

## THE SUGAR INDUSTRY CONTROL ACT

REGULATIONS  
(under section 40)

## THE SUGAR INDUSTRY CONTROL REGULATIONS, 1943

(Made by the Governor in Privy Council on the 22nd day of March,  
1943)

L.N. 21/43  
Amd:  
L.N. 195/56

1. These Regulations may be cited as the Sugar Industry Control Regulations, 1943.

2. In these Regulations—

“a ton” means a long ton of 2,240 lb. avoirdupois less, in respect of bundled canes, such customary deductions as have been approved by the Authority;

“the Authority” means the Authority established under section 3 of the Act.

## FORMS

3. The Authority may, by an endorsement—

(a) in the form specified as Form 1 in the First Schedule, vary or amend any quota licence; or

First  
Schedule.  
Form 1.

(b) in the form specified as Form 2 in such Schedule, transfer any quota licence.

Form 2.

4. The Authority may, by an endorsement in the form specified as Form 3 in the First Schedule, vary or amend any export licence.

Form 3.

5. The Authority may amalgamate any quota licences or any export licences by withdrawing and cancelling such separate quota licences or export licences (as the case may be) and issuing in their stead a single quota licence or export licence (as the case may be), which shall contain the names of the factory owners or their representatives and of the factories in respect of which the licences are amalgamated, and the total quantity of vacuum pan sugar which may be disposed of or exported (as the case may be) during the quota period.

*Form 4.* 6. A certificate of registration of a cane farmer shall be in the form specified as Form 4 in the First Schedule.

*Form 5.* 7.—(1) A cane farmer's licence shall be in the Form specified as Form 5 in the First Schedule.

(2) Every application by a cane farmer for the cancellation or the transfer wholly or in part of his licence pursuant to paragraph (c) of subsection (4) of section 32 of the Act shall—

- (a) be made to the Authority (and in the case of a cane farmer registered at a factory, a copy sent by him to the manufacturer in respect of whose factory he is registered) not less than one month prior to the commencement of the next quota period;
- (b) state the reason for such application;
- (c) be accompanied by the licence held by him unless the Authority waives the requirement.

(3) No application by a registered cane farmer for the transfer of his cane farmer's licence, wholly or in part, shall be granted unless the transferee is a cane farmer registered at the same factory as the applicant.

*Form 6.* (4) Where the Authority transfers, wholly or in part, a cane farmer's licence, the Authority shall endorse such licence in the form specified as Form 6 in the First Schedule. If the licence is wholly transferred the Authority shall deliver the endorsed licence to the person to whom it is transferred, and if only partially transferred the Authority shall deliver to the person to whom such licence is partially transferred a copy of the endorsement on the licence signed by the Chairman of the Authority.

(5) Where a manufacturer who cultivates sugar canes on his own land applies to the Authority to transfer either wholly or in part the cane farmer's licence issued to him, the Authority may grant the application subject to the following—

- (a) such portion (if any) of the relevant basic quantity or part thereof which is transferred, as the Authority may consider just having regard to the best interests of the area concerned and the economic needs of the factory of the manufacturer to whom the transfer is made, shall be distributed or apportioned to cane farmers registered at that factory;
- (b) the portion to be distributed or apportioned shall be allotted amongst the registered cane farmers named by the Authority and to such amount in each case as the Authority shall determine;

(c) the application is in accordance with the provisions of paragraph (2).

(6) For the purposes of this regulation the expression "cane farmer" includes a manufacturer who cultivates sugar canes on his own land.

8. A special cane farmer's licence shall be in the Form specified as Form 7 in the First Schedule.

Form 7.

#### INSPECTION OF CULTIVATIONS

9. The Authority may appoint such number of inspectors as may be necessary for the purpose of inspecting any sugar cane cultivation of any manufacturer or of any cane farmer registered under the Act, or any person, seeking to be registered under the Act as a cane farmer.

10.—(1) Any inspector appointed under regulation 9 may, at all reasonable times and in the course of his duties, enter upon and inspect any cultivation referred to in such regulation.

(2) No person shall prevent or in any way obstruct any such inspector from entering and inspecting any cultivation in accordance with paragraph (1).

#### METHOD OF TESTING SUGAR CANES

11.—(1) Where there is a dispute concerning the quality of sugar cane juice of any consignment of sugar canes and a test of such consignment is to be made, there shall be taken from such consignment, by a person mutually acceptable to the manufacturer and the cane farmer, a sample of the sugar canes comprising such consignment in accordance with the provisions of the Second Schedule:

Second  
Schedule.

Provided that where the manufacturer and the cane farmer so agree, the whole consignment of sugar cane in relation to which the dispute exists shall be crushed by the factory mill, and a sample of the sugar cane juice obtained therefrom shall be taken at the crusher or, where there is no crusher, at the first mill.

