



TRINIDAD AND TOBAGO

No. 17—1961

[L.S.]

I ASSENT,

C. A. KELSICK

Governor's Deputy.

22nd June, 1961.

AN ORDINANCE to amend and consolidate the law relating to the "Trinidad Island Wide Cane-Farmers' Association", to provide for the registration of Cane-Farmers and for purposes incidental thereto.

[On Proclamation]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 Cane-Farmers Incorporation and Cess Ordinance, 1961.

Short title.

PRELIMINARY

Interpretation.

2. (1) In this Ordinance—

- (a) "Association" means the Trinidad Island Wide Cane-Farmers' Association continued as a body corporate by section 3;
- (b) "cane-farmer" means a person who cultivates sugar canes for sale or delivery under contract, to a sugar manufacturer at a factory, but unless the context otherwise requires the expression shall not include a sugar manufacturer who cultivates sugar canes on his own land;
- (c) "committee" means the Committee of Management of the Association;
- (d) "crop season" means the period between the first day of December in any year and the thirty-first day of July in the ensuing year;
- (e) "Minister" means the member of the Cabinet charged with the administration of the subject of agriculture;
- (f) "sugar manufacturer" means a person owning or having control of a factory specified in the Schedule to this Ordinance.
- (g) "the former Ordinance" means the Trinidad Island Wide Cane-farmers' Association (Incorporation and Cess) Ordinance, 1957.

(2) A reference in this Ordinance to a section shall, unless the contrary intention appears, be read as a reference to a section of this Ordinance; and a reference in this Ordinance to a subsection or paragraph shall, unless the contrary intention appears, be read as a reference to a subsection or paragraph, as the case may be, of the section in which the reference occurs.

PART I

INCORPORATION AND GENERAL POWERS

Incorporation
of Association.

3. (1) The Association known as the Trinidad Island Wide Cane-Farmers' Association and incorporated by the former Ordinance is continued as a body corporate under that name, having perpetual succession and a common seal.

(2) The Association may sue and be sued in its corporate name and, may for all purposes be described by such name and service on the Association of any notice, order, or other document shall be executed by delivering the same or by sending it by registered post addressed to the secretary of the Association at its registered address.

(3) The Association shall at all times have a permanent address for the service of documents on the Association and such address shall be registered with the Registrar General.

4. (1) On the date of the coming into operation of this Ordinance— Membership of the Association.

(a) the register of names of all members of the Association kept by virtue of the rules made under the provisions of the former Ordinance shall be deemed to be the register of members of the Association under this Ordinance;

(b) every cane-farmer who has entered into a contract with a sugar manufacturer to supply canes under the Production of Cane Ordinance and every cultivator as defined in the said Ordinance shall be deemed to be a member of the Association; and every cane-farmer who may thereafter enter into any such contract shall be a member of the Association as from the date of his contract. Ch. 23. No. 12

(2) Every member of the Association may at any time resign from the Association by giving one month's notice in writing to the secretary of the Association.

(3) Every member of the Association whose contract under the Production of Cane Ordinance expires or is terminated shall be deemed to have resigned from the Association upon the date of the expiration or termination of his contract. Ch. 23. No. 12

5. The Association may—

(a) acquire, sell, assign, mortgage and otherwise deal with any real and personal property whatsoever vested in it upon such terms as to the Association may seem fit, and Powers of the Association relating to property.

(b) enter into contracts.

6. The objects of the Association are—

(a) to promote, foster and encourage the growing of cane by cane-farmers and the orderly and proper delivery thereof to factories and the extension and welfare of cane farming as an industry; Objects of the Association.

(b) the preparation of or the settling of terms for cane-farmers' contracts with sugar or other factories and with labour;

- (c) to aid in settling disputes that may arise between cane-farmers and sugar factories, cane-farmers and labour, and amongst cane-farmers;
- (d) to act as agents for cane-farmers or any of them in any matter;
- (e) to promote any bill in furtherance of the interests of cane farming;
- (f) to make representations to the Government on any matter affecting the interest of cane-farmers;
- (g) to buy and sell and deal in fertilizers and agricultural implements and supplies if and when it may be deemed necessary to do so for the benefit of the members of the Association;
- (h) to invest and deal with the money of the Association in such manner as may from time to time be determined by the committee and to pay all costs, charges and expenses that may be incurred by the Association at any time;
- (i) to become members of any association except any political body or association;
- (j) to endeavour to obtain or to extend financial aid for such members who may require such aid in the carrying on of their cane cultivation;
- (k) generally to do all such acts, matters and things as may appear to the Association to be conducive to the attainment of the objects of the Association.

