

No. 24.] *Timber Industry Development Board Ordinance.* [1963.

I ASSENT

[L.S.]

G. J. BRYAN,
Administrator.

31st December, 1963.

ST. LUCIA

No. 24 of 1963.

AN ORDINANCE to provide for the establishment of a
Timber Industry Development Board and for
matters incidental thereto.

[4th January, 1964.]

BE IT ENACTED by the Queen's Most Excellent
Majesty, by and with the advice and consent of the
Legislative Council of Saint Lucia, and by the authority
of the same as follows :—

1. This Ordinance may be cited as the Timber Indus- Short title.
try Development Board Ordinance, 1963.

2. In this Ordinance, unless the context otherwise Interpretation
requires—

No. 24.] *Timber Industry Development Board Ordinance.* [1963.

“Minister” means the member of the Executive Council charged with the responsibility for the subject of Trade and Industry ;

“timber” includes trees when they have fallen or been felled, and all wood whether cut up or fashioned for any purpose or not ;

“tree” includes palms, bamboos, stumps, brush-wood and canes.

Incorporation
of the Timber
Industry
Development
Board.

3.—(1) For the purposes of this Ordinance there shall be established a Board to be called the Timber Industry Development Board (hereinafter referred to as “the Board”) which shall be a body corporate under that name with perpetual succession and a common seal which shall be officially and judicially noticed. The seal shall be authenticated by the signature of the Chairman and the Secretary of the Board. The Board may sue and be sued in its corporate name and may for all purposes be described by that name.

(2) Until a seal is provided in accordance with the provisions of this section, a stamp bearing the words “The Timber Industry Development Board” and authenticated by the signatures of the Chairman and the Secretary may be used instead of such a seal.

Take over of the
Government
Timber
Industry.

4. The Board shall, as from such date as the Administrator in Council may appoint by notice in the *Gazette*, take over the assets and liabilities of the undertaking known as the Government Timber Industry and shall, as from a date to be appointed in like manner as aforesaid, carry on the business activities of that undertaking.

Power of the
Board to acquire
and dispose of
property.

5.—(1) The Board may purchase or otherwise acquire and hold and may take on lease any moveable property acquired for the purposes of this Ordinance, and may dispose of any such moveable property.

No. 24.] *Timber Industry Development Board Ordinance.* [1963.]

(2) The Board may purchase or otherwise acquire and hold and may take on lease any immoveable property and any interest therein required for the purposes of this Ordinance.

(3) The Board may, with the consent of the Administrator in Council sell and alienate any immoveable property or interest therein vested in the Board and lease any such property or interest for any term, and may, without such consent, lease any immoveable property or interest therein for any term not exceeding ten years provided the full rental value in respect of the same be reserved year by year on such lease, and no premium be payable in respect thereof.

6.—(1) The Board shall consist of five *ex-officio* members, one representative of the pitsawyers in the island and one representative of the lumber dealers, and where necessary, not more than two additional members (the representative of the pitsawyers, the representative of the lumber dealers and the additional members being hereinafter referred to as the appointed members and being appointed by the Administrator in Council on the recommendation of the Minister).

Membership of
the Board.

(2) The *ex-officio* members shall be the persons for the time being holding or acting in the following public offices—

- (i) the Superintendent of Agriculture who shall be the Chairman of the Board ;
- (ii) the Accountant General ;
- (iii) the Director of Public Works ;
- (iv) the Co-operative Officer ; and
- (v) the Forest Supervisor.

(3) At any meeting of the Board, provided a quorum is present, the Board may act notwithstanding any vacancy in the number of its members.

No. 24.] *Timber Industry Development Board Ordinance.* [1963.

(4) The Administrator in Council may authorise the payment out of the funds of the Board of any sum by way of remuneration or other allowance to the Chairman and other members of the Board : Provided that no remuneration or other allowance shall be paid under this subsection to a member of the Board who is also the Secretary thereof.

Tenure of office
of appointed
members.

7.—(1) An appointed member shall hold office for a period of two years from the date of his appointment :

Provided however that the Administrator in Council may remove an appointed member from his office at any time by notice in writing to him to that effect :

Provided further that an appointed member at any time may resign his office by notice in writing under his hand to that effect given to the Administrator in Council.

(2) The Administrator in Council may, on the recommendation of the Minister, appoint any person to act in the place of an appointed member in case of the latter's absence or inability to perform his duties.

(3) Where an appointed member is absent from any three consecutive meetings of the Board except for some reason approved by the Administrator in Council, such person shall cease to be a member of the Board.

(4) If a vacancy occurs by death, resignation, effluxion of time, or otherwise, in the office of any appointed member, the vacancy may be filled by the Administrator in Council in the manner provided by subsection (1) of section 4 of this Ordinance, but any person appointed to fill a casual vacancy shall hold office so long only as the member in whose place he is appointed would have held office.

