

THE SUGAR CANE FARMERS (INCORPORATION
AND CESS) ACT

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THE SUGAR CANE FARMERS (INCORPORATION
AND CESS) ACT

Cap. 371.
Laws
62 of 1956,
19 of 1961.
Acts
4 of 1965,
4 of 1983.

[25th December, 1941.]

1. This Act may be cited as the Sugar Cane Farmers (Incorporation and Cess) Act. Short title.

PART I. *Incorporation and General Powers*

2.—(1) As from the 25th December, 1941, the existing organization known as the All-Island Jamaica Cane Farmers Association shall be a body corporate under the name of the All-Island Jamaica Cane Farmers Association (hereinafter referred to as “the Association”). Associa-
tion to be a
Corpora-
tion.

(2) The Association may sue and be sued in such name, and shall have perpetual succession and a common seal, and may from time to time make, change, alter and renew, such seal.

(3) Every person who was on the 1st day of December, 1941, a member of the unincorporated organization known as the All-Island Jamaica Cane Farmers Association shall become a member of the Association with such rights and privileges, and on such terms and conditions, as may be provided in the rules to be made under this Act.

(4) Every person registered as a cane farmer under the Sugar Industry Control Act prior to 25th December, 1941, and every person who may thereafter be registered as a cane farmer shall be deemed to have become a member of the Association upon such date or upon the date of his registration as a cane farmer, as the case may be.

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(5) Every member of the Association may at any time resign from the Association by giving one month's notice in writing to the Secretary of the Association.

(6) Every member of the Association ceasing to be registered as a cane farmer shall be deemed to have resigned from the Association upon the date when he so ceased to be registered.

Powers.

3. The Association may acquire, purchase, lease, take, hold and enjoy, either absolutely or subject to any trusts, movable and immovable property of every description, and, subject as hereinafter provided, may sell, convey, assign, surrender and yield up, mortgage, demise, re-assign, transfer or otherwise dispose of, any movable or immovable property vested in it upon such terms as to the Association may seem fit.

**Objects
of the
Associa-
tion.**

4. It is hereby declared that the objects of the Association are—

- (a) to promote, foster and encourage the growing of cane by cane farmers and the orderly and proper delivery thereof to factories and the extension and welfare of cane farming as an Island industry;
- (b) the preparation of or the settling of terms for cane farmers' contracts with sugar or other factories, and labour;
- (c) to aid in settling disputes which may arise between cane farmers and sugar factories, cane farmers and labour, and cane farmers *inter se*;
- (d) to act as agents for cane farmers or any of them, in any matter;
- (e) to promote any Bill in furtherance of the interests of cane farmers;
- (f) to make representations to the Government on any matter affecting the interests of cane farmers;

- (g) 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 the members of the Association;
- (h) to invest and deal with the money of the Association in such manner as may from time to time be determined by the Committee of Management. To pay all costs, charges and expenses that may be incurred by the Association at any time;
- (i) to become members of any association, except any political body or association;
- (j) to endeavour to obtain or to extend financial aid for such members who may require such aid in the carrying on of their cane cultivation;
- (k) to borrow, with the approval of the Minister responsible for finance, sums required by the Association for meeting any of its obligations or discharging any of its functions; 4/1983
S. 2.
- (l) generally to do all such acts, matters and things as it may appear to the Association to be conducive to the attainment of the above aims and objects, or any of them.

5.—(1) It shall be lawful for the Association to grant from their funds—

- (a) subject to the approval of the Minister, a pension or gratuity to any person who has been in the employment of the Association and who retired from the service of the Association on or before the appointed day; and
- (b) to any officer or servant of the Association who retires from the service of the Association after the appointed day, a pension, gratuity, superannuation allowance or other retiring benefit in accordance with the provisions of a scheme (here-

Retiring
benefits for
employees.
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after in this Act referred to as a "pension scheme") prepared by the Association and approved by the Minister.

(2) Such pension scheme—

- (a) may include such incidental, consequential or supplementary provisions as may appear necessary or proper for the purposes of the scheme;
- (b) shall, upon the approval thereof by the Minister, have effect from the appointed day;
- (c) shall not be varied or revoked by the Association except with the sanction of the Minister who if satisfied that it is equitable that any variation shall have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, may determine that such variation shall be given retrospective effect for that purpose.

(3) For the purposes of this section "appointed day" means the 1st day of October, 1955.

PART II. *Management*

Committee
of Manage-
ment.

6.—(1) The affairs of the Association shall, subject to the provisions of this Act, be managed by a Committee of Management (hereinafter referred to as "the Committee"), which, subject always to such provisions, shall control the income, capital funds and property of the Association and govern, direct and decide all matters connected with the appointment of the officers and servants of the Association and with the administration of the affairs, and the accomplishment of the objects and general purposes, of the Association, and the Committee shall have and may exercise all the powers conferred on the Association by this Act.

(2) Subject to the provisions of section 17, the Committee shall give effect to any resolution passed by the Association in Special General Meeting.

