

CHAPTER 7.01

SAINT LUCIA MARKETING BOARD ACT

Revised Edition

Showing the law as at 31 December 2022

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

• Act • Subsidiary Legislation •

ACT

(Acts 18 of 1967, 11 of 1974, 12 of 1978 and 1 of 1997)

Act 18 of 1967 .. in force 30 December 1967 (S.I. 60/1967)

Amended by Act 11 of 1974 .. in force 1 April 1974

Amended by Act 12 of 1978 .. in force 30 October 1978

Amended by Act 1 of 1997 .. in force 8 March 1997

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation

PART 1

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF

3. Establishment of Board
4. Constitution of Board
5. Disqualification from voting
6. Seal of the Board
7. Execution of documents
8. Service of notices etc
9. Procedure and meetings of the Board
10. Payment of allowances to Chairperson and Members
11. Protection of the Board
12. Appointment of Committees
13. Approved associations and nominating bodies
14. Appointment of General Manager
15. Appointment of officers and servants
16. Establishment and maintenance of superannuation schemes
17. Responsibility of certain officers

PART 2

FUNCTIONS AND DUTIES OF THE BOARD

18. Function of the Board
19. Powers of the Board
20. Power of the Board to make regulations
21. Specified produce
22. Board may appoint agents and grant licences
23. Minister may give general directions to the Board
24. Power of Governor General to make regulations

PART 3

FUNDS AND FINANCIAL PROVISIONS

25. Funds of the Board
26. Power to borrow or raise capital and to guarantee such capital etc

27. Advances by Government
 28. Expenses of administration
 29. Accounts and books
 30. Statement of accounts
 31. Cash deposits, payments and signing of cheques
 32. Power of the Board to make rules
 33. Audit of accounts
 34. Reserve fund
 35. Authorised investments
 36. Purposes to which profits may be applied
 37. Exemption from income tax
 38. Exemption from import duty
 39. Exemption from stamp duty and other charges
 40. Complaints and grievances
-

CHAPTER 7.01

SAINT LUCIA MARKETING BOARD ACT

AN ACT to provide for the establishment of a marketing board charged with the duty of promoting the proper and effective marketing of agricultural produce and for dealing with connected matters.

Commencement [30 December 1967]

1. Short title

This Act may be cited as the Saint Lucia Marketing Board Act.

Preliminary

2. Interpretation

In this Act unless the context otherwise requires—

“**agent**” means any agent of the Board, any Government Department acting for or on behalf of the Board, and any person or organisation duly licensed under section 22;

“**approved association**” means any association of agricultural producers declared to be approved association under section 13;

“**Board**” means the Saint Lucia Marketing Board established under section 3;

“**Chairperson**” means Chairperson of the Board appointed under section 4 and includes any person appointed to act as Chairperson;

“**export**” with its grammatical variations and cognate expressions means to take or cause to be taken out of the Island or the waters thereof;

“**General Manager**” means the General Manager of the Board appointed under section 14 and includes any person appointed to act as General Manager;

“**import**” with its grammatical variations and cognate expressions means to bring or cause to be brought within the Island or the waters thereof;

“**member**” means a member of the Board and includes the Chairperson and Deputy Chairperson;

“**Minister**” means when used in relation to any matter other than finance the Minister charged with the responsibility for agriculture and in relation to any matter concerning finance the Minister charged with the responsibility for finance;

"nominating body" means any association or body of persons approved as a nominating body under section 13;

"produce" means any agricultural, horticultural or forestry product, including any fruit, vegetable or other praedial produce and any farmyard animals, alive or slaughtered, the flesh of such animals, fish, poultry, eggs or dairy produce; and any products manufactured from produce;

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

"public officer" means a person holding or acting in any office of emolument in the service of the Crown in respect of the government of Saint Lucia;

"reserve fund" means the fund required to be maintained under section 34;

"specified produce" includes any produce declared to be specified produce under section 21 and any product derived from the processing of such produce.

