



TRINIDAD AND TOBAGO

No. 19—1961

[L.S.]

I ASSENT,

C. A. KELSICK

Governor's Deputy.

22nd June, 1961.

AN ORDINANCE to provide for the establishment of a Board for the rehabilitation of cane-farmers, to define the powers of the said Board, and for purposes connected with the matters aforesaid.

[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 Rehabilitation Board Ordinance, 1961.

Short title.

Interpre-
tation.

2. In this Ordinance—

“Board” means the Cane-Farmers Rehabilitation Board established in accordance with 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 a committee appointed under section 6 of this Ordinance;

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

“sugar manufacturer” has the same meaning as in the Cane-Farmers Incorporation and Cess Ordinance, 1961.

Establish-
ment and
constitution
of Board.

3. (1) There is hereby established for the purposes of this Ordinance a body to be known as the Cane-Farmers Rehabilitation Board.

(2) The Board shall consist of seven members to be appointed by the Governor in Council.

(3) The members of the Board shall be as follows :—

(a) four members recommended for appointment by the Trinidad Island Wide Cane-Farmers Association;

(b) two members recommended for appointment by the Sugar Manufacturers' Association of Trinidad (Incorporated);

(c) one member representing the Government.

(4) The Governor in Council shall appoint a chairman and a deputy chairman of the Board from amongst the members of the Board.

(5) A member of the Board shall, subject to subsections (6) and (7) of this section, hold office for such period, not exceeding three years, as the Governor in Council may direct, but any member of the Board shall be eligible for re-appointment.

(6) Any member of the Board may at any time resign his office by instrument in writing addressed to the chairman, who shall forthwith cause it to be forwarded to the Minister.

(7) The Governor in Council may at any time revoke the appointment of any member of the Board if he thinks it expedient to do so.

(8) The appointment of any member of the Board and the termination of office of any person as a member, whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Royal Gazette*.

4. (1) It shall be the function of the Board to take such steps as they consider necessary to increase the production of canes by cane-farmers— Functions of Board.

(a) by establishing tractor and trailer pools in such parts and for such areas of Trinidad as the Board may deem necessary; and

(b) by making available tractors and trailers to cane-farmers from such pools in order to assist the cane-farmers in ploughing and hauling their canes.

(2) The Board shall have power, for the purpose of the discharge of their functions under subsection (1) of this section,—

(a) to carry on all activities the carrying on of which appears to them to be requisite, advantageous or convenient for or in connection with the discharge of their said functions;

(b) to do anything and to enter into any transaction that, in their opinion, is calculated to facilitate the proper discharge of their said function or is incidental or conducive thereto.

5. (1) The Board shall be a body corporate having perpetual succession and a common seal, with power to hold property of whatever kind. Incorporation.

(2) The seal of the Board shall be kept in the custody of the chairman or the deputy chairman or of the secretary of the Board and may be affixed to instruments pursuant to a resolution of the Board and in the presence of the chairman or deputy chairman, and of one other member, and the secretary.

(3) The seal of the Board shall be authenticated by the signature of the chairman, or deputy chairman, and the secretary of the Board, and such seal shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, or deputy chairman, or the secretary of the Board.

(5) The Board may sue and be sued in their corporate name and may for all purposes be described by such name, and service upon the Board 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 Board at the office of the Board.

Pools and committees.

6. (1) For the purposes of this Ordinance the Board shall establish as many tractor and trailer pools as they may deem fit and shall specify the area in relation to which each such pool shall be operated.

(2) Subject to the general control and direction of the Board, each pool referred to in subsection (1) of this section shall be managed by a committee appointed by the Board.

(3) The Board may delegate to any committee appointed under this section power and authority to carry out on their behalf such duties as the Board may determine.

(4) Each committee appointed under this section shall consist of—

(a) one person who shall be the manager of the committee;

(b) four persons nominated for appointment by the Trinidad Island Wide Cane-Farmers Association;

(c) one person nominated for appointment by the Minister from amongst persons employed in the Extension Services of his Ministry.