7.—(1) The following provisions shall apply in respect of the Committee—

Constitu-
tion of
Associa-
tion.
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S. 2 (a).

(a) the Committee shall consist of members appointed or elected, as the case may be, as follows, and in respect of whom—

(i) the Minister shall appoint two members; and

(ii) in each parish in which branch associations have been established, the branch associations of the parish shall elect, in the prescribed manner, two members to represent the parish;

(b) no person shall be elected to represent any parish except he is registered as a cane farmer either in respect of lands situated in such parish, or at a factory in such parish in respect of lands situated elsewhere, or is the attorney, manager, or accredited agent, of a cane farmer so registered;

(c) (i) not less than one-third of the members of the Committee elected under sub-paragraph (ii) of paragraph (a), shall retire each year;

(ii) every member of the Committee retiring under sub-paragraph (i), shall be eligible for re-election;

(d) every member of the Committee elected under this section shall vacate his seat if—

(i) he ceases to be a registered cane farmer or the attorney, manager, or accredited agent of a registered cane farmer;

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(ii) he is absent from three consecutive meetings of the Committee without leave of the Committee;

(iii) he becomes incapable of acting as a member;

(iv) he is removed from the Committee in the prescribed manner, by the branch associations of the parish which he was elected to represent;

(e) every member of the Committee appointed by the Minister shall hold office for two years from the date of his appointment unless, within such period, he resigns or is removed by the Minister;

(f) the Committee shall annually elect from amongst its members a Chairman and a Vice-Chairman;

(g) the Committee may fill any vacancy among its elected members caused by the death, resignation, illness, absence from the Island or inability to act, of a member, by a temporary appointment from among the members of the Association until the branch associations of the parish which the elected member represents, elect, in the prescribed manner, another person to represent that parish on the Committee;

(h) notwithstanding any temporary vacancy or vacancies in the body of members composing the Committee, it shall be deemed to be fully constituted for the purposes of this Act.

(2) In this section "branch association" means a branch association established pursuant to rules having effect by virtue of section 9 of this Act.

4/1965
S. 2 (b).

4/1965
S. 2 (c).

4/1965
S. 2 (d).

8. Subject to the provisions of this Act, the Committee may make standing orders for— 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 elected members of the Committee;
- (b) the appointment of executive committees and sub-committees, and the delegation to such committees, and sub-committees, of the powers and duties of the Committee;
- (c) the appointment and removal of a manager and secretary and of such other officers and servants 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.

9.—(1) Subject to the provisions of this Act, the Association in General Meeting may make rules for— Rules.

- (a) the establishment of branch associations, and affiliated associations;
- (b) the admission of associate members;
- (c) prescribing the rights and privileges, and for regulating the admission and removal, of members of the Association;
- (d) regulating the use of the facilities of the Association by members of the Association, members of affiliated associations, and by the public;
- (e) regulating the conduct of General Meetings of the Association;

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- (f) prescribing the annual subscription to be paid by associate members or branch associations or affiliated associations;
- (g) prescribing the fees to be charged by the Association for any of the services specified in paragraphs (b), (c), (d), (g) and (j) of section 4;
- (h) prescribing the manner in which the representatives of each parish shall be elected to, and removed from, the Committee by branch associations.

4/1965
S. 3.

(2) Until rules are made by the Association under subsection (1), the rules of the Association in force on the 25th December, 1941, shall continue in force except in so far as they are inconsistent with the provisions of this Act.

Annual
General
Meeting.

10. A General Meeting of the Association (hereinafter referred to as the Annual General Meeting) shall be held once in each year on such date and at such place as the Committee may appoint.

Special
General
Meeting.

11.—(1) A Special General Meeting of the Association shall be called by the Secretary—

- (a) upon the direction of the Committee;
- (b) upon the receipt by him of a requisition signed by not less than twenty-five 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 twenty-one nor more than thirty days from the receipt of the requisition by the Secretary.

12.—(1) The quorum at any General Meeting whether Annual or Special shall be twenty-five.

Quorum
and
notices.

(2) Every member of the Association shall be given at least twenty-one days' notice of every General Meeting whether Annual or Special, either by posting such notice or by advertisement in not less than two issues of a newspaper circulating in Jamaica.

(3) Every notice referred to in subsection (2) shall, in the case of a Special General Meeting, specify the business to be transacted thereat.

13. 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 two members of the Committee who shall sign every such deed, document or other instrument to which the common seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed, and that it is the lawful seal of the Association.

Execution
of
documents.

PART III. *Supervision by the Government*

14.—(1) The Committee of Management shall, on or before the 15th day of July in each year, prepare and submit to the Minister true Estimates of the income receivable and expenditure to be incurred during the financial year commencing on the 1st day of October then following.

Estimates
to be
submitted.

(2) The Committee shall submit its Estimates in the form required by the Minister who may approve or amend such Estimates.

