



BELIZE

**SUGAR INDUSTRY ACT
CHAPTER 283**

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CHAPTER 283

SUGAR INDUSTRY

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CHAPTER 283

SUGAR INDUSTRY

[18th August, 2001]

27 of 2001.
S.I. 131 of 2001.
6 of 2007.

PART I

Preliminary

1. This Act may be cited as the Sugar Industry Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“Association” means the Sugar Cane Farmers Association established under section 32 of this Act;

“Board” means the Sugar Industry Control Board established under section 3 of this Act;

“cane” means sugar cane;

“cane farmer”, means a person or entity who cultivates cane and has been registered as a producer of cane by the Sugar Production Committee and the Belize Sugar Cane Farmers Association, to deliver sugar cane to manufacturers for the purpose of being manufactured into sugar, ethanol or any other derivative of sugar cane;

“coefficient”, means a *pro rata* increase or decrease of a cane farmer’s annual reference quantity as set by the SCPC;

“Committee” means the Committee of Management of the Association established under section 42(1) of this Act;

“crop year” means the period between 1st December in a year and 30th November of the following year;

“current price” shall be the price per ton of sugar cane as determined between manufacturers and the Committee based on the quality of sugar cane ascertained by the core sampling method established by the Sugar Cane Quality Control Authority,

Provided that the “current price” per ton of sugar cane as provided above shall not come into force until such time as the Minister by Order published in the *Gazette* declares that that price shall come into force and, before the making of the aforesaid Order, the current price shall be that agreed between the manufacturer and the committee from time to time,

Provided further that failure to agree on the price of sugar cane will be reported to the Board which may appoint an arbitrator or arbitrators to determine the current price of sugar cane and the decision of the arbitrator(s) as to the current price of sugar cane shall be final.

“estimated cane production” means each sugar cane farmer’s estimated production of sugar cane per crop year, expressed in tons, as determined by the Sugar Cane Production Committee, in accordance with this Act;

“ethanol” means ethyl alcohol derived from sugar cane or from any derivative of sugar cane;

“export” means to take or cause to be taken out of Belize, and the time at which sugar or ethanol or any derivative of sugar cane is taken on board any vessel for the purpose of being exported shall, for the purpose of this definition, be deemed to be the time of the exportation of such sugar, ethanol or derivative of sugar cane, as the case may be;

“grinding season” means the period or periods, fixed by the Board in accordance with this Act, during which manufacturers shall accept sugarcane for manufacture into sugar, ethanol or any derivative of sugar cane;

“import” means bring or cause to be brought into Belize, or the territorial waters thereof;

“manufacturer” means a producer of sugar, ethanol or any derivative of sugar cane to whom a licence has been issued pursuant to section 58 of this Act;

“manufacturer’s quota” means the amount of sugar cane which a manufacturer is licensed by the SCPC to receive from members of the Association;

“mature sugar cane” means sugar cane which is suitable for processing and which conforms to standards laid down by the Sugar Cane Quality Control Authority;

“reference quantity” means a cane farmer’s annual quantity deliverable as determined by the SCPC in accordance with this Act;

“sugar” means sugar in any of its recognised commercial forms including non-centrifugal sugar known locally as ‘wet sugar’, ‘raw sugar’ or ‘rapadura’, but excluding final molasses;

“Sugar (Industry Development) Fund” means the Sugar (Industry Development) Fund established under section 66 of this Act;

“Sugar (Labour Welfare) Fund” means the Sugar (Labour Welfare) Fund established under section 66 of this Act;

“Sugar Cane Production Committee” of “SCPC” means the Committee established under section 15 of this Act;

“ton” means a long ton of 2,240 pounds avoirdupois.

PART II

*Establishment and Functions of the Sugar Industry Control,
Production, Research and Quality Bodies, and,
Belize Sugar Cane Farmers Association*

Division 1

Sugar Industry Control Board

Establishment of the Board.

3.—(1) There shall be and is hereby established for the purposes of this Act a Board to be known as the Sugar Industry Control Board (hereinafter referred to as “the Board”) which shall be an autonomous entity governed by the provisions of this Act.

(2) The Board may exercise any of the functions entrusted to it by or in accordance with the provisions of this Act or any Regulations made hereunder and may exercise any other functions incidental or ancillary to, or consequential upon, the performance of its principal functions.

Board to be a body corporate.

4.—(1) The Board shall be a body corporate having perpetual succession and a common seal and subject to the provisions of this Act shall have power to acquire, hold and dispose of movable and immovable property of whatever kind and into contracts and do all things necessary for the attainment of its functions and objectives.

(2) The Board may sue and be sued in its corporate name and shall for all purposes be described by that name.

(3) The seal of the Board shall be authenticated by the signatures of the Chairperson of the Board and one other member of the Board authorised by the Board to act for that purpose, and the seal thus authenticated shall be judicially and officially noticed.

Composition of the Board.
6 of 2007.

5.—(1) The Board shall be composed of members appointed by the Minister, and shall be constituted as provided in subsection (2) of this section, and once fully constituted, the Board shall be the principal policy making organ of matters relating to the development and control of the sugar industry,

including the control and supervision of the various bodies referred to in Titles.

- (2) The Board shall consist of the following persons namely,
- (a) a senior official of the Ministry for the time being responsible for the Sugar Industry or his nominee.
 - (b) the Chief Agricultural Officer or his nominee;
 - (c) two representatives of the Association or the alternates elected annually by the committee in the month of November, one of whom shall be a registered member of a district branch of the Orange Walk District Divisional Association and the other of whom shall be a registered member of a district branch of the Corozal District Divisional Association;
 - (d) two representatives or their alternates nominated annually to the Board by manufacturers from officials or accredited agents of the manufacturers;
 - (e) two suitably qualified persons in agri-business, business management or finance having no direct connection to the sugar industry, appointed by the Minister to the Board in his discretion;
 - (f) one member nominated jointly by the manufacturers and the Committee, provided that if the manufacturers and the Committee fail to agree on a member to be nominated within one month, such member shall be appointed by the Minister;
 - (g) a representative of the Ministry of Finance.

(3) The Minister shall appoint one of the members of the Board to be Chairperson of the Board.

Functions of the Board.

6.—(1) The functions of the Board shall include the following,

- (a) requesting, receiving and dealing with returns from manufacturers and the Committee;
- (b) acting as arbitrators, when requested, in any dispute, issue or disagreement arising between manufacturers and the Association, and issuing decisions which shall be binding upon the parties which requested such arbitration;
- (c) advising manufacturers and the Committee on any matters in connection with this Act which they may refer to the Board;
- (d) advising the Minister on the granting of licences to manufacturers, exporters and importers of sugar, ethanol or any derivative of sugar cane and on the control of sales in Belize of sugar, ethanol or any derivative of sugar cane, including the fixing of the prices thereof;
- (e) fixing, in respect of each year, after consultations with the manufacturers and the Committee, the period or periods to be known as the grinding season during which manufacturers shall accept deliveries of sugar cane from growers and cane farmers; and specifying by order published in the *Gazette* the commencement and termination of each grinding season;
- (f) borrowing and taking up, at interest or otherwise, any sum or sums of money for any purpose connected with this Act, and dealing in any way with the property of the Board, both real and

personal, as will give full effect to the Board's functions and objects;

- (g) arranging to conduct and/or supervise elections and by-elections to branch councils, divisional committees and the Committee;
- (h) hearing and determining, where there is more than one manufacturer, complaints and disputes arising out of the provisions of Part IV of this Act;
- (i) receiving and approving the yearly cane farmer register submitted by the SCPC and hearing and determining any appeals by any cane farmer dissatisfied with the terms and conditions under which a cane farmer has been registered;
- (j) generally doing all things incidental or conducive to, or consequential upon, the attainments of the Board's functions and objects.