(2) Where any consignment exceeds five tons in weight, either the manufacturer or the cane farmer may demand that samples in respect of each five tons shall be tested separately.

(3) Every sample of sugar canes shall be weighed and shall thereafter be ground in a hand mill and a record shall be kept showing—

- (a) the weight of the sample;
- (b) the weight of the sugar cane juice obtained therefrom; and
- (c) the weight of the residual bagasse.

12.—(1) The sugar cane juice obtained in accordance with regulation 11 shall be collected in a clean container and shall be thoroughly stirred. Four portions of such juice each of at least one quart in volume shall be poured into four clean glass bottles after such bottles have been rinsed with a portion of the juice.

(2) There shall be added to each of such bottles 0.2 grams of Mercuric Chloride and three of such bottles shall thereupon be sealed in the presence of the manufacturer and the cane farmer. One of such sealed bottles shall be retained by the manufacturer and one shall be retained by the cane farmer.

(3) The juice contained in the unsealed bottle shall immediately be subjected to a test at the factory of the manufacturer.

(4) In any case where the cane farmer expresses himself dissatisfied with the result of any such test, the manufacturer shall forthwith forward the third sealed bottle to the Government Chemist to be tested. The sample forwarded to the Government Chemist shall bear a label showing—

- (a) the name of the factory;
- (b) the date and time of sampling;
- (c) the name of the cane farmer; and
- (d) the weight of the consignment in dispute,

and such sample shall be accompanied by a statement showing the results of the test made at the factory and indicating the method used.

13.—(1) Where it is the practice in any factory to use a polariscope for the purpose of assessing the quality of sugar cane juice expressed from the sample—

- (a) the Brix value shall be determined in accordance with the standard practice of the factory; and
- (b) the Polarization value shall be determined in accordance with the standard practice of the factory,

and such quality shall be calculated from the results of the above determinations in accordance with the standard practice of the factory.

(2) Where it is the practice in any factory to use the Brix value only for the purpose of assessing the quality of sugar cane juice expressed from the sample, such quality shall be determined in accordance with the standard practice of the factory.

## STANDARD OF SUCROSE CONTENT

14.—(1) Where, in accordance with standard factory practice, the quality of sugar cane juice has been assessed by a polariscope, the consignment of sugar cane in dispute shall be deemed unsuitable for sugar manufacture if the apparent sucrose content of the expressed sugar cane juice, determined by the standard factory method, is less than the average apparent sucrose content of the sugar cane juice obtained from the crusher, or, where there is no crusher, the first mill, of the factory in the last preceding week, prior to the week in which the dispute arose, during which the factory was milling undamaged sugar canes of normal quality.

(2) Where, in accordance with standard factory practice, the quality of sugar cane juice has been assessed by the Brix value, the consignment of sugar cane in dispute shall be deemed unsuitable for sugar manufacture if the Brix value of the expressed sugar cane juice, determined by the standard factory method, is less than the average Brix value of the juice obtained from the crusher, or, where there is no crusher, the first mill, of the factory in the last preceding week, prior to the week in which the dispute arose, during which the factory was milling undamaged sugar canes of normal quality.

(3) A difference of less than 0.5 *per centum* in apparent sucrose content or in Brix value shall not be deemed to render any consignment of sugar cane unsuitable for sugar manufacture.

15.—(1) Every factory shall make a minimum of four determinations daily of Brix value of the sugar cane juice at the crusher, or, where there is no crusher, at the first mill. The first of such determinations shall be made not less than one hour after the mill commenced grinding and each subsequent determination shall be made at intervals of not less than one hour.

(2) The manufacturer shall cause accurate records of such determinations to be kept.

## METHOD OF WEIGHING CANES

16. Every manufacturer when purchasing sugar canes shall purchase them by the ton, or proportionate part thereof, and such canes shall be weighed upon a scale approved and registered in the manner hereinafter provided.

17.—(1) Every manufacturer shall, not less than thirty days before the date upon which any scale is intended to be used for the purpose of weighing sugar canes, apply in writing to the Authority to approve and register such scale.

(2) Every application pursuant to paragraph (1) shall contain particulars of the type, capacity and site, or intended site, and such other particulars as the Authority may require of every scale sought to be registered.

18.—(1) The Authority shall, upon receipt of an application pursuant to regulation 17, consider and, in its discretion, grant or refuse such application.

(2) Where the Authority grants any such application it shall cause the particulars contained in such application to be entered in a register to be kept for the purpose and shall cause a certificate of registration to be issued to the applicant in respect of every scale registered.

(3) Every certificate of registration, except as hereinafter provided, shall be deemed to be revoked by the removal of the scale in respect of which such certificate was issued from the site specified in the application to any other site.

