THE SUGAR INDUSTRY CONTROL ACT

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THE SUGAR INDUSTRY CONTROL ACT

130th December, 1937

1. This Act may be cited as the Sugar Industry Control Act.

2. In this Act—

"approved marketing organization" means a marketing organization which the Authority has approved as such for the purposes of this Act;

"the Authority" means the Sugar Industry Authority established under section 3;

"cane farmer" means a person who cultivates sugar canes for sale or delivery whether under contract or otherwise, to a manufacturer at a factory, but unless the context otherwise requires the expression shall not include a manufacturer who cultivates sugar canes on his own land;

"export" or "exportation" means to take or cause to be taken out of the Island, and the time at which any sugar shall be taken aboard any export vessel shall be deemed to be the time of the exportation of such sugar;

"factory" means any factory, whether completely erected, in the course of erection or intended to be erected, which is for the time being specified in the First Schedule, and at which sugar is manufactured or is intended to be manufactured;

"functions" includes powers and duties;

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"import" means to bring or cause to be brought within the Island or the waters thereof;

"industry" means the sugar industry;

"Island export quota" and "Island local consumption quota" mean respectively such proportion, state in tons, of the Island quota, permitted to be exported, or to be made available for local consumption by virtue of an order made under Part III;

"the Island muscovado sugar quota" means the total number of tons of muscovado sugar permitted to be manufactured in a quota period;

"Island quota" means the total number of tons of sugar except muscovado sugar permitted to be exported from the Island in a quota period and to be made available in a quota period for consumption in the Island by virtue of an order made under Part III;

"Island reserve" means any sugar intended for export manufactured or on hand in excess of the Island quota;

"manufacturer" means a person owning or having control of a factory;

"quota period" means any period in respect of which an Island quota has been fixed by an order made under Part III;

"raw sugar" means sugar in the form of brown crystals (containing impurities) of which the sucrose content by weight, in the dry state, corresponds to a polarimetric reading of less than 99.5";

"sugar" means sugar in any of its commercial forms except the products known as wet sugar and final molasses, and includes beet and any other sugar, and such products of the sugar cane, except wet sugar and final molasses, which the Minister by order

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may from time to time declare to be sugar for the purposes of this Act;
"ton" means a long ton of 2,240 lbs. avoirdupois.

PART I. The Sugar Industry Authority

3.—(1) There is hereby established for the purposes of this Act a body to be known as the Sugar Industry Authority.

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Sugar Industry Authority and otherwise in relation thereto.

4.—(1) It shall be the duty of the Authority to advise the Minister—

(a) on all matters of general policy with respect to the operations and development of the industry;

(b) with respect to applications for licences in relation to the introduction of mechanical units in the industry; and the measures to be adopted in dealing with the incidence and effect of redundancy as a consequence of mechanization of the industry;

(c) with respect to the use, on an economic and efficient basis, of ports in relation to the exportation of sugar.

(2) The Authority shall have power to perform any functions assigned to it by or under this Act or any other enactment.

5. It shall be lawful for the Authority to undertake, foster and w-ordinate scientific research in relation to the industry, and encourage the application of the results of such research to the development of the industry; and, in particular, but without prejudice to the generality of the foregoing—
(a) analyse and keep under constant review all existing practices, new developments or issues which importantly affect the future of the industry;

(b) organize and promote studies in scientific techniques with respect to the farming of canes and the manufacture of sugar.

6. The Authority shall make arrangements for the marketing of sugar and molasses for local consumption and for export; and for these purposes the Authority shall have power—

(a) to review all existing policies in relation to the marketing of sugar and molasses;

(b) to negotiate with suitable persons with a view to appointing such persons as agents for the marketing of sugar and molasses;

(c) to provide for the payment to such agents of such fees or allowances as the Authority may determine; and

(d) to provide for the payment of any costs reasonably incurred in relation to the marketing of sugar and molasses.

7. The Minister may from time to time, after consultation with the chairman of the Authority, give to the Authority directions of a general character as to the policy to be followed in the exercise and performance of its functions, and the Authority shall give effect to such directions.

8. Without prejudice to the provisions of section 19 of the Sugar Cane Farmers (Incorporation and Cess) Act, the Minister may, for the purposes of this Act, by order, impose on all canes delivered to a factory a cess at such rate as the Minister may approve on the recommendation of the

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Authority; and he may also in like manner impose a cess upon all sugar manufactured at such factory.

9.—(1) Every sugar manufacturer shall—

(a) compute the amount of cess payable in respect of canes delivered to his factory by a cane farmer and deduct it from any sums payable by him to such cane farmer;

(b) compute the amount of cess payable in respect of sugar manufactured at his factory,

and thereafter the manufacturer shall pay the amounts so computed to the Authority.

(2) If any sugar manufacturer fails to pay to the Authority the amounts referred to in subsection (1), or any portion thereof, the Authority may recover the amount outstanding by action in a Resident Magistrate's Court as if it were a debt owed by the manufacturer to the Authority.

10. Where the Authority makes any recommendation to the Minister by virtue of section 8, 16, 20 or 21, the Minister shall not be obliged to act in accordance with such recommendation.

