



## ST. CHRISTOPHER AND NEVIS

### **CHAPTER 14.13**

### **SUGAR INDUSTRY ACT**

#### **and Subsidiary Legislation**

**Revised Edition**  
showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

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**CHAPTER 14.13**

**SUGAR INDUSTRY ACT**

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**CHAPTER 14.13**  
**SUGAR INDUSTRY ACT**

AN ACT TO REGULATE AND CONTROL THE SUGAR INDUSTRY IN SAINT CHRISTOPHER AND NEVIS, AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

**Short title.**

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

**Interpretation.**

2. In this Act—

“Board” means the Sugar Industry Board established under section 3;

“Chairperson” means the Chairperson of the Board appointed under section 3.(3) of this Act;

“industry” means the sugar industry;

“Minister” means the Minister responsible for the subject of Industry;

“owner or occupier of land” in relation to this Act shall include the owner of a freehold interest including a part owner, a co-owner, or a joint-owner, a lessor, a lessee, a sub-lessor, a sub-lessee, a mortgagor whether or not in possession, a mortgagee whether or not in possession, any person in actual or constructive possession of the land, any person in actual occupation of the land under any claim of right or pretended right, any person entitled to the reversion on any land, any personal representative of any deceased owner or any person entitled to any right interest or estate in the land;

*(Amended by Act 18 of 1974)*

“person” includes corporation, partnership, firm, clubs or an unincorporated body;

*(Inserted by Act 18 of 1974)*

“Secretary” means the Secretary of the Board appointed under section 3.(4) of this Act;

“sugar cane land” means—

- (a) land cultivated with sugar cane at the date of the enactment of this Act or at the date of any Order, regulation, declaration or direction made under this Act;
- (b) land formerly cultivated with sugar cane but at the date of the enactment of this Act or at the date of any Order, regulation, declaration or direction made under this Act, uncultivated;
- (c) land formerly cultivated with sugar cane which having regard to its use at the date of the enactment of this Act or at the date of any Order, regulation, declaration or direction made under this Act may be more beneficially cultivated with sugar cane in the interest of the State as a whole;
- (d) land at the date of the enactment of this Act or at the date of any Order, regulation, declaration or direction made under this Act utilized in such manner as not to achieve the maximum agricultural potential of such land but capable of growing sugar cane; or

- (e) land specified and declared by the Minister to be sugar cane land;  
*(Inserted by Act 18 of 1974)*

“work required to be carried out”, in relation to sugar cane land, shall mean all aspects of work relating to the growing and reaping of sugar cane including but not limited to cultivation, ploughing, planting, weeding and harvesting.

*(Inserted by Act 18 of 1974)*

### **Constitution and membership of Board.**

3. (1) There is established, for the purposes of this Act, a body to be known as the Sugar Industry Board, vested with the powers and functions set out in this Act or in Regulations made under this Act.

(2) The Board shall consist of five members to be appointed by the Minister, of whom, subject to subsection (4) of section 5—

- (a) one shall be a person nominated by the manufacturers of sugar in the State;
- (b) one shall be a person nominated by the appropriate body representing planters in the industry;
- (c) one shall be a person nominated by the appropriate body representing workers in the industry.

(3) The Chairperson of the Board shall be appointed by the Minister from among the members of the Board.

(4) The Secretary of the Board shall be appointed by the Minister.

### **Leave and Temporary appointments.**

4. (1) The Minister may, on the application of a member of the Board, grant to such member leave of absence for any period not exceeding six months.

(2) The Minister may appoint any person to act temporarily in the place of any member of the Board in the case of the absence or inability to act of such member, so, however, that a person appointed to act in the place of a member who was nominated under paragraph (a), (b) or (c) of subsection (2) of section 3 above shall be appointed on like nomination.

(3) In the absence or inability to act, at any meeting, of the Chairperson the remaining members of the Board shall elect one of their number to preside at that meeting.

### **Tenure of office.**

5. (1) The appointment of any member of the Board shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

(2) Every member of the Board shall be eligible for reappointment.

(3) Notwithstanding anything to the contrary, the Minister may, at any time, revoke the appointment of the Chairperson or any other member of the Board.

