

## **CHAPTER 81**

### **THE CENTRAL MARKETING CORPORATION ACT**

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## CENTRAL MARKETING CORPORATION

(1st March, 1974.)

14/1973.  
19/1976.

1. This Act may be cited as the Central Marketing Corporation Act. **Short title.**

## PRELIMINARY

2. In this Act—

**Interpretation.**

"accountant" means the person appointed as accountant under the provisions of section 18;

"agent" means any agent of the Corporation and includes any Government Department or Division acting for or on behalf of the Corporation;

"Corporation" means the Central Marketing Corporation established under section 3;

"export" means export from Antigua and Barbuda and the expressions "exporter" and "exportation" shall be construed accordingly;

"financial year" means such period of twelve months as the Corporation with the approval of the Minister may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as may be fixed by the Corporation with the approval of the Minister;

"functions" includes powers and duties;

"Minister" means the Minister to whom responsibility for the subject of agriculture has been assigned;

"produce" means fruit, vegetables and any farm produce or foodstuffs cultivated above or beneath the soil and includes livestock, poultry, fish and the produce of any animal, but does not include cotton;

"producer" includes the grower, breeder or rearer of any produce in Antigua and Barbuda or any person who has the right to dispose of such produce,

the right having been acquired otherwise than by purchase of the produce;

“public officer” shall have the meaning assigned to it by the Constitution.

## PART I

### *The Corporation*

**Establishment and Constitution of Central Marketing Corporation.**

**3.** (1) There is hereby established a body to be called the Central Marketing Corporation which shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Act.

**Schedule.**

(2) The provisions of the Schedule shall have effect as to the constitution, members, committees, procedure and meetings of the Corporation and otherwise in relation thereto.

(3) The seal of the Corporation shall be authenticated in the manner prescribed in the Schedule and shall be judicially and officially noticed.

**Power of Corporation to delegate.**

**4.** Subject to the provisions of this Act, the Corporation may delegate to any member or committee of the Corporation the power and authority to carry out on its behalf such functions as the Corporation may determine.

**Duties of the Corporation.**

**5.** It shall be the duty of the Corporation—

(a) to stimulate, facilitate and improve the production, marketing and processing of produce in Antigua and Barbuda, particularly for the benefit of the producer;

(b) to develop and carry out a co-ordinated programme with the view of securing the most favourable arrangements for the purchase, handling, distribution, transportation, storage, processing, exportation, shipping, marketing and sale of produce whether in Antigua and Barbuda or out of Antigua and Barbuda and to operate and maintain services necessary or incidental thereto;

(c) upon being required so to do by the Minister, to make recommendations on any matter directly or indirectly relating to the production and marketing of produce;

(d) to collect, analyse and disseminate statistical data on agricultural production, particularly horticultural crops and livestock numbers by obtaining basis data on acreage, yield, production and livestock numbers, and to do so initially in collaboration with the Ministry responsible for agriculture with the assistance whenever possible of samples;

(e) to assist and advise producers in the selection of commodities and their delivery to the market in order to regulate market supplies and to avoid marketing gluts with a consequent sudden drop in prices;

(f) to give, when necessary, in collaboration with the Ministry responsible for agriculture, practical demonstrations to producers in the timing of harvesting fruits and vegetables, and in the preparation and packing of fruits and vegetables for the market;

(g) to supply to producers necessary means of production such as seeds, fertilizers and insecticides; and

(h) generally to carry out the provisions of this Act.

**6.** (1) In the discharge of its functions the Corporation may arrange for its duties to be carried out either by the Corporation directly through its own officers, servants and employees, or indirectly through persons with whom the Corporation has entered into contract; and for that purpose the Corporation may, with the prior consent in writing of the Minister, lease any lands, buildings, facilities or equipment.

