

## **CHAPTER 238**

### **RURAL DEVELOPMENT COMMISSION 1995-12**

This Act came into operation on 1st March, 1996 by Proclamation (S.I. 1996 No. 27).

#### **Amended by:**

This Act has not been amended

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1997



## **CHAPTER 238**

### **RURAL DEVELOPMENT COMMISSION 1995-12**

#### *Arrangement of Sections*

1. Short title
2. Interpretation
3. Establishment of Commission
4. Functions of the Commission
5. Appointment of Committee and delegation of functions
6. Appointment of Director of Rural Affairs
7. Remuneration of Director
8. Appointment of staff
9. Limitations of powers of Commission
10. Power to charge fees
11. Rural Enterprise Fund
12. Borrowing power
13. Application of funds of Commission and expenditure

14. Accounts and audit
15. Report
16. Protection of Commission
17. Pension rights and service
18. Directions of Minister
19. Regulations

#### SCHEDULE

**BARBADOS****RURAL DEVELOPMENT COMMISSION  
1995-12**

*An Act to provide for the establishment of a Rural Development Commission which would inter alia provide for the improvement of social amenities, assist small farmers, and establish and develop cottage industries in rural areas.*

[Commencement: 1st March, 1996]

**Short title**

1. This Act may be cited as the *Rural Development Commission Act*.

**Interpretation**

2. In this Act

“Commission” means the Rural Development Commission established under section 3.

“Director” means the Director of Rural Affairs appointed under section 6 (1).

**Establishment of Commission**

- 3.(1) There is established a Commission to be known as the Rural Development Commission.

(2) The *Schedule* has effect with respect to the constitution of the Commission and otherwise in relation thereto.

(3) The Commission is a body corporate to which section 21 of the *Interpretation Act*, Cap. 1 applies.

#### **Functions of the Commission**

4. The functions of the Commission are

- (a) to facilitate road improvement and the lighting of streets in rural districts of Barbados;
- (b) to provide housing and ancillary services including the installation of sanitary facilities in rural areas;
- (c) to provide assistance to small farmers in the areas of
  - (i) agricultural training and investment;
  - (ii) equipment and machinery; and
  - (iii) production and marketing of agricultural produce;
- (d) to allocate land under the control of Government to persons desirous of farming;
- (e) to give assistance in the establishment and development of cottage industries in rural areas;
- (f) to do such other things as are necessary to effectively carry out the purposes of this Act.

#### **Appointment of Committee and delegation of functions**

5. The Commission may appoint a Committee for the purpose of carrying out any of the functions of the Commission which in the opinion of the Commission would be better regulated or managed by means of a Committee; and may delegate any of its functions to a Committee or to any officer or servant of the Commission, as it thinks fit.

**Appointment of Director of Rural Affairs**

6.(1) The Commission shall with the approval of the Minister appoint a Director of Rural Affairs.

(2) The Director shall perform the functions conferred on him by this Act and such other functions as may be conferred on him by the Commission.

(3) The Director is subject to the directions of the Commission and responsible to the Commission for the execution of its policy and the management of its affairs.

**Remuneration of Director**

7. The Commission shall pay the Director such remuneration and allowances, if any, as the Minister determines.

**Appointment of staff**

8. The Commission may appoint and employ such officers, agents and servants as it considers necessary for the proper carrying into effect of this Act, at such remuneration and on such terms and conditions as the Minister approves in writing.

**Limitations of powers of Commission**

9. Notwithstanding the powers conferred on the Commission by section 8, the Commission shall not, without the prior approval of the Minister

- (a) assign to any post established by the Commission any salary in excess of such amount *per annum* as the Minister may determine and notify to the Commission in writing;
- (b) appoint any person to a post established by the Commission to which a salary in excess of the amount determined by the Minister under paragraph (a) is assigned; or

- (c) make any provision for the payment of pensions, gratuities or like benefits to any officer or servant of the Commission or to others by reference to their service to the Commission.

### **Power to charge fees**

**10.** The Commission may in accordance with regulations made under this Act charge such fees as the Minister may by order prescribe for any service performed by it.

