

DOMINICA BANANA GROWERS ASSOCIATION ACT

CHAPTER 58:03

Act
12 of 1984

Current Authorised Pages

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Note
on
Subsidiary Legislation

This Chapter contains no Subsidiary Legislation.

CHAPTER 58:03

DOMINICA BANANA GROWERS ASSOCIATION ACT

ARRANGEMENT OF SECTIONS

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DOMINICA BANANA GROWERS ASSOCIATION ACT

12 of 1984. **AN ACT to establish a new Banana Growers Association and district branches thereof.**

Commencement. [2nd July 1984]

Short title. **1. This Act may be cited as the –**
DOMINICA BANANA GROWERS ASSOCIATION ACT.

Interpretation.

2. In this Act –

“Association” means the Dominica Banana Growers Association established by section 3;

“Central Committee” means the Central Committee of the Association;

Ch. 58:02. “Corporation” means the Dominica Banana Marketing Corporation established under the Dominica Banana Marketing Corporation Act;

“district branch” means a branch of the Association established in a particular district;

“financial year” means the period of twelve months ending on 31st December in a year;

Cap. 75.
(1961 Ed.).

“Minister” means the Minister responsible for Agriculture;

3. (1) There is hereby established an Association to be known as the Dominica Banana Growers Association.

(2) The Association shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued and shall have power to enter into contracts and to acquire, dispose of or otherwise deal with property whether movable or immovable.

(3) The Association shall have its head office in Dominica, but may maintain such other branch offices as it thinks fit.

[†]This Ordinance has been repealed by the Dominica Banana Marketing Corporation

(4) Service upon the Association of any notice, order or other document shall be effected by delivering such document or sending it by post addressed to the Executive Secretary at the head office of the Association.

(5) The seal of the Association shall be authenticated by the signature of the Chairman of the Central Committee and the Executive Secretary.

(6) All documents, other than those required by law to be under seal, made by, and all decisions of, the Association may be signified under the hand of the Chairman or any other member of the Central Committee or any employee of the Association authorised by the Central Committee to act in that behalf.

4. (1) Membership of the Association shall be open to every person who, in the financial year preceding his application for membership, has sold from his holding to the Dominica Banana Marketing Corporation or to the former Association, bananas to the weight of not less than one ton. Membership of the Association.

(2) The minimum tonnage qualification for membership may be varied by resolution of an annual general meeting held subsequent to the inaugural meeting of the Association.

(3) Every applicant for membership shall apply to the Executive Secretary and shall give evidence of his eligibility.

(4) The Central Committee shall have the authority to accept or reject applications for membership and the Executive Secretary shall at each meeting of the Central Committee submit a list of applications for membership which are pending.

(5) Notice of rejection of an application must be forwarded to the applicant who shall be given the opportunity to be heard by the Central Committee as to why his application should not be accepted.

(6) The membership fee shall be five dollars annually or such other sum as the Association may, with the approval of the Minister, determine from time to time.

5. (1) The Executive Secretary shall before 30th June in each year cancel the membership of any existing member who during the immediately preceding twelve month period has failed to deliver bananas to the weight specified in section 4(1) or as varied in accordance with section 4(2) for any reason other than — Cancellation of membership.

- (a) the destruction of the cultivation or fruit by hurricane, fire or other inevitable casualty;
- (b) inability to obtain transport, or to transport fruit at the specified times for delivery to the Association;
- (c) any unforeseen accident or cause beyond the control of the member;
- (d) the inability of the Corporation to accept delivery at the times specified for delivery to it or its agents;
- (e) that the banana lands have been replanted.

(2) Notice of proposed termination shall be forwarded to every member who has failed to deliver bananas in accordance with subsection (1) but no membership shall be terminated until the member concerned has been given the opportunity to be heard by the Central Committee as to why his membership should not be terminated.

(3) Any member who wishes to justify continued membership for any of the reasons set out in subsection (1)(a) to (e) shall show cause thereunder to the Executive Secretary in writing within thirty days of receipt of the notice of proposed termination.

(4) The Executive Secretary shall before 31st January in each year cancel the membership of any existing member who failed to pay his subscription during the preceding year, and shall inform the member accordingly.

(5) Where membership is cancelled under subsection (4) it may be reactivated by payment, within thirty days, of the subscription for the current year and every prior year due, but save as aforesaid, any person whose membership has been terminated under subsection (4) shall not be eligible to apply for membership until the commencement of the next year.

(6) Membership shall be cancelled by the death of a member, but where the Executive Secretary is satisfied that the beneficiary of such person's estate or the personal representative is continuing to carry on banana growing activities he may on application by the beneficiary or the personal representative under his name or the name in lieu of that of the deceased person.

Central
Committee.

6. (1) The management and control of the Association shall be vested in a Central Committee which shall comprise the Chairmen of the

(2) The members of the Central Committee shall hold office from year to year so long as they continue to hold office as Chairmen of their respective district branches.

(3) In addition to the annual general meeting referred to in section 7, the Central Committee shall hold regular general meetings on such occasions as it may determine to be necessary or expedient and may by resolution determine the time, date and place of such meetings.

