



No. 1 of 2015

I assent,

(SIR COLVILLE N. YOUNG)

*Governor-General*

20<sup>th</sup> January, 2015.

**AN ACT to amend the Sugar Industry Act, Chapter 325 of the Substantive Laws of Belize, Revised Edition 2000-2003, to bring the Act into conformity with the Belize Constitution; to secure to all cane farmers the freedom to belong to an association of their own choice; to facilitate the commencement of grinding seasons in a fair and equitable manner, taking due account of the legitimate interests of all stakeholders; and to provide for matters connected therewith or incidental thereto.**

*(Gazetted 21<sup>st</sup> January, 2015).*

***BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:***

1. This Act may be cited as the

Short title.

**SUGAR INDUSTRY (AMENDMENT) ACT 2015,**

Act 27/2001  
CAP. 325  
Act No. 6/2007

and shall be read and construed as one with the Sugar Industry Act which, as amended, is hereinafter referred to as the principal Act.

Amendment of  
section 2.

2. Section 2 of the principal Act is hereby amended as follows:-

- (a) by repealing the definition of “Association” and replacing the same by the following:-

“association” means an association of cane farmers or groups of cane farmers and includes any association or organisation formed for the furtherance of interest of cane farmers which has been recognised or registered pursuant to this Act;

- (b) by repealing the definition of “cane farmer” and replacing the same by the following:-

“cane farmer” means a person or entity who is engaged in the production of sugar cane for the purpose of being manufactured into sugar, ethanol or any other derivative of sugar cane and registered by the Sugar Cane Production Committee pursuant to this Act;

- (c) by repealing the definition of “Committee” occurring therein;

- (d) in the definition of “current price”, by substituting the word “associations” for the word “Committee” wherever occurring therein.

Amendment  
of section 5.

3. Section 5(2) of the principal Act is hereby amended as follows:

- (i) by repealing paragraph (c) and replacing it by the following:-

“(c) one representative of each of the associations, provided that if there be more than three associations at any time, the associations shall jointly nominate three representatives, but if the associations fail to agree on the members to be nominated, such members shall be appointed by the Minister as best representing the various associations;

- (ii) in paragraph (d), by substituting ‘**three representatives**’ for “two representatives” occurring therein;

- (iii) by repealing paragraph (f) and replacing it by the following:-

“(f) one member nominated jointly by the manufacturers and the associations, provided that if the manufacturers and the associations fail to agree on a member to be nominated within one month, such member shall be appointed by the Minister”.

4. Section 6(1) of the principal Act is hereby amended as follows:

Amendment of section 6.

- (i) in paragraph (a), by substituting the word “cane farmers” for the word “Committee” occurring therein;

- (ii) in paragraph (c), by substituting the word “cane farmers” for the word “Committee” occurring therein;

(iii) in paragraph (e), by substituting the word “associations” for the word “Committee” occurring therein;

(iv) by repealing paragraph (g) and replacing it by the following:-

“(g) arranging, if requested to do so, to conduct and/or supervise elections to the branches of the associations.”

Amendment of section 8.

5. Section 8(6) of the principal Act is hereby amended by substituting the words “organisation which had appointed or nominated him” for the word “Association” occurring therein;

Amendment of section 10.

6. Section 10(2) of the principal Act is hereby amended by substituting the word “associations” for the word “Committee” occurring therein;

Amendment of section 16.

7. Section 16 of the principal Act is hereby amended as follows:-

(i) in subsection(2), by substituting the word “associations” for the word “Committee” occurring therein;

(ii) by repealing subsection (4), and replacing it by the following:

“(4) The Minister shall, in the month of August each year, appoint a Chairman of the SCPC”.

(iii) by repealing subsection (5).

Amendment of section 17.

8. Section 17 of the principal Act is hereby amended as follows:-

- (i) by repealing subsection (1)(e) thereof and replacing the same by the following:-

“17(1)(e) establish a Cane Farmers Register for the registration of cane farmers;”

- (ii) in subsection (1)(f), by substituting the word “associations” for the words “Divisional Cane Farmers Association” occurring therein;

9. Section 18 of the principal Act is hereby repealed and replaced by the following:-

Repeal and replacement of section 18.

“18. Without prejudice to the right of any person or entity to produce sugar cane, the Sugar Industry Control Board established under this Act shall have power to register all associations.”

10. Section 19 of the principal Act is hereby amended by repealing subsection (5) thereof and replacing it by the following:-

Amendment of section 19.

“(5) Where any manufacturer intends to accept the deliveries of sugar cane, it shall be paid for at the current price of sugar cane less any deduction which may be duly authorised by any registered association or consented to by any cane farmer.”

11. Section 22 of the principal Act is hereby amended in subsection (2)(a) thereof, by substituting the word “associations” for the word “Committee” occurring therein;

Amendment of section 22.

12. Section 29 of the principal Act is hereby amended as follows:-

Amendment of section 29.

- (i) by repealing subsection (2)(b) thereof and replacing the same by the following:-

“(b) two representatives of the associations;”

- (ii) in subsection (2)(c), by substituting the word “associations” for the word “Committee” occurring therein.

Amendment of section 31.

13. Section 31 of the principal Act is hereby amended by substituting the word “associations” for the word “Association” wherever occurring therein;

Addition of section 31A.