### **Rural Enterprise Fund**

- 11.** There is established a Rural Enterprise Fund which shall comprise
- (a) such moneys as may be voted for the purpose by Parliament;
  - (b) such moneys as may be borrowed by the Commission for its purposes; and
  - (c) such other moneys as may become available to the Commission from any other source approved by the Minister,

for the purpose of financing the objectives of the Commission.

### **Borrowing power**

**12.(1)** Subject to subsection (2), the Commission may borrow money required by it for meeting any of its obligations or performing any of its functions.

(2) The power conferred on the Commission by subsection (1) is exercisable only with the approval of the Minister of Finance, and the Commission must stipulate

- (a) the amount and source of the loan; and
- (b) the terms and conditions on which the loan may be effected.

(3) The approval of the Minister under subsection (2) may either be general or limited to a particular borrowing.

**Application of funds of Commission and expenditure**

**13.(1)** The funds of the Commission shall be applied towards discharging the obligations and performing any functions of the Commission under this Act and the regulations.

(2) The plans of the Commission in relation to its capital expenditure shall be approved by the Cabinet prior to their execution.

**Accounts and audit**

**14.(1)** The Commission shall, in respect to its functions under this Act, keep proper accounts and adequate financial and other records in relation thereto to the satisfaction of and in accordance with the directions of the Auditor-General or any auditor appointed under subsection (2) for the purpose of auditing the accounts, and shall prepare a statement of accounts in respect of each financial year.

(2) The Commission shall, within 3 months from the end of each financial year, submit its accounts for audit to the Auditor-General or to an auditor whom the Minister may appoint.

(3) The Commission and all other persons concerned with the keeping of its accounts shall grant to the auditor auditing the accounts under subsection (2) access to all books, documents and cash relating to those accounts and shall give the auditor on request all the information within their knowledge in relation to the operation of the Commission.

**Report**

**15.(1)** The Commission shall, not later than 3 months from the end of each financial year, submit to the Minister a report containing

- (a) an account of the activities and transactions of the Commission throughout that financial year in such detail as the Minister may direct;
- and

(b) a statement of the accounts of the Commission for that financial year in accordance with section 14 (1).

(2) A copy of the report together with a copy of the auditor's report shall be printed and laid on the tables of the House of Assembly and Senate and published in the *Official Gazette* not later than 3 months from the date of the receipt thereof by the Minister.

### **Protection of Commission**

**16.(1)** No action, prosecution or other proceedings shall be brought or instituted against the Commission or any member thereof in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) No act done or proceedings taken under this Act shall be questioned on the grounds of

(a) the contravention by a member of paragraph 14 of the *Schedule*; or

(b) any omission, defect or irregularity not affecting the merits of the case.

### **Pension rights and service**

**17.(1)** Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of section 2 (1) of the *Pensions Act*, Cap. 25 to perform any service with the Commission, his service with the Commission shall, unless the Governor-General otherwise decides, count for pension under that Act as if the officer had not been so seconded or transferred.

(2) If the services of a person employed by the Commission are on loan to the Government he is entitled to such benefits and terms of employment as are applicable to the post which he occupies, and the service with the Commission shall be taken into account as continuous service with the Government and the *Pensions Act*, Cap. 25 and *Pensions Regulations, 1947* shall apply to him as if his service with the Commission were service within the meaning of that Act.

[1947/20]

(3) Where a public officer is transferred to the service of the Commission in accordance with subsection (4), the Commission shall refund to the Consolidated Fund all moneys payable as pension in respect of the service of that officer with the Commission.

(4) Where

- (a) a public officer is transferred to an office in service of the Commission;  
or
- (b) an officer of the Commission is transferred to an office in the public service,

the *Pensions Act*, Cap. 25 shall apply to him as if his service with the Commission were other public service within the meaning of that Act, and the *Pensions Regulations, 1947* shall apply to him accordingly.

[1947/20]

#### **Directions of Minister**

**18.** The Minister may give the Commission directions of a general nature in respect of the policy to be followed by the Commission in the performance of its function under this Act and the Commission shall comply with those directions.

