

CHAPTER 270

SUGAR INDUSTRY

1982-36

This Act came into operation on 8th November, 1982 by Proclamation (S.I. 1982 No. 197).

Amended by:

1985-34

1998/143

2000-15

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Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

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1987

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Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 270

**SUGAR INDUSTRY
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**BARBADOS****SUGAR INDUSTRY
1982-36**

An Act to make new provision for the development of the Sugar Industry and to consolidate certain enactments related thereto.

[Commencement: 8th November, 1982]

**PART I
PRELIMINARY****Short title**

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

Interpretation

2. In this Act

“Barbados Sugar Factories Limited” includes its successor;

“ex-factory proceeds” means the audited revenue of sugar cane processing establishments from sugar, fancy molasses, vacuum pan molasses, bagasse and any other products obtained directly from sugar cane or its components

after deduction of the Sugar Workers Provident Fund Levy, but before deduction of income tax;

“fancy molasses” means cane juice evaporated to an edible syrup from which no sugar is separated;

“sugar cane processing establishment” means Barbados Sugar Factories Limited or any other processor of cane as the Minister of Finance by order designates;

“sugar industry” means the enterprises engaged in the production and primary processing of sugar cane.

Estimate of sugar cane to be harvested

3. Every cultivator of more than 10 hectares of land shall not later than September of each year submit to the Chief Agricultural Officer, in the prescribed form, information relating to the area of sugar cane he expects to harvest during the following crop season.

PART II

RESEARCH AND DEVELOPMENT FUND

Levy

4.(1) In respect of the year 1982 and every subsequent year there is imposed a levy at the rate of 1.2 per cent on the ex-factory proceeds of sugar cane processing establishments.

(2) The levy shall be paid by a sugar cane processing establishment to the Accountant-General not later than 31st December of each year in respect of the ex-factory proceeds for the preceding year.

Return

5.(1) A sugar cane processing establishment shall not later than 31st December in respect of the year 1982 and every subsequent year deliver to the Accountant-General a return stating the amount of the levy payable under section 4.

(2) The return shall be accompanied by such supporting documents as the Accountant-General requires.

Accounts and records

6.(1) A sugar cane processing establishment shall keep in Barbados records and books of account in such form and containing such information as will enable the levy payable under this Part to be determined.

(2) The Accountant-General may require a sugar cane processing establishment to keep such records and books of account as he may specify, and the sugar cane processing establishment shall comply with the requirement.

(3) The Accountant-General or person authorised by him may at any reasonable time

- (a) enter upon premises in the possession or under the control of any person engaged in operating a sugar cane processing establishment; or
- (b) demand access to, and inspect, the records, books of account and other documents relating to such levy.

Assessment

7.(1) Where it appears to the Accountant-General that the amount paid by a sugar cane processing establishment is less than the amount that is payable, the Accountant-General may within 6 months of the date on which the amount becomes payable, assess the amount that in his opinion ought to be paid and by notice in writing demand from a sugar cane processing establishment the balance that is due.

- (2) If a sugar cane processing establishment disputes the amount assessed, it may, within 14 days after receiving the notice, lodge with the Accountant-General a notice of objection.
- (3) The notice of objection must state the grounds of objection.
- (4) On receipt of the notice of objection, the Accountant-General may by notice in writing
- (a) require a sugar cane processing establishment
 - (i) to furnish such particulars as the Accountant-General thinks necessary, and
 - (ii) to produce all records and books of account in its custody and under its control relating to the objection;
 - (b) require any person whom the Accountant-General thinks is able to give evidence in respect of the objection, to attend before him.
- (5) Where a sugar cane processing establishment agrees with the Accountant-General as to the amount payable, the amount demanded under subsection (1) shall, if necessary, be amended accordingly.
- (6) If there is no agreement as to the amount payable, the parties concerned must appoint an arbitrator; and the *Arbitration Act*, Cap. 110 applies *mutatis mutandis*.

