
Third Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 1 of 1998

[L.S.]

AN ACT to amend the Cane-Farmers Incorporation and
Cess Ordinance, 1961

[Assented to 2nd January, 1998]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Cane-Farmers Short title
Incorporation and Cess (Amendment) Act, 1998.

Ord. No. 17 of 1961
amended

2. In this Act, "the Ordinance" means The Cane-Farmers Incorporation and Cess Ordinance, 1961.

Section 1
amended

3. Section 1 of the Ordinance is amended by deleting the words "and Cess".

Section 2
amended

4. Section 2 of the Ordinance is amended by inserting in the appropriate alphabetical sequence, the following definition:

"Independent Supervisor" means the Independent Supervisor appointed by the President under section 13A;"

Section 4
amended

5. Section 4 of the Ordinance is amended—

(a) in subsection (1), by repealing paragraph (b) and substituting the following paragraph:

"(b) every cane-farmer who has entered into a contract with a sugar manufacturer to supply canes under the Production of Cane Act and every cultivator as defined in the said Act shall be eligible to be a member of the Association";

(b) in subsection (2), by inserting after the words "secretary of the Association" the words "but such member shall be eligible to re-join the Association";

(c) by inserting after subsection (3), the following subsections:

" (4) The Association shall be required to deposit with the Independent Supervisor a list of members of the Association once

every year and where necessary certified copies of letters of resignation and written notifications by members who re-join the Association.

(5) Where the Association contravenes the provisions of subsection (4) it shall be guilty of an offence and on summary conviction shall be liable to a fine of five thousand dollars.”

6. Section 7(2) of the Ordinance is amended by Section 7 amended deleting the words “One-third” and substituting the words “Two-thirds”.

7. Section 8 of the Ordinance is amended as follows: Section 8 amended

(a) by inserting after paragraph (c), the following paragraph:

“(d) fixing annual membership fees and dues;” and

(b) by renumbering paragraph (d) as (e)

8. Section 11 of the Ordinance is amended— Section 11 amended

(a) in subsection (1)(b), by inserting after the words “twenty-five”, the words “percent of the”;

(b) by inserting after subsection (2), the following subsection:

“ (3) Where the requirements of subsection 1 have been complied with and the Secretary of the committee fails to convene a special general meeting, the Independent Supervisor shall convene such a meeting.”.

Section 11A
amended

9. The Ordinance is amended by inserting after section 11, the following section:

"Eligibility to
vote

11A. (1) All cane-farmers who are eligible to be members of the Association under section 4(1)(b) and who are in good financial standing are eligible to vote at Annual General Meetings, Special General Meetings and meetings called by the Independent Supervisor under section 13B.

(2) A cane-farmer referred to in subsection (1) shall be deemed to be in good financial standing where all annual membership fees or dues payable to the Association have been duly paid."

Section 12
inserted

10. Section 12 of the Ordinance is amended—

(a) by deleting subsection (1) and substituting as follows:

" (1) The quorum at any annual general meeting, special general meeting or meeting called by the Independent Supervisor under section 13B(1) shall be ten per cent."

(b) by repealing subsection (2) and substituting the following subsection:

" (2) Notice of every meeting shall be given—

(a) by sending such notice by pre-paid registered post to every member of the Committee, every branch Association and the Independent Supervisor;

(b) by publishing the notice in at least two issues of a daily newspaper circulating in Trinidad and Tobago, such notice to be at least 3 inches by 3 inches,

at least twenty-one days before the date of the meeting.”;

(c) by inserting after subsection (3), the following subsections:

“ (4) Notice of every meeting called by the Association or Independent Supervisor for the purpose of holding general elections shall include a request for nominations.

(5) Where two consecutive Annual General Meetings, Special General Meeting or meetings called by the Independent Supervisor are held after Notices have been duly served, but the number of voting members present is insufficient to constitute the required quorum, a third meeting may be convened and all decisions may be taken at that meeting by a majority vote of all voting members presents.”.

11. The Ordinance is amended by inserting after ^{“New Part 11A inserted} section 13, a new Part as follows:

PART 11A

THE INDEPENDENT SUPERVISOR

Appointment of
Independent
Supervisor

13A. (1) The President shall appoint an Independent Supervisor for a period of three years.

(2) The President may renew the appointment of the Independent Supervisor for consecutive periods of three years as he considers necessary.

Powers of the
Independent
Supervisor

13B. (1) The Independent Supervisor shall be responsible for—

- (a) monitoring the conduct of annual and special general meetings of the Association;
- (b) convening special general meetings in the circumstances set out in section 11(3); and
- (c) calling meetings for the purpose of elections where there is an impasse pertaining to the management of the Association.

(2) Notwithstanding section 11A(1), the Independent Supervisor may waive the requirement for good financial standing in respect of the first meeting convened by him under subsection (1)(c)."

Part IV repealed

12. The Ordinance is amended by repealing Part IV.

New section 27
inserted

13. The Ordinance is amended by inserting after section 26, a new section as follows:

"Regulations

27. The Minister may make such regulations as may be necessary for the purpose of giving effect to the provisions of this Ordinance."

Passed in the House of Representatives this 28th day of November, 1997.

J. SAMPSON
Clerk of the House

Passed in the Senate this 16th day of December,
1997.

N. COX
Clerk of the Senate

Senate amendments agreed to by the House of
Representatives this 19th day of December, 1997.

J. SAMPSON
Clerk of the House