with these Regulations shall be published in the *Gazette*.

5.—(1) Subject to the provisions of paragraphs (2) and (3), every member of the Board other than the chairman of the Sugar Industry Control Authority shall hold office for a period not exceeding two years but shall be eligible for re-appointment.

(2) The Minister may at any time revoke the appointment of any member of the Board other than the chairman of the Sugar Industry Control Authority:

Provided that in the case of a member who was nominated for appointment such power of revocation shall be exercised only at the request of the body or bodies nominating such member.

(3) Any member of the Board who without the prior leave of the Board fails to attend four consecutive meetings of the Board shall cease to be a member thereof.

(4) The appointment of an alternate member of the Board shall expire upon the termination (in whatever manner) of the appointment of the member in relation to whom he is appointed an alternate member.

6.—(1) The chairman of the Board, or in his absence the deputy chairman, shall preside at the meetings of the Board, and in the case of the absence of both the chairman and the deputy chairman from any meeting, the members present shall elect one of their number to preside at that meeting.

(2) The Chairman of the Board may at any time summon a meeting of the Board and on a requisition signed by any two members of the Board shall summon a meeting of the Board within seven days after receipt by him of the requisition.

(3) All acts of the Board, and all questions coming or arising before the Board, shall be done and decided by the majority of the members as are present and vote. In the case of an equality of votes, the Chairman of the Board or any other person presiding at the meeting shall have a second or casting vote.

(4) The Board shall keep a minute book in which their proceedings shall be recorded.

7. The Minister may give to the chairman directions of a general character as to the policy to be followed by the Board in the exercise and performance of their functions and the Board shall give effect to any such directions.

8. The Board may employ officers and servants upon such terms and conditions as they may think fit and the salaries of such officers and servants and any allowances which the Board, with the approval of the Minister, may decide to pay to them shall be paid out of the Sugar Industry Labour Welfare Fund :

Provided that no officer or servant of the Board shall be employed at a salary in excess of two thousand dollars per annum except with the prior approval of the Minister :

Provided also that any person who immediately before the revocation of the Sugar (Reserve Funds) Regulations, 1948, was in the employment of the Sugar Industry Labour Welfare Board by virtue of the said Regulations shall continue in such employment and be deemed to have been appointed or employed under or by virtue of these Regulations.

9. The powers of the Board shall not be affected by any vacancy in the membership thereof nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Board.

10. Subject to the provisions of these Regulations the Board shall have power to regulate their own proceedings.

11. All moneys accruing to the Sugar Industry Labour Welfare Fund may be applied by the Board in accordance with the provisions of these Regulations and also to any purposes in connection with the conditions of living, social well being and recreation of all classes of workers in the sugar industry as set out in the Schedule.

Schedule.

12.—(1) The Board shall have power to acquire and hold land or buildings or both land and buildings, and, save and except for any land or buildings required for the purpose of establishing its own offices, any land or buildings vested in the Board shall be used by the Board to erect buildings or carry out works for any of the purposes specified in regulation 11.

(2) The Board may from time to time make grants to sugar estate owners, parish councils, the Jamaica Social Welfare Commission and other statutory authorities who may themselves erect buildings or carry out works for or any of the purposes mentioned in regulation 11 on plans and specifications agreed upon with the Board.

(3) The Board may pay from their funds to the chairman and other members of the Board such remuneration (whether by way of honorarium, salary or fees) and such other allowances as the Minister may determine.

13.—(1) The Board shall keep accounts of their receipts, payments, credits and liabilities and shall annually transmit such accounts with vouchers to the Auditor-General to be audited and certified.



(2) The Board shall within six months from the end of each financial year of the Board submit to the Minister a report on their activities during the preceding financial year, together with a statement of the accounts of the Board audited by the Auditor-General and audit reports, if any, during such financial year.

(3) In this regulation "financial year" means such period of twelve months as the Minister may from time to time approve as the financial year of the Board.

SCHEDULE

(Regulation 11)

- (a) Workers on sugar estates.
- (b) Workers employed by cane farmers.
- (c) Persons who are dependents of sugar workers.
- (d) Persons who have ceased to be sugar workers as a result of age or infirmity.
- (e) Self-employed cane farmers who produce not less than fifty nor more than two hundred tons of cane annually.

**THE SUGAR (RESERVE FUNDS) ACT**

**REGULATIONS**  
*(under section 9)*

**THE SUGAR (RESERVE FUNDS) REGULATIONS, 1964**

*(Made by the Minister on the 23rd day of December, 1963)*

L.N. 30/64  
268/75

1. These Regulations may be cited as the Sugar (Reserve Funds) Regulations, 1964.

2. The appropriate statutory deduction required by section 4 of the Act to be paid to the Government of Jamaica shall be paid to the Accountant-General in sterling by cash or draft on such bank in Jamaica or in the United Kingdom as the Accountant-General shall direct, within thirty days of the receipt by the exporter or by any person on his behalf of the moneys out of which the appropriate statutory deduction is required to be paid.

