



TRINIDAD AND TOBAGO.

No. 7—1948.

[L.S.]

I ASSENT,

J. V. W. SHAW,

Governor.

5th May, 1948.

AN ORDINANCE to provide for the establishment of a
Marketing Board.

[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 Marketing Board
Ordinance, 1948, and shall come into operation on such date
as the Governor may by proclamation appoint.

Short title.

Establishment
of the Market-
ing Board.

2. (1) For the purposes of this Ordinance, there shall be established a Board to be called the Marketing Board (hereinafter referred to as "the Board") consisting of the Director of Agriculture as Chairman, the Accountant General, the Marketing and Co-operative Officer and five other members who shall be appointed by the Governor. In the absence or inability to act of the Director of Agriculture, a Deputy Director of Agriculture shall be the Chairman of the Board.

(2) The Board shall be a body corporate with the name of the Marketing Board with perpetual succession and a common seal which shall be officially and judicially noticed and shall be authenticated by the signatures of the Chairman and one other member of the Board.

Board to take
over assets and
liabilities of
Ground
Provisions
Board, the
Banana Board
and the
marketing
activities of
the Depart-
ment of
Agriculture.
Ch. 23. No. 15.
Ch. 23. No. 8.

3. The Board may take over the assets and liabilities existing at the commencement of this Ordinance of the Trinidad and Tobago Ground Provisions Board, established under the provisions of the Ground Provisions Depot Ordinance, of the Trinidad and Tobago Banana Board established under the provisions of the Banana Control Ordinance, and of the temporary marketing division of the Department of Agriculture.

Powers of the
Board.

4. (1) The Board may carry on and develop the trade and business activities of the Trinidad and Tobago Ground Provisions Board, of the Trinidad and Tobago Banana Board and of the temporary marketing division of the Department of Agriculture; and the Board shall endeavour, by such means as it shall from time to time determine, to assist and improve the marketing and processing of agricultural and fishery produce in the interests of producers and, in particular, to assist agricultural and fishery co-operative societies to dispose of their produce to the best advantage.

(2) The Board may also trade and deal in feeding stuffs for livestock, seeds, fertilisers and insecticides and such other commodities as may facilitate the operations of producers.

(3) The Board shall also regulate and control the export of Gros Michel bananas in accordance with the provisions of this Ordinance.

5. (1) The Board may—

Powers of the Board.

- (a) establish depôts and agencies for the purchase, sale and delivery of agricultural and fishery produce, and of such other commodities as may facilitate the operations of producers, and may enter into contracts for the purchase, sale and transport of agricultural and fishery produce and of such commodities upon such terms and conditions as the Board may think fit ;
- (b) act as commission agents for the disposal of the produce of any producer or co-operative association ;
- (c) act as commission agents for the purchase of supplies for any producer or co-operative association ;
- (d) pay gratuities to officers or servants on retirement from the service of the Board on such terms as may be fixed by the Board subject to the approval of the Governor in Council ;
- (e) invest at its discretion in any securities, authorised by law for the time being for the investment of trust funds, any moneys forming part of a reserve fund ;
- (f) do all things needful for the development, preservation and maintenance of all land, buildings or other property which may be vested in the Board.

6. (1) The Board may purchase or otherwise acquire and hold any personal property required for the purposes of this Ordinance, and may dispose of any such personal property.

Power of Board to acquire and dispose of property.

(2) The Board may purchase or otherwise acquire and hold and may take on lease any real property and any interest therein required for the purposes of this Ordinance.

(3) The Board may, with the consent of the Governor under the Public Seal of the Colony, sell and alienate any real property or interest therein vested in the Board and demise any such property or interest for any term, and may, without such consent, demise any real property or interest therein for any term not exceeding ten years provided the full rental value in respect of the same be reserved year by year on such demise, and no premium be payable in respect thereof.

7. (1) The export of Gros Michel bananas from the Colony, except by or with the written permission of the Board is hereby prohibited.

Restriction on export of Gros Michel bananas.