14. The principal Act is hereby amended by inserting the following as new section 31A immediately after section 31:-

Certain functions of SCQCA to be performed by the SCPC.

“31A. Any functions assigned to the SCQCA which are not being performed by the SCQCA shall be performed by the Sugar Cane Production Committee (SCPC), established under section 15 of this Act.”

Repeal and replacement of sections 32 to 56.

15. Sections 32 to 56 of the principal Act falling under Title V headed “The Belize Sugar Cane Farmers Association” are hereby repealed and replaced by the following:-

## “TITLE V

### ASSOCIATIONS OF CANE FARMERS

Establishment and registration of associations.

32. (1) There shall be and is hereby established for the purpose of this Act the freedom of cane farmers or groups of cane farmers to organise themselves into “Sugar Cane Farmers Associations” which shall be autonomous entities governed by the provisions of this Act.

(2) Without prejudice to the right of any person or entity wishing to produce sugar cane, the Board shall have the power to register all associations.

(3) Every association recognised or registered under this Act shall have its corporate office or other branch office, as the case may be, situate in Belize.

(4) Each association so registered with the Board shall be required to submit a copy of its bye-laws to the Board at the time of registration.

(5) Every association registered with the Board shall become a body corporate having perpetual succession and a common seal and shall enjoy all the attributes of a corporate personality.

**Objectives  
of the  
associations.**

33. In addition to the objectives that may be set out in their respective bye-laws, each association shall have the following as its main objectives:-

- (a) promote, foster and encourage the growing of sugar cane and the welfare of the industry in its sphere of influence;
- (b) encourage and assist cane farmers to produce the best quality sugar cane to be delivered to manufacturers;
- (c) assist researchers or research institutes in matters relating to the production, cultivation and harvesting of sugar cane, and the extension and expansion of sugar cane production;
- (d) maintain and update a comprehensive register of all of its members;

- (e) notify its members immediately of any disease or pest affecting the production or cultivation of sugar cane and containment of the problem;
- (f) make representations to the Government, the Board, the manufacturers or any other entity with interest in the industry on any matter affecting the interest of its members;
- (g) act as agent for its members on any matter within the scope of its objectives, and to undertake any trust or agency in matters related to the industry, directly or indirectly.

**Registration of  
cane farmers.**

34. (1) Each association registered under this Act shall maintain a register of its members.

(2) Each cane farmer shall register with the Sugar Cane Production Committee indicating the association to which he belongs, if any.

**Membership of  
associations.**

35. (1) Membership of an association recognised or registered under this Act shall be entirely voluntary.

(2) A cane farmer who was a member of an association before the commencement of this Act, shall not be required to apply for registration with that association and shall be entitled by virtue of this section to automatic registration based on his membership to such association, or if he so chooses, to apply for membership of another association.

(3) Any person who is a cane farmer and wishes to become a member of an association, may within 30 days following the receipt of his application, be accepted as a member of the association to which he applies for membership provided that he satisfies the conditions for membership of that association as set out in the rules or bye-laws of that association.

(4) A member of any cane farmers association shall enjoy the full rights and privileges of membership that are extended to any other member, and shall be able to access all services offered to any other member of such association in accordance with the rules or bye-laws of such association. No member shall be deprived of rights, privileges or access to services offered by the association of which he is a member except in accordance with procedures and arrangements as may be set out in the rules or bye-laws of that association.

(5) Any cane farmer who desires to change or resign his membership from one association to join another association may do so provided that he changes or resigns his membership before the commencement of the grinding season.

(6) An association may terminate or suspend the membership of any cane farmer in accordance with its rules or bye-laws.

**Membership fees.**

36. For the purpose of this Act, any association that has been registered under the Act may authorise the deduction and collection of membership fees from any cane farmer who is a member of that association and each association shall in writing annually notify the manufacturer of the membership fees and the manufacturer shall deduct such fees so authorised by the associations.

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| <b>Management of affairs of the associations.</b> | 37. Each association may make standing orders and bye-laws regulating its own procedure and governing the conduct of its business. Copies of such standing orders and bye-laws shall be supplied to the Board.   |
| <b>Saving for existing associations.</b>          | 38. Where an association is in existence at the commencement of this Act, it may continue its management and regulatory structure as set out in the Act, but without prejudice to its right to make such changes as it may consider necessary by issuing new bye-laws and standing orders.”  |
| <b>Amendment of section 61.</b>                   | 16. Section 61 of the principal Act is hereby amended as follows:- <ul style="list-style-type: none"> <li>(a) in subsection (1), by substituting the word “associations” for the word “Association” occurring therein;</li> <li>(b) in subsection (2), by substituting the word “associations” for the word “Association” wherever occurring therein.</li> </ul> |
| <b>Amendment of section 62.</b>                   | 17. Section 62 of the principal Act is hereby amended by substituting the word “associations” for the word “Association” occurring therein.  |
| <b>Amendment of section 63.</b>                   | 18. Section 63 of the principal Act is hereby amended by substituting the word “associations” for the word “Association” wherever occurring therein.   |
| <b>Commencement.</b>                              | 19. This Act shall take effect retrospectively from the 14 <sup>th</sup> January, 2015.  |