(Amended by Act 12 of 1978)

PART 1

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF

3. Establishment of Board

(1) There is hereby established a Board to be known as the Saint Lucia Marketing Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and with power as such to enter into contracts, to sue and be sued and in its said name, to acquire, hold, lease and dispose of all kinds of property moveable or immoveable, and to do and perform such acts and things as bodies corporate may by law do and perform subject to the provisions of this Act.

4. Constitution of Board

(1) The Board shall consist of not less than 5 nor more than 9 members, to be appointed by the Minister.

However, no member of the House of Assembly shall be a member.

(2) Every member shall be appointed for such period, not exceeding 2 years, as the Minister may direct and shall, on ceasing to be a member, be eligible for re-appointment.

However—

- (a) any member, not being a public officer, may at any time resign his office by giving notice in writing to the Chairperson who shall cause it to be forwarded to the Minister; and
- (b) where a member ceases to be a member for any reason, the Minister may appoint another member in his or her place for the remainder of the term for which the former member would have served but for his or her ceasing to be a member.

(3) The Board shall elect a suitable person from among its members to be Chairperson and in like manner shall elect a deputy Chairperson.

(4) In the event of incapacity from illness or from any other temporary cause or of temporary absent from the Island of any member, the Minister may appoint some other person to act as a temporary member during the time such incapacity or absence continues.

(5) The members or, in their default, the Minister may appoint one of the members to act as Chairperson during the temporary absence of both the Chairperson and the deputy Chairperson of the Board owing to illness, inability to attend, absence from the Island or any other cause.

(6) The Minister may revoke the appointment of any member if he or she considers it expedient to do so.

(7) The Board may act despite a vacancy among the members thereof and the validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

(8) The appointment of any person as a member and the termination of office of any such member whether by death, resignation, revocation, effluxion of time or otherwise shall be notified in the Gazette.

(9) If any member shall absent himself or herself from 3 consecutive meetings of the Board without leave of the Chairperson, the Chairperson shall declare his or her place on the Board to be vacant, and shall report the fact to the Minister.

(10) The Minister may request nominating bodies and associations to submit to him or her the names of persons recommended by them for appointment to the Board.

(11) The quorum of the Board shall be 3 members.

However, where any member is disqualified from taking part in any deliberation or decision of the Board with respect to any matter, he or she shall be disregarded for the purpose of constituting a quorum for deliberating on or deciding that matter.

(12) The decision of the Board with regard to any question shall be determined by vote of the majority of the members present at the meeting of the Board and in any case when the votes of the members present in regard to any question shall be equally divided, the Chairperson or other member presiding in his or her place shall have a casting vote in addition to his or her own vote.

(13) The Board shall have its head office in the city of Castries.

5. Disqualification from voting

A member who is in any way directly or indirectly interested in any contract made or proposed to be made by the Board, or in any company or undertaking with which the Board has made or proposes to make any contract, shall as soon as possible after the relevant circumstances have come to his or her knowledge disclose the nature of his or her interest at a meeting of the Board, and the disclosure shall be recorded in the minutes of the Board, and the member shall not, after the disclosure, take part in any decision of the Board with regard to that contract or to that company or undertaking.

However no act or decision of the Board shall be invalidated hereby by reason of the failure of a member to disclose an interest to which this section applies.

6. Seal of the Board

(1) The seal of the Board shall be kept in the custody of the Chairperson or of the General Manager and may be affixed to instruments pursuant to a resolution of the Board and in the presence of the Chairperson and the General Manager.

(2) The seal of the Board shall be authenticated by the signature of the Chairperson and the General Manager.

(3) Until a common seal is obtained a stamp bearing the words "Saint Lucia Marketing Board" and authenticated by the signatures of the Chairperson and General Manager may be used instead of such seal.

7. Execution of documents

All deeds, instruments, contracts and other documents, other than those required by law to be under seal, shall be deemed to be duly executed or signed by or on behalf

of the Board, if they are signed by the Chairperson or General Manager and some other person duly authorised by the Board in that behalf.

8. Service of notices etc.

Service upon the Board of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the General Manager at the head office of the Board.

9. Procedure and meetings of the Board

(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and at such places and times and on such days as the Board may determine.

However the Board shall meet at least once in every calendar month.