**Powers of Corporation.**

(2) Subject to the provisions of this Act, the Corporation may carry on all activities the carrying on of which appears to it to be necessary, advantageous, or convenient for or in connection with the proper discharge of its duties under this Act, and in particular, without prejudice to the generality of the foregoing, shall have power:—

(a) to buy and sell produce;

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- (b) to import and export produce;
  - (c) to fix and determine the grading of produce;
  - (d) to establish and operate depots and agencies for the purchase, delivery, grading and sale of produce;
  - (e) to enter into contracts for the transport of produce or of such other commodities as may facilitate the operations of producers;
  - (f) to enter into contracts for the purchase and sale of produce upon such terms and conditions as the Corporation may think fit;
  - (g) to establish itinerant systems for the purchase and sale of produce;
  - (h) to establish and operate facilities for preparing and processing any produce;
  - (i) to establish and operate facilities for cold storage or any other form of storage for produce;
  - (j) to act as commission agents for the disposal of the produce of any producer or co-operative society;
  - (k) to purchase, transport, store, insure, handle and sell packaging material in such quantities and at such prices as the Corporation may from time to time determine;
  - (l) to issue licences for the exportation of any article of produce approved by the Minister.

**Policy directions.**

**7.** The Minister may give to the Corporation directions of a general character as to the policy to be followed in the performance of its functions in relation to matters appearing to him to concern the public interest, and the Corporation shall give effect to all such directions.

**Appointment as Agent.**

**8.** The Corporation may be appointed to be an agent of the Government or any person.

## PART II

*Financial Provisions*

**9.** The funds and resources of the Corporation shall consist of— **Funds and resources of the Corporation.**

(a) such sums as may be granted to the Corporation from time to time by the Legislature;

(b) such sums as may from time to time accrue from the operations of the Corporation;

(c) such sums as may from time to time be borrowed by the Corporation for the purpose of meeting any of its obligations or discharging any of its functions;

(d) such sums as may be advanced to the Corporation from time to time by the Government;

(e) monies earned or arising from any property, investments, mortgages or debentures acquired by or invested in the Corporation;

(f) all other sums or property which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its powers and duties.

**10.** (1) The Corporation may, from time to time, with the approval of the Minister responsible for finance borrow, secure or raise money by the issue of debentures or debenture stock, or other security, for all or any of the following purposes— **Power to borrow or raise capital.**

(a) the provision of working capital;

(b) the fulfilling of the functions of the Corporation under this Act;

(c) the provision of capital for the expansion of and additions to, its fixed assets;

(d) the redemption of any debenture or debenture stock or other security that the Corporation is required or entitled to redeem;

(e) any other expenditure properly chargeable to capital account.

(2) The Corporation may, from time to time, borrow by way of overdraft or otherwise for periods not exceeding one year such sums as the Corporation may require for meeting its obligations and discharging its functions under this Act.

Power to borrow  
from  
Government.

**11.** (1) The Corporation may with the approval of the Minister responsible for finance, from time to time, borrow by way of advances from the Government such sums as may be necessary for carrying out its functions under this Act.

(2) For the purpose of making approved advances to the Corporation under this section, the Minister responsible for finance may authorise advances out of the proceeds of any loan raised for the purpose or out of the reserve fund, revenues or surplus balances of Antigua and Barbuda.

(3) Pending the raising of any such loan, the Minister responsible for finance by warrant under his hand may authorise the Accountant-General to make advances out of the revenues of Antigua and Barbuda to the Corporation in such sums and on such terms and conditions as the Minister responsible for finance may think fit for the purposes authorised by this Act.

(4) The repayment of any such advances and the payment of interest thereon shall be made by the Corporation in like manner and on like conditions as borrowings by the Corporation subject to any special terms and conditions which may be stipulated with respect to any such advance by the Minister responsible for finance upon the making thereof.

Application of  
funds of  
Corporation.

**12.** (1) The funds of the Corporation shall be applied towards—

(a) meeting the obligations and discharging any of the functions of the Corporation under this Act and any matter incidental thereto;

(b) the creation of a reserve fund of such an amount as the Corporation deems expedient.



(2) Any sums outstanding to the credit of the reserve fund provided for under subsection (1) that is not immediately required to be expended in the meeting of any obligation or the discharge of any functions of the Corporation may, from time to time, be invested in securities approved either generally or specifically by the Minister responsible for finance; and the Corporation may, from time to time, with the like approval sell all or any of such securities.

**13.** (1) All decisions, orders, rules and regulations relating to the financial operations of the Corporation and authorised by this Act shall be made by resolution of the Corporation at a meeting thereof and shall be recorded in the minutes of the Corporation.

**Accounting of Corporation.**

(2) The Corporation shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement in respect of each financial year.

(3) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Corporation.

