

## THE SUGAR INDUSTRY CONTROL ACT

ORDER  
(under section 35)

## THE SUGAR CANE (MINIMUM PRICE) ORDER, 1943

*(Made by the Governor in Privy Council on the 22nd day of May, 1943 and amalgamated with the Order made by the Governor in Privy Council on the 16th day of November, 1942)*

L.N. 72/42  
L.N. 22/43  
Amd:  
L.N. 3/44  
L.N. 279/69

1. This Order may be cited as the Sugar Cane (Minimum Price) Order, 1943.

2. In this Order—

“by-products value” means the amount received under the Spirits Pool Agreement referred to in the Spirits Control Act in respect of each ton of sugar cane ground multiplied by the number of tons of sugar cane required to make a ton of sugar;

L.N. 72/42

“depreciation” shall be reckoned at \$2.00 per ton of sugar manufactured;

“manufacturing cost” means such cost as may be fixed by the Sugar Industry Authority, either generally or in respect of any particular factory, as the manufacturing cost for each year;

“maximum gross profit” shall be reckoned at \$4.00 per ton of sugar manufactured:

Provided that where the resultant figure arrived at by deducting the aggregate of the manufacturing cost, depreciation and maximum gross profit from the aggregate of the net sugar value and the by-products value is less than \$12.00, the amount of maximum gross profit shall be reduced by such sum as would enable that resultant figure to be not less than \$12.00;

“net sugar value” means the figure arrived at after deducting from the gross receipts for the sale of sugar the cost of bags and of transport from the factory to the ship, including the cost of wharf storage and of ship loading. For the purpose

of this definition the gross receipts for the sale of sugar shall comprise the value of sugar sold for Island consumption, the value of sugar exported, and the amounts derived from any preference certificates, the Canadian Benefit Pool and other similar benefits arising directly from the sale of sugar;

“tons of sugar cane per ton of sugar” means the number of tons of sugar cane required to make a ton of commercial sugar, that number being ascertained by dividing the number of tons of sugar cane ground by the number of tons of sugar manufactured in a year by the factory, unless the Sugar Industry Authority, in the case of any particular cane farmer or group of cane farmers, requires a different method of calculation. For the purpose of this definition commercial sugar means finally processed raw sugar.

3. The minimum price to be paid by manufacturers to cane farmers for one ton of sugar cane, delivered by the cane farmer to the factory, shall be the figure arrived at by deducting the aggregate of the manufacturing cost, depreciation and maximum gross profit from the aggregate of the net sugar value and the by-products value, and dividing the result of such deduction by the tons of sugar cane per ton of sugar, that is to say, in accordance with the following formula—

$$\left\{ \begin{array}{l} \text{The net sugar value +} \\ \text{by-products value} \end{array} \right\} - \left\{ \begin{array}{l} \text{manufacturing cost +} \\ \text{depreciation + maximum} \\ \text{gross profit} \end{array} \right\}$$

The value of a ton  
of sugar cane deli- = \_\_\_\_\_  
vered at the factory

Tons of sugar cane per ton of sugar.

L.N. 22/43

4. Unless the Sugar Industry Authority is of the opinion that conditions in any particular factory do not permit of the adoption of the procedure set out in this paragraph, where the estimated deliveries of any cane farmer, or group of cane farmers, to any manufacturer in respect of any one factory in any one crop season is not less than one thousand tons of sugar cane, such cane farmer, group of cane farmers, or manufacturer, may, subject to the provisions of paragraph 5, require that, in order to ascertain the tons of sugar cane per ton of sugar for the purposes of this Order, the number of tons of sugar cane required to make a ton of commercial sugar shall be ascertained by dividing the number of tons of sugar cane actually delivered by the number of tons of sugar which such tons of sugar cane delivered would produce when

calculated in accordance with such method of calculation as may be approved by the Sugar Industry Authority; and for the purposes of such method of calculation the procedure set out in the Schedule shall be followed.

