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CHAPTER 76

DAIRY INDUSTRY ACT

An Act to provide for the improvement and control of the dairy industry and dairy produce.

[Act No. 22 of 1968 amended by Act No. 21 of 1989.]

[14th July, 1989.]

1. Short title

This Act may be cited as Dairy Industry Act.

2. Interpretation

In this Act—

“Board” means the Grenada Dairy Board established by section 3;

“chairperson” means the chairperson of the Board;

“dairy produce” means milk, cream, butter, ghee, cheese, and any other product or by-product of milk produced in Grenada;

“Minister” means the Minister for the time being responsible for agriculture;

“primary producer” means any person who produces milk for sale, but does not include persons employed by him or her for that purpose;

“producer” means any person who produces, processes, manufactures, prepares or treats dairy produce for sale.

3. Establishment of the Board

There is hereby established a Board to be known as the Grenada Dairy Board with power in accordance with the provisions of this Act to regulate and control the production, processing, distribution and retailing of all dairy produce.

4. Incorporation, etc., of the Board

(1) The Board shall be a corporate body having perpetual succession and a common seal, with power to hold land and other property of whatever kind.

(2) The seal of the Board shall be kept in the custody of the chairperson and may be affixed to instruments pursuant to a resolution of the Board and in the presence of the chairperson and one other member.

(3) The seal of the Board shall be authenticated by the signature of the chairperson and if so authenticated shall be officially and judicially noticed.

(4) The Board may sue and be sued in its corporate name and service upon the Board of any notice, order, or document may be executed by delivering the same or by sending it by registered post to the secretary of the Board.

5. Membership of the Board

(1) The Board shall consist of three *ex officio* members, namely, the Chief Technical Officer in the Ministry responsible for agriculture, the Chief Medical Officer and the Permanent Secretary (Finance) and six other members (hereinafter referred to as the appointed members) who shall be appointed as follows—

(a)

the chairperson shall be appointed by the Minister;

(b)

two members shall be appointed by the Minister, after consultation with the Agricultural Society and the Livestock Association, or if either of these Associations ceases to exist, then with the other of them and such other organisations or persons as represent producers as the

Minister thinks fit, or if both of them cease to exist then with such other organisations or persons representing milk producers as the Minister thinks fit;

(c)

two members shall be appointed by the Minister after consultation with such organisations or persons representing consumers of dairy produce as the Minister thinks fit;

(d)

one member shall be appointed by the Minister after consultation with such organisations or persons representing distributors of dairy produce as the Minister thinks fit.

(2) The Board shall once in every year elect from amongst its members a vice-chairperson who shall hold office in the ensuing year.

(3) Every appointment made under this section shall be notified in the *Gazette*.

6. Duration of office of members of the Board

(1) Three appointed members of the Board shall retire one year after the first appointment of members, and thereafter three appointed members of the Board shall retire annually in rotation; but not more than one member appointed under section 5(1)(b) and (c) shall retire at any one time.

(2) An appointed member of the Board shall cease to hold office if—

(a)

he or she delivers to the Minister written notice of his or her resignation from the Board;

(b)

he or she is adjudged bankrupt or enters into a composition or scheme of arrangement with his or her creditors;

(c)

he or she has been absent without leave of the Board from three or more consecutive Board meetings and, by resolution, the Board declares his or her office vacant for that reason;

(d)

he or she undergoes any term of imprisonment;

(e)

he or she accepts office as a public officer or as an officer or servant of the Board, whether permanently or temporarily; or

(f)

the Minister removes him or her from office on being satisfied that he or she is for any reason unsuitable to continue as a member.

(3) A member of the Board who retires shall be eligible for re-appointment.

(4) If a member of the Board is, by reason of illness, absence or other cause, unable to perform the duties of his or her office, the Minister may appoint a person to be a temporary member of the Board for the period of the incapacity of the member; and every such temporary member shall have all the power and authority of a member of the Board during that period.

(5) Every appointment made under this section shall be notified in the *Gazette*.

7. Expenses of members of the Board

(1) The Board may, in its discretion, recommend to the Minister the payment of such travelling and other expenses as may reasonably have been incurred by the members by reason of their office, and the Minister may authorise such payment out of public funds.

(2) No public officer shall receive any payment under this section.

8. Presiding officer at meetings of the Board

The chairperson or, in his or her absence, the vice-chairperson or, in the absence of both, a member elected by the Board, shall preside at all meetings of the Board, and the member presiding at any meeting shall with respect to such meeting or to any business transacted thereat have all the powers under this Act of the chairperson.