11.—(1) Subject to the provisions of this Act, the Authority may—

(a) demand from any manufacturer, cane farmer, wholesale or retail dealer in sugar, or from any category of manufacturer or cane farmer, such returns in such form as the Authority may require;

(b) [Deleted by Act 11 of 1994.]

(c) demand and obtain from the Commissioner of Customs or any officer of Customs such information as the Authority may from time to time require;

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(d) order from time to time the inspection of any stocks of sugar held by, or under the control of a manufacturer or any other person, by an officer of Customs or a member of the Constabulary Force, and may require any such person as aforesaid to furnish returns in respect of such stocks of sugar;

(e) order from time to time the inspection of any stocks of sugar held by any retail dealer, by an officer of Customs or a member of the Constabulary Force, and may require a report with respect to the result of such inspection;

(f) issue licences for the importation of raw sugar;

(g) demand and obtain from any person concerned with the sale or purchase of any sugar damaged by water, fire or act of God or the Queen's enemies, full particulars with respect to such sale or purchase, as the case may be, of the sugar, and such other information as the Authority may require;

(h) issue licences in respect of quotas, and to cane farmers;

(i) register, transfer or cancel the registration of cane farmers;

(j) summon to a meeting of the Authority any manufacturer, or wholesale or retail dealer in sugar, and may question him for the purpose of obtaining information relative to the manufacture of sugar or stocks thereof; and any such summons shall be issued by the secretary of the Authority on the order of the chairman and shall give at least three days' clear notice to the person summoned of the time and place of the Authority's meeting;

(k) with the approval of the Minister responsible for finance, borrow sums required by it for meeting

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any of its obligations or discharging any of its functions;

(l) where charged with responsibility for the management or administration of any fund (whether such fund is obtained by way of a loan from Government or any other source, or otherwise) may with the approval of the Minister make loans—

(i) to any registered cane farmer or cane grower for any purpose for which the fund is provided;

(ii) to any sugar manufacturer, if the fund is constituted wholly or partially for use in connection with the manufacture of sugar, and where the Authority makes a loan to any person pursuant to this paragraph it may demand and obtain from such person such accounts or other information and in such form as it may require, in order to ensure the repayment of the loan in accordance with the terms and conditions under which it was made and that it will be or is being used for the purpose for which it was granted;

(m) with the approval of the Minister and the Minister responsible for finance, invest, in undertakings designed to promote the interests of the sugar industry and of persons employed therein, any sums held by the Authority which are not allocated to the purposes of a particular fund.

(2) Any person who—

(a) fails to furnish any information required by the Authority, or to comply with any demand, summons or requirement by the Authority;

(b) assaults, impedes or obstructs or aids or abets any person in assaulting, impeding or obstructing any member of the Authority or any person authorized by the Authority in the exercise of any of the powers under this section; or

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(c) knowingly makes any false or incorrect return, or knowingly gives any false or incorrect information, shall be guilty of an offence and shall be liable, on summary conviction before a Resident Magistrate, to a penalty not exceeding one hundred dollars and in default of payment thereof to imprisonment for a term not exceeding three months.

PART II. Restriction on Importation of Sugar and Prohibition of Exportation of Muscovado Sugar

12. No person shall—

(a) import any raw sugar into the Island except under a licence first obtained for the purpose from the Authority;

(b) export from the Island any muscovado sugar, and every person who is concerned in importing or exporting any sugar contrary to the provisions of this section shall, on summary conviction before a Resident Magistrate be liable to a penalty not exceeding ten thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

13. Any sugar imported, or exported or attempted to be exported, contrary to the provisions of this Part may be seized as though it were prohibited goods within the meaning of sections 40 and 41 of the Customs Act, and shall be forfeited and may be disposed of as the Minister may direct.

14. In proceedings for the forfeiture of any sugar under this Part the onus of proof shall lie on the person claiming the sugar and it shall not be necessary for the person prosecuting the suit to prove that the sugar is liable to seizure or forfeiture.

15. The officers of Customs or any person acting with their concurrence may stop any ship or boat which they

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have reason to suspect has on board any sugar of which
the importation or exportation is prohibited under this Part,
and may detain such ship or boat until search has been made
and such sugar if found has been seized and removed under
this Part.

PART III. Island Quotas

16.—(1) The Minister may, on the recommendation of the
Authority, by order published in the Gazette fix—

(a) the Island quota;
(b) the Island export quota;
(c) the Island local consumption quota;
(d) the Island muscovado sugar quota,
for any quota period specified in the order.

(2) The Minister may, on the recommendation of the
Authority, by like order fix the maximum aggregate quantity
of the Island reserve which may be kept in stock in the Is-
land during any quota period specified in the order.

(3) The Minister may, on the recommendation of the
Authority, at any time by like order vary any such quota
or the maximum aggregate quantity of the Island reserve
fixed as aforesaid and revoke or amend any such order pre-
viously made.

17. [Repealed by Acr 11 of 1994.1]

PART IV. Special to Local Consumption Sugar

18.—(1) The Authority may make regulations from time
to time placing all sales for local consumption of all vacuum
pan and refined sugar manufactured in any quota period
under the control of the approved marketing organization.
(2) No person who is or shall become a party to any agreement with the approved marketing organization for the pooling of sales of local consumption quota sugars shall make available or cause to be made available for local consumption any vacuum pan or refined sugar during the continuance of any such agreement except through the approved marketing organization, subject always to the rights, powers and duties of the Authority.