(2) The Board shall be assisted in carrying out the functions conferred upon it under subsection (1) of this section by the Sugar Cane Production Committee, the Sugar Industry Research and Development Institute, the Sugar Cane Quality Control Authority and any other entities established under this Act.

7.—(1) Subject to subsection (2) of this section, the Chairperson and members of the Board referred to in section 5(2) and (3) of this Act, shall be appointed for a period of two years and on the expiration of their term of office, shall be eligible for reappointment.

Tenure of office of members of the Board.

(2) A member of the Board appointed by the Minister to the Board pursuant to section 5(2)(e) of this Act, shall hold office at the pleasure of the Minister or, as the case may be, for such period not exceeding at any one time two years as may be stated in his instrument of appointment.

Vacation of seat
on the Board.

8.—(1) Any member of the Board referred to in section 5(2)(c) and (d) of this Act may at anytime by writing under his hand addressed to the organisation which elected or nominated him for appointment to the Board and copied to the Chairperson, resign his office.

(2) Any member of the Board referred to in section 5(2) (e) of this Act, may at anytime in writing under his hand addressed to the Minister and copied to the Chairperson, resign his office.

(3) The Chairperson may at anytime in writing under his hand addressed to the Minister and copied to the Board, resign his office.

(4) If any member of the Board referred to in subsection (1) or (2) above resigns his office, the vacancy caused thereby shall be filled in the manner specified in section 5(2) (c), (d) or (e) or section 5(3) of this Act and the representative appointed to fill such vacancy shall hold office for the unexpired portion of the term of office of the member of the Board he is replacing.

(5) A member vacates his seat on the Board if he dies, or is certified insane, or becomes physically or mentally incapable of performing his duties, or is adjudicated bankrupt or insolvent, or compounds with his creditors or benefits under the law for the relief of a bankrupt, or makes any assignment in whole or in part of his income for the benefit of such creditors, or not being an *ex-officio* member, is absent without leave of the Board from four consecutive meetings of the Board, or is convicted of an offence punishable with not less than one year imprisonment.

(6) Any member of the Board elected for appointment pursuant to section 5(2)(c) of this Act, or nominated for appointment pursuant to section 5(2)(d) of this Act, vacates his seat on the Board if he ceases to be a member of this Association, or if he ceases to be an official or an agent of the manufacturer, as the case may be, or if he ceases to be eligible for appointment to the Board due to any other cause.

Meetings of the
Board.

9.—(1) The Board shall meet as frequently as the business of the Board requires, at such time and place, and on such days as the Board may determine from time to time, but such meetings shall not be held less than once every two months in the year.

(2) The Chairperson may at anytime summon a special meeting of the Board within seven days of a requisition for that purpose addressed to him by any three members of the Board.

(3) The Chairperson shall preside at all meetings of the Board, and if for any reason the Chairperson is unable to preside the members present shall elect one of their number to preside at the meeting.

(4) A quorum for any meeting of the Board shall be five members, of whom one shall be either the Senior Official of the Ministry for the time being responsible for the Sugar Industry or the Chief Agricultural Officer or any of their nominees.

(5) Decisions of the Board shall be by majority of the votes cast, provided that in any case in which the voting is equal, the person presiding at the meeting shall have a second or casting vote.

(6) The Secretary to the Board shall be responsible for ensuring that proper records are kept of the Boards' acts and decisions.

(7) A person aggrieved by a decision of the Board may appeal against such decision to the Supreme Court within twenty-one days of being notified of the decision by the Board, or of being aware of existence of such decision, whichever occurs later.

10.—(1) The expenses of the Board and, subject to the approval of the Board, the expenses of its authorised agencies, shall be met from the Sugar (Industry Development) Fund.

Expenses of the Board.
6 of 2007.

(2) The Board shall on or before the 30th September in each year submit to the manufacturers and to the Committee an estimate of their expenditure for the year commencing on 1st November next ensuing and the manufacturers and the Committee shall deposit with the Board their respective shares of such estimated expenditure on or before the 30th October next following the receipt of the estimates of expenditure.

(3) For the purposes of subsection (1) of this section, “authorised agencies” means the Sugar Cane Quality Control Authority, the Sugar

Cane Production Committee, and the Sugar Industry Research and Development Institute,

Provided that, subject to the Board's approval, the respective shares of the estimated expenditure, may be paid by quarterly instalments payable in advance.

Accounts of the Board.

11. The Board shall cause proper accounts to be kept of its financial transactions in respect of each financial year, and such accounts shall be audited annually by an auditor appointed by the Board, and when so audited shall be published in the *Gazette* within six months of the close of the financial year.

Employment of the Chief Executive Officer and other members of staff.

12.—(1) In order for the Board to fully and effectively carry out its functions, it shall employ and appoint on such terms and conditions as it may approve, a suitably qualified person to be the Chief Executive Officer of the Board, who shall also act as the secretary to the Board.

(2) The Chief Executive Officer may employ and appoint, with the approval of the Board and on such terms and conditions as may be approved by the Board from time to time, such suitably qualified persons as employees of the Board as may be necessary for the effective discharge of the Board's functions under this Act.

(3) The salaries and other benefits of all the employees of the Board shall be paid from the funds of the Board.

Protection of members of the Board.

13. No member of the Board shall be personally liable for any act or omission of the Board, or of any other member of the Board, or any employee thereof, if the act or omission is made in good faith in the course of the operations of the Board.

Board to be protected by Public Authorities Protection Act.

14. The Board shall be entitled to the same protection under the Public Authorities Protection Act, Cap.31, as if it were included in the definition of "Public Authority" given in section 2 of that Act, and the place at which the Board shall hold its meetings shall be deemed to be the "abode" of the Board within the meaning of that Act.

Division 2

Sugar Cane Production Committee

15.—(1) There shall be an is hereby established for the purposes of this Act a Committee to be known as the Sugar Cane Production Committee (hereinafter referred to as “the SCPC”) which shall, subject to the provisions of this Act, be an autonomous Committee, with the general objective of implementing a deregulated system of cane production.

Establishment of Sugar Cane Production Committee.

(2) The SCPC may exercise any of the functions entrusted to it by or in accordance with the provisions of this Act or any Regulations made hereunder, and any other functions incidental or ancillary to, or consequential upon, the performance of its principal functions.

(3) The Board may from time to time give to the SCPC policy directions of a general character which shall be followed by the SCPC.

16.—(1) The SCPC shall be composed of five members appointed by the Board, in accordance with subsection (2) of this section, and shall be the principal entity responsible for all aspects relating to the estimation of sugar cane production, harvesting and delivery, including responsibility over sugar cane field officers who may be employed by the SCPC with the approval of the Board for the purpose of carrying out production estimates.

Composition of the SCPC.

(2) The SCPC shall be constituted as follows,

- (a) one representative or his alternate nominated by the Ministry for the time being responsible for the Sugar Industry;
- (b) two representatives or their alternates nominated by manufacturers;
- (c) two representatives or their alternates nominated by the committee;

(3) The members of the SCPC shall hold office for a period of three years unless terminated earlier in accordance with regulations made by the Board in that behalf.

(4) The Board shall, in the month of August each year, appoint a Chairperson of the SCPC in the manner approved in subsection (5) of this Act.

(5) In appointing the Chairperson, the Board shall ensure that a different member of the SCPC is appointed Chairperson each year such that in any period of three years none of the categories specified in subsection (2) (a), (b) and (c) of this Act shall hold the Chairpersonship twice.

Functions of the
SCPC.