(5) The Trinidad Island Wide Cane-Farmers Association shall ensure that the persons nominated under paragraph (b) of subsection (4) of this section are representatives of the cane-farmers in the area specified pursuant to this Ordinance for the operation of that committee.

Procedure and meetings of Board.

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

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of a requisition for that purpose addressed to him by any three members of the Board.

(3) The chairman, or in his absence the deputy chairman, shall preside at all meetings of the Board.

(4) The chairman, or in his absence the deputy chairman, and two other members of the Board shall form a quorum.

(5) The decisions of the Board shall be by a majority of votes, and, in addition to an original vote, in any case in which the voting is equal the chairman or deputy chairman presiding at the meeting shall have a casting vote.

(6) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the chairman or the deputy chairman (as the case may be) as soon as practicable thereafter at a subsequent meeting.

(7) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(8) Subject to the provisions of this section, the Board may regulate their own proceedings.

8. Subject to the provisions of this Ordinance the Board may delegate to any member of the Board the power and authority to carry out on their behalf such duties as the Board may determine.

Power to delegate.

9. The Board may appoint and employ at such remuneration and on such terms and conditions as they think fit a manager, a secretary and such other officers and servants as they deem necessary for the proper carrying out of this Ordinance.

Appointment of officers and servants.

10. The Board, with the approval of the Governor in Council, may, subject to this Ordinance, make regulations—

Power to make regulations.

(a) governing the proceedings of the Board and the manner and transaction of their business;

(b) prescribing the manner in which documents, cheques, and instruments of any description shall be signed or executed on behalf of the Board;

- (c) prescribing the circumstances in which members of the Board or of a committee may receive travelling and subsistence allowances and fixing the rates of such allowances;
- (d) imposing fees or charges for the use of tractors and trailers in such cases as may be determined by the Board;
- (e) governing the proceedings and meetings of committees and the manner and transaction of the business of committees;
- (f) generally for the exercise of their powers and duties under this Ordinance.

Protection of
Board and
committees.

11. No act done or proceeding taken under this Ordinance shall be questioned on the ground—

- (a) of the existence of any vacancy in the membership of, or of any defect in the constitution of, the Board or of any committee;
- (b) of any omission, defect or irregularity not affecting the merits of the case.

Protection of
members of
Board and
committees.

12. No personal liability shall attach to any member of the Board or any member of a committee in respect of any thing done or suffered in good faith under this Ordinance, and any sums of money, damages or costs which may be recovered against any such member in respect of any act or thing done *bona fide* for the purpose of carrying this Ordinance into effect shall be paid out of the funds and resources of the Board.

Remuneration
of members.

13. The Board shall pay to each member of the Board and each member of a committee, in respect of his office, such, if any, remuneration as the Governor in Council may determine and to the chairman and to the deputy chairman of the Board and to each manager of a committee, in respect of his office, such, if any, remuneration (in addition to any remuneration to which he may be entitled in respect of his office as a member) as may be so determined.

Disclosure
by member
of Board
of interest in
transaction
with Board,
and disquali-
fication from
voting, &c.

14. (1) It shall be the duty of a member of the Board who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Board, to declare the nature of his interest at the first meeting of the Board at which it is practicable for him to do so.

(2) A member of the Board shall not vote in respect of any contract or proposed contract with the Board in which he is in any way interested, whether directly or indirectly.

15. In exercise of their powers and the discharge of their function the Board shall conform with any general or special directions given to them by the Governor in Council. Powers of Governor in Council.

- 16.** (1) The funds and resources of the Board shall consist of— Funds and resources of Board.
- (a) such portion of the Sugar Industry Rehabilitation Fund established by section 2 of the Sugar Industry Special Funds Ordinance as the Governor in Council may, from time to time, direct the Board to control and administer under the provisions of subsection (2) of section 8 of the Sugar Industry Special Funds Ordinance; Ch. 23. No. 14.
 - (b) all other sums or property that may in any manner become payable to or vested in the Board in respect of any matter incidental to their powers and duties under this Ordinance.

