



BELIZE

**PAPAYA GROWERS' ASSOCIATION ACT
CHAPTER 323**

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CHAPTER 323**PAPAYA GROWERS' ASSOCIATION****ARRANGEMENT OF SECTIONS**

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CHAPTER 323

PAPAYA GROWERS' ASSOCIATION

19 of 1992.

[28th September, 1992]

Short title.

1. This Act may be cited as the Papaya Growers' Association Act.

Interpretation.

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

“Association” means the Papaya Growers' Association established under section 3 of this Act;

“Chairperson” means the Chairperson of the Committee of Management established under section 5 of this Act;

“Committee” means the Committee of Management of the Association established under section 5 of this Act;

“Minister” means the Minister for the time being responsible for Agriculture;

“Secretary” means the Secretary to the Committee.

Establishment of Association.

3.—(1) There is hereby established for the purposes of this Act, a body corporate to be called the Papaya Growers' Association with perpetual succession and a common seal which shall be judicially noticed, with power to make contracts, to sue and be sued in its corporate name, to receive, acquire, purchase, lease, take, hold and enjoy either absolutely or subject to any trust, movable and immovable property for the purpose of its functions under this Act and to sell, convey, assign, surrender or yield up, or otherwise dispose of the same when not so required.

(2) Until a seal is obtained by the Association, a rubber stamp bearing the inscription “Papaya Growers' Association” may be used in the place of such seal.

(3) 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. The Secretary and two other members of the Committee 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.

4.—(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 of the administration of the affairs and the accomplishment of the objects and purposes of the Association.

Management of
the Association.

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

5.—(1) There shall be a Committee of Management which shall be the executive body consisting of the following members,

Committee of
Management.

- (a) Chairperson;
- (b) Vice-Chairperson;
- (c) Secretary;
- (d) Assistant Secretary;
- (e) Treasurer;
- (f) Assistant Treasurer;
- (g) two trustees.

(2) The members of the Committee of Management shall be elected by the general membership of the Committee at the first general meeting.

Tenure of office
of members.

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

(2) A member of the Committee may resign his seat by letter addressed to the Chairperson and such resignation shall take effect from the date on which its acceptance is conveyed to the member. A vacancy thus created, shall be filled by the membership within seven days of the vacancy.

(3) The election of officers to serve on the executive body shall be held annually at a general meeting.

(4) The three officers who receive the highest number of votes, shall hold office for a tenure of two years and the remaining number of officers shall hold office for a tenure of one year.

Loss of member-
ship.

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

- (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.

(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 remaining members of the 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 five thousand dollars and the Association has issued process against such member, then until final judgment, or a settlement, 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 that judgment is satisfied.

(4) Where any member of the Association or Committee has borrowed any sum of money from the Association and where the Association has issued writ of 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 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 or hold any office in the Association.

8.—(1) The Committee shall, on or before 1st September in each year, prepare and submit to the Minister 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 thereon.

Estimates.

(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 is provided in the estimates relating to such financial year.

Standing orders of Committee of Management.

9. The Committee, with the approval of the Board, may make standing orders regulating its own proceedings and governing the conduct of its business whether by itself or by a committee of its number.

Cess.

10. The membership of the Association shall pay a cess to the Association for the operation of the Association. The amount of cess shall be determined by the membership at a general meeting.

Procedure and meetings of Committee.

11.—(1) The Committee shall call at least one general meeting every six months and shall give adequate notice of such meeting.

(2) Notwithstanding subsection (1) of this section, the Committee shall meet at least once a month to review the progress of the papaya industry.

(3) The Chairperson, or in his absence the Vice-Chairperson, shall preside at all meetings of the Committee.

(4) Not less than half of the members of the Committee shall constitute a quorum.

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

(6) Minutes in proper form of each meeting shall be kept by an officer appointed by the Committee and shall be confirmed by the Committee and signed by the Chairperson or Vice-Chairperson, as the case may be.

(7) Subject to this Act, the Committee shall have power to regulate its own proceedings.

(8) Where a general meeting is called and a quorum is not present, the meeting shall be postponed to a later date at which meeting the members present shall constitute the quorum provided that every member receives notice of the time and place for the meeting.

12. It shall be the duty of the Committee, within the limits of its resources, to,

Duties and functions of Committee.

- (a) represent the interest of all papaya producers at the national and international levels;
- (b) promote, protect and regulate the growing of papayas for the export market;
- (c) extend and promote the welfare of the papaya industry in Belize;
- (d) provide growers with agricultural services when the Association considers it in the interest of growers to do so;
- (e) foster and encourage the growing of papayas by growers; and
- (f) make loans to papaya growers who may require loans to work their papaya cultivation, and to borrow money for the purpose of making such loans.

13.—(1) The Committee may authorize any person in writing to enter and inspect the papaya cultivation of any registered member of the Association, and any person so authorized shall, when requested, produce his authority to enter and inspect the cultivation.

Powers and duties of the Committee.

(2) The Committee shall keep full and proper accounts of its financial transactions in respect of each financial year and shall complete and close its accounts and submit them to an auditor appointed by the Minister within three months of the close of the 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 general meeting.

14. The Committee shall have power,

- (a) to borrow and take up at interest any sum or sums of money for any purpose of the Association 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 money with the interest thereon; and
- (b) 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.

15.—(1) Every papaya farmer over the age of 18 years who applies to and satisfies the Committee that either he or his predecessor in title, has produced from his land not less than 100 boxes of papaya during the crop year preceding the date of his application shall be registered as a member of the Association.

(2) An application for registration shall be made to the Committee and the application shall contain particulars with respect to the applicant's cultivation and situation of land as may be required.

(3) The Committee shall issue to every registered member a certificate of registration which shall be in a form to be prescribed by the Committee.

(4) Every grower who in each of three consecutive crop years delivers less than 100 boxes of papayas to the Association shall cease to be a member of the Association and upon the written request of the Committee shall surrender his certificate of registration within the time stated in the request, such time not being less than seven days from the delivery of the request.

Borrowing powers.

Membership.

(5) Any papaya grower who does not deliver to the Association any papayas in a particular crop year shall not be eligible to participate in the election of a member to the Committee,

Provided that this prohibition shall not affect the right of a papaya grower to participate in such election where the grower can show reasonable cause to the satisfaction of the Committee that the failure to deliver any papayas in that crop year was due to circumstances beyond his control, such as natural disasters.

16.—(1) The Association shall keep a register of its members and with respect to every member the register shall contain,

Register.

- (a) his name and address;
- (b) the acreage and location of all land owned by him;
- (c) the number of acres he has under papaya cultivation;
- (d) his basic quota; and
- (e) such other particulars as the Committee may prescribe.

(2) The register shall be kept at a place as the Committee may prescribe and shall be open to inspection during normal office hours by any member of the Association.

17.—(1) The Minister may by regulations provide for the establishment of district branches and such regulations may *inter alia* provide for,

Establishment of district branches.

- (a) the boundaries of any district branch specified in the regulations;
- (b) the composition of any such branches;
- (c) committees to manage the affairs of such branches;

- (d) the powers and duties of district branches and the relationship of district branches with the Association; and
- (e) funds of district branches.

(2) Any regulations made under this section shall be laid before the National Assembly as soon as possible after the making thereof and shall be subject to negative resolution.

Regulations.

18. The Minister may make Regulations for the better carrying out of the provisions of this Act.