



**BELIZE**

**BANANA INDUSTRY ACT  
CHAPTER 205**

**REVISED EDITION 2000**  
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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**ARRANGEMENT OF SECTIONS**

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**BANANA INDUSTRY ACT**

5

Amendments in force as at 31st December, 2000.



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**BANANA INDUSTRY**

**ARRANGEMENT OF SECTIONS**

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## **CHAPTER 205**

### **BANANA INDUSTRY**

CAP. 168,  
R.E. 1980-1990.  
17 of 1972.  
19 of 1972.  
21 of 1987.  
22 of 1987.

[2nd December, 1972]

1. This Act may be cited as the Banana Industry Act. Short title.
2. In this Act, unless the context requires- Interpretation  
  
"Association" means the Banana Growers' Association established under section 21;  
  
"banana" means the whole or any part of the fruit or plant of genus *musa*;  
  
"banana plantations" include any land whereon bananas are grown or cultivated;

“Board” means the Banana Control Board established under section 3;

“Committee” means the Committee of Management of the Banana Growers’ Association established under section 21;

“designated area” means any area declared to be such an area by the Minister under section 13;

“inspector” means any person appointed under section 12 and includes any assistant inspector and any person authorised in writing by the Minister to carry out any of the functions of an inspector under this Act;

21 of 1987.

“licensee” means any person licensed by the Board under section 14;

“mature” means suitable for exporting as fresh fruit;

“merchantable” means wholesome and free from decay, mould, and insect contamination;

“Minister” means the Minister for the time being charged with responsibility for the Banana Industry and includes any person by name or by an office authorised in writing by the Minister to carry out any of his functions under this Act;

“producer” means any grower of bananas who is licensed by the Committee under section 38;

“regulations” means any regulations made by the Minister under section 19;

“year of operation” means the period from 1st July in one year to 30th June in the following year or such other yearly accounting period as the Association may from time to time adopt in general meeting.

Establishment  
of the Board.  
19 of 1973.

3.-(1) There is hereby established a Board to be called the Banana Control Board which shall be a body corporate with perpetual succession and a common seal and shall have capacity to purchase, take, hold and dispose of land and other property of whatever kind, to enter into contracts, to sue and be

sued in the said name and to do all things necessary for the purposes of this Act.

(2) The seal of the Board shall be affixed to any instrument in the presence of the Chairman and shall be authenticated by the joint signature of one director of the Board and of the secretary. A seal shall not be affixed except by the authority of a resolution of the Board.

(3) The seal of the Board shall be kept in the custody of the secretary.

4. The purposes of the Board shall be-

Purposes of  
the Board.  
19 of 1973.

- (a) to promote, foster and encourage the development of the banana industry and the export of bananas;
- (b) to promote the interests and efficiency of the banana industry by regulating and controlling production, marketing and exporting of bananas;
- (c) to engage in the production of bananas alone or in association with others;
- (d) to purchase, sell or export bananas alone or in association with others;
- (e) to supply finance alone or in association with others for the development of the banana industry;
- (f) to borrow money for the purposes of fulfilling its functions;
- (g) to acquire, develop, improve land alone or in association with others for production of bananas;
- (h) with the sanction of the Minister, to engage in any other activities not specified herein which are conducive to the development of the banana industry.

Fulfilling of  
functions and  
purposes.  
19 of 1973.

5. For the purpose of fulfilling its functions and purposes under this Act, the Board may-

- (a) entertain and deal with applications for licences to cultivate bananas in designated areas;
- (b) give directions in writing to the Association and the Association shall comply with such directions;
- (c) provide finance in the form of loans;
- (d) guarantee loans from other sources;
- (e) borrow funds for the purposes of the business of the Board from sources either in Belize or abroad and give security for any loans obtained;
- (f) furnish managerial, technical and administrative advice and assist in obtaining managerial, technical and administrative services for the banana industry;
- (g) acquire, hold, take or give on loan or hire, mortgage, pledge and sell or otherwise dispose of any immovable or movable property;
- (h) open deposit accounts with any bank or financial institution;
- (i) make appropriate provision for the welfare of employees of the Board and of their dependants;
- (j) give any guarantee or indemnity to, and enter into any arrangements with, the Government, any local authority, or any body corporate or other person, in order to obtain any rights, concessions and privileges that may seem to the Board to be conducive to any object of the Board; and
- (k) do all such other things as are incidental or conducive to the attainment of its purposes.