17.—(1) Subject to the provisions of this Act, the SCPC shall bear overall responsibility for all aspects of sugar cane production, harvesting and delivery, and without prejudice to the generality of the foregoing, shall perform the following functions,

- (a) upon the commencement of this Act, arrange to conduct a comprehensive cane production census, and every 3 years thereafter, to gather cane production data, including but not limited to, acreage under cultivation, cane cycles, varieties grown, soil type on which cane is grown and estimated yields;
- (b) conduct yearly field surveys to ascertain registered cane farmers actually in production, acreage under production and their estimated yields;
- (c) set up a system that will require cane farmers to report on any change in their cane production system, including, but not limited to, new acreage planted and replanted acreage;
- (d) develop, maintain and update a cane production data base;

- (e) establish a Cane Farmer Registry, utilising the 2001 registered cane farmers' license list a base reference;
- (f) provide a copy of the Cane Farmer Register to processors and Divisional Cane Farmers' Association at least 4 weeks before the commencement of crop;
- (g) determine the basic cane production of each cane farmer on such information as the SCPC may consider appropriate, and based on each cane farmer production assessment, establish branch and divisional cane production estimates;
- (h) establish at the commencement of each crop the allocated delivery quantities to harvesting groups, branch and division based on cane production estimates;
- (i) provide to industry stakeholders estimates of cane production by area and division by 15th November of each year and, thereafter, to provide updates every two months during each crop;
- (j) organise and carry out cane aerial surveys to aid in the establishment of production estimates; and
- (k) establish a Cane Harvesting Committee in each Zone as established under section 25 paragraph (k) of this Act which shall have the responsibility of organizing and coordinating the harvest and delivery of cane with sugar cane reaping groups within its Zone, as may be established by the SCPC.

(2) The cane harvesting committee will also liaise with manufacturers, the SCPC' and sugar cane reaping groups in satisfying the daily sugar cane quota required by the manufacturers.

(3) Upon the commencement of this Act, the SCPC shall establish a system to govern cane deliveries for the next 24 months based on the following,

- (a) registered cane farmers will have the right to deliver their basic reference quantities as contained in the 2001 registered cane farmers' list;
- (b) registered cane farmers shall be allowed to deliver any additional cane above their basic reference quantity;
- (c) the quantity of cane delivered by each registered cane farmer in the crop year 2002/2003 shall be the basis to establish a new reference quantity for each registered cane farmer;

(4) The SCPC shall coordinate cane production and forecast milling capacity through a system of annual production coefficient as follows,

- (a) apply such production coefficient to the preceding crop deliveries to determine new reference quantities deliverable in the succeeding crop year;
- (b) publish the production estimates coefficients and reference quantities by 31st December in each year;
- (c) advise the cane farmers to confirm the ability to deliver their allocations within one month of the publication of the production coefficient, and in the event of the inability of one or more cane farmer to deliver their allocations, to arrange for a reallocation of the shortfall quantities.

(5) The SCPC shall register new cane farmers provided it is satisfied that,

- (a) the applicant has the capacity to produce a minimum of 200 tons of cane *per annum* within two years from the time of application;
- (b) there is a shortfall in cane production against milling capacity, such shortfall to be allocated 80% to existing registered farmers and 20% to new applicants;

(6) A cane farmer shall remain in the cane farmers' registration list so long as the cane delivered by him for any one crop does not fall below 75 tons.

(7) When carrying out its functions under this Act, the SCPC, with the approval of the Board, may employ such human or other resources as may be necessary.

(8) For the purpose of survey and estimate of sugar cane, a person authorised by the SCPC may enter upon any land on which sugar cane is cultivated, and there survey, inspect and estimate such cultivation.

(9) Before entering upon the land in pursuance of subsection (8) of this section, the authorised person shall give the owner or occupier of the land at least twenty-four hours notice of any such visit.

(10) Any person who wilfully obstructs an authorised person in the surveying or inspecting of any land, or in carrying out an estimation on any land on which sugar cane is cultivated commits an offence and is liable on summary conviction to a a fine not exceeding three thousand dollars or to imprisonment for a period not exceeding one year, or to both such fine and term of imprisonment.

18. From and after the commencement of this Act, any person or entity wishing to produce sugar cane for the first time, for the purpose of being manufactured into sugar, ethanol or any other derivative of sugar cane shall so inform the SCPC, who shall keep the name in a provisional register for future consideration for incorporation into the Cane Farmer Register.

Cane farmers registration.

Regulation of sugar cane purchases by manufacturers.

19.—(1) From and after the commencement of this Act, no manufacturer shall purchase, or take delivery of any sugar cane except from the cane farmers appearing in the Cane Farmer Register.

(2) From and after the commencement of this Act, no person shall sell or deliver any sugarcane to a manufacturer unless his name appears in the Cane Farmer Register for the particular crop in which the cane is delivered.

(3) No delivery of sugar cane to any manufacturer shall be made by registered cane farmers except in accordance with a programme of deliveries agreed upon by the manufacturers and the Cane Harvesting Committee established under section 17(1)(k) of this Act.

(4) Every manufacturer shall, during the grinding season, pay for the sugar content of all clean and mature sugarcane cut and delivered to him by registered cane farmers in accordance with the provisions of this Act.

(5) Deliveries of sugar cane accepted by manufacturers shall be paid for at the current price for sugar cane less any cess that may be levied under this Act.

(6) Any person who contravenes the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars and, if such person is a registered cane farmer, shall further be liable to the cancellation or suspension of his registration by the SCPC for such period as the SCPC may determine.

20.—(1) It shall be lawful for a registered cane farmer to transfer his registration at any time subject to the approval of the SCPC on such terms and conditions on the transferor and the transferee may agree, after giving fourteen days written notice to the SCPC. Such transfer will be conditioned on the transferee may agree after giving fourteen days written notice to the SCPC. Such transfer will be conditional on the transferee being a registered cane farmer.

(2) Applications to the SCPC for the transfers of registration will be accepted throughout the year save and except that if an application for transfer is received after the end of August in any year it will not be

Transferability of cane farmers registration.

considered for transfer of registration for the upcoming crop year but will be considered for transfer for the subsequent crop year. A fee for such transaction shall be prescribed by and paid to the SCPC and shall be payable by the transferor.

(3) It shall be lawful for the SCPC to revoke the registration of a cane farmer who in each of two consecutive crop years fails to deliver at least 75 tons of sugar cane to a manufacturer, unless such cane farmer has previously lodged with the SCPC his reasons, for such failure which the SCPC finds acceptable.

Division 3

Sugar Industry Research and Development Institute

21.—(1) There shall be and is hereby established for the purposes of this Act an Institute to be known as the Sugar Industry Research and Development Institute (hereinafter referred to as “the Institute”) which, subject to the provisions of this Act, shall be an autonomous Institute.

Establishment of the Sugar Industry Research and Development.

(2) The Institute shall be responsible for the day to day management of its affairs and may exercise any of the functions entrusted to it by or in accordance with the provisions of this Act or any regulations made thereunder, and any other functions incidental or ancillary to or consequential upon, the performance of its principal functions but shall in all respects operate under the general policy direction of the Board.

22.—(1) The Institute shall be administered by a “Board of Directors” composed of members appointed by the Minister and the Board of Directors shall be constituted as provided in subsection (2) of this section, and once fully constituted, shall be the principal entity responsible for the development of an efficient and productive sugar industry research and extension system that is economically viable, financially sustainable and environmentally safe, aimed at increasing productivity by enabling the sugar industry, and cane farmers to adopt improved cultural practices and technologies.

Composition of the Board of Directors of the Institute.

(2) The Board of Directors of the Institute shall consist of the following persons, namely,

- (a) two representatives or their alternates nominated by the Committee;
- (b) two representatives or their alternates nominated by the manufacturers;
- (c) two representatives nominated by the Sugar Industry Control Board;
- (d) two representatives or their alternates nominated by the Ministry for the time being responsible for the Sugar Industry;
- (e) one representative or his alternate nominated by Ministry for the time being responsible for the Sugar Industry from among collaborating research and development agencies;
- (f) the Executive Director of the Institute (*ex-officio* member without voting rights).

