



SAINT VINCENT.

No. 23 of 1951.

I Assent,

[L.S.]

J. M. STOW,

Governor's Deputy.

21st June, 1951.

AN ORDINANCE to ensure that owners and occupiers of agricultural land fulfil their responsibilities to the community by managing their land in such a manner as to prevent erosion and ruination of the soil.

[On Proclamation.]

Enacted by the Governor with the advice and consent of the Legislative Council of Saint Vincent.

1. This Ordinance may be cited as the Agriculture Ordinance, 1951, and shall come into operation on such date as the Governor may appoint by proclamation published in the Gazette.

Short title and commencement.

2. In this Ordinance the expression—

Interpretation.

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands when that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“agricultural land” means land used for agriculture, which is so used for the purposes of a trade or business.

Provided that this expression shall not extend to land used as pleasure grounds or private gardens;

"relevant circumstances" in relation to an owner or occupier includes all circumstances affecting management of farming, other than the personal circumstances of the owner.

Duties of good estate management and good husbandry.

Good estate management.

3. The provisions of this Ordinance shall have effect for the purpose of securing that owners and occupiers of agricultural land fulfil their responsibilities to the community to manage and farm the land so as to prevent erosion and ruination of the soil.

4. (1) For the purposes of this Ordinance, an owner of agricultural land shall be deemed to have fulfilled his responsibilities to the community as mentioned in the preceding section, if the management of the land by him is such, as to be reasonably adequate, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to prevent erosion and ruination of the soil.

(2) In determining whether the owner or occupier of agricultural land is fulfilling his responsibilities as aforesaid regard shall be had to the character and situation of the land and to the extent to which steps are being taken—

- (a) to terrace sloping land under cultivation,
- (b) to prevent or check the formation of gullies,
- (c) to prevent surface water from causing erosion on adjoining land,
- (d) to protect water courses or public roads,
- (e) to preserve forest and vegetation on ridges and steep slopes,
- (f) to control, or where necessary prevent, the grazing of animals on steep slopes.

Power of Superintendent of Agriculture to supervise management and farming.

5. (1) Where the Superintendent of Agriculture (hereafter in this Ordinance referred to as "the Superintendent") is satisfied that the owner or occupier of any agricultural land is not fulfilling his responsibilities as aforesaid, the Superintendent may apply to the Governor in Council to make an order (hereafter referred to as a "Supervision order") placing the owner or occupier of the said land under the supervision of the Superintendent in so far as it relates to the management and farming of the land in question.

(2) Before a supervision order is made in pursuance of the preceding subsection the Governor in Council shall afford the owner or occupier of the said land an opportunity of being heard in opposition to the Superintendent's application, and for this purpose shall appoint an Agricultural Area Committee to examine the said application and shall inform the owner or occupier accordingly.

2.

(3) If an owner or occupier does not appear at the time and place fixed for the hearing of the application, or on any adjournment thereof granted by the Agricultural Area Committee, the Committee may on proof of service of a summons or notice on him requiring his attendance hear the application in his absence.

6. (1) While a supervision order is in force, the Superintendent or any of his officers authorised by him in writing in that behalf may at all reasonable times enter upon the land to which the order relates, for the purpose of inspecting the land in which it is being managed and farmed.

Duties and powers of Superintendent of Agriculture under supervision order.

(2) Where a supervision order is in force and the Governor in Council is satisfied, that by reason of the standard of management and husbandry, as the case may be, attained by the person to whom it relates is no longer necessary, that the order should continue in force, the Governor in Council shall revoke the order: Provided that the revocation of an order shall not affect any direction given thereunder in so far as it is in force immediately before the revocation of the order.

(3) Forthwith after the making of a supervision order the Governor shall cause a copy of the said order to be served upon the person to whom it relates; and forthwith after the revocation of such an order the Governor shall cause notice of such revocation to be served upon the person to whom it relates.

7. Where a supervision order is in force in respect of an owner or occupier any disposition of land to which the order relates, whereby some other person becomes the owner or occupier of that land, shall not affect the continued operation of the supervision order and the said order shall continue in force so far as it relates to that land as if it had been made so as to relate to the new owner or occupier, as the case may be, as well as to the former owner or occupier.

Supervision order affected by change of owner or occupier.

8 (1) Where a supervision order is in force, the Superintendent shall by notice in writing served on the person to whom the order relates give to that person such directions as he is satisfied are required to secure that the said person fulfils his responsibilities to manage and farm the land so as to avoid erosion and ruination of the soil.

Directions to secure good management of land and to avoid soil erosion.

