ARRANGEMENT OF SECTIONS

CHAPTER 111

FOOD AND NUTRITION COUNCIL ACT

An Act to provide for the establishment and functions of the Grenada Food and Nutrition Council.

[Act No. 32 of 1980 amended by Act No. 5 of 2008.]

[18*th July*, 1980.]

1. Short title

This Act may be cited as the Food and Nutrition Council Act.

2. Interpretation

In this Act—

"business plan", for a financial year, means—

(*a*)

the business plan approved under section 9A; and

(*b*)

all amendments to the business plan approved under that section, for the financial year;

“Council” means the Grenada Food and Nutrition Council established by section 3(1);

“financial year” means the financial year referred to in section 9;

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

3. Establishment of the Council

(1) There is hereby established for the purposes of this Act a body called the Grenada Food and Nutrition Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal with power to enter into contracts, and to sue and be sued in its corporate name, and the Council may for all purposes be described by such name to acquire, hold, mortgage, lease and dispose of movable and immovable property of all kinds and to do and perform such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Act.

4. Chairperson and members

The Council shall consist of a chairperson and not less than eight nor more than twelve members appointed by the Minister from time to time at his or her discretion.

5. Selection for appointments to membership

(1) Five members of the Council at least shall be appointed from among persons who to the Minister appear to be qualified by their experience and capacity in the fields of agriculture, education, finance, health, planning, social affairs, or some subject related to any of the foregoing.

(2) Three members of the Council shall be appointed as being representative of the farm workers council, the supply and distribution sector, and trade unions.

6. Executive secretary and staff

(1) There shall be an executive secretary of the Council who shall be appointed by the Council with the approval of the Minister.

(2) The Council may, with the approval of the Minister, appoint such number of staff as it considers necessary for the proper performance of its functions.

7. Functions of the Council

(1) The functions of the Council are—

(*a*)

to make recommendations for a national food and nutrition policy;

(*b*)

to develop a food and nutrition planning process;

(*c*)

to monitor food and nutrition programmes;

(*d*)

to prepare and evaluate food and nutrition projects;

(*e*)

to assist in the implementation of selected projects;

(*f*)

to assist in the establishment of food quality throughout the food chain in collaboration with other responsible agencies; and

(*g*)

to perform such other functions related to food and nutrition as the Minister may think necessary.

(2) For the purpose of carrying out its functions the Council—

(*a*)

shall have access to all relevant information relating to the planning, implementation and progress of food and nutrition programmes;

(*b*)

shall advise on budgetary allocations to such programmes;

(*c*)

shall ensure that food and nutrition policy is applied to such programmes;

(*d*)

may co-opt and mobilise resource personnel; and

(*e*)

may apply for, and receive, funding from local and external sources.

8. Funds of the Council

The funds and resources of the Council comprise of the following—

(*a*)

funds received from external sources;

(*b*)

such sums as may be provided by Parliament;

(*c*)

all other sums of money that become payable to the Council; and

(*d*)

all property that may become vested in the Council.

9. Financial year

The financial year of the Council is the twelve month period beginning on the 1st day of January and ending on the 31st day of December.

9A. Annual business plan

(1) The Board shall, not later than four months before the commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that shall contain—

(*a*)

a statement of the Council's objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;

(*b*)

a comprehensive business plan that—

(i)

shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Council for the financial year, and

(ii)

includes pro forma financial statements as required by the Minister;

(*c*)

a comparison of the pro forma financial statements with the actual financial statements for the previous financial year;

(*d*)

a statement as to how the Board proposes to measure its performance in carrying out its responsibilities in the financial year;

(*e*)

any other information required by the Minister by written notice to the Board.

(2) The Minister may, on request of the Board, extend the time for submitting a proposal for a business plan.

(3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may, after consulting with the Minister of Finance—

(*a*)

approve the proposal as submitted;

(*b*)

with the approval of the Board, amend the proposal and approve it as amended; or

(*c*)

refer the proposal back to the Board with directions that the Board take any further action with respect to it that the Minister considers appropriate.

(4) Where the Minister refers the proposal for the business plan back to the Board under subsection (3)(*c*), he or she shall provide the Board with his or her reasons for not approving it.

(5) A proposal for a business plan that is referred back to the Board under subsection (3)(*c*) must be resubmitted to the Minister as directed by the Minister and, when it is resubmitted, subsections (3) and (4) shall apply.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Board—

(*a*)

may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and

(*b*)

shall, on request of the Minister and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to a proposal submitted to the Minister under subsection (7).

9B. Board obligated to implement business plan

The Board shall—

(*a*)

in each financial year implement the business plan for that financial year; and

(*b*)

establish a mechanism for monitoring the implementation of the business plan.

9C. Accounts

(1) The Board shall—

(*a*)

keep proper books of account of its income and other receipts and expenditures; and

(*b*)

ensure that—

(i)

all money received is promptly and properly brought to account,

(ii)

all payments out of its money are correctly made and properly authorised, and

(iii)

adequate control is maintained over its property and over the incurring of liabilities by the Council.

(2) The books of account kept under subsection (1) shall—

(*a*)

be sufficient to record and explain the Council's transactions;

(*b*)

enable the Council's financial position to be determined with reasonable accuracy at any time; and

(*c*)

be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Board shall cause to be prepared—

(*a*)

the following financial statements together with proper and adequate explanatory notes—

(i)

a statement of the assets and liabilities of the Council at the end of the financial year,

(ii)

a statement of the revenue and expenditure of the Council during the financial year,

(iii)

such other financial statements for the financial year as may be specified in writing by the Minister; and

(*b*)

an annual report of the Council on the implementation of the business plan and such other matters as the Board considers advisable or the Minister directs

9D. Audit by Director of Audit and report to the House of Representatives

(1) Not later than three months after receipt of the financial statements and annual report from the Board, the Director of Audit shall audit the financial statements in accordance with the Audit Act, Chapter 22A.

(2) Without delay, after the completion of his or her audit of the Council, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the responsible Minister, the Minister of Finance and the Board.

(3) The Minister of Finance shall, not later than seven days after the House of Representatives first meets after he or she has received the report together with the financial statements and annual report of the Council, lay it before the House of Representatives.

(4) If the Minister of Finance fails to lay the report together with the financial statements and the annual report of the Council before the House of Representatives in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Representatives.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Council have been laid before the House of Representatives, the Board shall cause the report, the financial statements and the annual report of the Council to be published in the *Gazette*.

10. Regulations

The Council may make regulations concerning the organisation and administration of its affairs, property and income, but such regulations shall not come into operation unless they have been approved by the Minister and published in the *Gazette*