

CHAPTER 235
THE DAIRY PRODUCE BOARD (ESTABLISHMENT)
ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Establishment of Dairy Produce Board
4. Composition of Board
5. Tenure of office and vacancies
6. Meetings of Board
7. Committees of Board
8. Right of certain officers to attend and take part at meetings of Board and committees
9. Member to declare connection with companies and firms dealing with Board
10. Functions and duties of Board
11. Contracts and instruments of Board
12. Funds of Board
13. Validity of contracts made before establishment of Board

CHAPTER 235
DAIRY PRODUCE BOARD (ESTABLISHMENT)

3 of 1964
Government
Notices
91 of 1964
319 of 1964
497 of 1964

An Act to provide for the establishment of the Dairy Produce Board and committees thereof; to provide for the composition and membership thereof; to prescribe their powers and functions; to provide for the enforcement of certain contracts; and to provide for matters incidental to the foregoing.

[4th January, 1964]

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| <p>1. This Act may be cited as the Dairy Produce Board (Establishment) Act.</p> | <p>Short title</p> |
| <p>2. In this Act, unless the context otherwise requires-</p> <p>"Board" means the Dairy Produce Board established under section <i>three</i>;</p> <p>"producer" means a producer of milk or a milk product manufactured or prepared by him from milk of which he is the producer.</p> <p><i>(As amended by G.N. No. 319 of 1964)</i></p> | <p>Interpretation</p> |
| <p>3. There is hereby established a Board to be known as the Dairy Produce Board which shall be a body corporate with a common seal and capable of suing and being sued and, subject to the provisions of this Act, of doing all such acts as a body corporate may by law perform.</p> | <p>Establishment of Dairy Produce Board</p> |
| <p>4. (1) The Board shall consist of five members appointed by the Minister of whom three members shall represent producers.</p> <p>(2) The Minister shall designate one member as chairman of the Board.</p> | <p>Composition of Board</p> |
| <p>5. (1) Members of the Board shall, subject to the provisions of this section, hold office for a period of two years.</p> <p>(2) A retiring member shall be eligible for reappointment.</p> <p>(3) On the expiration of the period for which a member is appointed, he shall continue to hold office until his successor has been appointed, but in no case shall such further period exceed three months.</p> <p>(4) No person shall be appointed a member of the Board-</p> <p>(a) while he is an undischarged bankrupt; or</p> | <p>Tenure of office and vacancies</p> |

(b) while he is serving a sentence of imprisonment.

(5) The office of a member shall be vacated-

(a) upon his death;

(b) if he is adjudged bankrupt;

(c) if he is absent from three consecutive meetings of the Board without the permission of the Board;

(d) upon the expiry of one month's notice in writing of his intention to resign his office given by him to the Minister;

(e) if he becomes mentally or physically incapable of performing his duties as a member;

(f) if he is convicted of an offence and sentenced to imprisonment without the option of a fine; or

(g) if he has not, after the Board has, in terms of the Dairy Produce Marketing and Levy Act, been ordered by the High Court to remedy a default, taken all possible steps to cause compliance to be made with the order. Cap. 234

(6) When a member's office is vacated, the Minister shall appoint a person to fill the vacancy until the expiration of the period during which such member would, but for the vacation of his office, have continued in office.

(7) Whenever there are three or more vacancies on the Board, the Minister may perform all the functions of the Board until such time as sufficient vacancies have been filled to enable a quorum of the Board to be formed.

(8) A member who is not a public officer shall be paid out of the funds of the Board such remuneration and allowances, if any, as the Minister may, in his case, fix.

6. (1) The Board shall hold its first meeting at such date and at such place as the Minister may specify, and thereafter meetings of the Board shall be held at such places and times as the chairman of the Board may determine and shall be convened by notice given by him, so however that the chairman of the Board may himself at any time and shall, at the request in writing of any two members of the Board, convene a special meeting of the Board.

Meetings of
Board

(2) A notice convening a special meeting of the Board shall state the purpose for which the meeting is convened.

(3) In the absence of the chairman from any meeting of the Board, the members present at that meeting may elect one of their number to preside at the meeting.

(4) Three members of the Board shall form a quorum.

(5) All decisions at any meeting of the Board shall be by resolution by majority vote of the members present thereat, and in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberate vote.

7. (1) For the better exercise of the functions and powers of the Board, the Board may, with the consent of the Minister, establish one or more committees of its members in which may be vested and on which may be imposed such of the Board's functions and powers as the Board, with the approval of the Minister, may direct.

Committees of
Board

(2) The chairman of the Board may at any time and at any place convene a meeting of a committee of the Board.

(3) The procedure of a committee of the Board shall be fixed by the Board.

(4) A committee of the Board may, with the consent of the Board, co-opt persons who are not members.

8. An officer of the Ministry nominated by the Minister shall be entitled to attend any meeting of the Board, or of a committee of the Board, and may take part in the proceedings of the Board, or a committee of the Board, as if he were a member, save that he shall not have a vote.

Right of certain officers to attend and take part at meetings of Board and committees

9. (1) If a member or his spouse-

Member to declare connection with companies and firms dealing with Board

(a) tenders for or acquires or holds a direct or indirect pecuniary interest in a contract with the Board; or

(b) knowingly acquires or holds a direct or indirect interest in a company or firm applying or negotiating for a contract with the Board; or

(c) owns immovable property or a right in immovable property or has a direct or indirect pecuniary interest in a company or firm which results in his private interests coming into or appearing to come into conflict with his duties as a member;

the member shall forthwith disclose the facts to the Minister:

Provided that the provisions of this subsection shall not apply in relation to a contract with the Board for the delivery, sale or disposal of dairy products entered into by a member or his spouse in which the member or his spouse receives no preferential treatment over or more advantageous terms than other members of the public.

(2) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Board which relates to a contract, right, immovable property or interest referred to in that subsection.

10. The Board shall have and may exercise all the powers and functions and shall perform all the duties conferred or imposed on the Board by the Dairy Produce Marketing and Levy Act.

Functions and duties of Board.
Cap. 234

(G.N. No. 91 of 1964)

11. An agreement, contract or other instrument may be entered into or executed on behalf of the Board by any person or persons generally or specially authorised by the Board for that purpose.

Contracts and instruments of Board

12. The funds of the Board shall consist of-

Funds of Board
Cap. 234

(a) the proceeds of any levy and such other moneys as may be payable to the Board by virtue of the provisions of the Dairy Produce Marketing and Levy Act;

(b) such sums as may be payable to the Board from moneys appropriated by Parliament; and

(c) such other moneys or assets as may accrue to the Board whether in the course of its operations or otherwise.

13. (1) When, before the date of establishment of the Board, any contract has been entered into between any person or body authorised by the Minister to do so on behalf of the Board and any other person-

Validity of contracts made before establishment of Board

(a) for the employment of that other person in any capacity relating to the performance and exercise of the functions and powers of the Board;

(b) for the provision of housing or office or other accommodation to be used for the purposes of the Board;

(c) relating to the performance and exercise of the functions and powers of the Board;

then, any such contract shall be enforceable and operate in the same manner as if the Board had been in existence at the date of the contract and had been a party thereto in the place of the person who entered into the contract on its behalf.

(2) As from the date of establishment of the Board, any such contract as is mentioned in subsection (1) shall not be enforceable against the person who entered into the contract on behalf of the Board and that person is hereby, as from the aforesaid date, released from all liability

under the contract.