(3) Any person who shall make any sugar available for local consumption, or cause the same to be made available for local consumption, contrary to this section or regulations made thereunder shall, on summary conviction before a Resident Magistrate, be liable to a fixed penalty of one thousand dollars per ton or part of a ton of such sugar and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

(4) This section shall not apply to muscovado sugar or to any sale locally of sugar the exportation of which is bona fide prevented by damage from fire, water or act of God or the Queen's enemies.

19. [Repealed by Act 11 of 1994]

PART V. Manufacturers' Quota Licences and Quotas Thereunder

20.—(1) The Minister may, on the recommendation of the Authority, by order add or remove any factory to or from the First Schedule, and may substitute any factory, mentioned in or added to the said Schedule, by any other factory.

(2) No person shall manufacture sugar unless he is a manufacturer and no manufacturer shall manufacture sugar unless there has been issued to him in respect of a factory, and prior to the manufacture by him of sugar,
Thereat a licence (in this Act referred to as "quota licence") as hereinafter provided.

(3) [Deleted by Act 11 of 1994]

21.—(1) Where the Minister is satisfied that any person is erecting or desires to erect any factory (in this section referred to as a "prospective factory") and as to the following particulars in relation to such factory—

(a) the name by which it is intended to be known; and

(b) the place where it is being or is intended to be erected; and

(c) the estimated manufacturing capacity which it will possess when its erection is complete,

the Minister may, on the recommendation of the Authority, make an order adding such prospective factory by the name by which it is intended to be known to the First Schedule.

(2) The Minister may, before making any order under subsection (1), require the person who is erecting or desires to erect the prospective factory to furnish such information and to produce such documents or plans relating thereto as the Minister may think fit.

(3) Upon the making of any order under subsection (1), the prospective factory to which such order relates shall for all purposes be deemed to be a factory specified in the First Schedule.

22.—(1) Application for a quota licence shall be made to the Authority which may, in its absolute discretion, issue or refuse to issue a licence of either class.

(2) A quota licence issued under this section shall be in the relevant form set forth in the Second Schedule, shall be issued in respect of the quota period specified in the licence, shall endure only so long as that quota period

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endures, and there shall be attached to a licence such conditions as may be prescribed:

Provided that it shall be a condition of every quota licence issued under this section that the manufacturer shall accept, subject to such conditions as may be prescribed, and subject to the provisions of Part VI, supplies of canes delivered at his factory by a cane farmer who is registered at that factory as a supplier of canes thereto.

(3) A quota licence shall fix the total number of tons of sugar which the manufacturer is permitted to make available for local consumption under the licence (in this Act referred to as "manufacturer's quota") and shall fix in tons the several proportions of the manufacturer's quota which the manufacturer is permitted to make available for local consumption (in this Act referred to as "manufacturer's local consumption quota").

(4) [Deleted by Act 11 of 1994]

(5) The Authority may, in the prescribed manner, subject to such conditions as may be prescribed, cancel, vary, amend, amalgamate or transfer quota licences.

(6) [Deleted by Act 11 of 1994]

(7) Before issuing, varying, amending, amalgamating or transferring any licence under this section, the Authority shall refer the application or question to any organization representative of manufacturers for the advice of the organization but the Authority shall not be bound by any advice tendered by the organization.

23. On representation by the organization referred to in subsection (7) of section 22 that hardship is experienced by any one or more manufacturers by reason of the quotas allotted to him or them and that his or their manufacturer's quota or quotas should be increased, the Authority, if satisfied that it would be just so to do, may, notwithstanding anything contained in this Act and although all quota

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licences may have been issued for the current quota period, make proportional deductions from the manufacturer's quota of the remaining manufacturers and may re-allocate the quantity so obtained to the manufacturer or manufacturers in whose case or cases hardship is experienced, and the Authority shall amend all quota licences accordingly:

Provided always that the aggregate of all such deductions shall not exceed 1,500 tons of sugar in any quota period.

24.—(1) It shall be lawful for a manufacturer to hold as part of the Island reserve such stocks of sugar in excess of the amount named in the quota licence issued to such manufacturer as the Authority may from time to time, in writing, approve.

(2) The Authority in approving such quantities shall have due regard to the Island reserve as fixed by the Minister by order as provided in section 16 (2), so that the aggregate of the approved quantities held in stock as the Island reserve shall not exceed the amount of the Island reserve so fixed.

25.—(1) Any person whose licence has been cancelled under subsection (5) of section 22, or who, being an applicant for the issue to him of a licence, or for the variation, amendment, amalgamation or transfer of any licence under this Act, is aggrieved by the refusal or failure of the Authority to issue, vary, amend, amalgamate or transfer the licence or with any quotas or quantities specified in the licence, may within the prescribed time and in the prescribed manner appeal to the Minister.

(2) On any such appeal the Minister shall have power to make such order as he thinks fit, and any such order shall be final and conclusive and shall be binding upon the Authority.