Penalty and interest

8. If a sugar cane processing establishment
- (a) fails to deliver the return required by section 5;
 - (b) fails to pay the levy as required by section 4, or the amount awarded by the arbitrator,

it shall, in addition to the levy, pay to the Accountant-General a penalty equal to 5 percent of the levy or arbitration award, and an amount of interest at the rate of 1 percent per month of the amount payable.

Recovery of levy

9. The amount of any levy due and payable and any amount payable by way of penalty or interest under section 8 may be recovered as a debt due to the Crown in civil proceedings before a magistrate for District “A”, notwithstanding that the amount exceeds the normal monetary limit on the jurisdiction of the magistrate’s court.

Refund of levy overpaid

10. The Accountant-General may refund any money that has been overpaid on any claim for a refund made to him within 12 months from the date of the overpayment.

Establishment of Fund

11.(1) The Accountant-General shall establish with the Barbados National Bank a fund to be known as the Sugar Industry Research and Development Fund, into which he shall pay all monies collected by him under this Part.

(2) The Fund shall be administered and invested in such manner as the Committee determines.

Establishment of Committee

12.(1) For the purposes of this Part there is established a Committee to be known as the Sugar Industry Research and Development Committee.

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

Functions of the Committee

13.(1) The functions of the Committee are

- (a) to assess the work programmes and results of organisations having research and development functions in the growing, harvesting,

handling and processing of sugar cane or its components, taking into account the specific conditions, constraints and needs of the sugar industry;

- (b) to consider the financial requirements for research and development in the areas described in paragraph (a) for the purpose of harmonising those requirements with the resources available and of making corresponding allocations of moneys from the Fund to the organisations referred to in paragraph (a);
 - (c) to consider applications for financial support from institutions outside the sugar industry, engaged in research and development activities, in the areas described in paragraph (a);
 - (d) to initiate or support applications to national or international agencies for funding, research, and development projects in the areas described in paragraph (a);
 - (e) to establish and maintain a Fund to be known as the Sugar Industry Scholarship Fund to provide for the award of scholarships or other financial assistance to such persons in such amounts and subject to such terms and conditions as the Committee may determine.
- (2) The Committee may appoint or employ such officers and servants as are necessary to assist the Committee in carrying out its functions.
- (3) The Committee shall fix the salaries and conditions of employment of persons appointed under subsection (2), and such salaries shall be paid out of the Sugar Industry Research and Development Fund.

Payments out of Fund

14. No sum, save a refund payable under section 10, may be paid out of the Fund except on the authority of the Committee.

Accountant-General's statement and audit thereof

15.(1) The Accountant-General must, not later than 6 months after the end of each year, cause to be prepared a statement containing such matters relating to the Fund as are prescribed.

(2) The Accountant General must cause a copy of the statement prepared under subsection (1) to be submitted to the Auditor-General who shall audit that statement.

(3) A copy of the audited statement must be laid in Parliament and published in the *Official Gazette*.

[1985-34]

PART III**SURPLUS SHARING PROVISIONS****Interpretation**

16. In this Part “sugar worker” means a person employed in the sugar industry.

Information

17.(1) In respect of the financial year 1981/82 and every subsequent financial year, Barbados Sugar Factories Limited shall, not later than June 30th of the following year, submit to the Director of Finance and Planning, in a form approved by the Director of Finance and Planning, a statement containing the information required under this section, in relation to sugar cane growers, sugar cane processing establishments and such other ancillary operations as the Minister of Finance by order specifies.

(2) The information required to be submitted under subsection (1) must contain the following matters:

- (a) the production costs of sugar cane, the processing costs of all products directly obtained from sugar cane, and the production costs of other products that are incidental to the routine operations of the sugar industry;
- (b) capital assets, consisting of
 - (i) land and buildings, excluding plantation tenancies, within the meaning of section 2 of the *Tenancies Freehold Purchase Act*, Cap. 239B, at the value assessed by the Commissioner of Valuations under the *Land Valuation Act*, Cap. 229A;
 - (ii) machinery and equipment at book value, using the depreciation rates prescribed under the *Income Tax Act*, Cap. 73;
- (c) the ex-factory proceeds minus the levy imposed by section 4;
- (d) income from products other than those specified in the definition of ex-factory proceeds, that are incidental to the routine operations of the sugar industry.