Constitution  
of the Board.  
19 of 1973.

6.-(1) The Board shall consist of not more than seven persons appointed by

the Minister, of whom at least four shall be persons not holding office of emoluments in the Public Service.

(2) Of the seven members, two shall be appointed after consultation with the Association, one after consultation with the Minister responsible for Industry, and one after consultation with the Minister responsible for Finance.

(3) The Minister shall appoint one member to be the Chairman. In his absence the members present shall elect one of their members to preside at the meeting.

(4) The Minister may appoint another person to act as a member of the Board in place of a member who is temporarily absent or unable to act as such.

(5) The representatives of the Association shall hold office as members until any successors have been elected.

(6) A member of the Board appointed by the Minister shall hold office for such period not exceeding three years as may be prescribed by the Minister at the time of the appointment of the members but may be reappointed.

(7) A member who is not holding office of emoluments in the Public Service may resign his post by giving the Minister, through the Chairman, written notice of resignation. The Chairman may resign his post by giving a written notice of resignation to the Minister.

(8) No member of the National Assembly shall be a member.

(9) The names of the members appointed to the Board and every change and new appointment shall be published in the *Gazette*.

(10) The Board may act by any five of its members and may so act notwithstanding any vacancy in the number of members constituting the Board, and shall have the power to regulate its procedure.

7.-(1) The Board members shall administer, supervise and control the affairs and business of the Board subject to any directions of a general character given by the Minister as to the policy to be followed by the Board in the exercise of performance of its functions.

Duties.  
19 of 1973.

(2) No payment out of the funds of the Board shall be made unless it has been authorised by writing authenticated by the joint signatures of the Chairman or one member authorised to act in that behalf and of the secretary:

Provided that the officers of the Board who are specifically authorised by the Board may effect petty disbursements or immediate payments out of the funds they may be permitted by the Board to hold from time to time.

(3) The Board shall ensure that bananas are grown in accordance with its established regulations and directions.

(4) The Board shall furnish the Minister with such returns, accounts and information as he may require with respect to the property, transactions and activities of the Board, and shall afford him or his duly accredited representative all facilities for verification thereof.

Accounts  
and audit.  
19 of 1973.

8.-(1) The Board shall keep proper accounts of all its financial transactions, of assets and liabilities, and a complete record of all other matters relating to its finances and shall prepare annually a statement of accounts in a manner satisfactory to the Minister and in conformity with sound commercial practice.

(2) The accounts of the Board shall be audited annually by an auditor or auditors appointed by the Minister.

(3) The auditor of the Board shall be supplied with a copy of the annual balance sheet of the Board, and it shall be his duty to examine the balance sheet together with accounts and vouchers of the Board and shall be entitled to inquire from the members and the officers of the Board such information and explanation as may be necessary for the performance of his duties.

(4) The auditor of the Board may, if he so desires, make a continuous audit of the accounts of the Board.

(5) The auditor of the Board shall make a written report upon the annual balance sheet and accounts of the Board.

(6) Copies of the report of the auditor shall be transmitted by him to the Board and to the Minister.

(7) Notwithstanding anything contained in this section, the Minister may in his discretion, at any time require the Auditor General to examine the

report on the accounts as well as the accounts of the Board, in which event the Board shall afford the Auditor General with all facilities for examination as he may require.

(8) All the expenses incurred for the purpose of auditing shall be paid out of the funds of the Board.