(4) Notwithstanding anything to the contrary, where the occasion arises for the appointment of a member of the Board pursuant to paragraph (a), (b) or (c) of subsection (2) of section 3, or of a person to act temporarily in the place of any such member, and the manufacturers or the appropriate body representing planters or the appropriate body representing workers, as the case may be—

- (a) refuse; or
- (b) fail within such reasonable time not being less than three weeks as may be specified by the Minister;

to comply with a request in writing made by the Minister to nominate a person for appointment, the Minister may make any such appointment otherwise than on the nomination of the manufacturers or the appropriate body representing planters or the appropriate body representing workers, as the case may be, but from among persons who he or she is satisfied are representative of the interests of the manufacturers or planters or workers in the industry, as the case may be, and thereupon the provisions of this Act shall apply to any person so appointed as if he or she had been appointed in accordance with the provisions of subsection (2) of section 3.

#### **Resignations.**

6. (1) Any member of the Board other than the Chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the Chairperson, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(2) The Chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

#### **Membership not public office.**

7. Membership of the Board, whether with or without remuneration, shall not be considered to be the holding of a public office or an office of profit under the Crown.

#### **Appointment of Committee.**

8. (1) The Board may act notwithstanding any vacancy in its membership, and may appoint a Committee for any of the purposes of this Act which, in the opinion of the Board, would be better or more conveniently managed by means of a Committee, and may delegate to the Committee with or without restrictions or conditions as it thinks fit any of its powers under this Act.

(2) A Committee appointed under this section shall consist of such number of members as the Board may think fit.

#### **Remuneration of members.**

9. The Chairperson and other members of the Board may be paid such remuneration or allowances as may be fixed by the Minister out of funds to be allocated by the Legislature.

#### **Procedure and meetings.**

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

(2) The Chairperson or, in the case of the inability to act of the Chairperson, the member acting as Chairperson, shall preside at all meetings of the Board, and when so presiding the Chairperson or the member acting as Chairperson, as the case may be, shall have an original and a casting vote.

(3) All matters considered at a meeting of the Board shall be decided by the majority of such members of the Board as are present and vote at the meeting.

(4) The quorum of the Board shall be three members of the Board including the Chairperson or the member acting as Chairperson.

(5) Subject to the provisions of this section, the Board may regulate its own proceedings.

(6) The Chairperson may at any time call a special meeting of the Board.

(7) He or she shall call a special meeting to be held within seven days from the receipt of the written request for that purpose addressed to him or her by the Minister or within fourteen days from the receipt of the written request for that purpose addressed to him or her by at least two members of the Board.

(8) Minutes of all meetings of the Board shall be recorded and kept by the Secretary, and copies of such minutes duly confirmed at a subsequent meeting shall as soon as practicable thereafter be forwarded to the Minister.

(9) The meetings of the Board shall be held in private, provided however that if at any meeting the majority of the members present consider it desirable so to do such meeting may be held in public.

#### **Duties of the Board.**

**11.** It shall be the duty of the Board to consider and make recommendations to the Minister on the following matters—

- (a) the period of the year best suited for the reaping of sugar-cane, and the most suitable time for starting and ending such reaping;
- (b) the time of year best suited for the commencement of the manufacture of sugar by the sugar factory and the duration of such manufacturing operations;
- (c) the treatment of the soil and the breeding and development of the most suitable types of sugar-cane;
- (d) land use including the question of maximum cultivation of arable land and the production of food crops and livestock;
- (e) mechanization in the industry and the problems of full employment and effective disposition of the available labour force;
- (f) the returns paid and payable to labour and capital in the industry;
- (g) the method of paying for sugar-cane and its effect upon the workers in both field and factory;
- (h) accounting systems used in the industry and the availability and suitability of such accounts for inspection by the Board or other authorised persons;
- (i) the retiring age and pensions of workers in the industry;
- (j) industrial relations in the industry;
- (k) all matters of general policy with respect to the operations and development of the industry.

**Powers of the Board.**

**12.** The Board, or any committee thereof, or any person authorised in writing by the Chairperson in that behalf, may—

- (a) enter by day any premises where sugar-cane is being cultivated or harvested and there make full examination or investigation of such cultivation or harvesting;
- (b) at any working hour of the day or night enter and inspect any Sugar Factory, and any boiling house, curing-house, work-shop, work-room, foundry or other part of any Sugar Factory or any grinding or other processing operation in such factory;
- (c) at any working hour of the day or night enter upon any Sugar Estate or Sugar Factory for the purpose of inspecting the working and living conditions of workers thereon or therein;
- (d) require from any employer in the industry information as to the number of workers employed by him or her and the wages, hours and conditions of work of such workers;
- (e) require from any employer or employee in the industry information as to any matters concerning such employment;
- (f) require the production of any books or accounts concerning any aspect of the industry in the possession of any person and make any examination or inspection of such books or accounts;
- (g) at any reasonable hour of the day inspect and evaluate any physical assets connected with the industry situated on any Sugar Estate or Sugar Factory;
- (h) analyse and keep under constant review all existing practices, new developments or issues which importantly affect the future of the industry; and
- (i) make any other examination or enquiry which the Board may consider necessary for the purpose of carrying out the duties of the Board under section 11 of this Act.