(4) The Central Committee shall from among its members elect a Chairman and Deputy Chairman at its first meeting, and annually thereafter at the first meeting following the annual general meetings of the district branches but in any event not later than 31st March.

7. (1) The Association shall hold an annual general meeting not later than 30th November in each year at which the following members shall be entitled to be present and to vote:

Annual meetings of the Association and election of members of Corporation.

(a) the members of the Central Committee;

(b) two delegates from each district branch.

(2) Any member of the Association may attend any general meeting but shall not be entitled to participate.

(3) The business of the annual general meeting shall be –

(a) to receive and consider a report from each district branch;

(b) to receive and consider a report from the Executive Secretary which shall include a report on membership as well as the day to day activities of the Association;

(c) to receive and consider the statement of accounts and reports of the Corporation;

(d) to receive and consider the budget for the ensuing financial year which, on adoption by the annual general meeting, shall be presented to the Corporation;

(e) to receive and consider the annual accounts of the Association;

(f) to receive and consider proposals for nomination for appointment of one person as growers' representatives on the Board of the Corporation, in accordance with subsection (5).

(4) The Chairman and General Manager of the Corporation shall attend and participate in the discussions on the statement of account and reports of the Corporation.

(5) Each district branch and the Central Committee shall be entitled to propose one financial member of the Association for appointment to the Board of the Corporation, and in the event of there being –

(a) no person so proposed, the annual general meeting shall nominate a person; and

(b) if more than one person is proposed, a ballot shall be held at the annual general meeting to determine which person shall be nominated.

(6) For the purposes of subsections (3)(f) and (5), the inaugural meeting shall be treated as an annual general meeting save that at such inaugural meeting three persons shall be nominated as growers', representatives.

(7) Where a casual vacancy arises, in respect of growers' representative member of the Corporation, the Central Committee shall nominate a financial member of the Association to fill the vacancy until the holding of the next annual general meeting of the Association.

(8) In the event of a casual vacancy not being filled by a nominee of the Central Committee for a period of three months, the Minister may nominate a financial member of the Association to fill the vacancy until the holding of the next annual general meeting of the Association.

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(9) Notwithstanding section 5(1)(a) of the Dominica Banana Marketing Corporation Act, in the event that it is necessary to appoint three members of the Association to the Corporation prior to the inaugural meeting of the Association, the Minister may nominate three persons qualified to be members of the Association for the period up to the holding of the inaugural meeting.

(10) The members nominated for appointment to the Corporation under this section shall represent the interests of the Association and its members in an independent capacity according to their best judgment and shall not be bound to follow any direction of the Central Committee but shall report back to that Committee.

(11) The Chairman shall call a special general meeting of the Association –

- (a) upon the request of the Central Committee; or
- (b) upon the request of not less than three members of the Association for the purpose of considering a motion of no confidence in one or more growers' representative members of the Board of the Corporation.

8. (1) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Central Committee, and at any annual or special general meetings of the Association, but in the absence of both the Chairman and Deputy Chairman the members present shall elect from among themselves a person to preside over the meeting.

Procedure of
meetings of
Central Commit-
tee and the
Association.

(2) Minutes of the proceedings of each meeting shall be kept by the Executive Secretary in such form as the Central Committee shall determine and shall be confirmed at the next meeting; but minutes of the inaugural meeting of the Association and of subsequent annual or special general meetings shall be confirmed at the next annual general meeting.

(3) A quorum for a meeting of the Central Committee shall be eight members.

(4) A quorum for the inaugural meeting of the Association and subsequent general meetings shall comprise at least one representative of not less than eight district branches of whom not less than four shall be delegates.

(5) Decisions of the Central Committee and of the Association at its inaugural and subsequent general meetings shall be by a majority of the votes of those present and voting and in the event of a tie the Chairman at the meeting shall have a casting vote on the matter.

9. (1) The objects of the Association are to promote the interest of banana growers in Dominica and in particular to present the views of banana growers to the Government, to the Corporation and to any other organisation connected with the banana industry.

Objects and
duties of the
Association.

(2) In furtherance of its objects it shall be the duty of the Association –

- (a) to encourage the maximum membership possible,
- (b) to ensure the establishment of as many district branches as are necessary to afford members the opportunity of presenting their views through regular district branch meetings held at convenient locations and times;

- (c) to seek to ensure that the most suitable members are nominated for membership of the Corporation;
- (d) to make representation to Government, the Corporation or to any other person or organisation connected with the banana industry.

Powers of the Association.

10. The Association shall have power to carry on such activities and do all things as are necessary or desirable to promote the interests of banana growers in Dominica and in particular it may –

- (a) establish an office for the dissemination of information to members;
- (b) encourage and arrange for the holding of demonstrations and field days of relevance to the industry;
- (c) award prizes for the encouragement of efficiency in the banana industry.

Funding of the Association.

11. (1) Subject to subsection (2), the funds of the Association shall consist of the subscriptions received from its members together with any income which it may derive from activities carried out by it and any contributions received by it from any source.