#### **Regulations**

**19.** The Commission may, subject to the approval of the Minister, make regulations

- (a) prescribing the fees chargeable by the Commission for services provided; and
- (b) generally for the better carrying out of its functions under the Act.

**SCHEDULE***(Section 3)*

- 1.** The Commission shall consist of a Chairman, a Deputy Chairman and 7 other members all of whom shall be appointed by the Minister by instrument in writing.
- 2.** Subject to paragraphs 4, 5 and 6 a member holds office for such period not exceeding 3 years as the Minister may direct in the instrument appointing such members, but is eligible for re-appointment.
- 3.** The Minister may appoint in accordance with paragraph 2, any person to act temporarily in the place of any member in case of the absence from Barbados or the inability to act of such member.
- 4.** A member, other than the Chairman may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith cause the same to be forwarded to the Minister and upon the date of the receipt by the Chairman of such instrument ceases to be a member of the Commission unless some other date is mentioned in the instrument.
- 5.** The Chairman may at any time resign his office by instrument in writing addressed to the Minister and upon the date of the receipt by the Minister of such instrument ceases to be Chairman and a member of the Commission unless some other date is mentioned in the instrument.
- 6.** A vacancy shall be deemed to arise in the membership of the Commission in case of
  - (a)* the death or resignation of a member;
  - (b)* the revocation by the Minister of the appointment of a member;
  - (c)* the absence from Barbados of a member without leave of the Minister;

(d) the failure of a member to attend 3 consecutive meetings of the Commission, unless such failure to attend was approved by the Minister.

**7.** Members are eligible for such remuneration whether by way of fees or travelling or other allowances, as the Minister may determine.

**8.** The names of all members of the Commission as at first constituted and every change in the membership thereof shall be published in the *Official Gazette*.

**9.(1)** The Seal of the Commission shall be kept in the custody of the Chairman, Deputy Chairman or such officer of the Commission as the Commission may approve and may be affixed to documents or instruments pursuant to a resolution of the Commission and in the presence of the Chairman or Deputy Chairman and the Secretary to the Commission.

(2) The Seal of the Commission shall be authenticated by the signature of the Chairman or Deputy Chairman and the Secretary to the Commission.

(3) All documents or instruments other than those required by law to be under seal, made by and all decisions of, the Commission may be signified under the hand of the Chairman or Deputy Chairman.

**10.(1)** The Commission shall meet at such times as may be necessary or expedient for the transaction of its business and each meeting shall be held on such days and at such times and places as the Commission determines.

(2) The Chairman, or if he is for any reason whatsoever unable to act, the Deputy Chairman may at any time call a special meeting of the Commission and shall call a special meeting within 7 days of the receipt by him of a requisition for that purpose addressed to him in writing by any 3 members.

**11.** The Chairman, or in his absence the Deputy Chairman shall preside at all meetings of the Commission, and in the case of the absence of both the

Chairman and the Deputy Chairman, the members present and constituting a quorum may elect a temporary Chairman from among their members, who shall preside at that meeting.

**12.** Five members of the Commission present at any meeting constitute a quorum.

**13.** The decisions of the Commission at any meeting shall be by a majority of votes and in the event of an equality of votes the Chairman or Deputy Chairman presiding at the meeting has a casting vote.

**14.(1)** A member who has any interest in a company or concern with which the Commission proposes to make a contract or otherwise transact business shall disclose to the Commission the particulars of that interest and details of the disclosure shall be recorded in the minutes taken at the meeting at which the disclosure is made.

(2) For the purposes of this paragraph, a general notice to other members by a member to the effect that he is also a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice be made with the company or firm shall be deemed to be sufficient declaration of interest in relation to any contract so made.

(3) A notice as is mentioned in sub-paragraph (2) has no effect unless it is given at a meeting of the Commission or the members concerned take reasonable steps to secure that it is brought up and read at the next meeting of the Commission after it is given.

(4) A member shall not vote in respect of any contract or arrangement in which he is interested and, if he does so, his vote shall not be counted nor shall he be counted in the quorum present on the consideration of any such contract or arrangement.