

THE SUGAR INDUSTRY EFFICIENCY (AMENDMENT) ACT 2013

Act No. 15 of 2013

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I assent

28 June 2013

Rajkeswur PURRYAG

President of the Republic

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Section 11 of principal Act amended
4. Section 14 of principal Act amended
5. Section 17 of principal Act amended
6. Section 25 of principal Act amended
- 6A. Section 26 of principal Act amended
7. Section 27 of principal Act amended
8. Section 28 of principal Act amended
9. Section 29 of principal Act amended
10. Twelfth Schedule to principal Act amended

11. Principal Act amended
12. Consequential amendment
13. Savings

An Act

To amend the Sugar Industry Efficiency Act

ENACTED by the Parliament of Mauritius, as follows —

1. Short title

This Act may be cited as the **Sugar Industry Efficiency (Amendment) Act 2013**.

2. Interpretation

In this Act—

“principal Act” means the Sugar Industry Efficiency Act.

3. Section 11 of principal Act amended

Section 11 of the principal Act is amended —

- (a) by repealing subsections (2) and (2A);
- (b) in subsection (7), by deleting the words “subsections (2) and” and replacing them by the word “subsection”;
- (c) in subsections (8) and (11), by deleting the words “(2), (2A),”;
- (d) in subsection (9)(a), by deleting the words “(2), (2A) or”;
- (e) in subsection (12), by repealing paragraphs (b) and (c).

4. Section 14 of principal Act amended

Section 14 of the principal Act is amended —

- (a) in subsections (2) and (4), by inserting, after the word “VRS”, the words “or the ERS”;
- (b) in subsection (3)(c), by deleting the words “(2), (3), (11)” and replacing them by the words “(3)”;
- (c) in subsection (5) —
 - (i) by inserting, after the words “an offer under section 23”, the words “or 23A”;
 - (ii) by inserting, after the words “for the purposes of implementing a VRS”, the words “or an ERS”;
 - (iii) by inserting, after the words “a VRS under section 23”, the words “or an ERS under section 23A”;
- (d) in subsection (6) —
 - (i) by inserting, after the words “section 23”, the words “or 23A”;
 - (ii) by inserting, after the words “a VRS”, the words “under section 23 or an ERS under section 23A”;

5. Section 17 of principal Act amended

Section 17 of the principal Act is amended, in subsection (4) —

- (a) by lettering the existing provision as paragraph (a);
- (aa) in the newly lettered paragraph (a), by deleting the figure “1998” and replacing it by

the figure “2012”;

(b) by adding the following new paragraph —

(b) Where a producer fails to comply with paragraph (a) and any attempt by the Mauritius Cane Industry Authority to resolve the matter amicably is unsuccessful, the Mauritius Cane Industry Authority may make an application on behalf of an aggrieved grower to the Judge in Chambers for an order compelling the producer to comply with paragraph (a).

6. Section 25 of principal Act amended

Section 25 of the principal Act is amended, in paragraph (b), by inserting, after the word “VRS”, the words “, the ERS”.

6A. Section 26 of principal Act amended

Section 26 of the principal Act is amended —

(a) in the heading, by inserting, after the word “**workers**”, the words “**and employees**”;

(b) by inserting, after subsection (1A), the following new subsection —

(1AA) The exemptions referred to in subsections (1) and (1A) shall not apply unless the deed witnessing the transfer of land contains a certificate from the Mauritius Cane Industry Authority, stating that the transferee is entitled to that exemption.

7. Section 27 of principal Act amended

Section 27 of the principal Act is amended —

(a) in the definition of “agricultural land” —

- (i) by deleting the word “or” at the end of paragraph (a);
 - (ii) by adding the word “or” at the end of paragraph (b);
 - (iii) by adding the following new paragraph —
 - (c) land subdivided for agricultural purposes under the Morcellement Act;
- (b) by deleting the definition of “expenditure” and replacing it by the following definition —
- “expenditure” —
- (a) effected in relation to a factory closure, a VRS or an ERS, means —
 - (i) on site infrastructural costs in relation to the land being offered to employees, and such offsite infrastructural costs as may be approved by the Minister;
 - (ii) cash compensation paid to employees;
 - (iii) cumulative interest at prime lending rate for a maximum period of 2 years on loans contracted for the project implementation costs approved by the Minister; and
 - (iv) any of the expenditure incurred in the implementation of the conditions specified in Part I of the Eleventh Schedule;
 - (b) effected in relation to a factory closure, includes costs for the upgrading or modernising of a factory or factories receiving canes in the context of a factory closure and any contribution made to the General Fund set up under section 46 of the Mauritius Cane Industry Authority Act;