(2) The Chairperson may at any time call a special meeting of the Board and shall, within 7 days of the receipt of a requisition in writing addressed to him or her by 3 or more members, summon a special meeting of the Board to consider the matters contained in such requisition.

(3) Minutes of the proceedings of each meeting of the Board shall be kept in such manner as the Board may determine and shall be confirmed by the Chairperson as soon as practicable thereafter at a subsequent meeting.

(4) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board but no such co-opted person shall have any right to vote.

(5) Subject to the provisions of this Act, the Board has power to regulate its own proceedings.

10. Payment of allowances to Chairperson and Members

(1) The Board shall pay to the Chairperson in respect of his or her office, such remuneration as the Board shall determine.

However such remuneration shall be subject to the approval of the Minister.

(2) The Board shall pay to each member in respect of any meeting attended by the member such remuneration as determined by the Board and approved by the Minister. (*Substituted by Act 12 of 1978*)

(3) The Board shall pay to the Chairperson in respect of his or her office such remuneration as the Board shall determine.

However such remuneration shall be subject the approval of the Minister.

11. Protection of the Board

(1) No act done or proceedings taken under this Act shall be questioned on the grounds of any omission, defect or irregularity not affecting the merits of the case.

(2) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* or in pursuance of or execution or intended execution of this Act.

(3) Where any member is exempt from liability by reason only of the provisions of this section, the Board is liable to the extent that it would be if the said member was a servant or agent of the Board.

12. Appointment of Committees

(1) The Board may appoint a committee of the Board to examine and report upon any matter arising out of or connected with any of its functions under this Act.

(2) Any committee of the Board shall consist of at least one member together with such other persons whether members or not, whose assistance or advice the Board may desire.

(3) Where persons, other than members, are members of a committee appointed under this section the Board may by resolution declare the remuneration of such persons, and such sums shall properly be payable out of the funds and resources of the Board.

(4) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

13. Approved associations and nominating bodies

(1) The Minister upon application being made to him or her by an association of agricultural producers and, on being satisfied that—

- (a) its constitution is such as to ensure that all its members have the right to participate directly or indirectly in the election or appointment of its governing body; and
- (b) the association has as its principal object the furtherance of the interests of its members,

may by notice published in the Gazette declare such association to be an “approved association” for the purposes of this Act.

(2) Where an approved association has a majority of its members who are producers of any specified produce the Minister may, by notice published in the Gazette, declare such approved association to be a “nominating body”, and such association shall thereupon be entitled to submit the names of persons recommended by them for appointment as members.

(3) The Minister may decline to accept any such recommendation without assigning a reason for so doing.

14. Appointment of General Manager

(1) The Board shall, at such salary and upon such terms and conditions of service as it may determine, appoint a General Manager.

However such appointment shall be subject to the approval of the Minister.

(2) The General Manager shall be the chief executive officer of the Board and shall (whether or not he or she is a member) be present at all meetings of the Board unless he or she has obtained leave of absence from the Chairperson or is incapacitated by sickness or other cause from attending such meetings.

(3) In the event of the absence of the general manager, the Board may by instrument in writing, and with the approval of the Minister, appoint any person to act as general manager during the period of such absence upon such terms and conditions as it may determine. The person so appointed may exercise all the powers and all the duties by this Act exercisable or to be performed by the general manager or as many of such powers and duties as may be specified in such instrument.

(Amended by Act 12 of 1978)

15. Appointment of officers and servants

(1) The Board may appoint and employ at such remuneration and on such terms and conditions as thinks fit such officers and servants as it deems necessary for the proper carrying out of its functions under this Act.

However, no salary in excess of the rate of \$7,200, per annum shall be assigned to any post without the prior approval of the Minister.

(2) The persons so engaged shall perform such duties as may be assigned to them by the General Manager.

(Amended by Act 12 of 1978)

16. Establishment and maintenance of superannuation schemes

The Board may with the approval of and subject to such terms and conditions as may be imposed by the Minister, provide for the establishment and maintenance of a Pension Scheme or a Provident Fund Scheme for the benefit of the officers and employees of the Board, and in every such scheme different provisions may be made for different classes of officers and employees.