9.-(1) The Board shall prepare an annual report of its activities as soon as may be after the close of each financial year. Annual Report.  
19 of 1973.

(2) The annual report shall be submitted to the Minister not later than four months after the close of the Board's financial year and shall be laid on the table of the National Assembly.

10.-(1) The Board shall appoint a project manager and/or a secretary. Project manager,  
other officers.  
19 of 1973.

(2) The secretary shall be the principal administrative officer responsible for management and control of the business of the Board.

(3) The project manager shall be the principal technical adviser to the Board and shall generally supervise the production, harvesting, packing, transportation and shipment of bananas grown in designated areas.

(4) The Board may appoint other officers, servants and agents to carry out its functions on such terms and conditions as it thinks necessary.

11.-(1) No person shall import into or export from Belize any bananas, except in accordance with the terms and conditions of a valid licence issued to him by the Minister after consultation with the Board. Restriction on  
import, export of  
bananas.

(2) Any person who contravenes the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, and in addition to the penalty imposed, the bananas involved in export or import in contravention of these provisions shall be forfeited to the Crown and shall be disposed of as the Minister may direct.

12.-(1) The Minister may appoint an inspector and such assistant inspectors as may be necessary for the purposes of this Act. Appointment  
of inspectors.

(2) Any inspector or assistant inspector appointed under this section shall carry out and enforce the provisions of this Act and any regulations made thereunder, and for such purpose every assistant inspector shall have all rights, powers and duties of an inspector.

(3) Any person who obstructs, hinders or molests any inspector or assistant inspector in the exercise of any of his powers or duties under this Act commits an offence and shall be liable on summary conviction therefore to a fine not exceeding two hundred and fifty dollars or to imprisonment for any term not exceeding six months.

Declaration of  
designated areas.

13. The Minister may by Order declare any area of the country to be a designated area for the purposes of this Act.

Prohibition  
on planting, etc.,  
of bananas in  
designated area.

14.-(1) Subject to the provisions of this Act, no person shall plant, grow, cultivate or otherwise be responsible for bananas in any designated area except in accordance with the terms and conditions of a valid licence issued to him by the Board.

(2) A licence issued by the Board under this section shall be in the prescribed form and may contain such terms and conditions as the Board may deem fit to impose.

(3) A licence issued by the Board under this section may be revoked at any time by a notice in writing by the Board addressed to and served upon the licensee upon the breach by the licensee, his servants or agents, of any of the terms or conditions of the licence or of any of the provisions of this Act or of any regulations made thereunder.

(4) Any person who contravenes subsection (1) commits an offence and shall be liable on summary conviction therefore to a fine not exceeding three hundred dollars, or to imprisonment for any term not exceeding six months, or to both, and, in addition, any bananas grown or planted in the area shall be forfeited to the Crown.

Interim provision  
pending licence.

15.-(1) Where at the date of the commencement of the Order made under section 13 there is existing in the designated area a banana plantation, the provisions of section 14 (1) shall have effect in relation to it only after the expiration of ninety days from that date.

(2) The owner of the plantation existing in the designated area shall however within ninety days from the date of the Order apply to the Board for a licence required by section 14, and if the Board refuses to grant a licence, the owner shall destroy the plantation.

16. An inspector may at any time, upon giving reasonable notice to the licensee, enter and inspect the whole or any part of a banana plantation.

Inspector's right of entry to inspect.

17. An inspector may, by notice in writing in the prescribed form served upon a licensee, require the licensee at his own expenses or loss to carry out disinfection, treatment, destruction and disposal of any diseased or infested bananas in such manner and subject to such conditions, including stipulation as to time, as may be directed in such notice.

Notice requiring licensee to deal with disease or infestation of bananas as directed.

18.-(1) If a licensee fails to comply with any direction in any notice served upon him under section 17 or if he fails to satisfy an inspector that the measures taken are adequate, the inspector may on the expiration of any period of time, if any, stipulated in the notice within which the licensee is directed to act, enter the banana plantation and cause adequate measures to be taken.

