

Bill No. 28 of 1965

PUBLISHED 4TH SEPTEMBER, 1965

BILL NO. 28 OF 1965.

NATIONAL CANE FARMING COMMITTEE BILL, 1965

Arrangement of Sections.

Section

1. Short title.
2. Interpretation.
3. Establishment of the Committee.
4. Functions of the Committee.
5. Vacation of office.
6. Meetings.
7. Appointment of officers and servants.
8. Creation of districts and constitutions of District Associations.
9. Register of farmers and contracts.
10. Expenses of the Committee.
11. Rules.

A BILL

Intituled

An Ordinance to provide for the establishment of a National Cane Farming Committee, and for purposes connected therewith.

Enacted by the Legislature of British Guiana :—

A.D. 1965.

1. This Ordinance may be cited as the National Cane Farming Committee Ordinance, 1965. Short title.

2. In this Ordinance —

Interpretation.

“Association” means the company known as the British Guiana Sugar Producers’ Association;

“Committee” means the Committee established under this Ordinance;

“contract” means a contract entered into between a farmer and a manufacturer for the cultivation, sale and processing of sugar cane;

“Development Corporation” means the Cane Farming Development Corporation Limited;

“district” means one of the districts into which British Guiana is divided for the purposes of this Ordinance;

“District Association” means an association of farmers formed for the promotion, protection and advancement of the interests of farmers in any district;

“farmer” means any person engaged in the cultivation of sugar cane for sale to a manufacturer under a contract;

“manufacturer” means any person who carries on the business of the manufacture of sugar, and includes the Association;

“Minister” means the Minister for the time being charged with responsibility for agriculture;

“official member” means a person who —

- (a) is a public officer; or
- (b) is employed by a public corporation established under any ordinance, and is appointed a member of the Committee.

Establishment
of the
Committee.

3. (1) There shall be established a Committee to be called the National Cane Farming Committee.

(2) The Committee shall consist of fifteen members of whom not more than four shall be official members.

(3) The members of the Committee shall be appointed by the Minister and shall be as follows —

- (a) seven persons chosen by the Minister from among farmers who have been recommended for appointment by District Associations;

Provided that until such time as District Associations have been established under section 8 of this Ordinance, the Minister may appoint any farmer for any district;

- (b) three persons nominated by the Association;
- (c) four official members; and
- (d) one person nominated by the Development Corporation.

(4) The members of the Committee shall be appointed for two years and they shall be eligible for re-appointment.

(5) The Minister shall appoint a Chairman and Vice-Chairman of the Committee from among the members of the Committee of whom the Chairman shall be an official member and the Vice-Chairman shall be one of the members nominated by the Development Corporation or the Association.

(6) The Minister may grant leave of absence to any member of the Committee and where leave of absence has been granted the Minister may, subject to the provisions of subsection (3) of this section, appoint another person to act in the place of the member of the Committee who has been granted such leave.

(7) Where a person ceases to be a member of the Committee in accordance with the provisions of section 5 of this Ordinance, the Minister may, subject to the provisions of subsection (3) of this section, appoint another person to be a member of the Committee during the unexpired portion of his predecessor's term of office.

Functions
of the
Committee.

4. The function of the Committee shall be —

- (a) to devise programmes and schemes for the promotion and expansion of cane farming;
- (b) to inquire into and report upon any matter relating to cane farming which may be referred to the Committee by the Minister;
- (c) to promote good relations in the cane farming industry;
- (d) to take over on such date as the Minister may direct the functions of the Sugar Committee appointed by the Governor on the 19th June, 1943;
- (e) generally, to advise and make representations to the Minister on any matter pertaining to the maintenance and development of the cane farming industry.

Vacation of
office.

5. A person shall cease to be a member of the Committee if —

- (a) by notice in writing to the Minister he resigns his office; or

- (b) he is certified to be insane or otherwise adjudged to be of unsound mind under any law in force in British Guiana; or
- (c) he has been adjudged insolvent under any law in force in British Guiana and has not been discharged; or
- (d) he is under sentence of imprisonment for any term or is under such a sentence of imprisonment the execution of which has been suspended; or
- (e) being an official member his appointment is revoked by the Minister; or
- (f) having been appointed to his office on the recommendation or nomination of a District Association, or the Association or the Development Corporation, he is removed from office by the Minister at the request of the body which recommended or nominated him.

6. (1) Meetings of the Committee shall be held at such times as ^{Meetings} may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee may determine.

(2) The Chairman of the Committee may at any time convene a meeting of the Committee.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Committee. In the absence of the Chairman and the Vice-Chairman from any meeting, the members present may elect one of their numbers to be the Chairman of the meeting.