(2) Such directions may impose requirements, restrictions or prohibitions as to the carrying out of work and as to the manner in which the land is to be used.

(3) If any person to whom a direction is given under this section, contravenes or fails to comply with the direction, he shall be liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment with or without hard labour for a period not exceeding three months.

(4) Without prejudice to the bringing of proceedings under the last foregoing subsection, where a direction under this section to carry out any work is not complied with, any person authorised by the Superintendent in that behalf may enter upon the land to which the direction relates and carry out the work required by the direction, and the reasonable cost of carrying out such work shall be recoverable from the person to whom the direction was given.

(5) Any person who obstructs a person acting in the exercise of powers conferred by subsection (4) of this section, shall be liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment for a period not exceeding three months.

(6) Where a direction under this section provides for the doing of anything within a specified time and (whether before or after the expiration of the said time) the Superintendent is satisfied that it is reasonable that the said time should be extended, he may extend it accordingly.

Reference of
notice to Area
Committee.

9. (1) Any person upon whom a notice is served under the provisions of the preceding section may within twenty-one days of the service of such notice request the Superintendent to refer his case to an Agricultural Area Committee who shall decide whether the notice shall stand or be modified or cancelled.

(2) Upon the receipt of this request the Superintendent shall inform the Governor thereof and the Governor shall appoint an Agricultural Area Committee to hear such person and shall inform him of the appointment of the said Committee.

Agricultural
areas
Agricultural
Area
Committees.

10. (1) The Governor shall for the purpose of carrying into effect the provisions of this Ordinance—

- (a) divide the Colony into agricultural areas;
- (b) appoint a panel of persons not exceeding fourteen including the Magistrates of the Colony who shall be ex officio members thereof, from which panel the members of Agricultural Area Committees shall be selected;
- (c) appoint Agricultural Area Committees on such occasions as may be necessary under sections 5 and 9 of this Ordinance, and
- (d) appoint a Central Agricultural Committee in the manner hereinafter provided

(2) The persons appointed under paragraph (b) of the preceding subsection, other than the Magistrates of the Colony, shall not be Government employees, and shall possess some reasonable experience in and a practical working knowledge of agriculture.

11. An Agricultural Area Committee shall consist of a Chairman and two other persons, and the Magistrate of the district within whose magisterial jurisdiction the agricultural land is situate shall be chairman of the Committee: Provided that the Governor may in his discretion appoint some other Magistrate to be Chairman of the Committee.

Constitution of
Agricultural
Area
Committees.

12. (1) An Agricultural Area Committee appointed under this Ordinance shall have all such powers, rights and privileges as are vested in a Magistrate under the Magistrates Ordinance on the occasion of any hearing, in respect of the following matters—

Powers of
Agricultural
Area
Committees.
Cap. 12.

- (a) enforcing the attendance of witnesses and examining them on oath, or affirmation;
- (b) issuing summonses under the hand of the Chairman;
- (c) authorising the representation before them of any person appearing to them to be interested by counsel, or solicitor, or otherwise if they consider that any injustice would ensue if that person were not so represented.

(2) The procedure at a hearing before an Agricultural Area Committee, the remuneration of witnesses for attendance thereat and all questions incidental to the hearing shall be in accordance with the practice and procedure of a Magistrate's Court in civil proceedings in so far as the same are applicable.

13. (1) The Governor shall appoint a Central Agricultural Committee which shall have power to review any decision of an Agricultural Area Committee given under sections 5 and 9 of this Ordinance at the request either of the Superintendent or of the owner or occupier of the land affected by such decision. The review shall be by way of re-hearing and for this purpose the Central Agricultural Committee shall have the same powers as are conferred on an Agricultural Area Committee by the preceding section.

(2) The Committee shall consist of five persons qualified in like manner as the members of an Agricultural Area Committee, and no Government employee may be a member thereof.

(3) A person shall not be disqualified for membership of the Central Agricultural Committee by reason only that his name is on the panel of persons from whom the Agricultural Area Committees are selected.

(4) The members of the Central Agricultural Committee shall select one of their number to be Chairman of the Committee and in his absence may appoint some other member to perform the duties of Chairman.

(5) Any three members of the Central Agricultural Committee shall form a quorum and every question before the Committee shall be decided by a majority of the votes of the members present.

**Maintenance of
anti-erosion
works.**

14 (1) Where any anti-erosion works have been established by the owner or occupier of any land in pursuance of a direction issued by the Superintendent, or by any person authorised by the Superintendent on a failure to obey such direction, the owner or occupier of such land shall at all times maintain the said anti-erosion works in a fit and proper condition to the satisfaction of the Superintendent.