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26.—(1) Any person who—

(a) not being the holder of a quota Licence, manufactures sugar; or

(b) [Deleted by Act 11 of 1994]

(c) being the holder of a quota licence—

(i) makes available for local consumption any sugar in excess of the manufacturer's local consumption quota fixed by his licence, or in contravention of the provisions of Part IV or regulations made under that Part;

(ii) holds as part of the Island reserve any stocks of sugar in excess of the amount which the Authority shall for the time being have approved, in writing, for such holder in pursuance of section 24;

(iii) refuses or fails to accept deliveries of cane farmers' canes in contravention of the conditions attached to his licence,

(d) [Deleted by Act 11 of 1994]

shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding ten thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding six months, and in the case of a continuing offence, to a penalty not exceeding ten thousand dollars in respect of each day on which the offence continues after conviction, and in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding twelve months, and any sugar manufactured, made available for local consumption, or held in reserve, in contravention of the provisions of this section may be seized as though it were prohibited goods within the meaning of sections 40 and 41 of the Customs Act, and shall be forfeited and may be disposed of as the Minister may

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direct, and the provisions of sections 14 and 15 shall, *mutatis mutandis*, apply to forfeiture proceedings and sugar under this section in like manner as they apply to forfeiture proceedings and sugar prohibited to be imported or exported under Part II.

(2) Every person who knowingly is a party to the contravention of any of the provisions of this section shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding ten thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding six months.

**PART VI. Cane Farmers**

*Registration, Licences and Prices*

27.—(1) No manufacturer shall purchase canes from, or accept canes delivered by, a cane farmer and no cane farmer shall sell or deliver canes to a manufacturer, unless the cane farmer is registered in respect of the factory of the manufacturer for the supply of canes thereto.

(2) Any manufacturer or cane farmer who knowingly contravenes the provisions of this section shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding one thousand dollars for each such offence and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

28.—(1) Every cane farmer desirous of supplying sugar canes to a factory, shall apply to the Authority to be registered under this Act in respect of such factory, and every such application shall set out—

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(a) the factory to which the farmer proposes to deliver his sugar canes;

(b) the area of sugar cane which the farmer has under cultivation, or the area of land which he proposes to cultivate in sugar cane.

(2) On receipt of such application the Authority shall refer it to the manufacturer affected thereby for his recommendations. Where a cane farmer applying for registration in respect of a factory is already registered in respect of one or more other factories, the application shall be referred to all the manufacturers affected for their recommendations.

(3) The Authority shall not be bound by the recommendations of such manufacturers, and may grant or refuse any application in its discretion.

(4) Where a cane farmer applying for registration in respect of one factory is already registered in respect of another factory, the Authority may, in its discretion—

(a) cancel the registration in respect of the first factory;

(b) grant such application upon such terms and subject to such conditions as the Authority may think fit.

(5) The registration in respect of a factory of any cane farmer who fails to deliver to such factory any canes for two consecutive crop seasons shall be deemed to be cancelled, and such cane farmer shall thereupon cease to be registered in respect of such factory.

(6) Any cane farmer or manufacturer aggrieved by the refusal to register a cane farmer, or by the registration, or the cancellation or transfer of the registration, of a cane farmer may, within two months of the act complained of and not later, appeal to the Minister who shall have power to make such order upon such appeal as he thinks fit. Every such order shall be final and conclusive and shall be binding.

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on the Authority, and shall be substituted for the order of the Authority to which the appeal relates, and such substituted order shall for all purposes be deemed to be an order of the Authority.

(7) [Deleted by Act 11 of 1994.]

29. [Repealed by Act 11 of 1994.]

30.—(1) In respect of every cane farmer registered by the Authority, a certificate of registration in the prescribed form shall be issued by the Authority to the manufacturer in respect of whose factory the registration has been effected, and such manufacturer shall—

(a) countersign the certificate, or cause it to be countersigned by his duly authorized agent;

(b) deliver the certificate to the cane farmer to whom it relates not later than thirty days after the date of the registration;

(c) enter in a register, to be kept for the purpose by the manufacturer, the name and address of the cane farmer.

(2) A certificate of registration shall, unless cancelled or transferred, entitle the cane farmer named on the certificate to supply canes to the factory subject to the provisions of section 32.

31. 41) Every manufacturer who—

(a) fails to deliver to a cane farmer within thirty days of the date of registration the certificate of registration referred to in subsection (1) of section 30; or

(b) fails to countersign such certificate; or

(c) fails to keep the register referred to in such

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subsection, or to enter in such register the required particulars,
shall be guilty of an offence against this Act and liable on conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or in default of payment to imprisonment with hard labour for any period not exceeding three months.

(2) Every cane farmer who—

(a) knowingly makes any false or incorrect statement in any such application as is provided for in subsection (1) of section 28; or

(b) delivers in his own name sugar canes grown by any other person, whether a registered cane farmer or not, save with the prior written permission of the Authority,
shall be guilty of an offence against this Act and liable on conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or in default of payment to imprisonment with hard labour for any period not exceeding three months.

32.—(1) Whenever the Authority is satisfied that it is expedient in the interests of the sugar industry that the supply of cane farmers' canes should be limited, the Authority may with the approval of the Minister, by order published in the Gazette declare that from a date to be specified in the order no cane farmers' canes shall be delivered at a factory except under a licence (in this Act referred to as "cane farmer's licence").