17. Responsibility of certain officers

All officers charged with the receipt, accounting for and disbursement of moneys, or with the custody or delivery of stores, or other property belonging to the Board shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all the property entrusted to their care; and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance.

PART 2 FUNCTIONS AND DUTIES OF THE BOARD

18. Function of the Board

It shall be the function of the Board—

- (a) to stimulate, facilitate and improve the production, marketing, and processing of produce;
- (b) to secure the most favourable arrangements for the purchase, handling, transportation, storage, exportation, shipping, marketing and sale of produce whether in the Island or out of the Island;
- (c) upon being required to do so by the Minister to make recommendations on any matter directly or indirectly relating to the production and marketing of produce; and
- (d) generally to carry out the provisions of this Act.

19. Powers of the Board

The Board shall, subject to the provisions of this Act, have power to carry on such activities the carrying on of which appear to be necessary, advantageous or convenient for the proper discharge of its duties and functions under this Act and in particular but without prejudice to the generality of the foregoing the Board may—

- (a) buy, sell, import and export any produce by wholesale or retail.
However, it shall not without the consent of the Minister deal in any produce the marketing of which is under the control of another statutory authority or statutorily controlled;
- (b) act as sole importer of any article of produce for which it offers a guaranteed buying price;
- (c) establish and operate depots and agencies for the purchase, delivery, grading, packing and sale of produce;
- (d) enter into contracts for the purchase and sale of produce upon such terms and conditions as it may determine;
- (e) enter into contracts for the transport of any produce, and such other commodities as may facilitate the operations of produce;

- (f) establish itinerant systems for the purchase and sale of produce;
- (g) establish and operate any plant or factory for preparing, processing or packing produce;
- (h) establish and operate cold storage facilities or any other facilities for the storage of produce;
- (i) regulate the grading of produce and prescribe the grades which shall be employed in the purchase by the Board of such produce;
- (j) dispose of produce on behalf of any producer or co-operative society;
- (k) trade and deal in fodder and feeding stuffs for livestock, seeds, fertilizers, insecticides and other production requisites;
- (l) purchase, transport, store, insure, handle and sell any packing material used in connection with produce;
- (m) fix guaranteed minimum prices at which it shall purchase stated kinds, quantities, and grades of any produce;
- (n) advance money to producers for such agricultural purposes and on such security as it may from time to time determine;
- (o) make initial payments to producers, under such terms and conditions as it may determine in respect of produce purchased from them for the purpose of re-sale and make such further or bonus payments to such producers as may prove equitable on the out-turn of such re-sale;
- (p) act as agent for the Government for any purpose relating to the marketing of produce;
- (q) to initiate, supervise and finance, research for improvement in production of crops, quality control, marketing and processing;
- (r) to undertake advisory functions where necessary and in support of production marketing and processing;
- (s) to undertake pilot projects of high economic potential for the development of alternative uses of produce or the production and marketing of new crops;
- (t) collect and circulate statistics and other information relating to the marketing of produce;
- (u) do such other things as may be necessary for the effective carrying out of its functions and duties under this Act.

(Amended by Act 12 of 1978)

20. Power of the Board to make regulations

- (1) The Board may, with the approval of the Minister, make regulations—
 - (a) prescribing the grades, types and quality of produce it shall accept from producers;
 - (b) prescribing the prices to be paid to producers in respect of any grade, type or quality of produce;
 - (c) relating to the examination and grading of produce;
 - (d) controlling the prices at which specified produce acquired from the Board by domestic buyers may be sold locally and the prices at which specified produce of stated grade and packing may be sold for export by licensed agents;

- (e) regulating the quantities of any specified produce which may be imported or exported by licensed buying or selling agents;
- (f) relating to the licensing and registration of producers of any specified produce;
- (g) prescribing the form of licenses to be used;
- (h) requiring importers of produce to submit documentary evidence of the source and price paid for any category of produce;
- (i) establishing agricultural marketing schemes for one or more categories of produce;
- (j) requiring registered producers to keep records and, where required, to furnish returns of all specified produce sold by them; and
- (k) generally for the better carrying out of its functions and duties under this Act.