(3) The Minister shall appoint one of the members of the Board of Directors to be Chairperson of the Board of Directors.

(4) The Chairperson and members of the Board of Directors shall be appointed for a period of three years, and on the expiration of their term of office, shall be eligible for reappointment.

(5) The provisions of section 8 of this Act shall, *mutatis mutandis*, apply in respect of the vacation of a member's seat on the Board of Directors of the Institute.

23.—(1) The Board of Directors of the Institute shall meet as frequently as the business of the Board of Directors requires, at such time and place,

Meetings of the Board of Directors.

and on such days as the Board of Directors may determine from time to time, but such meetings shall not be held less than once every four months in the year.

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

(3) The Chairperson of the Board of Directors shall preside at all meetings of the Board of Directors, and if for any reason the Chairperson is unable to preside, the members present shall elect one of their number to preside at that meeting

(4) A quorum for any meeting of the Board of Directors shall be five members.

(5) Decisions of the Board of Directors shall be by majority of the votes cast, provided that in any case in which the voting is equal, the person presiding at the meeting shall have a second or casting vote.

(6) In order to fully discharge its functions under this Act, the Board of Directors may constitute itself into Committees, or may appoint Committees made up of suitably qualified persons, and authorise such Committees once duly constituted to examine, analyse, investigate and report back to it on any matter which the Board of Directors may think fit to refer to a Committee.

(7) The Board of Directors may make Rules regulating the procedure and powers of Committees appointed under subsection (6) of this section.

24.—(1) The Board of Directors may, with the approval of the Board, appoint and employ, on such terms and subject to such conditions as the Board may from time to time determine, a suitably qualified person as Executive Director of the Institute.

Appointment of staff.

(2) The Executive Director shall be the chief executive officer of the Institute, and in that behalf shall be responsible for the day-to-day

management of the affairs of the Institute, and for providing effective and responsible leadership to other employees of the Institute in the planning, supervision and evaluation of the programmes of the Institute.

(3) The Executive Director may, with approval of the Board of Directors, appoint and employ, on such terms and subject to such conditions as the Board of Directors may from time to time determine, suitably qualified personnel as may from time to time be needed to fully discharge the functions of the Institute.

Objectives of the
Institute.

25. The objectives of the Institute include the following,

- (a) research, develop, and adopt technological innovations and production options for the benefit of the sugar industry;
- (b) teach and train cane farmers in all aspects relating to the sugar cane culture and utilisation and to promote value added and technological developments within the industry;
- (c) assisting the manufacturers, the Association, and cane farmers in organising and coordinating technical activities, and in analysing the effects and implications of present and future sugar industry macro-policies;
- (d) performing periodic industry programme reviews and in this respect drafting applicable plans of action for implementation by relevant entities within the industry;
- (e) developing project proposals to expand or strengthen the industry, and submitting such proposals for funding by the Board, Association, manufacturers, the Government or other funding agencies within and without Belize;

- (f) collecting, on a continuous basis, data on all aspects of the sugar industry, and developing from such data a reliable sugar industry data base to be used in providing the industry with timely and reliable information necessary for the efficient and sustainable management of the sugar industry;
- (g) submitting to the Board of Directors, within such time as may be directed from time to time by the Board of directors, an annual technical report on the activities of the Institute, indicating the Institute's major achievements and short falls within the preceding year, and shortfalls within the preceding year, and the Institutes plans of activities for the following year;
- (h) submitting to the Board of Directors, within two months of the end of each financial year, a statement of the accounts of the Institute, prepared by an independent certified auditor approved by the Board of Directors;
- (i) conducting, in each year, a formal review and planning meeting open to all persons in the sugar industry, and carrying out, after every three years, an external programme review with all persons in the sugar industry to assess the Institute's achievements and failures during the preceding three years;
- (j) preparing and publishing scientific and technical papers relevant to the sugar industry of sufficiently high standards to enable the Institute to obtain both local and international repute and creditability as a research institute of outstanding quality;

- (k) establishing zones in each district where sugar cane is grown for the delivery to manufacturers, and setting up in each zone a Farmers Service Centre staffed by cane agronomists and extension officers charged with the responsibility of training farmers in the zone in the culture and management of sugar cane in order to improve efficiency in sugar cane production;
- (l) generally doing all such other things as may be necessary for the full attainment of its objectives.

Functions of the Board of Directors.

26. The functions of the Board of Directors include the following,

- (a) adopting policies, programmes and procedures consistent with the objectives of the Institute, for implementation by the Executive Director;
- (b) approving annual or semi-annual work programmes submitted for its consideration by the Executive Director, and giving priority to any work programme submitted to it as aforesaid;
- (c) approving the Institute's annual budget;
- (d) reviewing and approving annual reports, programme evaluations, technical publications of the Institute and the Institute's financial statements;
- (e) planning the Institute's future programme of activities to improve the Institute's effectiveness and financial sustainability in the sugar industry.

Funds of the Institute.

27.—(1) The funds of the Institute shall consist of the following,

- (a) such sums contributed by the Sugar (Industry Development) Fund and that which the

- manufacturers and the Committee shall be directed by the Board to contribute each year;
- (b) such sums which may be payable to the Institute as fees or dues for activities done by the Institute for and on behalf of any specific person;
- (c) any other sums which may be donated or which may be payable to the Institute from any lawful source whatsoever.

(2) The expenses of the Institute shall be met out of the funds of the Institute.

Division 4

Sugarcane Quality Control Authority

28.—(1) There shall be and is hereby established for the purposes of this Act a Sugar Cane Quality Control Authority (hereinafter referred to as “the SCQCA”) which shall, subject to the provisions of this Act, be an autonomous entity responsible for establishing and monitoring a sugar cane quality operation.

Establishment of the Sugar Cane Quality Control Authority.

(2) The SCQCA shall operate under the general control and supervision of the Board, and shall be subsidiary to the Board, but may exercise any of the functions entrusted to it by or in accordance with the provisions of this Act or any Regulations made hereunder, and any other functions incidental of ancillary to, or consequential upon, the performance of its principal functions.

(3) The SCQCA shall begin its operations on a day to be appointed by the Minister by Order published in the *Gazette* and phased in as agreed by the SCQCA.

29.—(1) The SCQCA shall be composed of five persons appointed by the Board in the manner provided in subsection (2) below.

Composition of the SCQCA.

(2) The SCQCA shall consist of the following persons, namely,

- (a) two representatives nominated by the manufacturers;
- (b) two representatives of the Association nominated by the committee;
- (c) one representative nominated jointly by the manufacturers and the Committee who shall be the Chairperson of the SCQCA.

(3) The principal functions of the SCQCA shall be to coordinate, execute and supervise all aspects of cane quality control, including the core sampling operations.

The core sampling operation.

30.—(1) Subject to any Order made by the Board pursuant to section 29 (2) of this Act, from and after the commencement this Act, the current price of any load of sugar cane shall be determined from the amount of sugar the factory is expected to extract from the quality of sugar cane delivered by cane farmers to the factory.

(2) The amount of sugar the factory is expected to extract from any load of sugar cane shall be determined using a core sampler to take samples of the sugar cane load, which samples shall be submitted to a laboratory for testing and analysis to determine the amount of sugar to be extracted by the factory from that load of sugar cane.

(3) The principal characteristics of the core sampling operation shall include the following,

- (a) payment to cane farmers shall be based on the quality of the load or loads of sugar cane delivered to the factory as determined pursuant to subsection (2) of this section;
- (b) payment to cane farmers for sugar cane will be

- (c) independent of factory operations; and any loads of sugar cane delivered to the factory shall be subject to testing and analysis pursuant to subsection (2) of this section to determine the current price of sugar cane.

