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CHAPTER 254

BARBADOS AGRICULTURAL DEVELOPMENT
AND MARKETING CORPORATION

An Act to provide for the establishment of the Barbados Agricultural Development and Marketing Corporation and for related matters. 1993-12.

[1st September, 1993] Commence-
ment.
1993/82.

1. This Act may be cited as the *Barbados Agricultural Development and Marketing Corporation Act*. Short title.

2. In this Act

Interpreta-
tion.

"agent" means an agent of the Corporation and includes any Government agency acting for or on behalf of the Corporation;

"Board" means the Board of Directors of the Corporation established by section 5;

"Corporation" means the Barbados Agricultural Development and Marketing Corporation established by section 3;

"produce" includes fruit and vegetables whether or not in their natural state, meat and fish in all forms, milk and milk products, livestock, livestock products, cooking fats and oils of animal origin and crustaceans;

"producer" means the grower, breeder or rearer of any produce or any person who has the right to dispose of such produce, the right having been acquired other than by purchase of produce.

3. (1) There is established a Corporation to be known as the Barbados Agricultural Development and Marketing Corporation. Establishment of the Corporation.

Cap. 1. (2) The Corporation is a body corporate to which section 21 of the *Interpretation Act* applies.

Functions of
the
Corporation.

4. The functions of the Corporation are

- (a) to develop agriculture and to operate and participate in such agricultural projects as the Minister may approve;
- (b) to facilitate Government's policy with respect to rural development and land reform;
- (c) to facilitate the development of agricultural programmes particularly among the youth;
- (d) to foster co-operation in agricultural development between the public and private sector;
- (e) to manage on a commercial basis such plantations and other agricultural land as may from time to time be vested in the Corporation in accordance with Government's agricultural policy;
- (f) to stimulate and improve the production, marketing and processing of produce;
- (g) to assist farmers in securing arrangements for the purchase, handling, transportation, exportation, shipping, marketing and sale of produce whether within or outside of Barbados;
- (h) to promote the development of agricultural co-operative societies, including the marketing of their produce;
- (i) to assist farmers in securing the most favourable arrangements for the storage of produce; and
- (j) on the request of the Minister, to make recommendations on any matter directly or indirectly related to the production and marketing of produce.

Establish-
ment of
Board of
Directors.

5. (1) There is established a Board of Directors of the Corporation which is responsible for the policy and general administration of the Corporation.

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

6. The Corporation shall pay Remuneration of directors.

(a) to each director thereof, in respect of his office; and

(b) to the Chairman in respect of his office as Chairman

such remuneration and allowances, if any, as the Minister determines.

7. (1) A director who has any interest in a company or concern with which the Corporation proposes to make a contract or otherwise transact business shall disclose to the Corporation 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. Disclosure of director's interest.

(2) A director referred to in subsection (1) shall not take part in any deliberations or discussions of the Corporation relating to that contract or business.

8. Subject to this Act, a person is not qualified for appointment as a director if he is employed by the Corporation. Disqualification of director.

9. (1) The Corporation shall, with the approval of the Minister, appoint a Chief Executive Officer and Deputy Chief Executive Officer. Appointment of Chief Executive.

(2) The Chief Executive Officer is subject to the directions of the Board and is responsible to the Board for the execution of its policy and the management of its affairs.

10. (1) The Corporation shall have power to carry out all activities in connection with the discharge of its duties under this Act, and shall have power Powers of the Corporation.

(a) to buy and sell produce;

(b) to determine the grading of produce;

(c) to import and export produce;

- (d) to establish and operate depots and agencies for the purchase, delivery, grading and sale of produce;
- (e) to enter into contracts for the purchase and sale of produce upon such terms and conditions as the Corporation thinks fit;
- (f) to enter into contracts for the transportation of any produce as may facilitate the operation of producers;
- (g) to establish itinerant systems for the purchase and sale of produce;
- (h) to establish and operate facilities for the preparation and processing of produce;
- (i) to establish and operate facilities for cold storage or any other form of storage for produce;
- (j) to act as commission agents for the disposal of the produce of any producer or co-operative society;
- (k) to purchase, transport, store, insure, handle and sell any packing material in such quantities and at such prices as the Corporation may from time to time determine.

(2) The Corporation may appoint agents for the purpose of exercising any of the powers under paragraphs (a) to (k) of subsection (1).

Appoint-
ment of
staff.

11. (1) The Board 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.

(2) Notwithstanding subsection (1), no post shall be established and no salary in excess of such amount as the Minister may determine and notify in writing to the Corporation shall be assigned to any post without the prior approval of the Minister.