(2) The Corporation will provide financial assistance to support the operation of the head office of the Association, but such assistance will be limited to –

- (a) the cost of the salaries of the Executive Secretary and such other office personnel as are approved by the Minister;
- (b) a reasonable sum towards administration expenses.

Annual account of the Association.

12. (1) The Association shall keep proper accounts and other records in respect of its financial affairs and shall cause a statement to be prepared in respect of each financial year.

(2) The accounts of the Association shall be audited annually not later than 31st August by such auditor as may be appointed by the Association.

(3) The financial year of the Association shall be the calendar year ending 31st December.

(4) After its accounts have been audited the Association shall forward a copy of the accounts together with the annual report of the

Chairman of the Central Committee to the Minister, to the Corporation and to each branch at least one month prior to the annual general meeting of the Association.

13. (1) Subject to subsections (2) and (4), the banana growing areas of Dominica shall be divided by the Central Committee into the district branches named and delineated on a map maintained in the office of the Association. District branches.

(2) The Minister shall divide the banana growing areas into district branch areas for the period up to the holding of the inaugural meeting for the purposes of the said meeting.

(3) No district branch may be established in an area until there are not less than twenty members of the Association resident or having a banana growing property in the area and where, in any area, there are less than twenty members the Central Committee shall determine to which other district branch the members shall for the time being belong, provided that no member of the Association shall be a member of more than one district branch.

(4) The objects of each district branch will be –

- (a) to promote measures for the well being of the growers of that district branch area, and for the industry generally;
- (b) to submit resolutions on such measures for the consideration of, and implementation by, the Association;
- (c) to perform all duties and exercise all powers which may be conferred on it by the Association or by the Act.

(5) When a district branch attains a membership in excess of two hundred and fifty members the Management Committee of that branch shall meet with the Executive Secretary to consider whether or not an additional district branch should be formed, but before any decision is taken the Management Committee may determine for itself whether to conduct a poll of its members or what other action should be taken to ascertain the views of the branch members on the matter.

14. (1) Each district branch shall, at its inaugural meeting and at each annual general meeting elect from its members – Management Committee and meetings of district branches.

(a) a Management Committee, comprising –

- (i) a Chairman;

- (ii) a Secretary; and
- (iii) five other members,
to hold office until the next annual meeting;
- (b) two delegates to attend the inaugural and any general meeting of the Association together with the Chairman of that district branch.
- (2) At any meeting of the district branch –
 - (a) being a meeting of the Management Committee of that branch, four members;
 - (b) being the inaugural or a general meeting of that branch, ten members,

shall form a quorum.

(3) The Chairman shall preside at each meeting of the Management Committee and at each annual general meeting, but in his absence the members present shall appoint from among themselves a person to act as Chairman in his stead.

(4) At any meeting, decisions shall be by a majority of the votes of those present and voting, and in the event of a tie on any matter the Chairman at the meeting shall have a casting vote on the matter.

(5) Annual general meetings of each district branch shall be held not later than the last day of February in each year, and notice of every such meeting shall be given at least seven days before such meeting to every member of that district branch.

(6) The Management Committee shall meet on such occasions during the year as it thinks necessary and the Committee may, by resolution, determine the date, time and place of the meetings and the form of notice thereof to be given to the members of the Committee.

Executive
Secretary.

15. (1) The Minister shall appoint an Executive Secretary as the Chief Executive Officer of the Association and to perform the functions of secretary and shall have the power to remove the said Executive Secretary from office.

(2) ~~Subject to the control and direction of the Management Committee,~~ the Executive Secretary shall have full responsibility for the day to day administration of the activities of the Association.

(3) The Executive Secretary shall attend all meetings of the Association and shall keep the minutes of all such meetings

(4) The Executive Secretary shall attend the annual general meeting of each district branch.

(5) The Executive Secretary shall liaise with the Board of the Corporation in such manner as he considers most expedient in furtherance of the objects of the Association generally, and in particular, to make representations or complaints to the Corporation on behalf of members of the Association.

(6) The Executive Secretary shall maintain an up-to-date register of members of each district branch, which shall be kept available to that district branch at all times at the Association's head office and an updated copy of the register shall be sent to that district branch not later than 31st December in each year.

(7) After the end of three years from the time of first appointment of the Executive Secretary, authority for the appointment to or removal from the office of Executive Secretary shall vest in the Central Committee.

16. The Central Committee may make Rules generally for the more effective carrying out of the purposes of the Association which shall take effect on the approval of the Minister. Rules.

17. The income of the Association shall be exempt from liability to income tax. Exemption.

18. (1) The Executive Secretary shall be responsible to ensure that eligible applicants are registered as members of the Association and that the district branches are functioning and the Association is established. Transitional provisions.

(2) At the inaugural meeting of each district branch and at the first meeting of the Central Committee the Executive Secretary shall act as Chairman for the opening of the meeting and the conduct of the business of that meeting until a Chairman is elected by the meeting.

(3) The inaugural meeting of the Association shall take place on 30th November 1984.