(5) Any person ceasing to be an appointed member shall be eligible for re-nomination and re-appointment to the Board.

No. 24.] *Timber Industry Development Board Ordinance.* [1963.]

(6) The appointment, resignation or removal of an appointed member shall be notified in the *Gazette* by the Clerk of the Executive Council: Provided that failure to give such notice shall not affect the validity of the appointment, resignation or removal.

8.—(1) The Administrator in Council may make Regulations—

Power of
Administrator
in Council to
make
Regulations.

- (a) regulating the procedure of the Board and requiring returns and reports;
- (b) prescribing the principles to be followed by the Board in the exercise of their powers;
- (c) generally for carrying out the purposes of this Ordinance.

(2) Until Regulations regulating the procedure of the Board are made under subsection (1) of this section, the provisions of the Schedule to this Ordinance shall have effect. Upon the coming into force of such Regulations the provisions of the said Schedule shall cease to have effect.

Schedule.

(3) Subject to any such Regulations (and to the Schedule to this Ordinance while in effect) the Board may regulate its own procedure.

9. The Board may appoint, at such remuneration and on such terms and conditions as it may determine, a Secretary and such officers and servants as may be necessary and proper for the efficient management of the business of the Board, and may require any officer or servant so appointed to give such security as may be deemed proper for the due execution of his duties:

Appointment of
Secretary and
other officers
and servants.

Provided that no appointment at an annual salary of one thousand four hundred and forty dollars or upward shall be made without the prior approval of the Administrator in Council.

No. 24.] *Timber Industry Development Board Ordinance.* [1963.

Powers and
duties of
Secretary.

10.—(1) The Secretary shall be the Chief Executive Officer of the Board and shall have all such powers and perform all such duties as are or may be conferred or imposed upon him by this Ordinance, or by the Board, or by any Rules or Regulations made under this Ordinance.

(2) The Secretary shall attend all meetings of the Board and shall keep or cause to be kept minutes of the proceedings at every such meeting. He shall not, unless he is a member of the Board, be entitled to vote at any such meeting but may be called upon by the Chairman to give such information as may be required by the Board at any meeting.

Indemnity of
members and
officers of the
Board.

11. The members of the Board and the Secretary and other officers and servants for the time being of the Board may be indemnified out of the assets of the Board from and against all actions, proceedings, costs, charges, losses, damages and expenses which they or any of them shall or may incur or sustain by reason of any act done or omitted in or about the execution of their duty in their respective offices except such as they shall incur or sustain by or through their own wilful neglect or default respectively

Funds of the
Board.

12. The funds of the Board shall consist of—

- (a) such sums as may accrue from the operations of the Board ;
- (b) such sums as may be borrowed by the Board from time to time ;
- (c) such sums as may, from time to time, with the approval of the Legislative Council, be appropriated from public funds ;
- (d) such sums as may accrue from the disposal of its assets ;
- (e) such other sums as may from any source and at any time be granted or allocated to the Board.

No. 24.] *Timber Industry Development Board Ordinance.* [1963.]

13.—(1) The Board shall not, without the prior approval of the Administrator in Council, borrow any sum of money, or mortgage or pledge its assets.

Loans,
mortgages and
advances.

(2) The Administrator in Council or the Minister of Finance may by warrant under their hand with the approval of the Legislative Council, authorise the Accountant General to make advances to the Board in such sums and on such terms and conditions as the Administrator in Council may think fit for the purposes of the Ordinance.

14. The funds of the Board shall be applied towards—

Application of
the Funds of
the Board,

(a) the remuneration of its members, officers and servants ;

(b) the payment of the cost of acquisition of any property, moveable or immoveable, for the purposes of this Ordinance ;

Provided however that no land or building shall be purchased or leased by the Board without the prior approval of the Administrator in Council ;

(c) the purchase, construction maintenance and replacement for the purposes of this Ordinance of any machines or equipment ;

(d) the payment of the rent of premises used by the Board in the carrying on of its business ;

(e) the payment of all rates, taxes and insurance on any land, building or other property acquired by the Board ;

(f) the payment of all expenses duly incurred for the purposes of this Ordinance ;

(g) the purchase or processing of timber ;

(h) the repayment of advances, sums borrowed by the Board, and interest thereon ;

(i) the creation of a reserve fund, as the Board may, in its discretion, consider fit ;

No. 24.] *Timber Industry Development Board Ordinance.* [1963.

- (j) any other purpose which the Board may, with the approval of the Administrator in Council decide to be for the purposes of this Ordinance.

(2) Moneys standing to the credit of a reserve fund may from time to time be invested in securities generally or specifically approved by the Administrator in Council for that purpose and the Board may from time to time and with like approval sell or vary any or all such securities.

Duties of the Board.