Right of inspector to take measure in event of non-compliance with notice by licensee.

(2) The costs of any measures taken under the provisions of subsection (1) shall be paid by the licensee.

19.-(1) The Minister may, after consultation with the Board, make regulations generally for the control of the planting, growing, cultivation, harvesting, preventing and curing of infestation and disease, transportation, handling, packing, and marketing of bananas and, without prejudice to the generality of this provision, for-

Regulations.

- (a) prescribing the form of any licence, notice or any other document required to be prescribed;
- (b) regulation of areas of planting within a designated area and the acreage to be planted by the licensees;
- (c) disinfection, treatment of diseased banana plants;
- (d) destruction and disposal of banana plants not suitable for planting

or likely to infect or adversely affect other banana plants because of infestation or disease;

- (e) destruction, disposal of diseased or infested bananas or articles of any description whatever likely to infect or adversely affect other bananas;
- (f) prohibition, restriction of cultivation, harvesting, transportation of diseased or infested bananas;
- (g) disinfection, fumigation, treatment of buildings, vehicles, articles of any description suspected of harbouring disease or pests likely to affect plants or bananas;
- (h) provision of packing houses, their inspection and licensing, method of packing, issuance of certificates of competency to packers;
- (i) measures to be taken to prevent the spread of plant diseases or pests, including the quarantine of infected or infested plant area;
- (j) disinfection and treatment services and payment of fees, if any, therefor;
- (k) prohibition or restriction of transportation of bananas;
- (l) grading of bananas during packing, their inspection and certification by grading inspectors;
- (m) inspection of plantations, packing houses, vehicles used for transportation of bananas and any other thing whatsoever by inspectors to ensure compliance with this Act and the regulations made thereunder;
- (n) generally carrying into effect any of the provisions of this Act.

(2) Any person who contravenes or fails to comply with any regulation made under the provisions of this section shall for each offence be liable on summary conviction to a penalty not exceeding six months, or to any lesser penalty that may be annexed to the breach of any regulation and, in addition, there may be annexed to any such breach a provision for forfeiture to the

Crown of any bananas.

(3) All regulations made pursuant to this section shall be laid before the National Assembly as soon as may be after making thereof and if the Assembly by resolution request that such regulations or any of them be rescinded, the same shall be rescinded by the Minister but without prejudice to the validity of anything done thereunder.

20. From the date of the commencement of this Act, the present Organisation existing by the name of the Banana Growers' Association shall cease to exist and all accounts properly audited shall be handed over within ninety days to the new Banana Growers' Association as established under section 21.

Dissolution  
of existing  
Banana Growers'  
Association.

21.-(1) There is hereby created a body corporate by the name of the Banana Growers' Association with perpetual succession and a common seal which shall be judicially noticed, which may sue and be sued in its corporate name and may enter into contracts and hold and dispose of land of any tenure and other property for the purpose of carrying out its functions under this Act.

Establishment of  
Banana Grower's  
Association.

(2) All deeds, documents or other instruments requiring the seal of the Association shall be sealed with the common seal of the Association in the presence of the Chairman and one other member of the Committee who shall both sign every such deed, document or other instrument to which the common seal is affixed.

22. Upon the coming into force of this Act all property of whatsoever kind, rights, liabilities and obligations which immediately before the coming into force of this Act were vested in the Banana Growers' Association then existing shall vest in the Association established under the Act.

Vesting of  
property, etc., in  
the Association.

23. The objects of the Association shall be-

Objects of the  
Association.