(2) Where the cane farmer's licence fixes a less quantity of canes than the quantity which the cane farmer would be entitled to deliver at the factory and the manufacturer compellable to accept under any subsisting contract made between them, the quantity fixed by the con-
tract shall be deemed to be varied accordingly and the manufacturer shall not accept any quantity of canes in excess of the quantity fixed by the cane farmer's licence.

(3) Whenever the Authority shall declare by order published in the Gazette that from a date to be specified in the order no cane farmers' canes shall be delivered at a factory except under a cane farmer's licence the Authority shall issue such cane farmer's licence to each registered cane farmer or, as the case may be, each manufacturer who cultivates sugar canes on his own land, in such manner and for such quantity of canes as is hereinafter provided.

(4) (a) The cane farmer's licence issued under subsection (3) shall—

(i) be in the prescribed form;

(ii) authorize delivery of sugar canes only to the factory specified in the licence;

(iii) fix the quantity (hereinafter referred to as "the basic quantity") of sugar canes which may be delivered under the licence during a quota period; and

(iv) be subject to such conditions as may be prescribed.

(b) The Authority before issuing a cane farmer's licence may refer the application to any organization representative of cane farmers for the advice of the organization thereon, but the Authority shall not be bound by any advice tendered by any such organization.

(c) Upon the application of a cane farmer to whom a licence has been issued under the provisions of this section, the Authority may in the prescribed manner and subject to such conditions and restrictions as may be prescribed, cancel, vary, amend or transfer such licence.

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For the purposes of this section the conditions and restrictions mentioned in paragraph (c) may—

(i) specify the mode of transfer, cancellation or variation of any cane farmer's licence;

(ii) restrict the transfer of any cane farmer's licence to any class or category of registered cane farmers;

(iii) specify the manner of distribution or apportionment of the relevant basic quantity or part thereof (including the priority to be enjoyed by any class or category of registered cane farmers) upon the cancellation or variation of a cane farmer's licence.

In the case of—

(a) a registered cane farmer, the basic quantity shall—

(i) be equivalent to the quantity of sugar canes delivered by him during the basic quota period to the factory in respect of which he is (or had then been) registered, where the quantity of sugar canes so delivered is not in excess of the fixed minimum quantity;

(ii) where the quantity of sugar canes so delivered is in excess of the fixed minimum quantity, be equivalent to the statutory percentage of such quantity of sugar canes or the fixed minimum quantity whichever may be greater;

(b) a manufacturer who cultivates sugar cane, the basic quantity shall be equivalent to the statutory percentage of the quantity of sugar cane cultivated by him or on his behalf and delivered to his factory during the basic quota period, unless the Authority determines that by reason of any basic quantity
allotted to a registered cane farmer in accordance with the proviso to this subsection the basic quantity of the manufacturer shall be reduced by such amount as the Authority may think just and proper, so, however, that the basic quantity of the manufacturer shall not be reduced in any case where paragraph (ii) of the said proviso applies:

Provided that if the Authority is satisfied that a registered cane farmer delivered sugar cane for the first time during the quota period immediately following the basic quota period (hereinafter called the "specified quota period") or would experience hardship if the basic quantity allotted to him is not greater than that specified in paragraph (a) by reason of—

(i) the extension during the specified quota period of his cultivation with the consent of the manufacturer in respect of whose factory he is registered; or

(ii) the destruction of his cultivation or damage thereto during the basic quota period by fire, drought, disease or any other vis major or act of God,

the basic quantity in the case of such a cane farmer may in the discretion of the Authority be fixed at the amount he would be entitled to under paragraph (a) if for the references therein to the basic quota period there were substituted references to the specified quota period; in which event the manufacturer thereby affected as well as the registered cane farmer shall have a right of appeal under section 34.

(6) For the purposes of subsection (5)—

(a) the statutory percentage shall be the percentage declared as such from time to time by order made by the Minister after consultation with the

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Authority, and published in the Gazette: Provided that any order varying any statutory percentage shall not be made to take effect—

(i) before the expiration of twelve months after the publication of such order; and

(ii) at any date other than the date of the commencement of a quota period;

(b) the fixed minimum quantity shall be one hundred tons: Provided that the Minister may from time to time by notice vary the fixed minimum quantity;

(c) the basic quota period shall be such period as the Minister shall declare.

(7) Any cane farmer who delivers canes, and any manufacturer who accepts delivery of canes, in contravention of the provisions of this section or of any of the terms or conditions of the licence issued thereunder shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding one thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

(8) Where the registration of a cane farmer has been deemed to have been cancelled under subsection (5) of section 28, the canes which such cane farmer would be entitled under licence to deliver shall be allocated by the Authority among the other cane farmers licensed in respect of the factory for which such cane farmer was licensed.

(9) Notwithstanding anything to the contrary the provisions of this section shall not apply to sugar cane which is delivered to a factory—

(a) by a cane farmer with the permission in writing
of the Authority for the purpose of enabling a manufacturer—

(i) to meet the deficiency, where the supply of cane delivered or to be delivered at his factory under cane farmer's licences during a quota period is or is likely to prove insufficient to produce the amount of sugar which the manufacturer is entitled to dispose of under his quota licence for such period;

(ii) to maintain his portion of the Island reserve approved in accordance with the provisions of section 24;

(b) for any purpose other than that of manufacturing sugar.