**Regulations and Directions.**

**13.** (1) The Minister may, either upon the recommendation of or after consultation with the Board, make regulations on any of the matters set out or described in section 11 of this Act, or on any other matter or thing similar to those above-mentioned, in respect of which he or she may consider it expedient to make regulations for the purpose of carrying out the provisions and purposes of this Act.

(2) The Minister may give directions on any of the matters set out or described in section 11 of this Act, or on any other matter or thing similar to those above-mentioned, where in his or her opinion the subject matter of the direction is one of immediate urgency, and such directions shall be subject to the approval of the Cabinet and shall come into force upon such approval being given.

(3) All such regulations and directions may provide, for any infringement thereof or failure to comply therewith, a penalty not exceeding five thousand dollars on summary conviction.

*(Amended by Act 9 of 1986)*

(4) Regulations or directions made or given under this section shall be laid before the National Assembly at its next meeting, and the National Assembly may, by resolution, amend or revoke the said regulations or directions but without prejudice to the validity of anything previously done under them or any of them or to the making of new regulations or to the giving of new directions.

**Prohibition against changing use of cane land.**

**14.** (1) No person may, without the permission in writing of the Minister, change the use of any sugar cane land.

(2) Any person who, in contravention of subsection (1), changes the use of any sugar cane land commits an offence and shall, on summary conviction, be liable to a penalty of not less than one thousand five hundred dollars and not more than three thousand dollars or to a term of imprisonment not exceeding six months.

(3) Where any person, in contravention of subsection (1), changes the use of sugar cane land for some other use without the permission of the Minister it shall not be a reasonable excuse to the carrying out of any work which he or she is required to carry out thereon that the land is put to that other use.

*(Inserted by Act 18 of 1974)*

**Power to specify and declare sugar cane land.**

**15.** (1) The Minister may, by Order, specify any land and declare the same to be sugar cane land.

(2) The Minister may require the owner or occupier of any sugar cane land to carry out any work relating to the growing or harvesting of sugar cane on the said land.

(3) Any land specified and declared to be sugar cane land by Order of the Minister shall be sufficiently described by a reference to any name by which it is commonly known or by a reference to any person known to be in occupation of such land within the last three years prior to the making of such order.

(4) Where the Minister, by Order, specifies any land and declares the same to be sugar cane land in accordance with the provisions of this section no person shall use or cause to be used the land so specified and declared except for the purpose of growing sugar cane thereon.

(5) Where the Minister, by Order, specifies any land and declares the same to be sugar cane land he or she shall serve or cause to be served a notice to that effect to the intent that the owner or occupier of the land may be made aware of the order.

(6) A notice in accordance with subsection (5) of this section need not be addressed to any particular owner by name, so however that there is a sufficient description of the land affected thereby.

(7) A notice in accordance with subsection (5) of this section shall state the work which the owner or occupier of the land is required to carry out and the intention of the Minister to take possession of the land to carry out the work if the owner without reasonable excuse fails to carry out the work.

(8) In determining what is reasonable excuse within the meaning of subsection (7) of this section regard shall be had to what the paramount interests of the State as a whole demand and all the circumstances of the case.

(9) A notice in accordance with subsection (6) of this section shall be sufficiently served if it is published in one edition of the *Official Gazette* and in one

newspaper in circulation in the State and if a copy thereof has been exhibited in some conspicuous place at or near the land and shall bind all owners or occupiers of the land who came into ownership or occupation of the same subsequent to the service of such notice.

(10) Any owner or occupier of land who has received notice in accordance with the relevant foregoing provisions of this section may, within seven days, lodge an objection to the Minister objecting to the order of the Minister.

(11) The Minister shall consider any objection lodged in accordance with subsection (10) and shall determine whether the objection shall be upheld or not and shall communicate his or her decision to the owner or occupier of the land.