(3) Subject to this Act, no provision shall be made for the payment of any pension, gratuity or other like benefit to any person employed by the Corporation without the prior approval in writing of the Minister.

(4) The officers and other employees who, on the 1st September, 1993, are members of staff of the Barbados Marketing Corporation and the Barbados Agricultural Development Corporation shall upon that date comprise the staff of the Corporation.

12. (1) Where the service of a person referred to in subsection 11(4) has been transferred to the Corporation, that person shall retain all rights in respect of pension, gratuity or other like benefit accruing to him at the time of his transfer to the service of the Corporation and any period of service with the Barbados Marketing Corporation or the Barbados Agricultural Development Corporation shall be taken into account for the purpose of calculating qualifying service within the meaning of the *Statutory Boards (Pensions) Act*. Pension rights and service with Corporation.
Cap. 384.

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

(3) If the services of a person employed by the Corporation 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 Corporation shall be taken into account as continuous service with the Government and the *Pensions Act* and the *Pensions Regulations, 1947* shall apply to him as if his service with the Corporation were service within the meaning of that Act. Cap. 25.

(4) Where a public officer is seconded or transferred to the service of the Corporation in accordance with subsection (2), the Corporation shall refund to the Consolidated Fund all moneys payable in respect of the service of that officer with the Corporation.

(5) Where

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

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

Directions of Minister. **13.** The Minister may give the Corporation directions of a general nature in respect of the policy to be followed by the Corporation in the performance of its functions under this Act and the Corporation shall comply with those directions.

Fees. **14.** The Corporation may charge such fees as the Minister responsible for Finance may by order prescribe for any service performed by it.

Funds and resources of the Corporation. **15.** The funds and resources of the Corporation shall consist of

- (a) such sums as may be voted for the purpose by Parliament;
- (b) all sums payable to the Corporation in respect of any service performed by the Corporation;
- (c) all sums collected under the authority of regulations made under this Act;
- (d) sums borrowed by the Corporation for the purpose of meeting or discharging any of its obligations; and
- (e) all other sums or property which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its powers and duties.

Application of funds of the Corporation. **16.** (1) The funds of the Corporation shall be applied towards

- (a) the payment of salaries, wages, fees, allowances, pensions, gratuities or similar benefits to persons employed or formerly employed by the Corporation; and
- (b) meeting the obligations and performing any of the functions of the Corporation and matters incidental thereto; and
- (c) the creation of a reserve fund of such an amount as the Corporation deems expedient.

(2) The Board may not, except with the prior approval of the Minister in writing

- (a) invest the funds of the Corporation in securities;
- (b) dispose of the Corporation's securities;
- (c) acquire or dispose of the Corporation's real property; or
- (d) lend money, charge any of the Corporation's actual or future assets or guarantee the performance of any obligation by another person.

17. Any sum standing to the credit of the reserve fund provided for under section 16 may be invested in securities approved either generally or specifically by the Minister, and the Corporation may, with the like approval, sell all or any of its securities. Reserve Fund.

18. The Corporation is exempt from Exemption.

- (a) the payment of income tax and other tax imposed on the income or profits of persons; and
- (b) the payment of stamp duty on any document.

19. The Corporation may with the consent, in writing, of the Minister responsible for Finance, borrow money from Government or any person by way of loan, overdraft or otherwise or raise capital by the issue of debenture stock upon such terms with respect to the borrowing, issue, transfer, interest and redemption as the Minister responsible for Finance approves for Power to borrow money and issue stock and shares.

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Corporation under this Act; or
- (c) the redemption of any stock that it is required or entitled to redeem.

20. (1) The Government may guarantee in such manner and on such conditions as Parliament thinks fit the satisfaction of Guarantee.

- (a) any loan to the Corporation;
 - (b) interest charges on any debenture stock issued by the Corporation; and
 - (c) any other charge in respect of a loan to the Corporation.
- (2) Subsection (1) does not apply to a sum borrowed from the Government.

Accounts and audit.

21. (1) The Corporation shall keep proper accounts of its transactions and such accounts shall be audited annually by an auditor appointed by the Corporation with the approval of the Minister.

(2) The Auditor-General may at any time and shall, on the direction of the Minister responsible for Finance, carry out an investigation or audit of the accounts of the Corporation.

Access by Auditor-General or auditor.