(4) The Corporation shall, before the commencement of each financial year, submit to the Minister responsible for finance for the information of the Parliament a copy of its income and expenditure budget, in relation to such year. The Minister responsible for finance shall cause copies of such budget to be laid on the table of both chambers of the Legislature.

(5) After the end of each financial year, the Corporation shall, as soon as the accounts of the Corporation have been audited, cause a copy of the statement of accounts to be transmitted to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Corporation. The Minister responsible for finance shall cause a copy of every statement and report to be laid on the table of both chambers of the Legislature.

(6) Notwithstanding any power of the Corporation conferred by this Act, where the Corporation intends to embark upon any programme for expanding its facilities and services that will involve borrowing moneys upon the credit

of Antigua and Barbuda or that will require a longer period than one year to complete, the Corporation shall obtain the approval of the Minister responsible for finance thereto before incurring any liability in respect thereof.

**Cash deposits  
and payments.**

**14.** (1) All monies of the Corporation accruing from its operations under this Act shall be paid into some bank or banks appointed by resolution of the Corporation, and such monies shall, as far as practicable be paid into the bank from day to day, except such sum as the accountant may be authorised by rules made under section 15 to retain in his hands to meet petty disbursements for immediate payments.

(2) All payments out of the funds of the Corporation except petty disbursements not exceeding a sum to be fixed by rules made under section 15, shall be made by the accountant, or on his behalf by any other officer appointed by the Corporation, in accordance with any such rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account shall be signed by the accountant and countersigned by the chairman of the Corporation or any member of the Corporation or any officer of the Corporation appointed by resolution of the Corporation for the purpose, and any such resolution shall be certified by the chairman and forwarded to the bank or banks concerned.

**Rules.**

**15.** The Corporation shall by resolution make rules in respect of the following matters—

(a) the manner in which and the officers by whom payments are to be approved;

(b) the bank or banks into which the monies of the Corporation are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;

(c) the appointment of a member of the Corporation or an officer of the Corporation to countersign cheques on behalf of the chairman or in the absence of the chairman;

(d) the sum to be retained by the accountant to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;

(e) the method to be adopted in making payments out of the funds of the Corporation; and

(f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finance of the Corporation.

**16.** (1) The Corporation shall prepare and present to the Minister three months after the expiration of each financial year of the Corporation a report— **Annual Report and Estimates.**

(a) dealing generally with the activities of the Corporation during its last preceding financial year;

(b) containing such information relating to the proceedings and policy of the Corporation as in its opinion can be made public without detriment to the interest of the Corporation; and

(c) containing a statement of its accounts audited in accordance with the provisions of section 13.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the Auditor's report thereon to be laid on the Tables of both chambers of the Legislature.

(3) Copies of the Corporation's report together with the annual statement of accounts and the auditor's report on that statement or on the accounts of the Corporation shall be published in such manner as the Minister may direct.

(4) The Corporation shall, not less than three months (or such shorter period as the Minister may in any particular case allow) before the expiration of each financial year submit to the Minister for approval its estimates of revenue and expenditure in respect of its next succeeding financial year.

**17.** (1) Notwithstanding anything in any other Act contained, all plant, machinery, appliances, apparatus, equipment and other materials imported by the Corporation for **Exemption from Customs Duty, Consumption Tax and Income Tax.**

the purpose of carrying out its functions under this Act shall be free of all customs duty and consumption tax whatsoever.

Cap. 212.

(2) Notwithstanding anything contained in the Income Tax Act, the income of the Corporation shall be wholly exempt from payment of income tax.

### PART III

#### *Staff*

Appointment of employees and establishment and maintenance of superannuation schemes.

**18.** (1) Subject to the provisions of this Act, the Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Manager, a Secretary, an accountant and such other employees as may be necessary and proper for the due and efficient administration, management and performance by the Corporation of its functions under this Act.

(2) The Corporation may, with the approval of and subject to such terms and conditions as may be imposed by the Governor-General, provide for the establishment and maintenance of a Pension Scheme or a Provident Fund Scheme for the benefit of employees of the Corporation, and in every such scheme different provisions may be made for different classes of employees.

Payments by Corporation to Government in respect of emoluments and pensions, etc.,

**19.** (1) The emoluments of any public officer who is in the service of the Corporation shall, at the end of every month after the commencement of this Act, be paid into the Consolidated Fund by the Corporation for the benefit of such public officers.