9. Decisions of the Board

(1) The member presiding at any meeting of the Board shall have a casting vote only, and the decision of the majority of the members present and voting at any meeting shall be deemed to be the decision of the Board.

(2) The quorum of the Board shall be three, exclusive of the chairperson or member presiding.

(3) Subject to subsection (2) no act, decision or proceeding of the Board shall be questioned on account of any vacancy in the membership thereof, or on account of the appointment of any member of the Board being defective.

10. Funds of the Board

The funds of the Board shall consist of—

(a)

such sums as may be placed at the disposal of the Board by resolution of Parliament;

(b)

funds arising from the sale or lease of any property vested in the Board;

(c)

sums borrowed by the Board for the purpose of meeting any of its obligations or discharging its functions;

(d)

all other sums or property which may become payable to or vested in the Board in respect of any matter connected with, or incidental to, its powers and duties.

11. Borrowing powers

(1) Subject to the provisions of subsection (2), the Board may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Minister as to the amount, as to the source of the borrowing and as to the terms on which the borrowing may be effected. An approval given in any respect for the purpose of this subsection shall be limited to a particular borrowing and shall be subject to such conditions as the Minister may deem necessary.

12. Application of funds

The funds of the Board shall be applied towards—

(a)

the cost of developing the dairy industry in pursuance of the functions of the Board and the regulations referred to in section 16;

(b)

payment of the salaries, fees, remuneration and allowances of the persons employed by the Board;

(c)

payment of interest at the approved rate on sums borrowed or placed at the disposal of the Board and the repayment of such sums;

(d)

payment of all expenses authorised by the Minister, being expenses incidental to or connected with the fulfilment of the purposes of this Act.

13. Meetings of the Board

(1) The Board shall hold ordinary meetings as and when necessary, but not less than once in every three months.

(2) Ordinary meetings of the Board shall be convened by the chairperson at such times and at such places as he or she may, in his or her discretion, think fit.

(3) The chairperson, or in his or her absence, the vice-chairperson, shall convene a special meeting of the Board at any time upon receipt of a requisition signed by not less than three members calling upon him or her to do so, and such special meeting shall be held not later than twenty-one days after receipt of such requisition.

14. Committees of the Board

(1) The Board may appoint such committees as it may deem necessary to examine and report to it on any matter whatsoever arising out of or in connection with any of its function or powers under this Act.

(2) A committee appointed under this section may consist of any persons, whether members of the Board or not, whose assistance or advice the Board may desire.

(3) The Board may, in its discretion, recommend to the Minister the payment of such travelling or other expenses as may reasonably have been incurred by the members of a committee by reason of their membership.

15. Board may regulate its own conduct

The Board may, from time to time, with the approval of the Minister, make standing orders providing for the regulation of its meetings and the conduct of its business and the duties of its officers and other employees. All standing orders made under this section shall be published in the *Gazette* and shall come into force on the date of publication or on such later date as may be specified in the standing orders.

16. Functions and powers of the Board

(1) The functions of the Board shall be—

(a)

to organise, regulate and develop the efficient production, marketing, distribution and supply of dairy produce;

(b)

to improve the quality of dairy produce;

(c)

to secure reasonable and stable prices for dairy produce;

(d)

to promote market research in relation to dairy produce;

(e)

to advise the Government on all matters affecting the dairy industry; and

(f)

generally to ensure, either by itself or in association with any Government department or local authority, the adoption of measures and practices designed to promote increasing efficiency in the dairy industry.

(2) Without prejudice to the generality of subsection (1) the Board may, with the approval of the Minister, make regulations for the better fulfilment of its functions and for carrying out the purposes and provisions of this Act, including, in particular, regulations—

(a)

prescribing grades for any kind of dairy produce, and a minimum standard to which such dairy produce shall conform;

(b)

fixing the price of any grade or kind of dairy produce to be paid to producers, distributors or retailers, and fixing different prices on a basis of quota or for different seasons and circumstances;

(c)

prescribing the manner of handling, transportation and storage of dairy produce intended for use or consumption by any person other than the producer thereof;

(d)

regulating and controlling the manufacture of any kind of dairy produce;

(e)

prescribing the form and terms of contracts for the sale of milk by producers;

(f)

controlling the sale, purchase and delivery by any person of dairy produce in such area as may be prescribed;

Provided that no distributor or retailer shall be compelled to buy dairy produce from a producer or distributor unless a regular and sufficient supply of such dairy produce is guaranteed;

(g)

prescribing the areas within which retailers may sell dairy produce to consumers;