5.—(1) The method of ascertaining the number of tons of sugar cane per ton of sugar contained in paragraph 4 shall not be applicable unless the cane farmer, or group of cane farmers, serves notice on the manufacturer, or the manufacturer serves notice on the cane farmer, or group of cane farmers (as the case may be), in accordance with this Order :

Provided that the requirement of this paragraph as to the service of notice may be waived by agreement in writing between the parties.

(2) Where in this Order a notice is required to be served, such notice may be effectively served in any one of the following ways—

- (i) by a manufacturer by service on the local cane farmers association, where such an association exists: provided that the manufacturer supplies such association with a list of the cane farmers to be affected by such notice and in such list groups the cane farmers who, for the purposes of this Order, form a group of cane farmers;
- (ii) by a manufacturer, where no local cane farmers association exists, by posting the notice to each cane farmer, provided that the manufacturer supplies the All-Island Jamaica Cane Farmers Association with a list of the cane farmers served with such notice and in such list groups the cane farmers who, for the purposes of this Order, form a group of cane farmers, and provided also that the manufacturer causes to be inserted in a local newspaper a notice to the cane farmers registered at the manufacturer's factory notifying them that certain groupings have been made for the purposes of this Order and that such group lists have been sent to the All-Island Jamaica Cane Farmers Association in Kingston;
- (iii) by a cane farmer by service on the manufacturer;
- (iv) by a group of cane farmers by service on the manufacturer of the notice signed by each cane farmer and by posting to the All-Island Jamaica Cane Farmers Association a copy of such notice.

(3) Every notice required by this Order shall be served at least fourteen days prior to the commencement of the crop in respect of which such notice shall relate.

6. Nothing in this Order shall be construed as preventing the method of ascertainment specified in paragraph 4 to be applied in respect of deliveries of sugar cane of under one thousand tons if the cane farmer or group of cane farmers (as the case may be) and the manufacturer enter into any written agreement to this effect.

7. The provisions in the Schedule may be varied from time to time by the Sugar Industry Authority by notice published in the *Gazette*.

#### SCHEDULE

(Paragraph 4)

##### DELIVERIES

1. Deliveries of sugar cane shall be of approximately equal daily quantities for the crop season unless otherwise agreed upon between the parties or their representatives.

##### METHOD OF SAMPLING AND TESTING

2. (a) Arrangements shall be made at receiving points to segregate and identify for testing purposes as large a proportion as possible of deliveries by each cane farmer or group of cane farmers and such proportion shall be not less than ten per cent of each week's deliveries.
- (b) The method of selecting loads for testing shall be fixed by mutual agreement between the parties or their representatives.
- (c) All sugar canes selected shall be tested at the factory in accordance with the following provisions—
  - either—
  - (i) during the passage of the consignment of sugar cane through the crusher, a representative sample of crushed juice shall be taken for the purpose of determining the brix value, percentage of polarization, and purity, and such sample shall not include juice taken from the first and last twelve foot lengths of the consignment on the carrier, but so, however, that the portion of sugar cane from which the juice is actually taken shall be not less than twelve feet of sugar cane carrier length;
 

or
  - (ii) where such method is impracticable or would result in serious disruption of factory operations—
 

samples shall be taken in accordance with the method specified in regulations 11 to 13 of the Sugar Industry Control Regulations, 1943 and in the Second Schedule to those Regulations. Where such method is adopted the hand mill used for extracting the juice from the sample shall be so adjusted that the amount of juice extracted per cent of sugar cane is within 2.5 per cent of the corresponding extraction of the factory crusher, or, where there is no crusher extraction, of the first mill, and the juice so extracted shall be considered as crusher juice for the purpose of calculating its quality.

**SCHEDULE, *contd.***

**COMPOSITE SAMPLES**

3. The juice extracted from a sample, taken in any one day may be composited and one test of determination made on the composite sample, but so that the amount of juice from each sample used in forming the composite sample shall be approximately in the same ratio as the weights of the respective consignments of cane from which such samples were taken.

**CALCULATION OF PRICE**

4. The weighted average of the juice analyses for each cane farmer or group of cane farmers shall be determined at the end of the crop season, and from these figures the tons of sugar cane per ton of sugar for each cane farmer or group of cane farmers shall be calculated in such manner as may be approved by the Authority.