Cap. 408.

(2) The sums payable as contributions by Government under the Social Security Act in respect of such public officers shall at the end of every month after the commencement of this Act be paid into the Consolidated Fund by the Corporation and such sums shall be paid by the Government into the Social Security Fund established under the Social Security Act.

(3) The Corporation shall, within three months after the end of each financial year, pay to the Government in

respect of such public officers as a contribution to the pension and other rights of such public officers under the Pensions Act such sum or sums of money as would have been due by Government in respect of the accruing pension and other rights of such public officers under the Pensions Act had such public officers not been in the service of the Corporation. Cap. 311.

(4) In the event of the winding up or dissolution of the Corporation any sums of money due under subsection (1), (2) or (3) shall rank as preferred debts.

#### PART IV

##### *Miscellaneous*

**20.** (1) The Corporation may, with the approval of the Minister, make regulations for the carrying out of the purposes of this Act, and without limiting the generality of the foregoing may make regulations— Regulations.

(a) establishing agricultural marketing schemes for one or more categories of produce;

(b) fixing in respect of each category of produce wholesale and retail prices;

(c) determining the basis on which commissions are to be payable to the Corporation;

(d) providing for the licensing and registration of producers and wholesale buyers of produce;

(e) prescribing the standard to which items of produce must conform in order to be deemed to be marketable, and the inspection and grading according to its quality of produce intended for export;

(f) prohibiting the sale or export of produce without inspection and grading and of any produce of inferior quality;

(g) requiring registered producers to keep records and where required, to furnish returns of all produce sold by them, and of the price of all produce sold by them;

(h) providing for the general control of the handling and export of any produce;

(i) providing for the issue of licences to export produce, and to prescribe fees to be paid to the Corporation for the issue of such licences; and for cancellation and refusal of such licences;

(j) providing for the regulation of the importation of produce;

(k) providing for the regulation of sales of produce cultivated in Antigua and Barbuda;

(l) prescribing the fees to be paid for any matter or thing done under any Regulations made under this section and the disposition of such fees.

(2) Regulations made under subsection (1) may provide that any breach or contravention of any regulation shall be punishable on summary conviction by the imposition of a fine not exceeding seven hundred and fifty dollars.

## SCHEDULE

### Constitution of the Corporation.

1. The Corporation shall consist of the following members—

(a) An officer attached to the Ministry responsible for agriculture, nominated by the Minister;

(b) an officer attached to the Ministry responsible for finance nominated by the Minister responsible for finance;

(c) an officer attached to the Ministry responsible for health nominated by the Minister responsible for health;

(d) two members nominated by the Minister responsible for Barbuda;

(e) one member representative of farmers engaged in the cultivation of small agricultural farms or holdings selected by the Minister;

(f) one member representative of the business community who shall be a wholesaler or retailer of produce; and

(g) four other members.

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- 2.** The members of the Corporation shall be appointed by the Minister by instrument in writing and, subject to the provisions of this Schedule, shall hold office for such period not exceeding two years as the Minister may direct at the time of appointment but any member shall be eligible for re-appointment. **Appointment of members.**
- 3.** A person shall be disqualified from being appointed or being a member of the Corporation as long as he is a member of Parliament. **Disqualification.**
- 4.** The Minister shall from among the members of the Corporation appoint a Chairman of the Corporation and a deputy Chairman of the Corporation. **Chairman.**
- 5.** The Minister may grant to any member of the Corporation leave of absence in respect of his duties as a member of the Corporation. **Leave of absence.**
- 6.** If any member of the Corporation is by reason of illness or any other cause temporarily unable to perform his functions as a member of the Corporation, the Minister may appoint any person to act in his stead during the period of such illness or inability. **Acting members.**
- 7.** (1) Any member of the Corporation, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman; and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Corporation. **Resignations.**
- (2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt by the Minister of such instrument.
- 8.** The Minister may at any time revoke the appointment of any member of the Corporation if he thinks it expedient so to do. **Revocation of appointments.**
- 9.** (1) The names of all members of the Corporation as first constituted and the appointment of any person as a member of the Corporation shall be published in the *Gazette*. **Gazetting of appointments and termination of appointments.**
- (2) The termination of office of any member of the Corporation whether by death, resignation, revocation, effluxion of time or otherwise, shall be published in the *Gazette*.