22. (1) A director, officer or employee of the Corporation shall afford the Auditor-General or other auditor appointed under section 21, access to all books, documents, cash and securities of the Corporation and, on request, give to the Auditor-General or auditor any information within the knowledge of that director, officer or employee that relates to the operation of the Corporation.

(2) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 12 months or both.

Annual report.

23. (1) The Corporation shall as soon as possible after the end of each year and, in any event, not later than the 31st March in each year, submit to the Minister a report containing

(a) a detailed account of the performance of the Corporation's activities and operations during the preceding financial year; and

(b) a statement of the Corporation's audited accounts.

(2) The Minister shall lay before Parliament a copy of the report referred to in subsection (1) as soon as practicable after receiving that report.

24. The financial year of the Corporation shall coincide with the calendar year. Financial year.
25. The Corporation may make regulations generally for the carrying out of the purposes of this Act. Regulations.
26. With effect from the 1st September, 1993 Pensionable service and transfer of assets.
- (a) any contract entered into, by or on behalf of the Barbados Marketing Corporation or the Barbados Agricultural Development Corporation before that date shall be deemed to have been entered into, by or on behalf of the Barbados Agricultural Development and Marketing Corporation.
- (b) any right, privilege, duty or obligation conferred or imposed upon the Barbados Marketing Corporation or the Barbados Agricultural Development Corporation existing immediately before that date shall be deemed to be conferred or imposed on the Barbados Agricultural Development and Marketing Corporation;
- (c) the services of a person who immediately before that date was employed by the Barbados Agricultural Development Corporation or the Barbados Marketing Corporation and who is employed by the Corporation established under this Act shall be treated as continuous for purposes of calculating pensionable service; and
- (d) all assets and liabilities of the Barbados Agricultural Development Corporation and of the Barbados Marketing Corporation are deemed to be transferred to the Barbados Agricultural Development and Marketing Corporation.
27. All the land described in the *Second Schedule* and transferred to and vested in the Barbados Agricultural Development Corporation by the *Barbados Agricultural Development Corporation Act*¹ is Transfer to and vesting of certain land in Corporation. Cap. 254.

¹ Repealed by this Act.

hereby transferred to and vested in the Corporation and, by virtue of this Act and without further assurance, shall be held by the Corporation for the like estate and interest and to the like extent as the same was transferred and vested in the Barbados Agricultural Development Corporation immediately before the 1st September, 1993.

FIRST SCHEDULE

(Section 5(2))

1. (1) The Board of Directors comprise not more than 9 persons appointed by the Minister.

(2) The Minister shall appoint a director of the Board to be Chairman and another director to be Deputy Chairman.

(3) In the case of the inability of any director to act, the Minister may appoint a person to act temporarily in the place of that director.

2. A director holds office for a term 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 the death, resignation or removal from office of a former director shall hold office only for the unexpired portion of the term of that former director;

(b) every director is, on the expiration of the term of his appointment, eligible for re-appointment for a further term.

3. The Minister may, in writing grant leave of absence to a director, and may appoint a person to act temporarily in the place of that director.

4. A director, other than the Chairman may resign his office, by instrument in writing addressed to the Minister, transmitted through the Chairman and from the date of the receipt of the instrument by the Minister that director ceases to be a director of the Corporation.

5. The Chairman may, at any time by instrument in writing addressed to the Minister, resign his office and from the date of receipt of such instrument by the Minister the Chairman ceases to be Chairman and if the instrument so specifies, ceases to be a director of the Corporation.

6. The Chairman or, in the event of his being absent from Barbados or for any reason unable to act, the Deputy Chairman, may at any time call a special meeting of the Board and is required to call such a meeting within 7 days after receiving a notice to do so by any 3 directors of the Board.

7. Five directors form a quorum.

8. Decisions of the Board are to be by a majority of votes and where the voting is equal the Chairman, in addition to his original vote, has a casting vote.

9. The Board is required to meet at such times as may be expedient for the transaction of business.

10. Meetings are to be held at such places and times and on such days as the Board determines.

11. Minutes of each meeting are to be kept by the Secretary or other person appointed by the Board for the purpose and are to be confirmed by the Board at its next meeting and signed by the Chairman or other person presiding at that meeting.

12. The Board may invite persons to attend any of its meetings for the purpose of assisting or advising it respecting any matters with which it is dealing, but a person so invited does not have a right to vote.

13. Subject to this Schedule, the Board may regulate its own proceedings.

14. All documents made by, and all decisions of, the Board shall be signified under the hand of the Chairman or any director authorised to act in that behalf or by the Secretary.