(2) Any person contravening the provisions of this section shall be liable, on summary conviction, to a fine of twenty-four dollars, and on a second or subsequent conviction to a fine of one hundred and twenty dollars, or to imprisonment for three months, or to both such fine and imprisonment.

Persons
delivering
Gros Michel
bananas to
the Board to
comply with
directions.

8. Any person desiring to deliver Gros Michel bananas to the Board for export shall comply with such directions or instructions as may be issued by the Board with regard to such delivery.

Gros Michel
bananas
accepted by
the Board to
be deemed
the property
of the Board.

9. All Gros Michel bananas delivered to and not rejected by the Board at the place of delivery shall be deemed to be the property of the Board, and the rights of the grower of such bananas, and of all other persons claiming through, under, or against such grower, shall be none other than a right to receive such sums as shall be payable by the Board to the persons entitled to receive the same, when such bananas have been sold by the Board.

Powers of the
Board with
regard to
Gros Michel
bananas.

10. The Board may establish depots and agencies for the purchase, delivery and grading of Gros Michel bananas and may enter into contracts for the sale, purchase, delivery, stowage on board ship and transport of such bananas upon such terms and conditions as the Board may think fit, and generally may take such other steps with regard to Gros Michel bananas as the Board may deem to be expedient and, without prejudice to the generality of the foregoing powers, may, with regard to Gros Michel bananas, regulate and control—

- (a) the giving of cutting notices to growers ;
- (b) the grading, selection and rejection of bananas ;
- (c) the disposal of rejected bananas ;
- (d) the handling, export and marketing of bananas ;
- (e) the transport of bananas to the port of shipment ;
and
- (f) the price to be paid for bananas delivered at depôts or agencies in Port-of-Spain and the charges for transport of bananas to Port-of-Spain.

Power of
entry into
banana
plantations

11. The Board or any officer or servant of the Board or any other person, authorised in writing by the Board for the purpose, shall at all reasonable hours have the right to enter into banana plantations of any description whatsoever, whether of the Gros Michel variety or otherwise, for the purpose of determining the variety or quantity of bananas grown thereupon or the condition, or method of cultivation cutting or reaping, of the bananas, or for any other purpose of the Board.

12. The Board shall comply with such general directions as may be given by the Governor in Council.

Compliance with the directions of Governor in Council.

13. (1) The members of the Board appointed by the Governor shall hold office during the Governor's pleasure: Provided that any such member may at any time resign by giving written notice to the Colonial Secretary.

Appointment and removal of members of the Board.

(2) The Governor may appoint any person to act in the place of any member of the Board in case of his absence or inability to perform his duties.

Temporary appointments.

(3) The appointment and the removal of any member of the Board shall be notified in the *Royal Gazette*.

14. (1) The Board shall meet at such times as may be necessary or expedient for transacting its business.

Meetings of Board

(2) The Chairman may at any time summon a meeting of the Board and on a requisition by any three members he shall summon a meeting. Such requisition shall state the object for which the meeting is required to be summoned.

(3) In cases in which the Chairman shall so direct, decisions of the Board may be taken by the recording of the opinions of members on papers circulated among them. Where papers are circulated, the Chairman may direct that the papers shall not be circulated to any member who through interest, illness, absence from the Colony or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers.

(4) The quorum of the Board at any meeting or for the purpose of voting on papers circulated shall be five, but subject thereto the Board may act notwithstanding any vacancy in the number of its members.

(5) The decisions of the Board shall be by the majority of votes. In any case in which the voting shall be equal, the Chairman shall have a second or casting vote.

(6) In the absence of the Chairman, the members present shall appoint one of their number to act as Chairman of any meeting.

(7) Minutes of each meeting in proper form shall be kept by the Chairman or Secretary and shall be confirmed by the Chairman at the next succeeding meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Colonial Secretary.

Remuneration
to members
of the Board.

15. The Governor in Council may, with the approval of the Legislative Council, authorise the payment out of the funds of the Board of any sum by way of remuneration or other allowance to the Chairman and other members of the Board.

Marketing
Officer chief
executive of
Board.

