



BELIZE

SUGAR CANE FARMERS' ASSOCIATION ACT CHAPTER 325

REVISED EDITION 2000 **SHOWING THE LAW AS AT 31ST DECEMBER, 2000**

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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SUGAR CANE FARMERS' ASSOCIATION ACT

5

Amendments in force as at 31st December, 2000.



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CHAPTER 325

SUGAR CANE FARMERS' ASSOCIATION

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CHAPTER 325

SUGAR CANE FARMERS' ASSOCIATION

[5th January, 1960]

CAP. 256,
R.E. 1980-1990.
13 of 1959.
26 of 1963.
28 of 1966.
8 of 1967.
13 of 1985.
15 of 1987.
22 of 1987.
19 of 1990.
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Commencement.
S.I. 2 of 1960.

PART I

Preliminary

Short title.	1. This Act may be cited as the Sugar Cane Farmers' Association Act.
Interpretation. 28 of 1966. 15 of 1987.	2. In this Act, unless the context otherwise requires- "Association" means the Belize Cane Farmers' Association established under section 3;
19 of 1990. CAP. 283.	"basic quota" means a grower's normal production of sugar cane per crop year (expressed in tons) as shall be determined by the Board in accordance with section 16 (<i>h</i>) of the Sugar Cane Industry (Control) Act;
19 of 1990. CAP. 283.	"Board" means the Belize Sugar Cane Board established under section 9 of the Sugar Cane Industry (Control) Act; "cane" means sugar cane; "cane farmer" means a person who cultivates sugar cane;
19 of 1990.	"Committee" means the Committee of Management of the Association established under section 17; "crop year" means the period between 1st December in any year and 30th November in the following year;
19 of 1990. CAP. 283.	"current price" means the price per ton of sugar cane delivered to manufacturers as determined in accordance with section 21 of the Sugar Cane Industry (Control) Act; "divisional committee" means a divisional committee of management established under section 8;

“ethanol” means ethyl alcohol derived from sugar cane or from any derivative of sugar cane; 19 of 1990.

“grinding season” means the period or periods fixed by the Board in accordance with section 16 (i) of the Sugar Cane Industry (Control) Act as being the time during which manufacturers shall accept sugar cane for manufacture into sugar, ethanol or any derivative of sugar cane; 19 of 1990. CAP. 283

“manufacturer” means a producer of sugar, ethanol or any other product from sugar cane to whom a licence has been issued in accordance with section 4 (1) of the Sugar Cane Industry (Control) Act; 19 of 1990. CAP. 232.

“sugar” means sugar in any of its recognised commercial forms including non-centrifugal sugar known locally as “wet sugar”, “raw sugar” or “rapadora”, but excluding final molasses; 19 of 1990.

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

PART II

Cane Farmers' Association

3.-(1) There is hereby created a body corporate by the name of the “Belize Cane Farmers’ 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, transfer, or otherwise dispose of the same when not so required. Establishment of Association.

(2) Until a seal is obtained by the Association, a rubber stamp bearing the inscription “Belize Cane Farmers’ 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 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.

Association.
28 of 1966.

4. The Association shall consist of the Corozal District Divisional Association and the Orange Walk District Divisional Association.

Corozal District
Divisional
Association.

5. The Corozal District Divisional Association shall consist of the following district branches-

- (i) Corozal Town, Santa Elena, Consejo, Chan Chen, San Jomal, San Antonio and Paraiso;
- (ii) Patchakan, Cristo Rey, Yo Chen and San Pedro;
- (iii) Xaibe, San Andres and Ranchito;
- (iv) San Joaquin, Calcutta, Carolina and Aventura;
- (v) San Narciso;
- (vi) San Victor and Buena Vista;
- (vii) Louisville, Concepcion, San Roman and Santa Clara;
- (viii) San Francisco and Libertad;
- (ix) Estrella and Caledonia.

19 of 1990.

19 of 1990.

6. The Orange Walk District Divisional Association shall consist of the following district branches-

Orange Walk District Divisional Association.

- (i) Orange Walk Town and Petville;
- (ii) Guinea Grass, Tower Hill, Shipyard, Chan Pine Ridge, Carmelita and Tiger Creek;
- (iii) Douglas and San Pablo;
- (iv) Yo Creek, San Antonio and San Lorenzo;
- (v) San Jose;
- (vi) San Lazaro, Trinidad, August Pine Ridge and San Felipe;
- (vii) San Estevan;
- (viii) Progreso, Copper Bank and Chunox;
- (ix) San Roman (Rio Hondo) and San Luis.

