



TRINIDAD AND TOBAGO

No. 5—1960

[L.S.]

I ASSENT,

E. B. BEETHAM

*Governor.*

9th April, 1960.

AN ORDINANCE to amend the "Trinidad Island Wide Cane-Farmers Association" (Incorporation) Ordinance, 1957.

[21st April, 1960.]

Commence-  
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment.

1. This Ordinance may be cited as the Trinidad Island Wide Cane-Farmers Association (Incorporation) (Amendment) Ordinance, 1960 and shall be read as one with the "Trinidad Island Wide Cane-Farmers Association" (Incorporation) Ordinance, 1957, hereinafter referred to as the Principal Ordinance. Short Title.  
Ord. No. 22-57.

Section 1 of  
Principal  
Ordinance  
repealed and  
replaced.

2. Section 1 of the Principal Ordinance is repealed and replaced as follows:—

“Short title.

1. This Ordinance may be cited as the Trinidad Island Wide Cane-Farmers Association (Incorporation and Cess) Ordinance, 1957.”

Insertion of  
new  
Section 1A.

3. After section 1 of the Principal Ordinance the following new section numbered 1A is inserted:—

“Interpretation.

1A. In this Ordinance—

“Association” means the “Trinidad Island Wide Cane-Farmers Association” created a body corporate by section 2 of this Ordinance;

“cane-farmer” means a person who cultivates sugar canes for sale or delivery to a sugar manufacturer but does not include a sugar manufacturer who cultivates sugar canes on his own land;

“Committee” means the Committee of Management of the Association;

“crop season” means the period between the 1st day of December in any year and the 31st day of July in the ensuing year;

“Minister” means the member of the Cabinet charged with the administration of the subject of agriculture;

“sugar manufacturer” means a person owning or having control of a factory specified in the Second Schedule to this Ordinance.”

Amendment of  
section 3 of  
the Principal  
Ordinance.

4. Section 3 of the Principal Ordinance is amended by substituting the words “First Schedule” for the word “Schedule” appearing therein.

Repeal and  
replacement  
of section 7 of  
Principal  
Ordinance.

5. Section 7 of the Principal Ordinance is repealed and in the place thereof the following sections shall have effect:—

“Estimates to  
be submitted.

7. (1) The Committee shall, on or before the 15th day of January in each year, prepare and submit to the Minister true estimates of the income receivable and the expenditure to be incurred during the financial year commencing the first day of April next following.

(2) The Committee shall submit its estimates in the form required by the Minister, who may approve or amend such estimates.

(3) When the Minister approves the estimates submitted under subsection (1) of this section, whether with or without amendments, he shall cause the estimates so approved to be published in the *Royal Gazette*.

Annual  
Report of  
the  
Association.

8. (1) The Committee shall annually prepare and present to the annual general meeting of members of the Association a report of its proceedings together with a complete statement of its financial position and its accounts audited and certified by an auditor approved by the Minister.

(2) The Committee shall forward certified copies of such report, statement and accounts to the Minister who shall cause the same to be laid before the Legislative Council.

Imposition of  
a cess.

9. (1) The Governor in Council may, by order, on the application of the Association, impose a cess upon all canes supplied by any cane-farmer to any sugar manufacturer.

(2) Every cess imposed under subsection (1) of this section shall be at such rate not exceeding five cents per ton as may be specified in the order.

(3) Every cess imposed under subsection (1) of this section shall apply to all canes delivered by a cane-farmer to a sugar manufacturer during the crop season in respect of which such cess is expressed to be imposed and shall not be varied during such crop season.

Deduction  
of cess

10. (1) Every sugar manufacturer to whom a cane-farmer delivers canes in any crop season in respect of which there is in force a cess under this Ordinance shall deduct the amount of such cess from any sums payable by him to such cane-farmer for such canes.

(2) All sums deducted by a sugar manufacturer under subsection (1) of this section shall be paid by him to the Accountant General within such times as may be prescribed.

(3) If any sugar manufacturer fails to deduct from any moneys payable by him to a cane-farmer the cess imposed under this Ordinance or having deducted such cess fails to pay it to the Accountant General within the time prescribed, the Accountant General may recover such sum by action as if it were a debt owed by the sugar manufacturer to the Accountant General.

Disposal of  
cess.

11. The Accountant General shall hold all sums paid to him by, or received by him from, any sugar manufacturer under section 10 of this Ordinance until the publication in the *Royal Gazette* of the estimates as provided in subsection (3) of section 7 of this Ordinance, and upon the publication thereof shall pay—

- (a) to the Association such portion of such sums as the Association satisfies him represents the cess imposed upon canes supplied by members of the Association; and
- (b) the balance thereof into a reserve fund to be kept by the Accountant General and to be disposed of for the benefit of cane-farmers in such manner as the Governor in Council shall determine.

Regulations.

12. The Governor in Council may make regulations—

- (a) for the making of returns by a sugar manufacturer to the Accountant General or to the Association in such form as may be prescribed—
  - (i) of all canes delivered to him by cane-farmers;
  - (ii) of all sums deducted under this Ordinance from any moneys payable by him to a cane-farmer;
- (b) for the auditing by an auditor approved by the Minister after consultation with the Association and sugar manufacturers of any accounts of a sugar manufacturer in relation to any deductions made under this Ordinance;
- (c) for the payment of any sums so deducted to the Accountant General;
- (d) for the payment by the Accountant General of any sums received by him under this Ordinance.

Amendment  
of Second  
Schedule.

13. The Governor in Council may by order add or remove any factory to or from the Second Schedule to this Ordinance.

Saving  
of Crown  
and other  
rights.

14. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty, Her Heirs or Successors, or of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from, or under them.”

6. (1) The words "First Schedule" are substituted for the word "Schedule" appearing as the caption to the Schedule to the Principal Ordinance. Amendment of Schedule and insertion of new Schedule.

(2) After the First Schedule to the Principal Ordinance the following schedule is inserted:—

"SECOND SCHEDULE

Brechin Castle

Forres Park

Orange Grove

Usine Ste. Madeleine and Reform

Woodford Lodge."

7. The long title to the Principal Ordinance shall have effect as if immediately before the fullstop at the end thereof there were inserted the words "and to impose a cess, for the purposes of such Association, upon all canes supplied by cane-farmers to sugar manufacturers, and for purposes incidental thereto." Long title to Principal Ordinance Amended.

Passed in Council this eighteenth day of March, in the year of Our Lord one thousand nine hundred and sixty.

G. R. LATOUR

*Acting Clerk of the Council*