(2) Regulations made under subsection (1) may provide for the imposition of a fine of \$500 for the contravention of or non-compliance with any provision thereof.

21. Specified produce

(1) The Minister may by order declare any produce of Saint Lucia to be "specified produce" with effect from such date as may be stated in such order.

However, no produce shall be declared to be "specified produce" while the marketing or control thereof is lawfully vested in another statutory authority.

(2) The Board shall be the sole purchaser, handler, processor, seller and exporter of such specified produce, subject to such exemptions as it may from time to time determine.

(3) A person or organisation other than the Board, shall not purchase, sell, export or otherwise deal in any specified produce except under a license granted by the Board.

However the provisions of this section shall not apply to any produce sold for local consumption.

(4) Any person contravening the provisions of subsection (3) commits an offence, and is liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months and on a second or subsequent conviction to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 6 months.

(5) Where a company commits an offence under this section every director, manager, agent and officer of the company who is knowingly a part to the contravention commits a like offence and is liable to like penalties.

22. Board may appoint agents and grant licences

(1) If at any time the Board is satisfied that it would be in the interest of producers or the general public so to do, it may appoint and grant licenses to agents for the purpose of buying, selling, importing, exporting or processing any specified produce.

(2) The Board may in its discretion grant, renew or withhold such licenses and may impose conditions upon the grant or renewal of such licenses.

(3) The Board may, in its absolute discretion, cancel or suspend any such license for a breach of any condition thereof, or for any other reason which it may deem fit and proper.

23. Minister may give general directions to the Board

The Minister may give to the Board general directions as to the policy or otherwise to be followed by the Board in the exercise of its functions under this Act which may appear to the Government to affect the public welfare, and the Board shall comply with all such directions.

24. Power of Governor General to make regulations

(1) The Governor General may make regulations—

- (a) prescribing the procedure to be adopted by the Board, and requiring returns and reports to be made by the Board;
- (b) prescribing the principles to be followed by the Board in the exercise of its powers and functions;
- (c) placing restrictions or limitations on the exercise of the powers of the Board;
- (d) imposing fees to be collected by the Board in respect of licences or any other matter or thing, and providing for the disposal of such fees; and
- (e) generally for the better carrying out of the duties and functions of the Board under this Act.

(2) Subject to such regulations the Board may make standing orders regulating its own procedures.

PART 3 FUNDS AND FINANCIAL PROVISIONS

25. Funds of the Board

The funds of the Board shall consist of—

- (a) sums as may accrue to the Board as a result of its operations under this Act;
- (b) sums as may be provided from time to time by the House of Assembly for the use of the Board;
- (c) sums as may be borrowed by the Board for the purpose of meeting any of its obligations or discharging its functions under this Act; and
- (d) other sums from any source as may be granted, loaned, paid, allocated or vested in the Board in respect of any matter incidental to its powers and duties.

26. Power to borrow or raise capital and to guarantee such capital etc.

(1) The Board may with the approval of the Minister, borrow, secure or raise money for all or any of the following purposes—

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Board under this Act;
- (c) the provision of capital for the expansion of and additions to its fixed assets;
- (d) the redemption of any advance or loan that the Board is required or entitled to redeem;
- (e) any other expenditure properly chargeable to capital account.

(2) The Board may, with the approval of the Minister, borrow by way of overdraft or otherwise such sums as the Board may require for meeting its obligations and discharging its functions under this Act.

(3) The Board shall not without the prior consent of the Minister hypothecate, mortgage or pledge its assets for the repayment of sums borrowed or owing the Board.

(4) Cabinet may, with the approval of the House of Assembly signified by a Resolution on such terms and conditions as it may think fit, guarantee the repayment of principal and interest on any sums borrowed by the Board under this section.

(5) Where the Cabinet is satisfied that there has been default in the repayment of any principal money or interest guaranteed under the provisions of this section, the Cabinet shall direct the repayment out of the Consolidated Fund of the amount in respect of which there has been such default.