- (a) to promote, foster and encourage the development of the banana industry and the export of bananas;
- (b) to establish and operate packing plants and install other machinery when necessary;
- (c) to prepare and settle contracts for the sale and export of bananas;

- (d) to assist in settling disputes between members and labour, and between members *inter se*;
- (e) to act as agents for members or any of them in any matter within the scope or objects of the Association and to undertake and execute any trusts or any agency business which may seem directly or indirectly conducive to the objects of the Association;
- (f) to purchase all fruits from members at pre-determined collection points;
- (g) to make representations to the Board on any matter affecting the interest of members;
- (h) to buy and sell and deal in fertilizers and agricultural implements and supplies if and when it may be deemed necessary to do so for the benefit of members;
- (i) to invest and deal with the moneys of the Association in such manner as may from time to time be determined by the Committee and to pay all costs, charges and expenses that may be incurred by the Association at any time;
- (j) to establish and support and to aid in the establishment and support of any other association and to become members of any such association in this country or elsewhere formed for all or any of the objects of this Association;
- (k) to endeavour to obtain for and to extend financial aid to such members who may require aid in the carrying on of cultivations;
- (l) to borrow or raise or secure the payment of money for the purposes of the business of the Association;
- (m) generally to do all such acts, matters and things as it may appear to the Committee to be conducive to the attainment of the above aims and objects or any of them.

24.-(1) Membership of the Association shall be of two kinds, full members and provisional members.

Membership of the Association - full and provisional.

(2) Any person who on the day prior to the date of the commencement of this Act was a member of the Organisation then existing by the name of the Banana Growers' Association on application therefor to the Committee shall be a full member.

(3) Every licensee who satisfies the Committee that he has not less than thirty acres of bananas in any designated area shall be entitled to become a full member of the Association on application therefor to the Committee.

(4) Every other licensee who satisfies the Committee that he is licensed to plant an acreage in bananas of not less than thirty acres in any designated area shall be entitled to become a provisional member of the Association on application therefor to the Committee and on payment of the prescribed fee.

(5) Provisional members elected pursuant to subsection (4) may attend meetings of the Association and for the period of three years from the date of the commencement of this Act may vote and be eligible to hold office in the Association:

Provided that on the expiration of the period of three years from the date of the commencement of this Act they may attend meetings and take part in the deliberations thereat but they shall have no vote and shall not be eligible to hold any office in the Association.

25.-(1) The Committee shall keep, in such form as the Board may direct, a register containing in respect of each member of the Association particulars of-

Register of membership.

- (a) his full name and address;
- (b) the acreage and location of the lands in his possession or control on which bananas are being produced;
- (c) the number of acres under cultivation with bananas, distinguishing between the varieties thereof; and
- (d) such other particulars as the Board may from time to time direct.

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| Standing orders of the Association.                         | 26. The Association may, with the approval of the Board, make standing orders for regulating its proceedings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Committee of Management.                                    | 27. The affairs of the Association shall be managed by a Committee of Management which shall have control of the income, capital and property of the Association, and shall have full authority in all matters connected with the appointment and dismissal of officers and servants of the Association and with the administration of the affairs and the accomplishment of the objects and purposes of the Association.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Constitution of Committee of Management of the Association. | <p>28.-(1) The Committee shall consist of nine members who shall be duly elected by the full members of the Association:</p> <p>Provided that those persons who were members of the Committee of Management of the Banana Growers' Association immediately existing on the date prior to the date of commencement of this Act shall be deemed to have been elected pursuant to this section and shall hold office until the first annual general meeting of the Association.</p> <p>(2) At the first annual general meeting of the Association all the members of the Committee shall retire from office but they shall be eligible for re-election and at the annual general meeting on every subsequent year one-third of the elected members for the time being or, if the number is not a multiple of three, then the number nearest to one-third shall retire from office.</p> <p>(3) The members to retire in every year shall be those who have been longest in office but as between persons who became members on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.</p> <p>(4) A retiring member shall be eligible for re-election.</p> |
| Vacancy in Committee                                        | <p>29.-(1) A member of the Committee shall vacate his seat if he-</p> <p>(a) ceases to be a producer or the attorney, manager or accredited agent of a producer;</p> <p>(b) is absent from three consecutive meetings of the Committee without leave of the Committee;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

- (c) resigns or is removed from the Committee under the provisions of subsection (2).