31.—(1) The funds of the SCQCA shall be made up of,

Funds of the SCQCA.

- (a) such amounts as may be determined by the Board from time to time, to be contributed in each financial year by the manufacturers and the Association in a ratio of fifty per cent for cane farmers, and fifty per cent for manufacturers;
- (b) any other amounts approved by the Board which may be lawfully be donated, bequeathed or payable to the SCQCA from any source whatsoever.

(2) For the purposes of meeting the share of their contribution to the funds of the SCQCA, it shall be lawful for the manufacturers and the Association to borrow such amounts, on such terms and conditions as may be approved by the Board, from any lawful source whatsoever, including borrowing from the Sugar (Industry Development) Fund.

(3) The expenses of the SCQCA shall be met from the funds of the SCQCA.

Division 5

Belize Sugar Cane Farmers Association

32.—(1) There shall be and is hereby established for the purposes of this Act a body corporate by the name of “the Belize Sugar Cane Farmers Association” (hereinafter referred to as “the Association”) which shall be an autonomous entity governed by the provisions of this Act.

Establishment of the Association.

(2) The Association may exercise any of the functions entrusted to it by

or in accordance with the provisions of this Act or any Regulations made hereunder and may exercise any other functions incidental or ancillary to, or consequential upon, the performance of its principal functions.

(3) The Association shall be a body corporate having perpetual succession and a common seal and subject to the provisions of this Act shall have the power to receive, acquire, purchase, lease, take, hold and enjoy either absolutely or subject to any trust, movable and immovable property of whatever kind, and to sell, convey, assign, surrender or yield up, transfer, or otherwise dispose of the same when not so required.

(4) The Association shall also have power to enter into contracts, to sue and be sued in its corporate name, and generally to do things which bodies corporate are by law allowed to do.

(5) 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 of Management who shall sign every such deed, document or other instrument to which the common seal is affixed and such signing shall be sufficient evidence that such seal was duly and properly affixed and that it is the lawful seal of the Association.

(6) The Association shall consist of the Corozal District Divisional Association and the Orange Walk District Divisional Association.

33.—(1) The Corozal District Divisional Association shall consist of the following district branches,

- (a) Corozal Town, Santa Elena, Consejo, Chan Chen, San Jomal, San Antonio, and Paraiso;
- (b) Patchakan, Cristo Rey, Yo Chen, and San Pedro;
- (c) Xaibe, San Andres, and Ranchito;
- (d) San Joaquin, Calcutta, Carolina, and Aventura;

The Corozal District Divisional Association.

- (e) San Narciso;
- (f) San Victor, and Buena Vista;

- (g) Louisville, Concepcion, San Roman, and Santa Clara;

- (h) San Francisco and Libertad; and

- (i) Estrella and Caledonia.

(2) To better enable the SCPC and the other entities operating under the general supervision of the Board to effectively perform their functions related to acreage under cultivation and coordination of harvesting activities, the Corozal District Divisional Association shall be divided into zones, the boundaries of which shall be published by the Board by Order in the *Gazette*.

34.—(1) The Orange Walk District Divisional Association shall consist of the following district branches,

The Orange Walk District Divisional Association.

- (a) Orange Walk Town and Petville;
- (b) Guinea Grass, Tower Hill, Shipyard, Chan Pine Ridge, Carmelita, Tiger Creek;
- (c) Douglas, and San Pablo;
- (d) Yo Creek, San Antonio and San Lazaro;
- (e) San Jose
- (f) San Lazaro, Trinidad, August Pine Ridge, and San Felipe;
- (g) San Estevan;
- (h) Progresso, Copper Bank, and Chunox; and

(i) San Roman (Rio Hondo) and San Luis.

(2) To better enable the SCPC and the other entities operating under the general supervision of the Board to effectively perform their functions related to acreage under cultivation and coordination of harvesting activities, the Orange Walk District Divisional Association shall be divided into zones, the boundaries of which shall be published by the Board by Order in the *Gazette*.

Boundaries of district branches.

35. The Board may by Order published in the *Gazette*, on the recommendation of the Committee, define the boundaries of any district branch specified in section 33 and 34 above and may likewise by Order vary, amend, alter or repeal any such boundaries.

District Divisional Committee of Management.

36. There shall be for each District Divisional Association a District Divisional Committee of Management which shall consist of one representative from each of the nine district branches of the division elected by the branch council.

Tenure of office of District Divisional Committee members.

37.—(1) Subject to the provisions of this Act, the members of the District Divisional Committees shall hold office for a period of three years from 1st November of the year of election except that one third of such members shall retire at the end of each of the first two years after the commencement of this Act.

(2) The retirement of one third of the members at the end of each of the first two years shall be decided by the drawing of lots.

Membership of District Divisional Committees and of Association.

38.—(1) Cane farmers shall be registered by the SCPC as members of the district branch in which their land is situated,

Provided that where an applicant has land in more than one district branch whether or not such branches are in different districts he shall only be entitled to be registered as a member of one district branch but may, on his form of application, elect the branch for which he is to be registered.

(2) Every cane farmer who is registered as a member of a district branch shall, *ipso facto*, be registered as a member of the Association and of the District Divisional Association he belongs to pursuant to

subsection (1) of this section.

(3) Application for registration shall be made to a District Divisional Committee on a form of application to be prescribed by the District Divisional Committee. The application shall contain such information with respect to the applicant's cultivation and situation of land as may be required.

(4) A District Divisional Committee shall issue every registered member of its Divisional Association a certificate of registration which shall be in such form as the Committee may prescribe.

(5) Every cane farmer who in each of the two consecutive crop years delivers less than 75 tons of sugar cane to a manufacturers shall cease to be a member of the Association and of his District Divisional Association and shall upon the written request of his District Divisional Committee surrender his certificate of registration within such time as may be stated in the request not being less than seven days from the delivery of such request.

(6) Any cane farmer who fails to surrender his certificate of registration when requested to do so commits an offence.

(7) Notwithstanding anything to the contrary in this Act, any cane farmer who does not deliver to a manufacturer any cane in a particular crop year shall not be eligible to participate in the election of a member to a district branch or a District Divisional Committee held after such failure to deliver,

Provided that this prohibition shall not affect the right of a cane farmer to participate in such election, if such cane farmer can show cause to the satisfaction of the Board that the failure to deliver any cane in that crop year was due to circumstances beyond his control.

(8) Any person who was a member of the Association on the commencement of this Act, shall not be required to apply for registration under this section but shall be entitle to automatic registration by virtue of his membership to the District Divisional Association.

Powers and duties of District Divisional Committees.

39.—(1) The powers and duties of the District Divisional Committees shall be,

- (a) to order, receive and distribute among members, fertilizers, insecticides and other requisites of cane farming;
- (b) to promote, foster and encourage the growing of sugar cane and the welfare of the industry in its district;
- (c) to investigate on behalf of the Committee applications for loans by members;
- (d) to assist in settling disputes between members *inter se*, members and labourers and members and manufacturers and to report any failures in settling disputes to the Committee;
- (e) to receive such moneys as may be granted by the Committee and apply such moneys in accordance with the terms and conditions on which such grant was made;
- (f) to make, subject to the approval of the Committee rules governing the proceedings and meetings of itself and branch councils.

(2) There shall be an annual general meeting of each District Divisional Association in the month of November in each year.

Establishment of branch councils.

40.—(1) There shall be established for each district branch a branch council elected by registered members of the branch which shall consist of five members namely, a Chairperson, a Secretary-Treasurer and three other persons.

(2) Subject to the provisions of this Act, the members of branch councils

shall hold office for a period of three years from the 1st November next following the election, save and except that for the first two years after the commencement of this Act, the members of three branch councils in each division shall be elected for one year only, and the members of another three branch councils in each division shall be elected for two years only, while the members of the remaining three councils in each division shall be elected for the full term of three years. The question as to which branch councils shall be elected for one year or for two years only shall be decided by the drawing of lots.