(2) The unexpended balance of the reserve fund kept by the Accountant General under section 11 (b) of the Trinidad Island Wide Cane-Farmers Association (Incorporation and Cess) Ordinance, 1957, shall, upon the coming into operation of this Ordinance, be paid over to the Board by the Accountant General and shall form part of the funds of the Board. No. 22 of 1957.

- 17.** The funds of the Board shall be applied towards— Application of funds.
- (a) the carrying out of the functions of the Board under this Ordinance;
 - (b) the creation of a renewals fund as the Board may in their discretion consider sufficient;
 - (c) the creation of reserve funds up to such limits as the Governor in Council may authorise;
 - (d) the payment of all expenses authorised by or incidental to the operation of this Ordinance.

18. (1) Every sum payable to the Board under this Ordinance shall be collected and received for and on behalf of the funds of the Board. Receipts for sums paid to the Board may be signed by any officer of the Board or other person authorised in writing in that behalf by the chairman. General financial provisions

(2) All payments out of the funds of the Board shall be made by officers of the Board authorised by resolution of the Board generally or specially in that behalf upon vouchers signed by the chairman.

(3) Moneys belonging to the Board shall be paid into a bank or banks approved by resolution of the Board and shall, so far as is practicable, be so paid from day to day; but officers of the Board generally or specially authorised in that behalf by resolution of the Board may retain in their hands sums to meet petty disbursements or for immediate payment in accordance with the terms of the resolution.

(4) Cheques on any banking account of the Board shall be signed by an officer of the Board generally or specially authorised in that behalf by resolution of the Board and shall be counter-signed by the chairman or other member of the Board deputed by him to do so.

Accounts
and audits.
No. 20 of 1959.

19. (1) Subject to the Exchequer and Audit Ordinance, 1959, the Board shall keep accounts of their transactions to the satisfaction of the Governor in Council and such accounts shall be audited annually by an auditor appointed by the Governor in Council. An auditor so appointed shall be a Chartered or Incorporated or Certified Accountant.

(2) The members, officers and servants of the Board shall grant to the auditor appointed to audit the accounts of the Board under subsection (1) of this section access to all books, documents and cash of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Board.

(3) As soon as the accounts have been finally audited the secretary of the Board shall send to the Minister a copy thereof together with a copy of any report thereon by the auditor.

(4) The Board may write off bad debts.

Report.

20. (1) The Board shall not later than six months from the end of each calendar year submit to the Governor in Council a report containing—

(a) an account of their transactions throughout the preceding calendar year in such detail as the Governor in Council may direct; and

(b) a statement of the accounts of the Board audited in accordance with section 19 of this Ordinance,

together with such other reports as may be required by the Minister under section 45 of the Exchequer and Audit Ordinance, 1959.

No. 20 of 1959.

(2) A copy of the report together with a copy of the auditor's report shall be printed and laid on the table of the Legislative Council.

21. (1) The Board 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 Board 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*.

22. (1) Any person who makes any statement in any transaction with the Board or a committee which he knows to be false or does not believe to be true is guilty of an offence and liable on summary conviction to a fine of four hundred and eighty dollars or to imprisonment for six months or to both such fine and such imprisonment. Offences.

(2) Proceedings for any offence under this section may be commenced at any time within three years from the date on which the offence was committed.

23. Any minutes made of meetings of the Board or a committee shall, if purporting to be duly signed by the chairman or deputy chairman of the Board or a manager of a committee, be receivable in evidence in all legal proceedings without further proof and every meeting of the Board or a committee in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act. Minutes receivable in evidence.

24. Notwithstanding anything contained in the Income Tax Ordinance, the income of the Board derived from operations under this Ordinance shall be wholly exempt from income tax. Exemption from income tax. Ch. 33 No. 1.

25. No failure to comply with the provisions of this Ordinance or the regulations thereunder shall prevent the recovery of any sum by the Board. Effect of failure to comply with Ordinance or regulations.

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*.

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