PART II

MANAGEMENT

Committee of
Management.

7. (1) The affairs of the Association shall be managed by a Committee of Management, which shall consist of—

- (a) two persons nominated by the Governor in Council; and
- (b) twelve members of the Association who shall be elected by the Association in general meeting.

(2) One-third of the members of the committee elected under paragraph (b) of subsection (1) shall retire each year in rotation, but shall be eligible for re-election.

(3) A member of the committee elected under paragraph (b) of subsection (1) shall vacate his seat if—

- (a) he ceases to be a member of the Association, or the Attorney, Manager or accredited agent of a member of the Association;
- (b) he is absent from three consecutive meetings of the committee without leave of the committee;

- (c) he becomes incapable of acting as a member;
- (d) he is removed from the committee under the provisions of subsection (8).

(4) Every member of the committee appointed by the Governor in Council shall hold office for two years from the date of his appointment unless, within such period, he resigns or is removed by the Governor in Council.

(5) The committee shall annually elect from amongst its members a chairman and a vice-chairman.

(6) The committee may fill any vacancy among its elected members caused by the death, resignation, absence from the island of Trinidad or inability to act, of a member, by a temporary appointment from among the members of the Association until an appointment has been made by the Association in general meeting; and any member appointed under this subsection shall not hold office later than the time when the person in whose place he is appointed would have gone out of office.

(7) The committee shall be deemed to be fully constituted for the purpose of this Ordinance, notwithstanding any temporary vacancy or vacancies in the membership of the committee.

(8) Every member of the committee elected under subsection (1) may be removed by a majority of two-thirds of the members present at a special general meeting.

(9) The committee shall, subject to the provisions of section 17, give effect to any resolution passed by the Association in special general meeting.

8. The committee may make standing orders for—

- (a) the regulation of its proceedings, the calling of meetings, the quorum necessary for the transaction of business, the voting of the members of the Committee, and the retirement in rotation of elected members of the Committee;
- (b) the appointment of executive committees and sub-committees, and the delegation to such committees and sub-committees, of the powers and duties of the committee;
- (c) the appointment and removal of a manager and secretary and of such other officers and servants as the committee may think fit, and the allocation of the duties of the officers and servants;
- (d) the keeping and presentation of accounts, and generally for carrying into effect the objects of the Association.

Standing
Orders.

Rules.

9. The Association in general meeting may make rules for—

- (a) the establishment of branch associations and affiliated associations;
- (b) the admission of associate members;
- (c) prescribing the rights and privileges, and for regulating the admission and removal of members of the Association;
- (d) regulating the use of the facilities of the Association by members of the Association, members of affiliated associations, and by the public;
- (e) regulating the conduct of general meetings of the Association;
- (f) prescribing the annual subscription to be paid by associate members or branch associations or affiliated associations;
- (g) prescribing the fees to be charged by the Association for any of the services specified in paragraphs (b), (c), (d), (g) and (j) of section 6.

Annual
General
Meeting.

10. A general meeting of the Association hereinafter referred to as the "annual general meeting", shall be held once in each year on such date and at such place as the committee may appoint.

Special
General
Meeting.

11. (1) A special general meeting of the Association shall be called by the secretary—

- (a) upon the direction of the committee; or
- (b) upon the receipt by him of a request signed by not less than twenty-five members of the Association and specifying the business to be transacted thereat.

(2) Every special general meeting called on the requisition of members of the Association shall be held not less than twenty-one and not more than thirty days from the receipt of the requisition by the secretary.

Quorum and
Notice.

12. (1) The quorum at any general meeting whether annual or special shall be twenty-five.