(3) Every branch council shall exercise such powers and carry out such duties as may be laid down by the District Divisional Committee, with the approval of the Committee.

(4) Every branch council may make rules which shall be subject to the approval of the District Divisional Committee, governing its own proceedings and proceedings of meetings of its district branch.

41.—(1) Each District Divisional Committee shall keep in such form as the Board may prescribe a separate register for each district branch of its Divisional Association and such registers shall contain in respect of every member of the branch,

District Divisional
Committee regis-
ter of members.

- (a) his name, address and registration ID number as provided by the SCPC;
- (b) the acreage and location of all land owned by him whether situated in the district branch or not;
- (c) the number of acres he has under sugar cultivation;
- (d) his annual reference quantity;
- (e) such other particulars as the Board may prescribe from time to time.

(2) The registers shall be kept at such a place as the Board may

prescribe and shall be open to inspection during normal office hours by any member of the Board, the cost, and by any other person upon payment of a fee prescribed for that purpose by the Board.

Management of
the Association.

42.—(1) The affairs of the Association shall be managed by a Committee of Management which shall have control of the income, capital and property of the Association, and shall have full authority in all matters connected with the appointment and dismissal of a Secretary and other officers and employees of the Association, and with the administration of the affairs and the accomplishment of the objects and purposes of the Association.

(2) The Committee shall give effect to any resolution passed by the Association in general meeting.

(3) The Committee shall consist of six persons, three of whom shall be elected by the Corozal District Divisional Committee and the other three by the Orange Walk District Divisional Committee in the month of November each year.

(4) No person shall be elected to the Committee unless he is either a registered member of a district branch or accredited agent of such member.

(5) Any person who is indebted to the Association in any sum exceeding \$5,000 and against whom process has been issued by the Association shall be ineligible to stand for election to the Committee and no such person shall be elected to the Committee despite the fact that he is a registered member of a district branch.

(6) The tenure of office of a member of the Committee shall be one year from the date of his election unless he sooner resigns or vacates his seat but he shall be eligible for re-election.

Chairpersonship
of the Committee
of Management.

43.—(1) The members of the Committee shall elect by secret ballot annually from among their numbers a Chairperson and a Vice-Chairperson; one of whom shall be a member elected by the Corozal District Divisional Committee and the other one elected by the Orange Walk District Divisional Committee.

(2) Where after three ballots no candidates has been elected the matter shall be decided by lot.

(3) The Chairpersonship shall alternate yearly between a member elected by the Corozal District Divisional Committee and the Orange Walk District Divisional Committee.

44.—(1) The Committee shall meet at least once a month for the transaction of business.

Meetings of the Committee of Management.

(2) Four members of the Committee shall form a quorum; provided that to form a quorum there shall be at least two members elected by each District Divisional Committee.

(3) Subject to the existence of a quorum, the powers of the Committee shall not be affected by any vacancy in the membership thereof.

45.—(1) Any member of the Committee who,

Vacation of seat on the Committee of Management.

- (a) dies;
- (b) is adjudicated bankrupt;
- (c) is certified insane;
- (d) holds any office or profit in the gift or disposal of the Association;
- (e) ceases to be a registered member of the Association;
- (f) is absent from three consecutive meetings of the Committee without valid reasons acceptable to the Committee; or
- (g) is serving a prison sentence;

shall be deemed to have vacated his seat on the Committee.

(2) Where a member of the Committee has vacated his seat by virtue of subsection (1) of this section, a by-election shall be held within seven days by the District Divisional Committee which elected such member and the person elected as a result of the by-election shall hold office for the remainder of the period which the member who has vacated his seat would have held office if he had not vacated his seat.

(3) Where any member of the Committee is indebted to the Association in any sum exceeding \$5,000 and the Association has issued process against such member, then until final judgment or a settlement is obtained, whichever is earlier, that member shall be deemed to have been suspended from his office,

Provided that where judgment is obtained against such member he shall not be eligible to hold any office in the Association until the judgment is satisfied.

Powers and duties
of the Committee
of Management.

46. The powers and duties of the Committee shall include the following,

- (a) to promote, foster and encourage the growing of sugar cane by cane farmers;
- (b) to extend and promote the welfare of the cane farming industry in Belize;
- (c) to assist in settling any disputes that may arise between cane farmers and manufacturers;
- (d) to make representations to the Board on any matter affecting the interests of cane farmers;
- (e) to deal in fertilizers and agricultural implements and supplies, and to provide cane farmers with agricultural services when the Association considers it in the interest of cane farmers to do so;
- (f) to make loans to such cane farmers as may require

- loans to work their sugarcane cultivations, and to borrow money for the purpose of making such loans;
- (g) to lay down the duties to be carried out and the powers to be exercised by District Divisional Committees and branch councils;
 - (h) to borrow and take up at interest any sum or sums of money for any purpose of the Association whatever and for that purpose to mortgage by deed or otherwise or pledge under its corporate seal such of its real or personal property as may be necessary for securing the repayment of such moneys with the interest thereon;
 - (i) to deal in any and every way with property of the Association both real and personal as will give effect to or further its objects;
 - (j) to comply will all lawful directions given to the Association by the Board;
 - (k) to compile and submit to the Board, during such time as may be specified by the Board, from the divisional registers prepared pursuant to section 41 of this Act, registers of all persons who were members of the Association on the commencement of this Act, and who are members of the Association every year thereafter; and
 - (l) to exercise all of the powers conferred upon the Association by or under this Act.

47.—(1) The Committee shall, on or before the 1st September in each year, prepare and submit to the Board, true estimates of the income receivable and expenditure to be incurred during the financial year commencing on 1st November then following. The Committee shall also obtain and submit together with the estimates the comments of the Board

Submission of budget estimates.

thereon to the Minister for final approval.

(2) The Committee shall submit the estimates in the form required by the Minister, who may approve or amend such estimates.

(3) When the Minister has approved the estimates whether with or without amendment, he shall cause the approved estimates to be published in the *Gazette*.

(4) All new or special expenditure (with the exception of emoluments) shall receive the approval of the Minister before being included in the estimates.

(5) Except with the approval of the Minister, no further sum shall be expended during any financial year other than as provided in estimates relating to such financial year.

Accounts and reports.

48. The Committee shall keep full and proper account of its reports and financial transactions in respect of each financial transactions in respect of each financial year and shall complete and close its accounts and submit them to an auditor appointed by the Committee with the approval of the Minister within three months of the close of each financial year. The audit of the accounts shall be completed within six months of the close of the financial year and the accounts, together with the auditor's report, shall then be published in the *Gazette* and in at least one newspaper and shall also be laid before the Association at its next annual general meeting.

Submission of annual returns to the Board.

49.—(1) The Committee shall submit an annual return to the Board, at such time as the Board may determine, of all registered members of the Association, together with the following particulars in respect of each such member,

- (a) the district or districts in which his sugar cane cultivations are situated;
- (b) his annual reference quantity;
- (c) the deliveries of sugar cane made by him to manufacturers during the preceding crop year; and

(d) such other information which the Board may require from time to time.

50. The Committee, with the approval of the Board, may make standing orders regulating its own proceedings and governing the conduct of its business.

Committee of Management may regulate its own procedure.

51.—(1) There shall be an annual general meeting of the Association in the month of October. This meeting shall be called by the Committee and shall consider the annual reports.

General meeting of the Association.

(2) The Committee shall call a special general meeting of the Association if requested to do so in writing by a District Divisional Committee or by three district branches.

52. The Association may with the approval of the Board, make Standing Orders governing their procedure in general meetings (and regulating the conduct of their business including a quorum at such meetings.)

Standing Orders of the Association.