(12) Where the owner or occupier of land has not, after the expiry of seven days next after service of the notice if no objection has been lodged or after the expiry of seven days next after communication to the owner or occupier that his or her objection has not been upheld, carried out the work which he or she was required by the notice to carry out the Minister may by himself or herself, his or her servants or agents enter and take possession of the land and carry out thereon the work which the owner or occupier was required to carry out and may do all such incidental acts as may be necessary or expedient for the carrying out of the work.

(13) Where the Minister enters upon and takes possession of any land in pursuance of subsection (12) of this section it shall not have the effect of divesting the owner or occupier of any title or claim of right to the land nor shall it confer any title on the Crown or the Minister or any person claiming under it or him or her but the Minister shall by himself or herself, his or her servants or agents have right of access to and exclusive possession of the land for so long as may be necessary in connection with carrying out the work which the owner or occupier was required to carry out.

(14) Any person who molests, resists, obstructs, hinders or otherwise interrupts or interferes with or attempts to molest, resist, obstruct, hinder or otherwise interrupt or interfere with any person acting under the authority of the Minister and exercising the rights of the Minister given by this section commits an offence and shall, on summary conviction, be liable to a fine of three thousand dollars or six months imprisonment.

*(Amended by Act 9 of 1986)*

(15) If any proceedings are brought in any Court against any person on the basis of any action which he or she alleges to have been done under the Minister's authority and in exercise of the Minister's rights under this section it shall be sufficient proof of that fact if the Minister issues a certificate under his or her hand certifying the same and the issue of such a certificate shall be a complete defence to such proceedings.

*(Inserted by Act 18 of 1974)*

### **Prohibition against destruction of sugar cane.**

**16.** (1) No person may cut down, root up or cause to be cut down, rooted up or in any manner or by any means destroy or cause to be destroyed any sugar cane planted on any land other than with the authority of the Minister.

(2) Any person who contravenes subsection (1) of this section commits an offence and shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars in the case of a first offence or three thousand dollars in the case of a second or any subsequent offence.

*(Inserted by Act 18 of 1974 and amended by Act 9 of 1986)*

**Offences and Penalties.****17.** Any person who—

- (a) refuses or fails to furnish to the Board or to any Committee thereof or to any person authorised in writing by the Chairperson in that behalf any information required under this Act;
- (b) knowingly furnishes or causes to be furnished to the Board, or to any Committee thereof or to any person authorised in writing by the Chairperson in that behalf, any information or return which is false in any material particular;
- (c) refuses or fails to answer or answers untruthfully any question lawfully put to him or her by any member of the Board or by any member of any Committee thereof or by any authorised person for the purposes of this Act;
- (d) refuses or fails to produce any books or accounts referred to in section 12 of this Act, or prevents, hinders or obstructs the examination of any such books or accounts by the Board or by any Committee thereof or by any person lawfully authorised as aforesaid to require the production of or to examine such books or accounts; or
- (e) assaults or in any manner hinders or obstructs any member of the Board or any member of any Committee thereof or any person authorised in writing by the Chairperson in the execution of any of the powers or duties of the Board under this Act,

commits an offence against this Act, and shall be liable, on summary conviction, to a fine not exceeding five thousand dollars.

*(Amended by Act 9 of 1986)*

**Liability of Attorney, manager, agent etc.**

**18.** Where any offence against this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect of duty on the part of the director, secretary, attorney, agent, foreman, manager or clerk of an employer, such person shall, as well as the employer, be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.

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**FIRST SCHEDULE**

*(Section 13(1))*

**SUGAR INDUSTRY (CANE PRICE) REGULATIONS**

**Short Title.**

1. These Regulations may be cited as the Sugar Industry (Cane Price) Regulations.

**Interpretation.**

2. In the Regulations—

“Board” means the Sugar Industry Board established under section 3 of the Sugar Industry Act;

“Cane Quality Committee” means a committee established by agreement between the Factory and the Producers for the purposes of the tests described in the Schedule to these Regulations and until such establishment shall mean the Committee that operated as such immediately prior to the coming into effect of these Regulations;

“Factory” means the St. Kitts Basseterre Sugar Factory;

“Producer” means any person growing sugar canes and selling such sugar canes to the Factory.

**Determination of Price of Sugar Cane.**

3. The price of sugar cane sold and delivered to the factory shall be ascertained in the manner and according to the arrangements set out in the Schedule to these regulations.

**Board to have Power of Review.**

4. The Board shall have power, from time to time, to review the arrangements set out in the Schedule to these Regulations with a view to determining whether a fair price is being paid and received for sugar cane and the Board may make suggestions for varying the arrangements.