(2) A member of the Committee may at any time be removed from office by a majority of two-thirds of the members present and entitled to vote at a special general meeting.

(3) The Committee may fill any vacancy among its members caused by death, resignation, illness, absence from the country or inability to act, by a temporary appointment from among the members of the Association until an appointment has been made by the Association in general meeting.

(4) The proceedings of the Committee shall not be invalidated by reason of any temporary vacancy or vacancies in the body of members composing the Committee and notwithstanding any such vacancy the Committee shall, subject to the existence of a quorum, be deemed to be properly constituted.

(5) The Committee shall annually elect from amongst its members a Chairman and a Vice-Chairman.

(6) The Committee shall, subject to the approval of the Board, appoint a General Manager of the Association who shall be the chief executive officer of the Association and shall be charged with the general supervision of the affairs and operations thereof and shall be entitled to be present at all meetings of the Committee.

30. Subject to the provisions of this Act, the Committee may, with the approval of the Board, make standing orders for-

Committee may make standing orders.

- (a) the regulation of its proceedings, the calling of meetings, the quorum necessary for the transaction of business, the voting of the members of the Committee and the retirement in rotation of members of the Committee;
- (b) the appointment of executive committee and subcommittees and the delegation to such committees of the powers and duties of the Committee;
- (c) the appointment and removal of the officers and servants of the Association as the Committee may think fit and the allocation

of the duties of the officers and servants;

- (d) the keeping and presentation of accounts and generally for carrying into effect the objects of the Association.

Rules of the Association.

31. Subject to the provisions of this Act, the Association in general meeting may make rules for-

- (a) prescribing the rights and privileges and for regulating the admission and removal of members of the Association;
- (b) regulating the use of the facilities of the Association by members of the Association and by the public;
- (c) prescribing the entrance fees and annual subscriptions to be paid by members of the Association;
- (d) prescribing the fees to be charged by the Association for any of the services specified in section 23:

Provided that no rules made by the Association under this section shall come into force until they have been approved by the Board.

Annual general meeting of the Association.

32. A general meeting of the Association (called the annual general meeting) shall be held within one month of the date of commencement of this Act and thereafter once in every calendar year not later than 31st August, at such place as the Committee may appoint.

Special general meeting of the Association.

33.-(1) A special meeting of the Association shall be called by the secretary-

- (a) upon the direction of the Committee; or
- (b) upon the receipt by him of a requisition signed by not less than fifteen members of the Association and specifying the business to be transacted thereat.

(2) Every special general meeting called on the requisition of members of the Association shall be held not less than ten nor more than twenty-one days from the receipt of the requisition by the secretary.

34.-(1) The quorum at any general meeting, whether annual or special, shall be twenty-five percent of the total number of registered members. Quorum.

(2) Every member of the Association shall be given at least ten days' notice of every general meeting, whether annual or special.

(3) Every notice shall, in the case of a special general meeting, specify the business to be transacted thereat.

35.-(1) The Committee shall, on or before 1<sup>st</sup> May in each year, prepare and submit to the Minister estimates of the income receivable and expenditure to be incurred by the Association during the financial year commencing on 1<sup>st</sup> July next. Committee to submit estimates of revenue and expenditure.

(2) The Committee shall submit the said estimates in the form required by the Minister, who may approve the said estimates as submitted or amend them and approve them as amended.

(3) When the Minister has approved the said estimates, whether with or without amendment, he shall cause the approved estimates to be published in the *Gazette*.

(4) Save with the approval of the Minister, no further sum shall be expended during any financial year other than is provided in the estimates relating to such financial year.