(3) The Director of Finance and Planning, or any person acting on his behalf, may by notice in writing require any sugar cane grower, sugar cane processing establishment, or such other ancillary operations as the Minister of Finance by order specifies, to furnish to Barbados Sugar Factories Limited in such form and manner, and within such time as is specified in the notice, information relating to the matters described in subsections (2)(b) and (d).

(4) A revaluation of machinery and equipment to which subsection (2)(b)(ii) refers, must be made in a manner prescribed by the Minister of Finance within 2 years of the 8th November, 1982, and thereafter at 5 yearly intervals, and submitted for the approval of the Director of Finance and Planning.

(5) The book value of machinery and equipment must be amended to reflect the revaluation approved by the Director of Finance and Planning for the period allowed under subsection (3).

(6) Sugar industry enterprises referred to in this section must adopt the period 1st July to 30th June as the financial year for the purposes of this Part.

Statement of assets

18.(1) Not later than the 31st December in respect of the financial year 1981/82 and every subsequent financial year the Barbados National Bank must deliver to the Director of Finance and Planning a statement showing the current assets expressed in 1982 dollars of the funds which the Minister of Finance may by order prescribe to be entrusted to the Bank.

(2) The Director of Finance and Planning must transmit this information to Barbados Sugar Factories Limited and to the accredited representatives of the sugar workers.

Determinations by the Director of Finance and Planning

19.(1) The Director of Finance and Planning must in respect of the financial year 1981/82 and in respect of every subsequent financial year make the following determinations:

- (a) the weighted average of interest rates of any new taxable debentures issued by Government or any of its agencies in the corresponding year, which multiplied by the factor of 1.3 constitutes “the normal rate of return”;
- (b) the balance remaining after deduction from the ex-factory proceeds and other income referred to in section 17(2)(c) and (d) of the following items:
 - (i) the production and processing costs referred to in section 17(2)(a),
 - (ii) the normal rate of return multiplied by the capital assets,

(iii) except for the financial year 1981/82, any deficit balance for the previous year.

(2) The Director of Finance and Planning must as soon as practicable after making the determinations, inform Barbados Sugar Factories Limited and the accredited representatives of the sugar workers of the determinations.

Surplus

20.(1) Any balance remaining after making the deductions required by section 19, referred to as the “surplus”, is to be distributed in the manner specified in this section.

(2) If the funds prescribed under section 18 are less than those amounts as expressed in 1982 dollars, the Barbados National Bank has a first call on the surplus to the extent necessary to bring the funds back to their original amounts as expressed in 1982 dollars.

(3) The remaining surplus is to be distributed as follows:

(a) to the Crown

(i) 10 percent, when the remainder of the surplus is 5 percent or less of the capital assets referred to in section 17(2)(b),

(ii) 20 percent of that part of the remainder of the surplus that exceeds 5 percent but is less than 20 percent of the capital assets referred to in section 17(2)(b), and

(iii) 40 percent of that part of the remainder of the surplus that is 20 percent or more of the capital assets referred to in section 17(2)(b);

(b) to the sugar workers, that portion of the residue of the surplus that corresponds to the share of salaries and wages in the production and processing costs, each person receiving an amount proportionate to the share of his salary or wages in the total salaries and wages;

- (c) to Barbados Sugar Factories Limited, who shall out of the amount received by it pay to the sugar cane growers an amount that represents the quantity of sugar cane delivered to the sugar cane processing establishments, at the rate agreed upon between the sugar cane processing establishments and the sugar cane growers for the financial year in respect of which the distribution is made.

Amount available for distribution

- 21.** As soon as practicable after the end of the financial year for which a surplus is ascertained, the Minister of Finance must by notice published in the *Official Gazette* specify the amounts available for distribution in accordance with section 20.