15. It shall be the duty of the Board—

- (a) to buy locally produced timber and to re-sell the same ;
- (b) to improve, by such means as it may from time to time determine, the processing and marketing of timber ;
- (c) to secure the most favourable arrangements for the purchasing, handling, storage and marketing of timber ;
- (d) upon being required to do so by the Administrator in Council, to make recommendations on any matter directly or indirectly relating to or affecting timber ;

Powers of the Board.

16. The Board may—

- (a) establish and operate depots for the purchase, delivery, grading and sale of timber ;
- (b) enter into contracts for the purchase sale and transport of timber upon such terms and conditions as the Board may deem fit ;
- (c) establish and operate mills and other plant for preparing and processing timber ;
- (d) do all things needful for the development, preservation and maintenance of a timber industry in the Island.

No. 24.] *Timber Industry Development Board Ordinance.* [1963.]

- (e) regulate the grading of timber and prescribe the grades which shall be employed in the purchase and sale of timber and the prices to be paid for each grade ;
- (f) purchase, transport, store, insure, handle and sell in or outside of the Island in such quantities, at such prices and at such times as the Board may from time to time determine.

17.—(1) The Board may, with the approval of the Administrator in Council, make Rules— Power of Board to make Rules.

- (a) prescribing the grades and types of timber it shall accept from producers ;
- (b) prescribing the prices to be paid to producers in respect of any grade, type or quality of timber ;
- (c) prescribing forms of licences ;
- (d) generally for carrying out the purposes of this Ordinance.

(2) Rules made under this section may prescribe in respect of any contravention thereof or failure to comply therewith a penalty on summary conviction not exceeding fifty dollars.

18. The Administrator in Council may, after consultation with the Chairman of the Board, give to the Board directions as to the policy to be followed by the Board in the exercise of its functions, and the Board shall comply with all such directions. Power of Administrator in Council to give directions to the Board.

19.—(1) All monies due to the Board shall be paid into the Treasury and shall form a fund to be called “ The Timber Industry Development Fund ”, in this Ordinance referred to as “ The Timber Fund ”. Formation of the Timber fund.

(2) The accounts of the Timber Fund shall be kept separate from all other accounts in the Treasury, and all the debts of the Board shall be discharged from such fund.

No. 24.] *Timber Industry Development Board Ordinance.* [1963.

(3) All payment from the Timber Fund shall be made on the written order of the Secretary countersigned by the Chairman of the Board.

Accounts and
Books.

20.—(1) The Board shall keep true accounts of—

- (a) all sums of money received and expended by the Board and the matters in respect of which such receipts and expenditures take place ; and
- (b) the stock in trade of the Board ; and
- (c) the assets and liabilities of the Board which shall be prepared in such a manner as to show separately the fixed or capital assets of the Board and the sums owing on account of loans or advances.

(2) The Board shall cause to be kept proper and sufficient books of account and other books in relation to its business and such books shall be kept at the office of the Board and shall be open to the inspection of members of the Board and the principal audit officer and his deputies.

Annual report
and audit.

21. The Board shall furnish to the Administrator in Council as soon as possible after the expiration of each financial year a report upon the administration of the affairs of the Board during the preceding year, together with a balance sheet and statement of the revenue and expenditure of the Board duly audited by the principal audit officer or such other auditor as may be approved by the Administrator in Council. The report, balance sheet and statement shall as soon as possible thereafter be laid before the Legislative Council.

Exemption from
Income Tax
Ch. 210.

22. Notwithstanding the provisions of the Income Tax Ordinance, Chapter 210, the income of the Board shall be wholly exempt from Income Tax.

SCHEDULE. (section 8 (2))

MEETINGS OF THE BOARD.

1. The Board shall meet at such times as may be necessary or expedient for transacting its business.
2. The Chairman may at any time summon a meeting of the Board and on a requisition by any three members he shall summon a meeting. Such requisition shall state the object for which the meeting is required to be summoned.
3. In cases in which the Chairman shall so direct, decisions of the Board may be taken by the recording of the opinions of members on papers circulated among them. Where papers are circulated, the Chairman may direct that the papers shall not be circulated to any member who through interest, illness, absence from the Island or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers.
4. The quorum of the Board at any meeting or for the purpose of voting on papers circulated shall be three, but subject thereto, the Board may act notwithstanding any vacancy in the number of its members.
5. The decisions of the Board shall be by the majority of votes. In any case in which the voting shall be equal, the Chairman shall have a second or casting vote.
6. In the absence of the Chairman the members present shall appoint one of their members to act as Chairman of any meeting.
7. Minutes of each meeting shall be confirmed by the Chairman at the next succeeding meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

M. C. SALLES-MIQUELLE,
Deputy Speaker.

Passed this 30th day of December, 1963.

D. M. THOMAS,
Acting Clerk of the Legislative Council.