**Oaths.**

**10.** A member of the Corporation shall not enter upon the duties of his office unless he has taken and subscribed an oath before a Magistrate or a Justice of the Peace that he will faithfully and to the best of his ability, discharge the trust and perform the duties devolving upon him as a member of the Corporation.

**Seal of the Corporation and signature and service.**

**11.** (1) The seal of the Corporation shall be kept in the custody of the Chairman or the deputy Chairman or the Secretary of the Corporation and may be affixed to instruments pursuant to a resolution of the Corporation and in the presence of the Chairman or deputy Chairman and of the Secretary of the Corporation.

(2) The seal of the Corporation shall be authenticated by the signature of the Chairman or deputy Chairman, and the Secretary of the Corporation.

(3) All documents other than those required by law to be under seal that are made by the Corporation and all decisions of the Corporation may be signified under the hand of the Chairman, or of any other member of the Corporation authorised to act in that behalf, and of the Secretary of the Corporation.

**Procedure and meetings.**

**12.** (1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Corporation may determine.

(2) The Chairman may at any time call a special meeting of the Corporation and shall, within seven days of the receipt of a requisition in writing addressed to him by three or more members of the Corporation representing at least three of the classes mentioned in paragraph 1 summon a special meeting of the Corporation to consider the matters contained in such requisition.

(3) The Chairman or in his absence, the deputy Chairman, shall preside at meetings of the Corporation; and where both the Chairman and the deputy Chairman are for any reason unable to preside over a meeting, the Minister may appoint another person to preside over that meeting.

(4) The Chairman, or in his absence, the deputy Chairman (or where both the Chairman and the deputy Chairman are absent, the person appointed by the Minister to preside over the meeting in pursuance of sub-paragraph (3)) and eight other members of the Corporation shall form a quorum.



(5) The decisions of the Corporation shall be by a majority of votes; and in addition to an original vote, the Chairman or the deputy Chairman or other person appointed by the Minister to preside over the meeting, as the case may require, shall have a casting vote.

(6) Minutes in proper form shall be kept by the Secretary of the Corporation and shall be confirmed by the Chairman or the deputy Chairman or other person appointed by the Minister to preside over the meeting, as the case may require, as soon as practicable thereafter at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister within such period as may be prescribed by the Minister.

(7) The Corporation may co-opt any one or more persons to attend any meeting of the Corporation for the purpose of assisting or advising the Corporation, but no such co-opted person shall have any right to vote.

(8) Subject to the foregoing provisions of this Schedule the Corporation may regulate its own proceedings.

(9) The validity of the proceedings of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

**13.** (1) The Corporation may appoint a committee of the Corporation to examine and report to it on any matter whatsoever arising out of or connected with any of its functions under this Act. **Committees of the Corporation.**

(2) Any such committee shall consist of at least one member of the Corporation together with such other persons, whether members of the Corporation or not, whose assistance and advice the Corporation may desire.

(3) Where persons not being members of the Corporation, are members of a committee appointed under this paragraph, or where any person is co-opted under sub-paragraph (7) of paragraph 12, the Corporation may, with the approval of the Minister, by resolution declare the remuneration and allowance of such persons, and such sums shall properly be payable out of the funds and resources of the Corporation.

(4) The Corporation may by resolution reject the report of any such committee or adopt it either wholly or with such modifications as the Corporation may think fit.

**Disclosure of interest.**

**14.** A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation—

(a) shall disclose the nature of his interest at a meeting of the Corporation; and

(b) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

**Protection of members.**

**15.** (1) No member of the Corporation shall be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operation of the Corporation.

(2) Where any member of the Corporation is exempt from liability by reason only of the provisions of this paragraph, the Corporation shall be liable to the extent that it would be if the member was a servant or agent of the Corporation.

**Remuneration of members.**

**16.** There shall be paid from the funds of the Corporation to the Chairman, the deputy Chairman, and other members of the Corporation such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

**Principal office.**

**17.** (1) The Corporation shall have its principal or head office in the City of Saint John's.

(2) The Corporation may establish branch offices in any part of Antigua and Barbuda.

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