(2) Any person who fails to maintain the said anti-erosion works shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

**Application for
advances.**

15. Where any person is required, under the provisions of section 8 of this Ordinance, to do any act or thing which may involve him in the expenditure of any money, he may, subject to the provisions of any Regulation made under the provisions of section 20 of this Ordinance, apply to the Superintendent for an advance of money to enable him to do such act or thing, and the Superintendent in making the advance shall state the terms and conditions under which the advance is made and such advance shall be recoverable in the name of the Superintendent from the owner as a civil debt.

**Source, interest
on, and
payment of
advances.**

16. Any advances under the provisions of this Ordinance shall—

- (a) be made from funds provided for the purpose by the Legislative Council of the Colony;
- (b) bear interest at such rate per annum as the Governor in Council may, from time to time determine,
- (c) be repaid in equal yearly instalments of capital and interest within such period, not exceeding thirty years, as may be agreed upon between the applicant and the Superintendent:

Provided that nothing in this paragraph contained shall preclude any person from repaying any balance due from him to the Superintendent at any time before the expiration of the period so agreed upon.

**Advance to be
charge on land.**

17. All moneys advanced under the provisions of this Ordinance, together with any interest thereon and all charges incidental thereto and to the repayment thereof, shall be a charge upon the land in respect of which the advance or payment has been made: Provided that—

- (a) Where the Superintendent proposes to make an advance on land which is subject to a statutory or contractual mortgage or charge, or,

(b) where the Superintendent proposes to make an advance on land which is the subject of a lease, and the lessee (not being a lessee from the Crown) is in possession, the Superintendent shall in writing advise the mortgagee or chargee or lessor, as the case may be, who shall, if he objects to the making of the advance, be given an opportunity of being heard by the Superintendent before the advance is made.

18. (1) As soon as possible after an advance has been approved by the Superintendent, the Superintendent shall prepare a notification in the form in the Schedule hereto and shall sign and forward the same to be registered by the Registrar without charge under the provisions of the Registration of Documents Ordinance, 1937. Such notification shall be certified by the Registrar to the effect that the land in question is or is not, subject to any registered charge or lease as the case may be.

Registration of advances.

No. 30 of 1937.

(2) As soon as such notification has been certified and registered by the Registrar he shall inform the Superintendent who shall pay the advance to the owner in accordance with the terms contained in such notification.

19. Where a lessee holding land under a lease from any other person has, in complying with any order or direction issued under the provisions of this Ordinance, done at his own expense any work on such land, such lessee shall be entitled at the termination of his lease to obtain from the lessor as compensation such sum as fairly represents the residuary value of such work to the lessor.

Right of a lessee to compensation for work done.

20. The Governor in Council may make Regulations governing the making of advances under the provisions of this Ordinance and without prejudice to the generality of the foregoing, for all or any of the following purposes—

Power to make Regulations.

- (a) prescribing the manner in which applications for advances shall be made;
- (b) prescribing the purposes for, and the terms and conditions on which, advances may be made;
- (c) prescribing the maximum amount of, and the rate of interest to be charged on advances;
- (d) appointing an advisory board or boards to consider and report upon, and to make recommendations in regard to, applications for advances under this Ordinance;
- (e) carrying into effect the provisions of this Ordinance.

21 (1) Any notice or other document required or authorised by or under this Ordinance to be given or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or where this is not known, his last known address, or sent to him by post in a registered letter.

Service of notices.

No. .

Agriculture.

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(2) Any such document required as authorised to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body at the registered or principal office of the company or body.

(3) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing to him by the description of the person having that interest in land (naming it) and delivering the document to some responsible person on the land, or by affixing it, or a copy of it, to some conspicuous object on the land.

SCHEDULE.

NOTIFICATION OF ADVANCE.

Made under section 18 of the Agriculture Ordinance, 1951.

- (a) Name and address of Applicant.....
- (b) Name, extent, description and boundaries of land against which advance is made
- (c) Amount of advance
- (d) Date of repayment or dates and amounts of instalments of repayment

.....
Signature of Applicant.

- (e) Approved
Signature of Superintendent.

- (f) The above-mentioned land is + *subject to the following registered charge or lease*

+ *not subject to any registered charge or lease*

.....
Registrar.

- (g) + Advance made this day of 19
 + First Instalment

.....
Superintendent.

+ Delete if not applicable.

Passed the Legislative Council this 8th day of June 1951.

HENRY H. WILLIAMS,
Acting Clerk of Legislative Council.

(B 33/1949.)

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