53.—(1) The Association is hereby empowered to impose a levy and collect a cess upon all sugar cane delivered to manufacturers. The rate of such cess shall be published in the *Gazette* before the start of each grinding season, and shall not exceed one dollar per ton of sugar cane without the prior approval of the Board.

Imposition of cess.

(2) Every manufacturer shall deduct the amounts of such cess from any sums payable by him for sugar cane delivered to him.

(3) Every manufacturer shall account to the Association for all sums deducted as cess, and shall pay over the same to the Association at such time as may be agreed upon between the manufacturer and the Association.

(4) The rate of cess shall not be varied during the grinding season.

54.—(1) Notwithstanding anything to the contrary contained in this Act, where it appears to the Board that the members of any district branch are unable or unwilling to elect a branch council, or any branch council is

General powers of Minister.

unable or unwilling to elect a member to its District Divisional Committee or any District Divisional Committee is unable or unwilling to elect a person or persons to the Committee the Board may recommend a course of action to the Minister to resolve the matter and the decision of the Minister thereon shall be final.

(2) Notwithstanding anything to the contrary contained in this Act, where the Board is satisfied that the Committee or any District Divisional Committee or branch council is no longer capable or willing to manage or refuses to manage its affairs. The Board may recommend a course of action to the Minister to resolve the matter and his decision shall be final.

Consequences of failure to repay loan, etc.

55. Where any officer of the Association has borrowed any sum of money from the Association and where the Association has issued writ or summons or other process against such officer, demanding payment of the principal and/or interest due thereon, then from the date of issue of such process and until final judgment or until settlement, the said officer shall stand suspended from the enjoyment of his office, and shall not be entitled to exercise any of the duties, rights, privileges, powers and functions of his office and shall not be eligible to offer himself for or hold any office in the Association. For the purpose of this section the term “officer” includes a member of the Association, the Committee, District Divisional Committee or district branches.

General penalty.

56. Any person who commits an offence against this Title for which no penalty is specifically provided for shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding three years, or to both such fine and period of imprisonment.

PART III

*Imports, Exports and
Manufacturers’ Quotas, etc.*

Imports and exports.

57.—(1) Subject to subsection (2) of this section, from and after the commencement of this Act, no person shall export from or import into Belize any sugar, ethanol or any other derivative of sugar cane, except

in accordance with the terms and conditions of a valid licence issued to him for the purpose by the Minister or such person as may be appointed by him.

(2) Subsection (1) of this section shall not apply to sugar, ethanol or any derivative of sugar cane which is imported and exported while in transit to a destination outside Belize.

(3) Any person who contravenes this section commits an offence and the sugar, ethanol or any other derivative of sugar cane in connection with which the offence was committed shall be forfeited and shall be disposed of in such manner as the Minister may direct.

58.—(1) From and after the commencement of this Act no person shall manufacture any sugar, ethanol or any derivative of sugar cane or receive or purchase any sugar cane for the purpose of being manufactured into sugar, ethanol or any derivative of sugar cane except under and in accordance with the terms and conditions of a valid licence issued to him for the purpose by the Minister.

Manufacturers' licences.

(2) Any person who contravenes subsection (1) of this section, commits an offence.

59.—(1) The Minister, if he considers it in the public interest, may by Order published in the *Gazette* require any manufacturer to reserve for sale in Belize any portion of the sugar manufactured by him, and which such sugar shall be sold in Belize.

Control of local sales of sugar.

(2) Any person who fails to comply with any Order issued under this section commits an offence.

60.—(1) Every manufacturer shall after the end of each crop year and not later than 30th September in each year make a return to the Board, in such form as may be prescribed by the Boards, showing

Manufacturers' returns.

- (a) the tons of sugar cane received by him from each cane farmer for manufacture into sugar, ethanol or any other derivative of sugar cane, during the preceding crop year;

- (b) the tons of sugar manufactured by him during the preceding crop year for the purpose of being exported and the tons of sugar manufactured by him for consumption in Belize; and
- (c) his estimate of the tons of sugar to be manufactured by him in the next following year.

(2) Every manufacturer who fails to comply with section (1) of this section, commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a period not exceeding six months.

Manufacturers' quotas.

61.—(1) In each crop year the Belize Sugar Industries Ltd., subject to grinding capacity, shall be licensed to purchase and receive one million five hundred thousand tons of sugar cane which, subject to availability, shall be supplied by the Corozal and Orange Walk divisions of the Association as may be determined by the SCPC.

(2) Where there is in existence in any crop year other manufacturers other than the Belize Sugar Industries Ltd., such manufacturers shall be licensed to purchase and receive specified tons of sugar cane of which, subject to the grinding capacity of the manufacturers and the availability of sugar cane, a certain percentage of the number of tons shall be from the members of the Corozal Division of the Association and the balance shall be from the members of the Orange Walk Division of the Association, as may be determined by the SCPC.

(3) In any crop year where there is a surplus of sugar cane (other than that grown by manufacturers) over and above the manufacturer's quota as set out in subsection (1) and (2) of this section, the SCPC shall determine the allocation of such surplus.

(4) The SCPC shall review and may revise each manufacturer's quota annually; provided that the manufacturer's quota as specified in subsection (1) and (2) of this section, shall not be reduced.

(5) Allocation of the manufacturer's quota under subsection (2) of this

section, shall be by Order published in the *Gazette*.

62. No manufacturer shall purchase or take delivery of any sugar cane from the members of the Association or from cane farmers in excess of that manufacturer's quota allocated by the SCPC in accordance with section 61 of this Act,

Manufacturers' prohibited from exceeding their quotas.

Provided that it shall lawful for each manufacturer to accept mature sugar cane with the written approval of the other manufacturer and with the approval of the SCPC.

63.—(1) Each manufacturer shall maintain records indicating separately the quantity of sugar cane grown by him and received from the members of the Association.

Maintenance and inspection of factory records.

(2) Each manufacturer shall have the right to inspect the records of the other manufacturer maintained under subsection (1) of this section.

64.—(1) If any manufacturer purchases or takes delivery of sugar cane in contravention of section 62 of this Act, he shall be liable to pay to the other manufacturer a penalty at the rate of twenty-three Belize dollars per ton of sugar (or such higher rate as may be decided by the SCPC pursuant to a review carried out under subsection (3) of this section) received or purchased by that manufacturer in excess of his quota and in addition shall be liable to have his license cancelled by the Minister or suspended for such period as the Minister may determine,

Payment of penalty by manufacturers.

Provided that no license shall be cancelled or suspended and no penalty shall be payable under this subsection if the excess amount of sugar cane received or purchased by a manufacturer does not exceed,

- (a) in the case of the Belize Sugar Industries 30,000 tons;
- (b) in the case of any other manufacturer, such amount as may be fixed by the SCPC from time to time by Order published in the *Gazette*.

(2) Subsection (1) of this section shall not prejudice,

- (a) any liability incurred by a manufacturer under section 53 or section 60 of this Act, or
- (b) the right of the aggrieved manufacturer to recover by civil proceedings in a court of law additional compensation for breach of contract, or to any other civil remedy.

(3) The SCPC shall review and may revise the penalties provided in this section annually; provided that the rate of the penalty set out in subsection (1) of this section shall not be reduced.

65.—(1) All complaints, claims or disputes arising out of the provisions of this Part shall be referred to the Board in writing.

(2) At any meeting of the Board to hear and determine complaints or disputes arising under this Part, seven members of the Board, one of whom shall be the senior official of the Ministry at the time responsible for the Sugar Industry or his nominee, or the Chief Agricultural Officer or his nominee, shall constitute a quorum.

(3) The Chairperson shall preside at all meetings held pursuant to this section but in the absence of the Chairperson, the members present and constituting a quorum shall elect one of their number to preside.

(4) The person presiding at such a meeting shall have a second or casting vote in any case where there is an equality of votes.