Liability for payment

- 22.** Moneys payable to the Crown, the Barbados National Bank and the sugar workers under section 20 shall be paid by Barbados Sugar Factories Limited not later than one month of the publication of the notice referred to in section 21.

Application of section 8

- 23.** Section 8 applies in respect of the amounts payable by Barbados Sugar Factories Limited under section 22.

Recovery of amounts paid

- 24.** Barbados Sugar Factories Limited may retain or recover the amounts payable under section 22 in aggregate from the sugar cane growers and sugar cane processing establishments and such ancillary organisations as the Minister has designated under section 17, in proportion to their respective shares in the total operation and production costs.

PART IV
SUGAR WORKERS' PROVIDENT FUND

Interpretation

25. In this Part

“Board” means the National Insurance Board;

“Minister” means the Minister responsible for Labour;

“sugar worker” has the meaning assigned to it by section 16, but does not include persons employed in the sugar industry at the level of manager or higher.

Levy

26.(1) There is imposed on all sugar manufactured in Barbados during 1982 and every subsequent year a levy at a rate to be fixed annually by the order of the Minister of Finance.

(2) With effect from 1st January 2000, the levy shall be paid by the Barbados Agriculture Management Co. Ltd. to the Board not later than 30th June of each year.

[2000-15]

[2000-15]

Application of sections 8 and 9

27. Sections 8 and 9 apply to moneys owing by Barbados Sugar Factories Limited to the Board under this Part.

Establishment of Fund

28.(1) There is established a Fund known as the Sugar Workers' Provident Fund.

- (2) The Fund consists of
- (a) amounts for the account of the Sugar Workers' Provident Fund established under the *Sugar Workers' (Provident Fund) Act*, Cap. 271;
 - (b) such amounts as are received by the Board in satisfaction of the levy.
 - (c) such sums as may be paid to its account out of monies voted by Parliament for the purpose; and
 - (d) such monies as are received by the Board for payment into the Fund.
- (3) The Board may place monies from the Fund on deposit with the Barbados National Bank or may invest the monies in securities approved by the Minister.

Application of Fund

29. The monies forming part of the Fund are to be applied towards the payment of

- (a) retirement pensions to sugar workers in the amount and in the manner provided in section 33;
- (b) funeral grants to sugar workers in the manner provided in section 34; and
- (c) any expenses incurred in administering this Part.

Accounts and Audit

30.(1) The Board must keep proper accounts and records relating to its activities.

- (2) The accounts of the Board must, as soon as may be after the end of each calendar year, be audited by the Auditor-General or an auditor appointed for the purpose by the Minister.
- (3) The persons engaged in the administration of the Fund shall allow the Auditor-General or auditor appointed under subsection (2), access to the books,

documents and cash of the Fund, and shall, on the request of the Auditor-General or auditor, supply him with such information as is within their knowledge, in relation to the operation of the Fund.

Annual report

31.(1) The Board must as soon as practicable after the end of each financial year, and in any event not later than 6 months after the end of that year, submit to the Minister a report containing in respect of the Fund:

- (a) a detailed account of the business of the Board throughout the preceding year;
- (b) a statement of its audited accounts.

(2) Copies of the report and audit statement must be laid in Parliament and published in the *Official Gazette*.

Qualification

32.(1) Subject to this section, this Part applies to a sugar worker retiring

- (a) having attained the age of 65 years; or
- (b) before attaining the age of 65 years by reason of infirmity of mind or body,

who has been continuously employed as a sugar worker for 10 consecutive years immediately preceding the date of his retirement at the minimum rate of 60 working days in each year.

(2) Any period during which a sugar worker is ill, on proof to the Board to that effect, does not constitute a break in the sugar worker's period of employment.

Retirement Pension

33.(1) The Board may grant to a sugar worker a retirement pension at the rate of \$7.50 per week or at such other rate as the Minister by order prescribes

- (a) in the case of a sugar worker whose date of retirement occurs between the 1st January, 1956 and the 3rd November, 1969, from the date of his retirement or the commencement of the period 260 weeks ending on the 3rd November, 1969, whichever is the later, until his death;
- (b) in the case of a sugar worker whose date of retirement occurs after 3rd November, 1969 from the date of his retirement until his death.