15. (1) The Seal of the Corporation shall be kept in the custody of the Chairman or the Deputy Chairman or of such officer as the Corporation may approve and may be affixed to instruments pursuant to a resolution of the Corporation and in the presence of the Chairman, or Deputy Chairman and of any other director.

(2) The Seal of the Corporation shall be authenticated by the signature of the Chairman or Deputy Chairman and of the other director in whose presence it was affixed and such seal shall be officially and judicially noticed.

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

16. (1) The Board may appoint committees to assist with the proper discharge of its functions subject to such conditions or restrictions as the Board imposes.

(2) The number of members of a committee appointed by the Board and the terms of office of the members shall be fixed by the Board.

(3) A committee appointed by the Board under this paragraph may include persons who are not directors but such persons shall not comprise more than one-third of the membership of the committee.

17. Where a person other than a director is appointed to a committee under paragraph 16, the Board may with the approval of the Minister, determine the remuneration and allowances which may be paid to such persons.

18. Any act done or proceeding taken by the Board under this Act or the regulations may not be questioned on the ground of

- (a) the existence of any vacancy in the membership of or of any defect in the constitution of the Board;
- (b) any omission, defect or irregularity that does not affect the merits of the case.

SECOND SCHEDULE

(Section 27)

Lands vested in the Corporation

1. All the land conveyed to the Executive Committee by S. P. Musson, Son and Company Limited by deed of conveyance dated the 6th day of January, 1964 and recorded on the 7th day of March, 1964 in the Volume of Deeds 911 at folio 150. The land is set out and particularly described in the said conveyance and, without prejudice thereto, includes

- (1) The following sugar plantations, namely
 - (a) Haggatts situate in the parish of Saint Andrew in this Island, containing by estimation 677 acres of land or thereabouts;
 - (b) Greenland situate in the said parish, containing by estimation 352 acres and 2 roods of land or thereabouts;
 - (c) Overhill situate in the said parish, containing by estimation 235 acres of land or thereabouts;

- (d) The River situate in the said parish, containing by estimation 173 acres of land or thereabouts; and
 - (e) Bawdens situate in the said parish, containing by estimation 323 acres of land or thereabouts; and
- (2) 8 acres, 3 roods and 10 perches of land formerly part of Bruce Vale Plantation.

2. All the land conveyed to the Executive Committee by Ena K. Edwards *et al* by deed of conveyance dated the 21st day of July, 1961 and recorded on the 21st day of August, 1961 in the Volume of Deeds 858 at folio 387. The land is set out and particularly described in the said conveyance and, without prejudice thereto, includes all that sugar plantation called Sedgepond situate in the parishes of Saint Andrew and Saint Peter in this Island containing by admeasurement 222 acres, 3 roods and 17 perches, be the same more or less.

3. All the land vested in the Executive Committee by virtue of the *Land Acquisition Act*, being land acquired under the said Act from Fred Gill and set out and particularly described in the Notification in the *Official Gazette* dated the 6th day of February, 1963 and recorded on the 5th day of March, 1963 in the Volume of Deeds 888 at folio 544. Without prejudice thereto the land includes a certain piece or parcel of land (formerly part of the land at Four Hill Plantation) situate in the parishes of Saint Peter and Saint Andrew in this Island containing by estimation 18 acres or thereabouts. Cap. 228.

4. All the land conveyed to the Executive Committee by Dorian N. Gill by deed of conveyance dated the 5th day of October, 1962 and recorded on the 26th day of November, 1962 in the Volume of Deeds 891 at folio 157. The land is set out and particularly described in the said conveyance and without prejudice thereto, includes a certain portion of the sugar work plantation called The Hill situate in the parish of Saint Andrew in this Island containing by estimation 140 acres or thereabouts.

5. All the land conveyed to the Executive Committee by Joes River Sugar Estates Limited by deed of conveyance dated the 18th day of November, 1959 and recorded on the 19th day of December, 1959 in the Volume of Deeds 832 at folio 239. The land is set out and particularly described in the said conveyance and, without prejudice thereto, includes a certain piece or parcel of land situate in the parish of Saint Joseph in this Island (part of the lands of Mellowes Plantation being a plantation tenantry attached thereto) containing by admeasurement 74 acres and $33\frac{3}{10}$ perches or thereabouts.

6. All the land conveyed to the Executive Committee by Joes River Sugar Estates Limited by deed of conveyance dated the 2nd day of December, 1959 and recorded on the 19th day of December, 1959 in the Volume of Deeds 832 at folio 243. The land is set out and particularly described in the said conveyance and,