36.-(1) The Committee shall prepare and present to the annual general meeting of members of the Association, a report of the proceedings for the year ending 30<sup>th</sup> June preceding such meeting together with a complete statement of its financial position and its accounts, audited and certified by an auditor approved by the Minister, for such period. Annual Report.

(2) The Committee shall forward certified copies of the report, statement and accounts to the Minister who shall cause the same to be published in the *Gazette* and in at least one local newspaper within six months of the close of every financial year.

37.-(1) The Committee may authorise any person in writing to enter and inspect the banana plantation of any member of the Association and any person so authorised shall when requested produce his authority to enter and inspect the plantation, etc. Committee may authorise inspection of plantation, etc.

the banana plantation.

(2) The Committee shall keep full and proper accounts of all its financial transactions in respect of such financial year.

(3) The Committee shall comply with all lawful directions given to the Association by the Board.

(4) The Committee shall have and may exercise all the powers conferred upon the Association by this Act.

(5) The Committee shall submit an annual return to the Board at such time as the Board may determine of all members of the Association together with the following particulars in respect of each member-

- (a) the acreage and location in which his banana plantation is situated;
- (b) the deliveries of bananas made by him to shippers or other buyers during the preceding year of operation;
- (c) the boxes of bananas in respect of which he has been granted licences during the preceding year of operation.

(6) Any person who wilfully obstructs, hinders or molests any person in the performance of his duties under subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for any term not exceeding six months.

Producers delivery  
licence.

38.-(1) The Committee may submit to the Board recommendations for the annual delivery licence to be issued to each member of the Association, such recommendation to include the number of boxes (not less than 40 lbs. net) of bananas and such conditions as to the periods and quantities of each or any delivery as the Committee thinks fit.

(2) With the approval of the Board the Committee shall issue licences to all producers who are members of the Association desiring to produce and deliver bananas to shippers or other buyers.

(3) Such licences shall be in the prescribed form, shall be issued for the period or periods specified therein and shall contain such terms and conditions (including quantities of merchantable mature bananas) as the Committee with the approval of the Board thinks fit.

(4) If it appears to the Committee during the course of a year of operation that any producer has failed to produce the amount of bananas which he has been licensed to deliver, the Committee may with the approval of the Board issue additional licences to any other producer or producers permitting them to deliver to shippers or other buyers an amount of bananas in excess of the quantity stated in their licences.

(5) Any producer aggrieved by the terms and conditions of his licence may appeal to the Board who may dismiss the appeal or allow the appeal and substitute such terms and conditions as it thinks fit.

39.-(1) The Association may impose, levy and collect a cess upon all bananas delivered to shippers or other buyers, the rate and manner of collection being fixed by the Committee before the beginning of each year of operations and notice thereof being given to each member of the Association.

Association may impose levy and collect cess.

(2) Cess shall be applied-

- (i) to meet the ordinary running expenses of the Association in such proportion as may be decided by the Committee with the approval of the Association in general meeting; and
- (ii) to meet all such expenses as may arise in connection with the Association's work in achieving any of the objects specified in section 23.

(3) The rate of cess shall not exceed three cents per box of bananas except with the approval of the Minister.

(4) A cess imposed under this section may not be varied during the year of operation in respect of which it was imposed.

40.-(1) No licence issued in accordance with the provisions of this Act shall be bought, sold or otherwise transferred except in accordance with the provisions of this section.

Licences not transferable.

(2) If a licensee or producer sells or leases the land on which he is producing bananas he may, with the prior approval in writing of the Board, transfer his licence to the new owner or lessee of the lands.

Liability of  
members of the  
Board or of the  
Association.  
19 of 1973.

41. No member of the Board or of the Association shall be personally liable for any act or default of the Association done or omitted to be done in good faith in the course of the operations of the Association.

Application of  
CAP. 211.  
21 of 1987.

42. The Belize Agricultural Health Authority shall not apply to bananas within any area declared as a designated area under section 13 of this Act but shall apply to bananas outside such designated area.