(4) The Committee shall act by resolutions passed at meetings at which a quorum is present by a majority of votes of the members present and voting at the meeting:

Provided that no resolution shall be of any force or effect unless the following members vote in favour of the resolution —

- (a) at least two members appointed under paragraph (a) of subsection (3) of section 3 of this Ordinance;
- (b) at least one member appointed under paragraph (b) of subsection (3) of section 3 of this Ordinance; and
- (c) at least one member appointed under paragraph (c) of subsection (3) of section 3 of this Ordinance;

(5) The Chairman at any meeting shall have an original and a casting vote.

(6) The quorum for meetings of the Committee shall be five members.

(7) Subject to the provisions of subsections (4) and (6) of this section, the Committee may act notwithstanding any vacancy among the members thereof.

(8) A member shall be at liberty to vote on, and to be present at any meeting which is considering any matter notwithstanding that he may have a financial or other interest in such matter, whether directly or indirectly.

(9) The Committee may co-opt any one or more persons to attend any particular meeting of the Committee at which it is dealing with a particular matter, for the purpose of assisting or advising the Committee, but no such co-opted person shall have any right to vote.

(10) Subject to the provisions of this section, the Committee shall have power to regulate its own proceedings.

7. The Committee shall, subject to the approval of the Minister, appoint and employ a secretary and such officers and servants as it deems necessary for the proper carrying out of its functions. ^{Appointment of officers and servants.}

Creation of districts and constitutions of District Associations.

8. (1) The Minister may, by order, divide British Guiana into districts and may establish a District Association for each such district.

(2) The Minister may, by regulations, prescribe the constitution of a District Association.

(3) A District Association may make recommendations and representations to the Committee on behalf of farmers on matters relating to cane farming.

Register of farmers and contracts.

9. The Committee shall cause to be kept a register of farmers for each district and of all contracts.

Expenses of the Committee.

10. Any expense incurred by the Minister or the Committee for the purpose of this Ordinance shall be defrayed by the Minister out of moneys provided by the Legislature.

Rules.

11. (1) The Committee may, with the approval of the Minister, make rules providing for all or any of the following matters —

- (a) the general conditions which shall be deemed to be incorporated in every contract;
- (b) the registration of farmers;
- (c) the registration of contracts; and
- (d) the records to be kept by farmers and the furnishing of reports and returns by them to the Committee.

(2) The general conditions prescribed for the purposes of paragraph (a) of subsection (1) of this section may be amended, altered or varied by rules made under this section:

Provided that no amendment, alteration or variation of the conditions shall be of any force or effect to the extent that it may prejudice—

- (i) any security given by a farmer to the Development Corporation or other lender in pursuance of a sale contract under the Agricultural Loans Ordinance, 1965, prior to such amendment, alteration or variation; or
- (ii) the rights of any person (including the Development Corporation) under a contract made after the commencement of this Ordinance and subsisting at the time of such amendment, alteration or variation,

unless that person has consented thereto in writing.

(3) Rules made for the purposes of paragraph (a) of subsection (1) of this section shall be laid before the House of Assembly within fourteen days after they are made, and if the House of Assembly, within a period of thirty days beginning with the day on which the rules are laid before it, resolves that the rules be annulled, they shall be thereby annulled, and the rules so annulled shall thenceforth become void and of no effect but without prejudice to the validity of anything previously done under the rules or to the making of new rules.

(4) In reckoning any period of days for the purposes of subsection (3) of this section, no account shall be taken of any time during which the Legislature is dissolved or prorogued or during which the House of Assembly is adjourned for more than seven days.

OBJECTS AND REASONS

As part of a programme for the expansion of peasant cane farming, this Bill seeks to establish a National Cane Farming Committee the constitution and functions of which are set out in clauses 3 and 4 respectively of the Bill. The Committee will consist of fifteen members representing various interests.

2. Clause 8 of the Bill seeks to empower the Minister for the time being charged with responsibility for agriculture to divide British Guiana into districts and to establish a District Association for each district. The District Association will have power to make representations and recommendations to the National Cane Farming Committee on behalf of farmers on matters relating to cane farming.

3. Clause 9 of the Bill seeks to provide for the keeping of a register of farmers and of contracts entered into by them with manufacturers for the cultivation, sale and processing of sugar cane.

4. Clause 11 of the Bill seeks to authorise the Committee with the approval of the Minister to prescribe, by means of rules, the general conditions which shall be incorporated in every contract between a farmer and a manufacturer for the cultivation, sale and processing of sugar cane. The rules when made will be required to be laid before the House of Assembly.

C. M. LLEWELYN JOHN,
Minister of Agriculture.

(M.P. AGR. C. 116/26 III).
(Bill No. 28/1965).