19 of 1990.

19 of 1990.

7. The Minister may by Order, on the recommendation of the Committee, define the boundaries of any district branch specified in section 5 or 6 and may vary, alter or amend any such boundaries.

Minister may by Order define boundaries of district branch.

8. There shall be for each Divisional Association a divisional committee of management which shall consist of one representative of each of the nine district branches of the division elected by the branch council.

Divisional committee of management.
19 of 1990.

Tenure of office of
divisional
committee.
8 of 1967.
19 of 1990.
22 of 1994.
Powers and duties
of the Committee
of Management of
the Association.
28 of 1966.

9. Subject to the provisions of this Act, the members of a divisional committee shall hold office for one year from their date of election.

10. The powers and duties of the Committee shall be-

- (a) to promote, foster and encourage the growing of sugar cane by growers;
- (b) to extend and promote the welfare of the cane farming industry in Belize;
- (c) to negotiate on behalf of cane farmers the current price of sugar cane delivered by them to manufacturers;
- (d) to assist in settling any disputes that may arise between growers and manufacturers;
- (e) to make representations to the Board on any matter affecting the interest of growers;
- (f) to deal in fertilizers and agricultural implements and supplies, and to provide growers with agricultural services when the Association considers it in the interest of growers to do so;
- (g) to make loans to such growers as may require loans to work their sugar cane cultivations, and to borrow money for the purpose of making such loans;
- (h) to make representations to Government and any other national or international bodies; and

28 of 1966.

- (i) to lay down the duties to be carried out and the powers to be exercised by branch councils.

11. The Committee shall have power-

Borrowing
powers.
28 of 1966.

- (a) 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; 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.

12.-(1) Every cane farmer over the age of 18 years who applies to and satisfies a divisional committee that either he or his predecessor in title has produced from his land not less than twenty-five tons of cane during the crop year preceding the date of his application shall be registered as a member of the district branch in which his land is situated:

Membership.
13 of 1985.

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 a registered member of the Association and of his Divisional Association.

(3) Application for registration shall be made to a divisional committee on a form of application to be prescribed by the 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 divisional committee shall issue to every registered member of its Divisional Association a certificate of registration which shall be in such form as the committee may prescribe.

13 of 1985.

(5) Every grower who in each of three consecutive crop years delivers less than twenty-five tons of sugar cane to a manufacturer shall cease to be a member of the Association and of his Divisional Association and shall upon the written request of his 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 grower who fails to surrender his certificate of registration when requested to do so commits of an offence.

13 of 1985.

(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 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 1st October 1966 shall not be required to make application under this section but shall be entitled to be registered in accordance with section 14.

Categories of members: Full members and provisional members.

22 of 1994.

13.-(1) Notwithstanding anything to the contrary contained in this Act or any other law, there shall be two categories of members of the Association as follows-

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(a) full members; and

(b) provisional members.

(2) A cane farmer who is licensed to deliver sugar cane to the Belize Sugar Industries Limited or both to the Belize Sugar Industries Limited and to Petrojam Limited shall, if he satisfies the requirements specified in section 12(1) of this Act, be registered as a full member of the district branch in which his land is situated. 22 of 1994.

(3) A cane farmer who is licensed to deliver sugar cane only to Petrojam Limited shall, if he satisfies the requirements specified in section 12(1) of this Act, be registered as a provisional member of the district branch in which his land is situated. 22 of 1994.

(4) The certificate of registration issued to a member by the divisional committee pursuant to section 12(4) of this Act shall specify whether the cane farmer is registered as a full member or as a provisional member. 22 of 1994.

(5) Provisional members shall have the right to attend and participate in the meetings of the divisional committees and other bodies but shall have no right to vote. Such provisional members shall also be ineligible to vote or to stand for election as candidates at the election of members of the Committee of Management, divisional committees or branch councils. 22 of 1994.

(6) Notwithstanding the provisions of section 25, the provisional members shall not be liable to pay any cess imposed by the Association on the delivery or sale of sugar cane to manufacturers. 22 of 1994.

14.-(1) The Committee shall, on or before 1st December 1966, prepare and submit to the Board, registers in the form required by section 15 of all persons who were members of the Association on 1st October 1966. Submission of registers by the Committee of Management of the Association.