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

33.—(1) Whenever the Authority is satisfied—

(a) that any particular factory is unable economically to grind a greater quantity of sugar cane than the amount ground in a previous quota period; and

(b) that more sugar cane is likely to be delivered to such factory by cane farmers than the amount delivered by them in such previous quota period, the Authority may, with the approval of the Ministry, by order declare that from a date to be specified in the order, but not less than eighteen months from the date on which the order is made and notwithstanding anything in this Act, no cane farmer's sugar canes shall be delivered at the factory specified in the order except under a licence (in this Act referred to as a "special cane farmer's licence").

(2) In any case where under this section the Authority declares by order that no cane farmer's canes shall be del-
livered at a particular factory except under a special cane farmer's licence, the Authority shall issue a special cane farmer's licence to each cane farmer registered in respect of the factory to which the order applies.

(3) (a) The special cane farmer's licence issued under subsection (2) shall—

(i) be in the prescribed form;

(ii) be issued in respect, and for the duration, of the quota period specified in the licence;

(iii) fix the quantity (hereinafter referred to as "the licensed quantity") of sugar canes which may be delivered under the licence;

(iv) be subject to such conditions as may be prescribed.

(b) The licensed quantity shall be the maximum amount delivered by the cane farmer to the factory in respect of which the order applies in any one of the three quota periods immediately preceding the quota period in respect of which the order was made:

Provided that where the quantity of sugar canes which the cane farmer would be entitled to deliver to the factory and which the manufacturer compellable to accept under any subsisting contract made between them is in excess of the quantity which would be fixed as the licensed quantity under this section, the licensed quantity fixed under this section shall, in relation to such cane farmer, be the quantity which such cane farmer is entitled to deliver under such contract.

(c) If any cane farmer fails to deliver to the factory his licensed quantity then the amount by which his deliveries of sugar cane to the factory falls short of his licensed quantity shall be allocated by the Authority among the other cane farmers licensed in respect of that factory if they or any of them are able to make up such deficiency.
(d) In addition to such licensed quantity and any amount which, under paragraph (c), may be allocated to a cane farmer, the Authority may, if circumstances so permit, allow a cane farmer to deliver an increased quantity of sugar cane.

(4) Notwithstanding anything in this Act the Authority in any case where it is satisfied that the amount of canes deliverable by licensed cane farmers to a factory under this section would inflict undue hardship on such factory may, in its absolute discretion, by order vary the amount of canes to be delivered in any quota period by cane farmers licensed in respect of such factory and every such order shall be published in the Gazette.

(5) Any manufacturer or cane farmer aggrieved by any order of the Authority in relation to a special cane farmer's licence shall have a right of appeal in accordance with the provisions of section 34.

34. Any person who, being the applicant for a cane farmer's licence, is aggrieved by the refusal or failure of the Authority to issue such licence, or with any conditions imposed therein may, within the prescribed time and in the prescribed manner, appeal to the Minister, and the Minister shall have power to make such order as he may think proper; and any such order shall be final and conclusive and shall be binding on the Authority.

35. [Repealed by Act 11 of 1994.]

PART VII. Determination of Disputes

36.—(1) All disputes between cane farmers and manufacturers arising out of any sale, purchase, delivery, acceptance or non-acceptance of cane farmers' canes to or by a manufacturer shall be determined by the Authority, and all

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such disputes shall be referred to the Authority on reference made to the Authority within such time and in such manner as may be prescribed.

(2) Subject to the provisions of this Part a cane farmer or a manufacturer shall not bring any action or proceeding in any court of law in respect of any such dispute or for any matter arising out of any such dispute.

37.—(1) As soon as a reference is made to the Authority the Authority shall forthwith cause a copy thereof to be served upon the respondent in the manner prescribed, together with a notice requiring the respondent to lodge with the Authority such answer as is prescribed in subsection (2) within the period therein prescribed, and that in default of compliance by the respondent therewith, or of his appearing at a time and place fixed in the notice, such order may be made as the Authority thinks just and proper.

(2) If the respondent intends to oppose an application he shall within seven days after service of notice, or within such extended period as the Authority may upon special request allow, lodge with the Authority a written answer containing a concise statement of the extent and grounds of his opposition.

(3) At the hearing of a reference the Authority may inform itself on any matters in dispute on the reference by any relevant evidence produced before it, or by the examination of any canes which may be the subject-matter of dispute, or by the certificate of the Island Chemist or other duly qualified analytical chemist nominated by the Minister, as to the sucrose content of any canes which may be the subject of dispute.

(4) On the written request by any party to the reference, the Authority shall hear the reference in public and

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any such party shall whether the hearing takes place in public or in private be entitled to be represented by an attorney-at-law.

38.—(1) In adjudicating on any dispute it shall be lawful for the Authority to award such compensation, damages and costs to either party as to the Authority may seem just, and to order either party to do or refrain from doing any act or thing which the Authority may consider just so to order, and any such order of the Authority shall have the force of a judgment of a Resident Magistrate's Court in matters within the Court's jurisdiction.

(2) Any person aggrieved by an order made by the Authority or by any determination of the Authority pursuant to this section or section 37 may appeal to a Judge in Chambers who shall hear and determine the appeal and make such order as to the Judge may seem fit.