(6) The Board shall make to the Treasury, at such time and in such manner as the Cabinet may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section and payments of interest on what is outstanding in respect of any sums so issued at such rate as the Cabinet may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

(Substituted by Act 12 of 1978)

27. Advances by Government

(1) The Minister may, with the approval of the House of Assembly, by warrant under his or her hand authorise the Accountant General to make advances to the Board in such sums and on such terms and conditions as he or she may think fit for the purposes of this Act.

(2) For the purpose of making approved advances to the Board under the provisions of the preceding subsection the Minister may authorise advances out of the proceeds of any loan raised for the purpose, or out of the reserve funds, revenues or surplus balances of Saint Lucia.

(Inserted by Act 12 of 1978)

28. Expenses of administration

The allowance of the members, the salaries of the Chairperson or the General Manager and other officer and servants employed by the Board and all other expenditure incurred by the Board in carrying out its functions and duties under this Act shall be paid out of its funds.

29. Accounts and books

(1) All decisions, orders, rules and regulations relating to the financial operations of the Board and authorised by this Act shall be made by resolutions of the Board at a meeting thereof and shall be recorded in the minutes of the Board.

(2) The Board shall cause to be kept proper and sufficient books of account and other records in respect of its operations. Such books shall be open at all times to inspection by the auditor of the Board and also to inspection by any member of the Board during normal business hours.

30. Statement of accounts

(1) The Board shall, within 3 months after the end of each financial year, transmit to the Minister a statement of the assets and liabilities of the Board, duly certified by the auditor of the Board, and signed by the Chairperson, the General Manager and one member of the Board together with the following information relating to the said financial year—

- (a) the income and expenditure account;
- (b) the sum appropriated to the reserve fund.

(2) The Minister shall cause every statement transmitted to him or her in accordance with the provisions of this section to be published in the Gazette and laid in the House of Assembly.

31. Cash deposits, payments and signing of cheques

(1) All moneys of the Board accruing from its operations under this Act shall be paid into some bank or banks appointed by resolution of the Board, and such moneys shall as far as practicable be paid into the bank from day to day, except such sum as the General Manager may be authorised by rules made under section 32 to retain for the purpose of meeting petty disbursements or immediate payments.

(2) All payments out of the funds of the Board except petty disbursements not exceeding a sum to be fixed by rules made under section 32 shall be made by the General Manager or on his or her behalf by any other officer appointed by the Board in accordance with any such rules.

(3) Cheques against any bank account required to be kept or withdrawals from any savings bank account not exceeding \$1,000 shall be signed by the General Manager and the Accountant.

(4) Any cheque against any bank account required to be kept or any withdrawal from any savings account exceeding \$1,000 shall be signed by the General Manager and at least one director.

(Amended by Acts 12 of 1978 and 1 of 1997)

32. Power of the Board to make rules

The Board shall by resolution make rules in respect of the following matters—

- (a) the manner in which, and the officers by whom payments are to be approved;
- (b) the bank or banks into which the moneys of the Board are to be paid, the title of any account with such bank, and the transfer of funds from one account to another;
- (c) the sum to be retained by the General Manager to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (d) the method to be adopted in making payments out of the funds of the Board; and
- (e) generally as to all matters necessary for the proper keeping and control of the account and books and the control of the finance of the Board.

33. Audit of accounts

The accounts of the Board shall be audited such manner as the Governor General may direct.

34. Reserve fund

The Board shall maintain a reserve fund which may be used for the general purposes of the business of the Board, but no appropriation shall be made from such fund without the sanction of the Minister.

35. Authorised investments

Funds of the Board not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Board may be invested from time to time in such way as may be approved by the Minister for investment by the Board.

36. Purposes to which profits may be applied

The net profit made by the Board during a financial year, after setting off such part of that profit as may be necessary to meet any deficit carried forward from the preceding financial year, shall as soon as may be practicable after the end of the said financial year, be applied by the Board—

- (a) first, to the repayment of advances received by the Board from the Government and of other sums borrowed by the Board from other sources which have become due;
- (b) secondly, to the reserve fund of an amount equivalent to not less than 20% of the net profit remaining after provision has been made for the repayment specified in paragraph (a);
- (c) thirdly, to carrying forward such amount as the Board may deem necessary for the proper working of the Board during the succeeding financial year;
- (d) to bonus or incentive payments to local producers on the basis of the value of the supplies traded with the Board or such other basis as the Board may consider appropriate;
- (e) to performance incentive payments to staff where such payments appear beneficial to the efficiency of the operations of the Board; and
- (f) finally, to such purposes for the benefit of agriculture in Saint Lucia as the Board may determine.