(3) When the Minister approves the Estimates submitted under subsection (1), whether with or without

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amendments, he shall cause the Estimates so approved to be published in the *Gazette*.

(4) All new appointments, and any proposed variation in the emoluments of an existing appointment, shall receive the approval of the Minister before being included in the Estimates:

Provided that nothing in this subsection shall apply to any appointment, the total annual emoluments of which are less than seven hundred dollars, if such emoluments are paid from any source other than moneys raised by way of cess under the provisions of this Act.

(5) All new or special expenditure shall receive the approval of the Minister before being included in the Estimates.

(6) 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.

Annual
Report of
Associa-
tion.

15.—(1) The Committee shall annually prepare and present to the Annual General Meeting of members of the Association, a report of its proceedings, together with a complete statement of its financial position and its accounts, audited and certified by an auditor approved by the Minister.

(2) The Committee shall forward certified copies of such report, statement and accounts to the Minister, who shall cause such certified copies to be laid before the House of Representatives.

Rules to be
approved
by Minister.

16. Except as otherwise provided in subsection (2) of section 9, no rules made under this Act by the Association

in General Meeting shall come into force until they have been approved by the Minister.

17.—(1) Every resolution passed in Special General Meeting directly or indirectly affecting the finances of the Association shall be submitted by the Committee to the Minister within seven days of its being so passed.

Resolutions passed in Special General Meeting to be submitted to the Minister.

(2) The Minister may either approve, amend or disallow, any resolution submitted under subsection (1).

(3) If the Minister approves any resolution submitted under subsection (1), the Committee shall forthwith give effect to such resolution as approved.

(4) If the Minister disallows any resolution submitted under subsection (1), such resolution shall for all purposes be null and void.

(5) If the Minister amends any resolution submitted under subsection (1), the Committee shall not give effect to such resolution except as amended.

PART IV. Financial Provisions

18. In this Part of this Act—

“crop season” means the period between the 1st day of November in any year and the 31st day of October in the ensuing year;

Interpretation.
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S. 4.

“Sugar Industry Authority” means the Sugar Industry Authority constituted under the Sugar Industry Control Act.

19.—(1) The Minister may by order impose upon all canes delivered by any cane farmer to any sugar manufacturer during the crop season thereby specified a cess at such rate as the Minister may approve on the recommendation of the Association.

Imposition and amount of cess.
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(2) A cess imposed under this section may not be varied during the crop season in respect of which it was imposed.

Deduction
of cess.

20.—(1) Every sugar manufacturer to whom a cane farmer delivers canes in any crop season in respect of which there is in force a cess under this Act shall deduct the amount of such cess from any sums payable by him to such cane farmer.

(2) All sums deducted by a sugar manufacturer under subsection (1) shall be paid by him to the Sugar Industry Authority.

(3) If any sugar manufacturer fails to deduct from any moneys payable by him to a cane farmer the cess imposed under this Act or having deducted such cess fails to pay it to the Sugar Industry Authority, the Sugar Industry Authority may recover such sum by action in the Resident Magistrate's Court as if it were a debt owed by the sugar manufacturer to the Sugar Industry Authority.

Powers of
Sugar
Industry
Authority.

21. The Sugar Industry Authority shall hold all sums paid to it by any sugar manufacturer under section 20 until the publication in the *Gazette* of the Estimates, as provided in subsection (3) of section 14, and upon the publication thereof shall pay those sums to the Association.

Creation
of reserve
fund.

22.—(1) Subject to the provisions of this Act, the Association may create such reserve fund as they may consider adequate for the following purposes—

- (a) research work for the improvement of the types and grades of canes most suitable for cultivation in Jamaica and for the betterment and welfare of the cane farming industry in Jamaica;

- (b) the issue of loans to cane farmers whose cane farms have been damaged or destroyed by flood, drought, fire, hurricane, disease, or any other *vis major* or act of God, or as a result of labour strikes or lockouts, for the purpose of rehabilitating such farms;
- (c) to meet any deficit in the annual estimates of expenditure of the Association as approved by the Minister, not being a deficit arising from capital expenditure.

(2) The Association may apply such portion of such reserve fund as may be necessary for the operating expenses of the Association between the first day of October and the last day of March in any current financial year:

Provided that any sum so applied shall be repaid by the Association to the reserve fund out of the income of the Association for such financial year before the thirtieth day of June in that year.

23. The Minister may make regulations—

Regula-
tions.

- (a) for the making of returns by a sugar manufacturer to the Sugar Industry Authority or to the Association in such form as may be prescribed—
 - (i) of all canes delivered to him by cane farmers;
 - (ii) of all sums deducted under this Act from any moneys payable by him to a cane farmer;
- (b) for the auditing by an auditor approved by the Association of any accounts of a sugar manufacturer in relation to any deduction made under this Act;

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- (c) for the payment of any sums so deducted to the Sugar Industry Authority;
- (d) for the payment by the Sugar Industry Authority of any sums received by it under this Act to the Association.