(2) No retirement pension may be paid under this Part to a sugar worker who is entitled to invalidity pension or old age contributory pension under the *National Insurance and Social Security Act, Cap. 47*.

(3) Where a sugar worker who is entitled to a pension under this Part dies before receiving the pension to which he is entitled, the amount of pension that may be paid to him may be paid in lump sum by the Board to his legal personal representative or to such of his dependants as the Board determines.

(4) In subsection (3) “dependants” means

- (a) children of the sugar worker;
- (b) persons who were wholly or in part dependent upon the earnings of the sugar worker at the time of his death, including
 - (i) members of the sugar worker’s family other than his children,
 - (ii) grandchildren of the sugar worker,
 - (iii) parents or grandparents of the sugar worker;
- (c) subject to subsection (5), persons not falling within the categories specified in paragraph (a) or (b) who satisfy the Board that they were dependent upon the earnings of the sugar worker at the time of his death.

(5) A person is not for the purposes of subsection (4)(c) dependent on a sugar worker unless the person was partially dependent on contributions from the sugar worker for the provision of the ordinary necessities of life suitable to persons in his class and position.

(6) A sugar worker does not have the right to any pension payable under this Part.

Funeral grants

34.(1) The Board may on application by a person in a form approved by the Board grant to the person who has met or is liable to meet the cost of the funeral expenses of a deceased sugar worker, a funeral grant in the sum of \$500 or such other amount as the Minister by order prescribes.

(2) Where

(a) the person who has met or is liable to meet the cost of the funeral of the deceased sugar worker cannot be found; or

(b) the cost of the funeral is less than the amount of the grant,

the grant, or, as the case may be, the remainder thereof, may be paid to such person as the Board determines.

(3) No funeral grant may be made under this section in any case where a funeral grant is payable in respect of the same deceased sugar worker under the *National Insurance and Social Security Act, Cap. 47*.

[1998/143]

Prohibition as to assignment of pension

35.(1) A retirement pension may not be assigned nor transferred except for the purpose of satisfying an order of a court for the periodical payment of sums of money towards the maintenance of a spouse, within the meaning of section 2 of the *Sucession Act, Cap. 249*, former spouse, or a child of the sugar worker.

(2) A retirement pension is not liable to be attached, sequestered or levied upon in respect of any debt or claim.

Information

36. The Board may require sugar workers, employers of sugar workers, and such other person as it determines, to furnish the Board with such information and particulars in respect of any matter related to the Board's functions under this Part as the Board specifies, and the sugar worker, his employer, or other person to whom a request is directed, shall comply with the request.

Production of documents

37. A person from whom information is required under section 36 and who is in possession or control of any record or document containing information or particulars authorised to be obtained under this Part shall, upon the request in writing by or under the authority of the Board, produce to the Board the record or other document.

PART V

EXPORT CONTROL

Interpretation

38. In this Part, "Minister" means the Minister responsible for Agriculture.

Determination of sugar for export

39.(1) The Minister may by order determine the maximum quantities of sugar and fancy molasses

- (a) that may be exported during any year; and
- (b) that may be held in stock in Barbados on a date specified in the order.

(2) In making the determination under subsection (1), the Minister may consult sugar cane growers and processors, sugar exporters and such other persons as he thinks fit.

Information

40. The Minister may require sugar cane processing establishments and purchasers of sugar and fancy molasses to submit monthly returns in the prescribed form containing the prescribed information and those persons shall comply with the requirements.

Export permits

41.(1) The Minister may upon application in the prescribed form grant permits in the prescribed form authorising the export during any year, of sugar and fancy molasses.

(2) The Minister may refuse a permit in respect of any surplus that in his opinion would with reasonable diligence have been disposed of during the preceding year or which in his opinion was knowingly retained in any year with a view to its being disposed of in a subsequent year.