(h)

requiring returns, reports and estimates to be furnished to the Board by producers, distributors and retailers;

(i)

requiring the registration and licensing, in such manner and upon payment of such fees as may be prescribed, of producers, distributors and retailers and of any premises used by them;

(j)

prescribing the forms of application and of licences, registers and other documents to be used for the purpose of this Act;

(k)

prescribing marks and the manner of marking articles intended for use in connection with dairy produce, including wrappers or packages;

(l)

prescribing the qualifications, powers and duties of inspectors and other persons designated to exercise powers and perform duties under this Act;

(m)

prescribing charges for the examination, inspection, analysis and testing of dairy produce, and the conditions upon and the manner in which samples of such produce may be taken, whether compulsorily or otherwise;

(n)

authorising prescribed persons for the purpose of inspection to open any package which contains or is reasonably thought to contain dairy produce;

(o)

prescribing the books, accounts, vouchers and records to be kept by persons carrying on business in dairy produce;

(p)

authorising prescribed persons to examine books and documents relating to the production, manufacture, distribution or sale of dairy produce.

(3) In this section—

“consumer” means a person who buys dairy produce for his or her own use and not for re-sale;

“distributor” means a person who buys dairy produce for re-sale;

“milk” means milk from a cow;

“package” includes bag, bottle, box, can, carton, case, cask, crate, keg, tin, wrapper, and any other type of covering or receptacle used for the packing of dairy produce;

“retailer” means a distributor or producer who sells dairy produce direct to consumers, and a person who buys dairy produce from a distributor for re-sale to consumers;

“sell” includes advertise, convey, deliver, expose, keep, prepare, and transmit, for sale, and also includes any exchange or disposal for consideration.

17. Producers’ meetings

(1) The Board shall at least once in every year convene a meeting of the producers registered under this Act.

(2) The chairperson of the Board or, in his or her absence, a member of the Board appointed by the chairperson shall preside at the meeting.

(3) The Board may, with the approval of the Minister, make standing orders providing for the regulation of meetings. All standing orders made under this section shall be published in the *Gazette* and shall come into force on the date of publication or on such later date as may be specified in the standing orders.

(4) At least twenty-one days before the date fixed for holding a meeting, the Board shall send to the Minister and to every registered producer a notice stating—

(a)

the time and place appointed for the holding of the meeting; and

(b)

the business to be transacted at the meeting, and if such business is to include consideration of the report specified in section 18 of this Act, then a copy of the report shall be sent with each notice.

(5) The Board shall include in the business to be transacted at a meeting every matter of which not less than ten registered producers have given notice in writing to the Board.

(6) No business except the business of which notice has been given shall be transacted at a meeting; and the accidental omission to send such notice to a registered producer shall not invalidate the proceedings of any meeting.

18. Report by the Board

The Board shall, within a period of three months from the end of each year or within such longer period as the Minister may in any year approve, submit to the Minister a report of its operations during such year. The Board shall publish its report in such manner as the Minister may direct.

19. Requirement to register

(1) Every primary producer shall register with the Board in relation to himself or herself and to his or her area of production within one month of commencing production or within such other period as the Board may permit, by supplying the following particulars in writing—

(a)

his or her full name and address;

(b)

the survey or land reference number (if any) of the location of the dairy premises used; and

(c)

such particulars as to the cattle, equipment, production and disposal of produce, and otherwise relating thereto, as may be specified by the Board.

(2) Every primary producer who is registered in accordance with subsection (1), within one month after a change occurs in the particulars supplied by him or her, shall give to the Board written notification of the details of such change.

20. Penalty for failure to register

A person who, being required to register pursuant to section 19, carries on business as a primary producer without fully supplying the particulars required of him or her by section 19 or who wilfully supplies particulars which are untrue, shall be guilty of an offence and liable, on summary conviction, to a fine of three thousand dollars.

21. Register of primary producers to be maintained

(1) The Board shall maintain a register of primary producers and shall record therein the particulars supplied in accordance with section 19.

(2) Where the Board has reasonable cause to believe that a person whose particulars are so recorded has ceased to be a primary producer it may, after giving that person written notification by registered post of its intention to do so, remove the relevant particulars from the register.

(3) The register shall be *prima facie* proof of the fact that a person is or is not a registered producer.

22. Appeals

Any person aggrieved by a decision of the Board or of an agent of the Board may, within one month after having been notified of such decision, appeal to the Minister whose decision shall be final.

23. Act additional to public health laws

The provisions of this Act and regulations made thereunder shall be in addition to, and not in derogation of, the provisions of written laws relating to public health.