(5) The decisions of the Board at any meeting held under this section shall be by a majority of the members present and voting at the meeting.

(6) Subject to the provisions of this Act, the Board may regulate itself at such a meeting.

(7) The Board shall complete its investigation, hearing and determination of a complaint made to it under this Part within thirty days and shall thereafter communicate its decision promptly to the interested manufacturers by means of prepaid registered mail or by facsimile

Settlement of disputes.

communication or some other means of communication.

(8) Any manufacturer aggrieved by the decision of the Board under this Part may, within twenty-one days of the notification of the Board's decision, appeal to the Supreme Court and the provisions of Part IX of the Supreme Court of Judicature Act, Cap. 91, shall apply to such appeals.

(9) Subject to subsection (8) of this section the Minister shall not issue a license to a manufacturer to purchase, or to take delivery of any sugar cane, if the manufacturer has failed to pay the penalty or penalties imposed upon him under this Part.

(10) Any penalty imposed under this Part may be enforced as a judgment debt or in such other manner as the law for the time being allows.

PART IV

Establishment and Purpose of the Sugar (Industry Development) Fund and the Sugar (Labour Welfare) Fund

66. For the purposes of this Part there shall be established the following sugar special funds,

Establishment of funds.

- (a) the Sugar (Industry Development) Fund; and
- (b) the Sugar (Labour Welfare) Fund.

67.—(1) Subject to section 69 of this Act, every exporter who, upon the commencement of this Act, either exports any sugar to which this section applies pursuant to any sale or agreement to sell or with a view to sell, or sells any sugar to which this section applies for export, shall, within such time as may be prescribed by the Board, after the receipt, whether in Belize or elsewhere, by itself or by any person on its behalf of monies,

Amount to be levied on sugar exporters.
6 of 2007

- (a) in respect of the sale of such sugar; or

- (b) in the event of such sugar being lost, stolen, damaged or destroyed before the property in such sugar passes to any purchaser thereof, under any policy of insurance in relation to such sugar, pay to the Board an amount which shall be levied at the rate of two percent or eleven dollars whichever is less, in respect of the value of sugar so exported, sold for export or lost, stolen, damaged, or destroyed.

(2) This section applies to all sugar exported from Belize.

(3) In default of payment when due of any amount payable under this section by an exporter of sugar, such amount shall, after demand for payment has been made by the Board, be recoverable by him against the exporter as a debt due to the Government of Belize.

(4) For the purpose of this section the tonnage exported shall be deemed to be the outturn tonnage as certified by the account sales.

68.—(1) The Board shall, subject to section 69 of this Act, allocate the amount paid to it under section 67 of this Act, to the credit of the special funds specified in section 66 of the this Act, in the following proportions,

- (a) to the Sugar (Industry Development) Fund, at 92.5%; and
- (b) to the Sugar (Labour Welfare) Fund, at 7.5%.

(2) The Sugar (Industry Development) Fund shall also be credited with the monies hithertofore credited to the accounts of the Sugar (Rehabilitation) Fund and the Sugar (Stabilisation) Fund, and any other monies from any lawful source whatsoever approved by the Board from time to time.

69.—(1) The Minister may, by Order published in the *Gazette*,

- (a) at any time and from time to time vary the rate

Allocation to special funds of amounts paid under section 67.

6 of 2007

Power of Minister to vary or discontinue rates.

6 of 2007.

- (b) specified in subsection (1) of section 67 of this Act; at any time and from time to time, vary the proportions set out in subsection (1) of section 68 of this Act; or
- (c) prescribe that the amount specified in section 67 of this Act, shall cease to be levied, collected and paid on or after a date specified in such Order.

(2) An Order made under paragraph (a) or paragraph (b) of subsection (1) of this section shall have effect as if the varied rate of the varied proportions were specified or set out in subsection (1) of section 68 or in section 67 of this Act, as the case may be, of this Act.

(3) An Order made under paragraph (c) of subsection (1) of this section shall not affect the power of the Board under subsection (3) of section 67 of this Act to recover any amount payable under that section but not paid before the date specified in the Order and that section shall continue to have effect in the same manner and to the same extent as if the Order had not been made.

70. No income tax or any other duty or impost shall be payable upon any of the funds constituted under this Part or upon any monies accruing, from any source to any of the said funds.

Exemption from income tax.

71. Any person who fails to comply with the provisions of this Part commits an offence and shall, on summary conviction, be liable to a fine of five thousand dollars or to imprisonment for a period not exceeding five years, or to both such fine and period of imprisonment.

General offence and penalties.

72.—(1) The Minister may make Regulations for the better carrying out of the provisions of this Part and in particular such Regulations may provide,

Regulation to regulate funds.

- (a) for the management and control of the funds and for the investment thereof and for the auditing of any accounts in relation to such funds;

- (b) the prescribing of the constitution and powers of committees which may be set up for the administration of the funds;
- (c) the prescribing of the purposes for which the funds may be used;
- (d) the requirement that exporters furnish to such authority in such form and at such times such returns containing such information relating to the exportation and to the sale by them or on their behalf of any sugar;
- (e) the requirement that exporters produce any books of account kept by them, or any invoices, bills of lading or other documents in their possession or under their control relating to the exportation or sale of any sugar for the inspection by such authority within such period and at such place as may be prescribed.

(2) Regulations made under this section shall be laid before the National Assembly as soon as may be after the making thereof.

PART V

Miscellaneous

Regulations by the Board.

73.—(1) The Board may, with the approval of the Minister, make Regulations generally for the control of the sugar cane industry and for giving better effect to the provisions of this Act, and without prejudice to the generality of the foregoing, such Regulations may provide for any or all of the following namely,

- (a) prescribing the forms of licences, applications, reports, returns or documents to be issued by,

- submitted to, or made by or on behalf of the Board or any of the bodies operating under the supervision of the Board as provided in Part II of this Act;
- (b) prescribing the records to be kept and the returns to be made by any person required to do so in virtue of this Act;
 - (c) specifying and approving the detailed mechanism of the core sampling method of testing sugar content in sugar canes as;
 - (d) establishing the standards of sucrose content of sugar canes or the juices expressed there from as recommended by the SCQCA;
 - (e) requiring every registered cane farmer to produce his certificate of registration to deliver sugar cane to manufacturers at the time of such sale or at any time as may be specified by the Board;
 - (f) requiring every cane farmer to produce his certificate of registration to manufacturers or to such other persons as may be specified by the Board;
 - (g) prescribing any other thing required to be prescribed under this Act;
 - (h) any other matter as may be determined by the Board from time to time as may be necessary or expedient for the better carrying out of the provisions of this Act.

(2) Any Regulations made by the Board under subsection (1) of this section may provide that a contravention or breach thereof shall be

punishable on summary conviction by a fine not exceeding five thousand dollars, or by imprisonment not exceeding six months, or by both such fine and period of imprisonment, and in addition, by a fine of five hundred dollars for every day the offence continues.

(3) All Regulations made by the Board under this section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Repeals and savings.

74.—(1) Upon the commencement of this Act the following Acts shall stand repealed namely,

- (a) the Sugar Cane Industry (Control) Act, Cap. 283;
- (b) the Sugar Cane Farmers Association Act, Cap. 325; and
- (c) the Sugar (Special Funds) Act, Cap. 219.

(2) Notwithstanding the repeal of the said Acts, all Regulations, Rules, Orders, Notices and other subsidiary legislation made under the said Acts shall continue in full force and effect to the extent that they are not inconsistent with the provisions of this Act.

Commencement.

75.—(1) This Act shall come into force on a day appointed by the Minister by Order published in the *Gazette*.

(2) The Minister may, in the Order referred to in subsection (1) of this section, appoint different days on which Parts or different Titles or provisions of this Act shall come into force.