8. Section 28 of principal Act amended

Section 28 of the principal Act is amended —

- (a) by repealing subsections (2), (2A) and (2B);
- (b) in subsection (4A)(b) —
 - (i) by deleting the word “and” at the end of subparagraph (i);
 - (ii) by deleting the full stop at the end of subparagraph (ii) and replacing it by the words “; and”;
 - (iii) by adding the following new subparagraph —
 - (iii) subject to subsection (4AA), land other than land which has been subdivided for agricultural purposes under the Morcellement Act.
- (c) by inserting, after subsection (4A), the following new subsection —

(4AA) For the purposes of subsection (4A), the minimum plot size for land subdivided for agricultural purposes shall be —

 - (a) where the subdivision relates to a donation by an ascendant to a descendant and the site is —
 - (i) within the settlement boundary, 10 perches;
 - (ii) outside the settlement boundary, 20 perches;
 - (b) in any other case, 50 perches.
- (d) in subsection (4C)(b)(ii) —
 - (i) by deleting the word “and” at the end of sub subparagraph (A);
 - (ii) by deleting the full stop at the end of sub subparagraph (B) and replacing it by the words “; and”;
 - (iii) by adding the following new sub subparagraph —

(C) land other than land which has been subdivided for agricultural purposes under the Morcellement Act.

(da) by inserting, after subsection (4C), the following new subsection —

(4CA) For the purposes of subsections (4A) and (4C), the minimum plot size for land subdivided for agricultural purposes shall be —

(a) where the subdivision relates to a donation by an ascendant and the site is —

(i) within the settlement boundary, 10 perches;

(ii) outside the settlement boundary, 20 perches;

(b) in any other case, 50 perches.

(e) in subsection (8A)(a), by deleting the word “Committee” and replacing it by the word “committee”;

(f) by inserting, after subsection (8A), the following new subsection —

(8AA) (a) The committee may direct an applicant to amend his application where the application does not comply with relevant planning policy guidance issued under the Planning and Development Act.

(b) In particular, the committee may, in exercising its power under paragraph (a), direct an applicant to amend his application so that the conversion is for a mixed development use, comprising residential, commercial, leisure and social components, with a defined percentage allocated to each component.

(c) Where the applicant does not amend his application as directed by the committee under paragraph (a), the application shall not be considered

by the committee.

9. Section 29 of principal Act amended

Section 29 of the principal Act is amended —

(a) in subsection (1)(a) —

- (i) in subparagraph (x), by deleting the words “, or such industrial enterprise as may be approved by the Ministerial Committee set up under section 40B(4) of the Planning and Development Act”;
- (ii) in subparagraph (xii), by deleting the words “as may be approved by the Ministerial Committee set up under section 40B(4) of the Planning and Development Act” and replacing them by the words “as may be approved by the relevant authorities”;
- (iii) in subparagraph (xiii), by deleting the words “as may be approved by the Ministerial Committee set up under section 40B(4) of the Planning and Development Act” and replacing them by the words “as may be approved by the relevant authorities”;

(b) in subsection (1A), by deleting the figure “3.5” and replacing it by the figure “5.5”.

10. Twelfth Schedule to principal Act amended

The Twelfth Schedule to the principal Act is amended, in Part II—

(a) by repealing paragraphs 8 and 8A and replacing them by the following paragraph —

8. Subject to paragraph 9, any applicant shall —

- (a) endeavour to obtain all necessary clearances and permits, including any Building and Land Use Permit, within a period of 2 years after having

been granted authority for land conversion;

(b) start the conversion of the land within a period of 6 months from the date on which he obtained the last clearance or permit required for the proposed conversion, failing which the authority shall lapse automatically;

(c) complete the project in the manner specified in the authority granted within a period of 5 years from the date on which he obtained the last clearance or permit required for the conversion, failing which the authority shall lapse automatically.

(b) in paragraph (9), by deleting subparagraph (a) and replacing it by the following new subparagraph —

(a) where land conversion is for the purpose of setting up a residential unit for the applicant's personal use or that of his ascendant or descendant;

11. Principal Act amended

The principal Act is amended by deleting the words "Mauritius Sugar Authority" wherever they appear and replacing them by the words "Mauritius Cane Industry Authority".

12. Consequential amendment

The Sugar Insurance Fund Act is amended, in section 2, by deleting the definition of "*métayer*" and replacing it by the following definition —

"métayer" —

(a) means a person who, by agreement with a planter, cultivates cane on land which belongs to the planter and, in consideration for the use of the land, gives the planter a portion of the annual sugar yield of such land, with or without any additional

payment; and

- (b) includes any person who, at the commencement of the Sugar Industry Efficiency (Amendment) Act 2013, has been cultivating cane, on land leased from a planter, for a consecutive period of 3 crop cycles;

13. Savings

(1) Any application for land conversion that is pending at the commencement of this Act shall be dealt with and processed as if this Act has not come into operation.

(2) Any application for land conversion in relation to a factory closure shall be dealt with and processed as if this Act has not come into operation.

Passed by the National Assembly on the twenty fifth day of June two thousand and thirteen.

Bibi Safeena Lotun (Mrs)

Deputy Clerk of the National Assembly