(Amended by Act 12 of 1978)

37. Exemption from income tax

Despite anything contained in the Income Tax Act, the Board shall be wholly exempt from the payment of income tax.

38. Exemption from import duty

(1) All material, equipment and stores required to be purchased by the Board for the purpose of carrying out its functions and duties under the provisions of this Act and which are imported or taken out of bond by the Board, or by an agent acting on behalf of the Board, for the said purposes shall be exempt from the payment of any import duty of customs and package tax.

(2) Provision under this section by which the Board is exempt from the payment of import duty of customs and package tax shall not apply to any goods or produce imported by the Board for re-sale, except goods certified as direct inputs for the local production of crops, livestock, fish or in the processing of such commodities.

(Amended by Act 12 of 1978)

39. Exemption from stamp duty and other charges

Despite the provisions of any law providing for the registration of documents or the payment of stamp duties, no certificate, receipt, instrument or other document issued by or in favour of the Board acting within the powers conferred upon it by this Act shall be subject to stamp duty, registration fee or any charge of a similar nature; nor shall the Board be liable for the payment of any search or inspection fee in any registration office.

40. Complaints and grievances

(1) Any person who is aggrieved by any act or omission of the Board may by notice in writing bring the matter to the attention of the Minister within 30 days of such act or omission having come to his notice.

(2) Every such complaint shall be investigated in such manner as the Minister may direct, and any decision on any complaint so arrived at shall be final and conclusive, and shall not be questioned in any court of law.

CHAPTER 7.01 SAINT LUCIA MARKETING BOARD ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Saint Lucia Marketing Board Specified Produce (Fish) Order – Section 21
 2. Saint Lucia Marketing Board Specified Produce (Ginger) Order – Section 21
-

Saint Lucia Marketing Board Specified Produce (Fish) Order – Section 21

(Statutory Instrument 25/1970)

Fish S.I. 25/1970 .. in force 10 October 1970

ARRANGEMENT OF ORDERS

1. Citation
 2. Fish declared a Specified Produce
-

SAINT LUCIA MARKETING BOARD SPECIFIED PRODUCE (FISH) ORDER – SECTION 21

Commencement [10 October 1970]

1. Citation

This Order may be cited as the Saint Lucia Marketing Board Specified Produce (Fish) Order.

2. Fish declared a Specified Produce

Fish of any kind including crustacea caught in the territorial waters of Saint Lucia, by any vessel or boat fishing from the shores of Saint Lucia or operating in the territorial waters of Saint Lucia, is hereby declared a specified produce.

Saint Lucia Marketing Board Specified Produce (Ginger) Order – Section 21
(Statutory Instrument 7/1975)

Ginger S.I. 7/1975 .. in force 10 February 1975

ARRANGEMENT OF ORDERS

1. Citation
 2. Interpretation
 3. Specified Produce
-

**SAINT LUCIA MARKETING BOARD SPECIFIED PRODUCE (GINGER) ORDER –
SECTION 21**

Commencement [10 February 1975]

1. Citation

This Order may be cited as the Saint Lucia Marketing Board Specified Produce (Ginger) Order.

2. Interpretation

In this Order—

“**Act**” means the Saint Lucia Marketing Board Act;

“**Board**” means the Saint Lucia Marketing Board.

3. Specified Produce

It is hereby declared that “ZINGIBER OFFICINALE ROSC” commonly called “GINGER” grown in Saint Lucia is a specified produce and the Board shall be the sole purchaser, handler, processor, seller and exporter of such specified produce, and no person or organisation other than the Board shall purchase, sell, export or otherwise deal in such specified produce grown in Saint Lucia except under a licence granted by the Board.