(3) A permit to export sugar or fancy molasses may, with the approval of the Minister, be assigned in respect of the whole or a portion of the sugar or fancy molasses authorised to be exported.

Restrictions on export of sugar

42. Sugar or fancy molasses in respect of which an export permit is granted shall be exported by the person to whom the permit is granted or assigned during the year in which the permit is granted, unless the Minister is satisfied that the sugar or fancy molasses could not reasonably be exported by that person in that year.

Appeal

43. A person who is aggrieved by the refusal of a permit or approval of the Minister under section 41, may, within 7 days of being notified of the decision, appeal to a Judge in chambers, whose decision is final.

Inspection

44. A member of the police force or other person authorised by the Minister in writing may at all reasonable times enter any building or place and inspect all books, documents, records and papers of any person relating to the manufacture or export of sugar or fancy molasses.

PART VI
MISCELLANEOUS

Interpretation

45. In this Part

“authorised person” means any member of the police force or person authorised in writing by the Chief Agricultural Officer, or the Chief Labour Officer, or by virtue of the *Weights and Measures Act*, Cap. 331;

“declared weight” means the weight of canes declared by or on behalf of the person in charge of the instrument used for the weighing of sugar canes;

“indicated weight” means the weight of sugar cane indicated by an instrument used for the purpose of weighing sugar canes;

“recorded weight” means the weight of sugar canes recorded by or on behalf of the person in charge of the instrument used for the weighing of sugar canes;

“vacuum pan molasses” means molasses separated from sugar made by a process in which the final evaporation of the sugar cane is effected in a vacuum pan.

Opportunity to view

46.(1) Where sugar cane is being weighed for the purpose of sale, the seller or buyer, or agent of either of them, may require that he be given a reasonable opportunity of viewing the weighing of the sugar cane and of satisfying himself that the declared weight of the sugar cane corresponds with the indicated weight.

(2) The owner or operator of the weighing instrument shall afford the person referred to in subsection (1) a reasonable opportunity to view the weighing.

Authorised person to view

47.(1) An authorised person may visit any factory or place where sugar cane is being weighed for the purpose of sale, to view the weighing of the sugar cane.

(2) An authorised person who visits any factory or place where sugar cane is being weighed prior to sale, for the purpose of viewing the weighing of the sugar cane, may request that the sugar cane that has been weighed but remains unloaded and the weight of which has been recorded, be weighed again, in order to verify the recorded weight, and the owner or operator of the weighing instrument shall comply with the request.

(3) Where on the verification of the recorded weight it appears that the recorded weight does not accord with the indicated weight, the owner or operator of the weighing instrument is guilty of an offence and liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months.

Offences

48. A person is guilty of an offence and liable on summary conviction to a fine of \$10 000 or to imprisonment for 2 years who

- (a) mixes or permits any other person to mix vacuum pan molasses, sugar cane juice or partially evaporated sugar cane juice into a marketable liquid product with the intention of selling the liquid as fancy molasses, or sells or exports the liquid as fancy molasses; or
- (b) sells or exports any vacuum pan molasses either pure or mixed with fancy molasses in any package that is not labelled in a legible and conspicuous manner “V.P. Molasses”.

Offences

49.(1) An exporter of liquid sugar cane produce in packages on which are marked either alone or in conjunction with other words of description the words, “Fancy Molasses” shall make a written declaration before the Comptroller of Customs stating the number and contents of the packages and the fact that he has no reasonable grounds for believing that the contents are not pure and unmixed fancy molasses.

(2) A person who fails to make the declaration required by subsection (1) or makes a false declaration, is guilty of an offence and liable on summary conviction to a fine of \$10 000 or to imprisonment for 2 years.