(3) Any such order made by a Judge in Chambers shall be final and binding on the Authority and on all parties to the proceeding.

(4) Rules of court may be made prescribing the notices to be given, the parties to be served, and the procedure to be followed, in relation to any appeal under subsection (2).

(5) On application in the prescribed form to the Resident Magistrate's Court for the parish in which the dispute arose by any person aggrieved by failure to carry out any order of the Authority or of the Judge in Chambers made under this section, the order may by leave of the Resident Magistrate's Court be enforced in the same manner as a judgment or order of such Court is enforced.

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39. The provisions of this Part relating to the determination of disputes by the Authority shall not apply to cane farmers and manufacturers who have entered into or shall enter into written agreements whereunder provision is made for the settlement of any dispute by arbitration or otherwise.

**PART VIIA. Payment of Certain Revenues into the Consolidated Fund**

39A. From and after the 22nd day of April, 1994, any sums received by the Authority representing surpluses derived from profits from the sale of imported raw sugar shall be paid by the Authority into the Consolidated Fund.

**PART VIII. General**

40.—(1) The Authority may, with the approval of the Minister, make regulations for the carrying out of the provisions of this Act and in particular but without prejudice to the generality of the foregoing may make regulations—

(a) with respect to the registration of cane farmers, and the transfer and cancellation of such registration;

(b) prescribing the conditions with respect to the delivery, measurement, examination and testing of canes, the areas in which cane may be grown and harvested for the purpose of the industry, the tonnages to be grown in such areas, and the factories to which delivery may be made;

(c) prescribing the form of returns to be furnished by factories, estates, cane farmers and trade unions, and the method of accounting to be used by cane farmers and estates;

(d) prescribing the standard of sucrose content of canes or the juices expressed therefrom;

(e) prescribing the method of weighing canes and the examination and correction of scales at factories;

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(f) for the supervision of arrangements relating to the marketing of sugar and molasses, both locally and abroad;

(g) [Deleted by Act 11 of 1994.1]

(h) with regard to applications in respect of—
   (i) quota licences;
   (ii) [Deleted by Act 11 of 1994.1]
   (iii) cane farmers' licences;

(i) for the implementation of licensing in respect of production quota;

(j) prescribing anything requiring to be prescribed under this Act;

(k) with respect to such other matters as may be incidental to or connected with the foregoing.

(2) Regulations made under this Act shall be published in the Gazette and shall come into operation on such publication or at such other time as may be fixed by such regulations.

(3) If any person acts in contravention of, or fails to comply with, any regulation made under this Act he shall for each offence, on summary conviction thereof before a Resident Magistrate be liable to a penalty not exceeding one thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

(4) Regulations made under this Act shall be of the same force and effect as if they were contained in and formed part of this Act.

41. The Authority may, with the approval of the Minister, whenever it is satisfied that it is expedient so to do, by order direct that the provisions of Part VI shall no longer have effect as from a date to be specified in such order, and

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thereupon, as from such date, such provisions shall be deemed to have been repealed.

42. Any person who acts in contravention of, or who fails to comply with, any of the provisions of this Act or order made thereunder, and any person guilty of an offence under this Act, for which no special penalty is provided shall be liable, in respect of each such contravention, failure or offence, to a penalty not exceeding one thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding two months.

43. Every offence under, and every contravention of this Act or regulation or order made thereunder, shall be deemed to have been committed either at the place at which the same was actually committed or in the parish in which the offender resides.

44. Where a person convicted of an offence against this Act is a company, the chairman and every director of the company, and every officer of the company concerned in the management thereof shall be guilty of a like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

45. Nothing in this Act contained shall operate to prejudice or prevent the approved marketing organization from arranging with manufacturers for interchange between manufacturers of sugar subject to the several manufacturers' export quotas and sugar subject to several manufacturers' local consumption quotas or shall prejudice or prevent, subject to the prior approval of the Authority, interchanges between manufacturers of sugar subject to the several

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manufacturers' export quotas and sugar which the several manufacturers are respectively entitled to hold as part of the Island reserve.

46. Where under a written agreement entered into by a manufacturer with a cane farmer for the supply of canes by the farmer to the manufacturer, a cane farmer gives notice to the manufacturer in terms of such agreement of his intention to terminate the agreement, the manufacturer shall not after the determination of the agreement be compellable to accept deliveries of canes grown on the land in respect of which the agreement was made although, in either case, such cane farmer is a cane farmer registered at the factory of the manufacturer.
FIRST SCHEDULE

(Sessions 2 and 20)

Jamaica Sugar Estates Holland
Grays Inn Sugar Factory Monymusk (New Factory)
Long Pond Worthy Park
Bernard Lodge Innswood
Rose Hall Hampden
New Yarmouth Frome Central
Appleton Natural Cane Products Limited.

This Schedule has been amended by—

SECOND SCHEDULE

(Section 22)

FORM OF QUOTA LICENCE

A.B. is hereby licensed in respect of .................................................. Factory, subject to the prescribed conditions during the period fixed under section 16 of the Sugar Industry Control Act as the quota period .................................................. subject to such licences, conditions or regulations as may be required, prescribed or made under the provisions of the Sugar Industry Control Act during the said quota period to dispose of

for local consumption ................................... tons

of (State nature of sugar).