(2) The Committee shall decide on such evidence as it may have

before it of which district branch persons who were members of the Association on 1st October 1966 shall be registered as members.

Registers.
15 of 1987.

15.-(1) Each 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-

- (a) his name and address;
- (b) the acreage and location of all land owned by him whether situate in the district branch or not;
- (c) the number of acres he has under sugar cane cultivation;
- (d) his basic quota;
- (e) such other particulars as the Board may prescribe.

(2) The registers shall be kept at such place as the Board may prescribe and shall be open to inspection during normal office hours by any member of the Association, the Board or the Field Survey Committee.

CAP. 283.

(3) In this section, "Field Survey Committee" means the Field Survey Committee established under section 18 of the Sugar Cane Industry (Control) Act.

(4) No alteration shall be made to a district branch register with regard to the basic quota of a member without the consent in writing of the Board.

Standing orders
of Association.
26 of 1963.

16. The Association may, with the approval of the Board, make standing orders governing its procedure in general meeting and regulating the

conduct of its business, including a quorum, at such meetings.

17.-(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 servants of the Association, and with 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.

18.-(1) The Committee shall consist of six persons, three of whom shall be elected by the Corozal District divisional committee and three by the Orange Walk District divisional committee all of whom shall be elected in the month of November each year.

Composition of
Committee of
Management of
the Association.
28 of 1966.
19 of 1990.
22 of 1994.

(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 divisional committee.

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

(4) Any person who is indebted to the Association in any sum exceeding five thousand dollars and against whom process has been issued by the Association shall not be eligible 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.

13 of 1985.

(5) 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.

19 of 1990.
22 of 1994.

(6) A member of the Committee may resign his seat by letter addressed to the Chairman of the Board and a by-election shall be held within seven days to fill the vacancy for the remainder of the term of office such member would have served if he had not resigned.

19 of 1990.
22 of 1994.

(7) The Committee shall elect by secret ballot annually from among its members a Chairman and a Vice-Chairman, one of whom shall be a member elected by the Corozal District divisional committee and one elected by the Orange Walk District divisional committee.

(8) Where after three ballots no candidate has been elected, the matter shall be decided by lot.

(9) The chairmanship shall alternate yearly between a member elected by the Corozal District divisional committee and the Orange Walk District divisional committee.

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

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

Estimates.

19.-(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.

(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.

20.-(1) The Committee may authorise any person in writing to enter and inspect the sugar cane cultivation of any registered member of the Association, and any person so authorised shall, when requested, produce his authority to enter and inspect the cultivation.

Powers and duties of the Committee of Management of the Association.

(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 annual general meeting.

28 of 1966.

(3) The Committee shall comply with all lawful directions given to the Association by the Board.

(4) The Committee shall have and may exercise all the power conferred upon the Association under this Act.

(5) 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 basic quota;
- (c) the deliveries of sugar cane made by him to manufacturers during the preceding crop year;
- (d) the quantities of sugar cane in respect of which he had been granted licences during the preceding crop year.

(6) Any person who wilfully obstructs, hinders, or molests any person in the performance of his duties under subsection (1) commits an offence.

26 of 1963.

(7) Any person who, with intent to defraud, knowingly makes, or causes to be made, any false entry, or any omission from, any general statement or in or from the accounts of the financial transactions referred to in subsection (2) commits an offence and is liable upon conviction to imprisonment for a term not exceeding seven years.

General meeting
of Association.
26 of 1963.

21.-(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.

28 of 1966.

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

Loss of member-
ship.

22.-(1) Any member of the Committee who-

- (a) dies; or
- (b) is adjudicated bankrupt; or

- (c) is certified insane; or
- (d) holds any office or profit in the gift or disposal of the Association; or
- (e) ceases to be a registered member of the Association; or
- (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), a by-election shall be held within seven days by the 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 for 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:

13 of 1985.

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.

23.-(1) The Committee, as soon as practicable after the receipt of an authorisation issued by the Board under section 16 (c) of the Sugar Cane Industry (Control) Act, shall issue licences, in accordance with subsections (2), (3) and (4), to all growers desiring to produce and deliver sugar cane to manufacturers,

Growers' licences.
15 of 1987.
19 of 1990.
CAP. 283.

for the purpose of being manufactured into sugar or ethanol or any derivative of sugar cane.