3. The Sugar Industry Capital Rehabilitation Fund shall be administered, invested and managed by the Sugar Industry Authority established by section 3 of the Sugar Industry Control Act.

4.—(1) The Accountant-General may require exporters to furnish returns containing such information as he may think fit relating to the exportation and to the sale by them or on their behalf of any sugar.

(2) Such returns shall—

- (a) be in such form as the Accountant-General shall prescribe; and
- (b) be sent to the Accountant-General at the end of every month.

(3) A copy of every return required by this regulation to be sent to the Accountant-General shall be sent by every exporter at the end of every month to—

- (a) the Sugar Industry Authority,
- (b) the Sugar Industry Labour Welfare Board.

5.—(1) The Accountant-General may in writing require any exporter to produce for inspection any books of account kept by such exporter, or any invoices, bills of lading or other documents of whatever nature whether similar to the foregoing or not in his possession or under his control relating to the exportation or sale of any sugar.

(2) Such books of account, invoices, bills of lading and other documents shall be produced for the inspection of the Accountant-General or his agent at such place as the Accountant-General shall appoint and within ten days of the receipt by the exporter of the notification in writing requiring production of the same.

6.—(1) Whenever the Accountant-General is satisfied that an exporter has expended an ascertained sum for the payment of insurance premiums or brokerage or both insurance premiums and brokerage on any sugar in respect of which such exporter has paid or caused to be paid, in respect of each ton thereof, the appropriate statutory deduction (as defined in section 4 of the Act) the Accountant-General shall repay to such exporter out of the Funds created by the Act an amount which bears to such ascertained sum the same proportion as the appropriate statutory deduction (as defined in section 4 of the Act) bears to the average price per ton received by such exporter or by any person on his behalf under any of the circumstances set out in section 4 of the Act for sugar exported by him from Jamaica pursuant to any sale or agreement to sell or with a view to sale, or sold by him for export:

Provided that no such repayment shall be made in respect of any premium paid on a policy of insurance which is for a greater period than that from the commencement of the manufacture of such sugar until its delivery to a buyer overseas:

Provided further that no repayment shall be made in respect of brokerage unless the Accountant-General is satisfied that the brokers handling sugar exported from Jamaica have ceased voluntarily to waive their brokerage on such part of the proceeds of each ton of sugar as is credited to the Funds created by the Act.

(2) Whenever the Accountant-General is satisfied that an exporter has, in order to comply with any direction under regulation 2, incurred an ascertained expenditure for charges in remitting to Jamaica or to the United Kingdom the appropriate statutory deduction (as defined in section 4 of the Act) from the place where the moneys were received by him or by some person on his behalf under any of the circumstances set out in section 4 of the Act, the Accountant-General

shall repay to such exporter such ascertained expenditure out of the Funds created by the Act.

(3) Any repayment by the Accountant-General under paragraph (1) or paragraph 2 shall be paid out of the Funds created by the Act in the same proportion as the appropriate statutory deduction has been credited to each of those Funds.

(4) Whenever it becomes necessary for the proper administration of any Fund created by the Act that the whole or any part of such Fund should be remitted by the Accountant-General to or from Jamaica any remittance charges incurred in so doing shall be paid out of that Fund.

7.—(1) The Accountant-General shall keep separate accounts in the Bank or in the books of his agents for each of the Funds created by the Act.

(2) Any moneys credited to any Fund which are not required for early disbursement may be invested by the Accountant-General, at the direction of the Authority having the administration of such Fund, any trustee securities including any public security issued by the Government of Jamaica :

Provided that not more than fifty per cent of the investment in respect of each Fund shall be in securities of the Government of Jamaica.

THE SUGAR (RESERVE FUNDS) ACT

ORDER  
(under section 11)

THE SUGAR (RESERVE FUNDS) (DEPUTATION OF MINISTER) ORDER, 1972

(Made by the Prime Minister on the 27th day of November, 1972) L.N. 407/72

1. This Order may be cited as the Sugar (Reserve Funds) (Deputation of Minister) Order, 1972.
2. The Minister responsible for youth and community development is hereby deputed to perform the duties and exercise the powers (including the power to make regulations other than orders under section 5 of the Act) which are conferred or imposed by the Act upon the Minister charged with the responsibility for the subject of the sugar industry so far as such duties and powers relate to the Sugar Industry Labour Welfare Fund.