This licence is issued subject to the further following conditions—

When an order has been made under section 24 of the Sugar Industry Control Act. A.B. shall subject to such conditions as may be prescribed, accept all supplies of canes specified in a cane farmer's licence, which are of the usual varieties, standard and quality of Jamaica cane farmers' canes free from tops, dirt and trash, delivered at the abovementioned Factory during the said quota period by a cane farmer who is registered at the Factory.

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

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

Signed, ..........................................................

Chairman of the Sugar Industry Authority.

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THIRD SCHEDULE
(Section 3) 8/1970
S. 8.

1. The Authority shall consist of seven members to be appointed by the Minister from among persons who appear to him to be suitable for such appointment including persons appearing to him to have ability and experience in the areas of law, economics and in matters related to the sugar industry.

2. (1) The Minister may, on the application of a member of the Authority, grant to such member leave of absence for any period not exceeding six months.

(2) The Minister may appoint any person to act temporarily in the place of any member of the Authority in the case of the absence or inability to act of such member.

(3) In the absence or inability to act, at any meeting of the chairman the remaining members of the Authority shall elect one of their number to preside at that meeting.

3. (1) The appointment of any member of the Authority shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

(2) Every member of the Authority shall be eligible for reappointment.

(3) Notwithstanding anything to the contrary the Minister may at any time revoke the appointment of the chairman or any other member of the Authority.

(4) [Deleted by Act 11 of 1994.]

4. (1) Any member of the Authority other than the chairman may resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

5. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the Gazette.

6. (1) The Authority shall be a body corporate to which the provisions of section 28 of the Interpretation Act, shall apply.

(2) The seal of the Authority shall be authenticated by the signatures of the chairman or one member of the Authority authorized to act in that behalf and an officer of the Authority so authorized to act.

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(3) All documents, other than those required by law to be under seal, made by, and all decisions of the Authority may be signed under the hand of the chairman or any member or officer of the Authority authorized to act in that behalf.

7. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Authority shall determine.

(2) The chairman or, in the case of the inability to act of the chairman, the member acting as chairman, shall preside at all meetings of the Authority, and when so presiding the chairman or the member acting as chairman, as the case may be, shall have an original and a casting vote.

(3) The quorum of the Authority shall be four members of the Authority including the chairman or the member acting as chairman.

(4) Subject to the provisions of this Schedule the Authority may regulate its own proceedings.

(5) The chairman may at any time call a special meeting of the Authority and shall call a special meeting to be held within seven days from the receipt of the written request for that purpose addressed to him by at least two members of the Authority.

(6) The validity of any proceedings of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

8. There shall be paid to the chairman and other members of the Authority and to the members of any committee appointed under paragraph 10 such remuneration, if any (whether by way of salaries or travelling or other allowances), as the Minister may determine.

9. The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament, and such other moneys as may lawfully be paid to the Authority.

10. (1) The Authority shall appoint a Sugar Cane Prices Committee, a Sugar Committee and such number of local harvesting committees as it may determine; and it may appoint other committees for any such general or special purposes with which the Authority may be concerned as in the opinion of the Authority would be better regulated and managed by means of a committee.

(2) The number of members of a committee appointed under sub-paragraph (1), their functions and terms of appointment, the quorum of the committee and the area, if any, within which the committee is to exercise authority shall be determined by the Authority with the approval of the Minister.

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(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Authority, so, however, that the appointment of any such person shall be subject to the approval of the Minister.

(4) The provisions of paragraphs 13 and 14 shall apply to a member of a committee who is not a member of the Authority in like manner as they apply to a member of the Authority.

(5) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

11. (1) It shall be lawful for the Authority to appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a secretary, an accountant, a sugar technologist, and such other officers, agents and servants as it thinks necessary for the proper carrying out of its functions:

Provided that no appointment to a post carrying a salary in excess of the rate of five thousand dollars per annum shall be made without the prior approval of the Minister.

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any public officer in the service of Jamaica to any office with the Authority and any public officer so appointed shall, in relation to pension, gratuity, allowance and to other rights as a public officer, be treated as continuing in the service of the Government.

12. The Authority may, with the approval of the Minister, make regulations determining generally the conditions of service of officers or servants of the Authority and relating to the grant of pensions, gratuities and other benefits to or in respect of the service of such officers or servants.

13. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done bona fide in pursuance or execution or intended execution of this Act.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph the Authority shall be liable to the extent that it would be if the said member was a servant or agent of the Authority.

14. The office of chairman or member of the Authority shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

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15. (1) The Authority shall keep proper accounts and other records in relation to the business of the Authority and shall prepare annually a statement of accounts in a form satisfactory to the Minister and shall submit the same to the Auditor-General or an auditor appointed by the Authority with the approval of the Minister, to be audited.

(2) The Authority shall, on or before the thirty-first day of August, in each year, submit to the Minister for his approval, its estimates of revenue and expenditure in respect of its financial year commencing on the first day of November next following.

16. (1) The Authority shall, within three months after the end of each financial year ending on the 31st day of October, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Authority during that financial year, and containing such information relating to the proceedings and policy of the Authority as can be made public without detriment to the interest of the Authority.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon and on the accounts to be laid on the respective Tables of both Houses of Parliament.

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