(2) The licences referred to in subsection (1) shall be issued for the respective period or periods stated in such authorisation, and shall conform with any terms or conditions contained in such authorisation.

CAP. 283.

(3) The first licence to be issued to each grower under this section shall be for a quantity of sugar cane equivalent to that grower's basic quota as determined by the Board in accordance with section 16 (*h*) of the Sugar Cane Industry (Control) Act; and subsequent licences shall be issued for a quantity of sugar cane, which bears the same relation to the quantity of sugar cane specified in the preceding licence issued to that grower as the amount of sugar cane specified in the current authorisation issued by the Board bears to the amount of sugar cane specified in the preceding authorisation issued by the Board:

26 of 1963.

Provided that the Board may review and, after consultation with the Association, amend any licence issued under this section.

26 of 1963.

(4) If it appears to the Committee during the course of a grinding season that certain growers have failed to produce the amount of sugar cane which they had been licensed to produce, the Committee may, with the approval of the Board, issue additional licences to other growers permitting them to deliver to manufacturers an amount of sugar cane in excess of the quantity stated in their current licences:

Provided that the total amount of sugar cane in respect of which such additional licences are issued shall not exceed the amount of sugar cane which growers have failed to produce under their current licences.

24. 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 committee of its number.

Standing orders of the Committee of Management of the Association. 28 of 1966.

25.-(1) The Association is empowered to impose, 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 ten cents per ton of sugar cane without prior approval of the Board.

Imposition of cess.

(2) Every manufacturer shall deduct the 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.

26.-(1) Notwithstanding anything contained in this Act, where it appears to the Minister that the members of any district branch are unable or unwilling to elect a branch council, or any branch council is unable or unwilling to elect a member to its divisional committee, or any divisional committee is unable or unwilling to elect a person or persons to the Committee, he may appoint to such branch council, divisional committee or Committee, as the case may be, such persons as will in his opinion represent the interests of the persons or body who are unable or unwilling to make such an election, and the person or persons so appointed by the Minister shall be deemed to have been elected by the members of the district branch, or by the branch council or by the divisional committee, as the case may be, and shall hold office until the time of the next general election to the Committee, divisional committee or branch council, as the case may be.

Powers of Minister. 8 of 1967.

(2) Where the Minister is satisfied that the Committee or any divisional committee or branch council is no longer capable or willing to manage or refuses to manage its affairs, he may dissolve such Committee, divisional committee or branch council, as the case may be, and appoint a new Committee, divisional committee or branch council consisting of such persons as will, in his opinion, best manage the affairs of the Committee, divisional committee or branch council, and the persons so appointed shall have all the powers, rights and duties vested in the Committee, divisional committee or branch council, as the case may be, by this Act and shall be deemed to have been elected to such Committee, divisional committee or branch council.

PART III

District Branches

Powers and
duties.
28 of 1966.

27.-(1) The powers and duties of a divisional committee 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 labour and members and manufacturers and to report any failure 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 Board, rules governing the proceedings and meeting of itself and its Divisional Association;
- (g) to make, subject to the approval of the Board, rules regarding elections to branch councils by members of district branches and by branch councils to the divisional committee.

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

28.-(1) Each divisional committee shall in each week during the grinding season decide and order-

Harvest control.

- (a) which growers and cane farmers shall deliver sugar cane to manufacturers;
- (b) the quantity of such deliveries; and
- (c) the dates during which such deliveries shall be made.

(2) Each divisional committee shall send a copy of its decisions and orders to the Minister, the Association and the manufacturers and shall inform all growers and cane farmers of the dates on which their cane will be accepted by manufacturers and shall thereafter organise deliveries of sugar cane.

29.-(1) There shall be for each district branch a branch council elected by registered members of the branch which shall consist of five members namely, a Chairman, a secretary-treasurer and three other persons.

Branch councils.

(2) Members of branch councils shall hold office for a period of one

19 of 1990.
22 of 1994.

year from the date of their election.

(3) Every branch council shall exercise such powers and carry out such duties as may be laid down by the Committee.

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

PART IV

Miscellaneous

Penalty.

30. Any person who commits an offence against this Act is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a period not exceeding six months.

Consequences of
failure to repay
loans, etc.
13 of 1985.

31. Where any officer of the Association has borrowed any sum of money from the Association and where the Association has issued a 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 for or hold any office in the Association. For the purposes of this section, the term "officer" includes a member of the Association, the Committee, a divisional committee or a district branch thereof.