(2) Every member of the Association shall be given at least fourteen days' notice of every general meeting whether annual or special, either by posting such notice or by advertising in not less than two issues of a newspaper circulating in the island of Trinidad.

(3) Every notice referred to in subsection (2) shall, in the case of a special general meeting, specify the business to be transacted thereat.

13. All deeds, documents or other instruments requiring the seal of the Association shall be sealed with the common seal of the Association in the presence of two members of the committee who shall sign every deed, document or other instrument to which the common seal is affixed, and such signing is sufficient evidence that the seal was duly and properly affixed, and that it is the lawful seal of the Association.

Execution
of documents.

PART III

SUPERVISION BY THE GOVERNMENT

14. (1) The committee shall, on or before the fifteenth 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.

Estimates to
be submitted.

(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) whether with or without amendments, he shall cause the estimates so approved to be published in the *Royal Gazette*.

15. (1) The committee shall annually prepare and present to the annual general meeting 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.

Annual Report
of the
Association.

(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.

16. Rules made under this Ordinance by the Association in general meeting have no effect until they have been approved by the Governor in Council.

Rules to be
approved by
Governor in
Council.

17. (1) Every resolution passed in special general meeting directly or indirectly affecting the finances of the Association, shall be submitted by the committee to the Minister within seven days of its being so passed.

Resolutions
passed in
Special General
Meeting to be
submitted to
the Minister.

(2) The Minister may either approve, amend or disallow any resolution submitted under subsection (1).

(3) If the Minister approves any resolution submitted under subsection (1), the committee shall forthwith give effect to such resolution as approved.

(4) If the Minister disallows any resolution submitted under subsection (1), the committee shall not give effect to such resolution.

(5) If the Minister amends any resolution submitted under subsection (1), the committee shall not give effect to such resolution except as amended.

PART IV

FINANCIAL PROVISION

Imposition
of a cess.

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

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

(3) Every cess imposed under subsection (1) 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.

19. (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) shall be paid by him to the Accountant General within such time 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.

20. The Accountant General shall hold all sums paid to him by, or received by him from, any sugar manufacturer under section 19 until the publication in the *Royal Gazette* of the estimates as provided in subsection (3) of section 14, and upon the publication thereof, shall pay the sums to the Association. Disposal of
cess.

21. (1) Subject to the provisions of this Ordinance, the Association may create such reserve fund as it may consider adequate for the following purposes— Creation of
reserve fund.

- (a) the issue of loans to cane-farmers whose lands have been damaged or destroyed by flood, drought, fire, hurricane, disease or any other vis major or act of God, or as a result of labour strikes or lockouts, for the purpose of rehabilitating such lands;
- (b) to meet any deficit in the annual estimates of expenditure of the Association as approved by the Minister, not being a deficit arising from capital expenditure.

(2) The Association may apply such portion of such reserve fund as may be necessary for the operating expenses of the Association between the first day of April and the last day of September in any current financial year; but any sum so applied shall be repaid by the Association to the reserve fund out of the income of the Association for such financial year before the thirty-first December in that year.

22. The Governor in Council may make regulations—

Règulations.

- (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 repayment by the Accountant General of any sums received by him under this Ordinance.

Amendment of
Schedule.

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

PART V

REPEAL AND SAVINGS

Savings of
rights.

24. (1) Subject to this Ordinance, the Association has all the rights, privileges, obligations and liabilities and all real and personal property, including things in action, conferred, imposed and vested in the Association immediately before the commencement of this Ordinance.

(2) This Ordinance does not affect any legal proceedings pending by or against the Association immediately before the commencement of the Ordinance.

Repeal.

Ord. No. 22—
1957.
Ord. No. 5—
1960.

25. The Trinidad Island Wide Cane-Farmers' Association (Incorporation and Cess) Ordinance, 1957 is repealed.

Commence-
ment.

26. This Ordinance shall come into operation on a day to be appointed by the Governor by proclamation published in the *Royal Gazette*.

SCHEDULE

Brechin Castle

Forres Park

Orange Grove

Usine Ste. Madeleine and Reform

Woodford Lodge.

Passed in Council this second day of June, in the year of Our Lord one thousand nine hundred and sixty-one.

G. R. LATOUR

Clerk of the Council