(4) Every manufacturer who desires to remove any scale, registered under this regulation, from the site specified in the application to any other site shall return the certificate of registration issued in respect of such scale together with an application for such certificate to be amended and shall specify in such application the site to which it is intended to remove such scale.

(5) Upon the receipt of an application pursuant to paragraph (4) the Authority shall amend the register kept pursuant to paragraph (2) and the certificate of registration so as to conform to the particulars contained in the application for amendment and shall return the amended certificate of registration to the manufacturer.

(6) Every manufacturer shall, upon receipt of any certificate or amended certificate of registration, cause a notice to be affixed to or erected at the site of every scale in respect of which such certificate or amended certificate is issued to the effect that such scale has been approved and registered by the Authority.

19.—(1) Every manufacturer shall, once in every week during which he purchases sugar canes, cause every registered scale used by him to

be tested with standard weights, as defined in the Weights and Measures Act, aggregating four tons.

(2) Every such test shall be made by checking, at loads of one ton, two tons, three tons and four tons, the indicator of the scale or other device purporting to show the actual load on the platform or other portion of the scale bearing the load, against the aggregate weight of the standard weights used for loading the scale in each test.

(3) Every manufacturer shall cause the results of every such test to be entered in a book kept for the purpose and such book shall be open for inspection by an officer appointed by the Authority.

(4) The standard weights used for the test required to be made pursuant to this regulation shall, prior to the first occasion upon which they are so used, be approved by an officer appointed by the Authority for the purpose and shall be subject to inspection and check by such officer at all times.

(5) No scale which shall, at any weekly test, be found to be inaccurate to the extent of one *per centum*, or more, shall be used for the purchase of any canes until such inaccuracy shall have been rectified.

(6) Every manufacturer shall permit any officer appointed for the purpose by the Authority to examine any scale registered pursuant to these Regulations, and the manufacturer shall, at his own expense, provide such assistance as may be required by the officer to carry out any such examination.

#### APPEALS

20. Every appeal shall be commenced by a notice of appeal which shall—

- (a) in the case of an appeal to the Minister, be addressed to and served upon the Permanent Secretary;
- (b) in the case of an appeal to the Authority, be addressed to and served upon the Chairman of the Authority.

21.—(1) In the case of an appeal under subsection (1) of section 25, section 34 or 38 of the Act the notice of appeal shall be served within ten days of the act or default complained of.

(2) In the case of an appeal under subsection (6) of section 28 of the Act the notice of appeal shall be served within two months of the act or default complained of.

**22.** The notice of appeal may be in the form of a letter and shall set forth clearly the grounds of the appeal, and the date upon which the subject matter of the appeal arose, and there shall be attached to such notice copies of any correspondence or other documents or statements verified by statutory declaration of facts relating to the subject matter of the appeal.

**23.** A copy of the notice of appeal, together with copies of any documents attached thereto, shall be served by the appellant upon the respondent within the same time as a notice of appeal is required by these Regulations to be served, and an affidavit verifying such service shall be delivered—

- (a) in the case of an appeal to the Minister, to the Permanent Secretary; and
- (b) in the case of an appeal to the Authority, to the Chairman of the Authority.

**24.** Within seven days of the receipt of such notice of appeal the respondent, if the Authority, may, or, if a manufacturer, shall, serve a statement in writing setting out the reasons for the act or default complained of—

- (a) in the case of an appeal to the Minister, upon the Permanent Secretary; and
- (b) in the case of the Authority, upon the Chairman of the Authority.

**25.** The Minister or the Authority, as the case may be, may order that any books, papers, or other documents, relating to the subject matter of the appeal which are in the possession of either party shall be produced by the party in possession thereof.

**26.** Where any of the provisions of regulation 20, 21, 22 or 23 have not been complied with, the Minister or the Authority, as the case may be, may refuse to consider the appeal.

FIRST SCHEDULE

(Regulation 3)

Form 1

This licence is hereby varied/amended to license.....  
.....  
to dispose of.....  
tons of.....sugar during  
the quota period.....  
and subject to the provisions of the Sugar Industry Control Act, and the  
conditions set out in the licence—

- (a) to export.....  
..... tons of vacuum pan sugar
- (b) to make available for local consumption.....  
..... tons of.....sugar
- (c) to hold in reserve ..... tons of  
vacuum pan sugar.

Dated this.....day of.....

(Signed).....  
Chairman, Sugar Industry Authority.

Form 2

(Regulation 3)

This licence is hereby transferred to.....  
.....

Dated the.....day of.....

(Signed).....  
Chairman, Sugar Industry Authority.

Form 3

(Regulation 4)

This Export Licence is hereby varied/amended to license.....  
.....  
to export.....tons of vacuum par  
sugar during the quota period.....  
subject to the provisions of the Sugar Industry Control Act.