Offences

50.(1) A person who

- (a) fails to submit within the prescribed time any returns required to be submitted under this Act;
- (b) fails to keep records and books as required by section 6;
- (c) makes any statement or furnishes any information required under this Act that he knows or has reasonable cause to believe to be false;

- (d) assaults, resists or interferes with any authorised person in the performance of his functions under this Part;
- (e) fails to comply with any request of the Auditor-General under section 30;
- (f) without the authority of the National Insurance Board, publishes or communicates to any person any information or particulars obtained by him under Part IV;
- (g) contravenes section 46(2),

is guilty of an offence and liable on summary jurisdiction to a fine of \$10 000 or to imprisonment for 2 years.

(2) Paragraph (f) of subsection (1) does not apply to the communication or publication of information or particulars for the purposes of a prosecution for an offence under Part IV.

Regulations

51.(1) The appropriate Minister may make regulations giving effect to the provisions of this Act and may in particular make regulations

- (a) prescribing the manner in which any document or instrument may be signed and executed for the purposes of this Act;
- (b) generally with respect to the exercise of any functions by any Board or Committee established under this Act;
- (c) regulating the production of sugar and fancy molasses;
- (d) regulating the quantities of sugar and fancy molasses to be disposed of or authorised to be exported or held in stock, or required for consumption locally.

(2) For the purposes of this section “appropriate Minister” means the Minister responsible for Agriculture, Finance, or for Labour, as the circumstances require.

Exemption from liability

52. No proceedings may be brought against the Committee established under Part II in respect of any *bona fide* act done in the execution of that Part.

Saving

53. The payments of principal and interest due on loans made from the Sugar Export Levy Fund to the National Housing Corporation and to the Barbados Workers' Union shall be paid to the Accountant-General who shall deposit such monies to the Sugar Industry Capital Investment Fund and the Smallholders Mechanisation Fund entrusted with the Barbados National Bank in the ratio of 9 to 1.

SCHEDULE

(s.12)

Constitution and proceedings of the Committee.

1.(1) The Research and Development Committee consists of the following members:

- (a) one person appointed by the Minister of Finance on the nomination of the Barbados Sugar Factories Limited to represent sugar cane processing establishments;
- (b) one person appointed by the Minister of Finance on the nomination of the Barbados Sugar Producers Association or its successors to represent sugar cane growers;
- (c) one person appointed by the Minister of Finance, on the nomination of the accredited representatives of sugar workers;
- (d) technical heads of sugar industry research and development organisations *ex officio*;
- (e) two persons appointed by the Minister of Finance, representing Government interests.

(2) The Committee may elect a Chairman from among its members.

(3) A member of the Committee other than an *ex officio* member holds office for a period of 3 years unless he dies, resigns or has his appointment revoked before the end of that term; but

- (a) a person who is appointed to fill a vacancy created by death, resignation or removal from office, holds office only for the unexpired term of that former member; and
- (b) every member is on the expiration of the term of appointment, eligible for reappointment.

2.(1) A member of the Committee other than the Chairman may resign his office by instrument in writing addressed to the Chairman, and on receipt by the Chairman of the instrument, that person ceases to be a member of the Committee.

(2) The Chairman may resign his office by instrument in writing addressed to the Minister of Finance, and on receipt by the Minister of the instrument the Chairman ceases to be a member of the Committee.

(3) The Minister may grant leave of absence to a member and may appoint a person to act temporarily in the place of that member.

3.(1) The Committee must co-opt not less than 2 nor more than 5 persons representing scientific interests in the community, one of whom shall be nominated by the Barbados Sugar Technologists Association.

(2) A person co-opted under sub-paragraph (1) is entitled to vote at all proceedings of the Committee, but any such person may be replaced by the Committee as it sees fit.

(3) The Executive Director of the Barbados Sugar Producers Association or its successor may attend meetings of the Committee, but has no right to vote.

4. 7 members form a quorum.

5.(1) Subject to this Schedule, the Committee may regulate its own proceedings.

(2) The Committee must meet once a year or more often as required.

6. The proceedings of the Committee shall not be invalidated by any vacancy amongst the members or by any defect on the appointment of a member.

7. Minutes of each meeting of the Committee are to be kept by the Secretary and are to be confirmed by the Chairman at the next meeting of the Committee.