16. (1) The Marketing Officer shall be the principal executive officer of the Board.

Appointment
of officers
and servants.

(2) The Board may appoint, at such remuneration and on such terms and conditions as it may determine, such officers and servants as may be necessary and proper for the efficient management of the business of the Board, and may require any officer and servant so appointed to give such security as may be deemed proper for the due execution of his duties.

Indemnity to
members of
the Board.

17. No personal liability shall attach to any member of the Board in respect of anything done or suffered in good faith under the provisions of this Ordinance, and any sums of money, damages or costs which may be recovered against him for anything done or suffered as aforesaid shall be paid out of the funds of the Board.

Funds of the
Board.

18. The funds of the Board shall consist of such moneys as may accrue from the operations of the Board, including moneys taken over from the Trinidad and Tobago Ground Provisions Board, the Trinidad and Tobago Banana Board and the temporary marketing division of the Department of Agriculture and moneys borrowed by the Board, and such other moneys as may from time to time, with the approval of the Legislative Council, be appropriated from public funds.

Government
advance.

19. (1) The Governor may, with the approval of the Legislative Council, by warrant under his hand, authorise the Accountant General to make advances to the Board in such sums and on such terms and conditions as the Governor may think fit for the purposes of this Ordinance.

Loans.

(2) The Board shall not, without the previous consent in writing of the Governor, borrow any sum of money, or mortgage or pledge its assets for the repayment of any sum borrowed or owing by the Board.

Application
of the funds
of the Board.

20. The funds of the Board shall be applied towards—

- (a) the payment of the cost of acquisition of any land or building for the purposes of this Ordinance ;
- (b) the purchase, construction, maintenance and replacement for the purposes of this Ordinance of any processing equipment ;

- (c) the payment of the rent of premises used by the Board in the carrying on of its business ;
- (d) the payment of all rates, taxes and insurance on any land, building or other property or revenue acquired by the Board ;
- (e) the payment of all expenses duly incurred for the purposes of this Ordinance ;
- (f) the purchase of agricultural and fishery produce ;
- (g) the purchase of stocks of commodities for sale to producers to facilitate their operations or for use in the processing of agricultural or fishery produce ;
- (h) the repayment of advances received by the Board from the Accountant General and of other sums borrowed by the Board and the payment of interest thereon ;
- (i) the creation of a reserve fund, as the Board may in its discretion consider sufficient.

21. (1) The Board shall keep true accounts of—

Accounts and books.

- (a) all sums of money received and expended by the Board and the matters in respect of which such receipts and expenditures take place ; and
- (b) the stock in trade of the Board ; and
- (c) the assets and liabilities of the Board.

(2) The Board shall cause to be kept proper and sufficient books of accounts and other books in relation to its business, and such books shall be kept at the office of the Board and shall always be open to the inspection of every member of the Board and the Auditor.

22. The Board shall furnish to the Governor as soon as possible after the expiration of each financial year a report upon the administration of the affairs of the Board together with a balance sheet and statement of the revenue and expenditure of the Board duly audited by the Director of Audit or such other auditor as may be approved by the Governor in Council. The report shall be laid before the Legislative Council.

Annual report and audit.

23. (1) The Governor in Council may make regulations to provide for any of the matters referred to in paragraphs (a) to (f) inclusive of section 10 of this Ordinance, for the making of returns as to the planting, growth and cultivation of Gros Michel bananas by growers thereof, for the compilation of statistics with regard thereto, and generally for carrying out the purposes of this Ordinance.

Power to make regulations.

(2) Such regulations may impose penalties for the contravention thereof, not exceeding one hundred and twenty dollars and recoverable on summary conviction.

(3) Regulations made under this section shall have no force or effect until they have been approved by the Legislative Council.

Repeal.
Ch. 23. No. 8.
Ch. 23. No. 15

24. The Banana Control Ordinance and the Ground Provisions Depot Ordinance are hereby repealed.

Passed in Council this twenty-third day of April, in the year of Our Lord one thousand nine hundred and forty-eight.

G. E. CHEN,
Clerk of the Council.