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FIRST SCHEDULE, contd.

Form 4

(Regulation 6)

Certificate of Registration

Name..... Reg. No.....

Address.....

The above is duly registered under the Sugar Industry Control Act as a supplier of cane to..... factory, subject to such conditions as may be prescribed for cane farmers' licences if and when issued.

Factory.....

Address.....

(Signature of Secretary, Sugar Industry Authority)

Date.....

(Signature of manufacturer or his agent)

Reverse Side of Form

This Certificate of Registration entitles the registered cane farmer to deliver canes to.....

factory under the provisions of the Sugar Industry Control Act or the regulations under the Act, provided that such canes are of the usual varieties accepted by the factory, mature, free from tops, dirt and trash, and in all other respects marketable and fit for the manufacture of sugar, as customary.

Form 5

(Regulation 7)

CANE FARMER'S LICENCE

Name..... Reg. No.....

Address..... Licence No.....

\*a { manufacturer growing sugar cane on his land; or cane farmer duly registered at ..... factory under the provisions of the Sugar Industry Control Act, is hereby licensed under section 32 of the Sugar Industry Control Act to deliver as his basic quantity

.....tons.....cwts.....qrs. of canes to

factory during the quota period to :

FIRST SCHEDULE, *contd.*

Provided that—

- (1) in the case of a registered cane farmer—
  - (i) such canes are of the usual varieties, standard and quality of Jamaica cane farmers' canes, free from tops, dirt and trash, and in all other respects marketable and suitable for the manufacture of sugar as customary; and
  - (ii) such canes are to be delivered by the cane farmer at such times and place as are mutually agreed upon;
- (2) the relevant particulars shall be entered in the Schedule to this licence upon each delivery of canes at the factory.

This licence shall remain in force from the date hereof until the expiration of the quota period to fixed under section 16 of the Sugar Industry Control Act.

Signed.....  
Secretary of the Sugar Industry Authority.

Office
(Date)
Stamp

SCHEDULE

Date of Delivery	Quantity Delivered			Total Delivered to date			Initials of scale clerk
	Tons	Cwts	Qrs.	Tons	Cwts	Qrs.	

CAUTION:

The licensee who delivers canes, and the manufacturer who accepts delivery of canes, in contravention of any of the terms of this licence shall be guilty of an offence under section 32 (7) of the Sugar Industry Control Act, and shall, on summary conviction before a Resident Magistrate be liable to penalties.

\*Strike out words not applicable.

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FIRST SCHEDULE, *contd.*

Form 6

(Regulation 7 (4))

FORM OF ENDORSEMENT ON TRANSFER OF CANE FARMER'S LICENCE

- \* { 1. This licence is hereby transferred to.....
- 2. The licence to deliver.....tons.....cwt.....qrs.  
of sugar canes under licence† is hereby transferred to  
.....

Signed.....  
Chairman of the Sugar Industry Authority.

\*Strike out words not applicable

†State the No. of the licence and the owner thereof.

Form 7

(Regulation 8)

Special Cane Farmer's Licence

Name..... Reg. No.....

Address.....

a cane farmer duly registered at.....  
factory under the provisions of the Sugar Industry Control Act, is hereby  
licensed under section 33 of the Sugar Industry Control Act to deliver as his  
licensed quantity.....tons of canes to such  
factory during the quota period , to , :

Provided that—

- (1) such canes are of the usual varieties, standard and quality of Jamaica cane farmers' canes, free from tops, dirt and trash, and in all other respects marketable and suitable for the manufacture of sugar as customary; and
- (2) such canes are to be delivered by the cane farmer at such times and place as are mutually agreed upon as customary; and
- (3) the holder of this licence may supply canes in excess of the sum of the licensed quantity fixed by this licence where the manufacturer is willing to accept such excess but so that such excess so accepted shall not entitle the manufacturer to any increase of the quantity fixed by his quota licence.

This licence shall remain in force from the date thereof until the expiration of the quota period , to , fixed under section 16 of the Sugar Industry Control Act.

Dated this.....day of.....19.....

Signed.....  
Secretary of the Sugar Industry Authority.

SECOND SCHEDULE

(Regulation 11)

Size of Consignment

Size of Sample

Where the consignment is not in bundles and—

- |  |   |
|--|---|
| (a) does not exceed one ton in weight; | Ten full length sugar canes   |
| (b) exceeds one ton in weight          | Five full length sugar canes in respect of each ton or part thereof |

Where the consignment is in bundles and—

- |  |   |
|--|---|
| (a) does not exceed one ton in weight; | Three bundles                                       |
| (b) exceeds one ton in weight          | Two bundles in respect of each ton or part thereof. |