**SCHEDULE TO THE REGULATIONS**

*(Regulation 2)*

1. Subject as hereinafter provided the Producers shall sell to the Factory and the Factory shall purchase from the Producers all the sugar cane grown by the Producers on their lands.

2. The Producers shall deliver the sugar cane to such place as the Factory shall from time to time direct (any such place being hereinafter referred to as “the estate collecting point”) and in the absence of other directions, in accordance with any directions of the Factory applicable to sugar cane sold by the Producers to the Factory immediately before the date of these Regulations.

3. (1) The Factory shall arrange and pay for the collection and transport of the sugar cane from the estate collecting point to the Factory.

(2) The Producers shall have the sugar cane ready for collection at the estate collecting point at such times as the Factory may appoint and the Factory shall not be liable to collect, accept or pay for any sugar cane which is not so ready at the appointed time.

(3) The Factory shall be responsible for loading the Producers' sugar cane at the estate collecting points onto railway trucks or other forms of conveyance as the Factory may provide for this purpose.

4. The property in the sugar cane shall pass to the Factory at the time the Factory loads the sugar cane onto the railway trucks or other forms of conveyance as provided in Clause 3(3) above.

5. (1) Notwithstanding the provisions of Clause 4 the Factory shall have the right to reject any sugar cane which it deems unsuitable for processing (because of the poor quality thereof or the amount of extraneous matter contained therein) both at the estate collecting point and at the Factory and the Factory shall give written notice as soon as is practicable to the Producers of any such rejection.

(2) If any sugar cane is so rejected at the Factory the Factory shall have the right to return such cane to the estate collecting point of the Producers and the Producers shall be responsible for unloading and disposing of such cane within forty-eight hours of its arrival at the estate collecting point.

6. The Producers shall comply with such cane identification and weighing and other accounting procedures as the Factory may, from time to time, direct.

7. (1) The Producers shall allow the Factory and its representatives at all reasonable times to have free access to their lands and to have full facilities to examine the sugar cane.

(2) Arising out of such examination the Factory shall have the right to give written notice to the Producers that the Factory will not accept the whole or any part of the sugar cane being grown on such lands because of its poor quality or of the poor condition in which it is being grown.

8. (1) The Factory will arrange for samples to be taken during each Factory report period from each supply and tested for extraneous matter and composition.

(2) Each sample or series of samples (as the case may be) will be deemed to be representative of the consignment, and the Factory's chief chemist shall be responsible for the accuracy of sampling, analysis and determination of recoverable 96 degree equivalent sugar content of consignments, and any changes in methods of sampling and determination prescribed by the Cane Quality Committee shall be binding.

(3) The Factory will arrange for the Producers to be notified of the result of each Relevant Test but failure to notify will not invalidate a test.

(4) The Extraneous Matter Test will be a test to determine the amount of extraneous matter contained in a consignment from a Producer.

(5) If the result of the Extraneous Matter Test for any consignment shows an extraneous matter content of more than 5 per cent an Extraneous Matter deduction shall be made from such consignment.

(6) The rules in accordance with which the Extraneous Matter Test and any Extraneous Matter deduction shall be made shall be laid down by the Cane Quality

Committee which shall have power to vary such rules as it may from time to time think fit, and all such rules shall be deemed to be incorporated into these regulations and shall be binding.

(7) The Analytical Test will be a test approved by the Factory to ascertain the percentage of sucrose (pol) in the first expressed juice of sugar cane forming part of a consignment, calculated to two places of decimals and no further (such test to eliminate therefrom the effect of dextran and other non-sucrose optically active substances).

(8) Without prejudice to the Factory's rights to arrange for tests to be taken at any time, the Factory will carry out Analytical Tests on at least one in every twenty trucks of sugar cane in any one consignment and will use its best endeavours to increase the density of composition testing to one in ten trucks per supply at the earliest possible opportunity, and if less than twenty trucks are consigned by the Producers in any one Factory report period, one sample shall in any event be taken for such consignment and the relevant test carried out, and separate consignments of a Supply made within any one Factory report period shall be deemed a single consignment for the purposes of the Relevant Tests.

9. The following formula will be applied to each consignment to determine how many tons of sugar cane (t.c.) of such consignment are required to produce one ton of 96 degree equivalent sugar:

$$\begin{aligned} & \text{Quality Ratio (Producer)} \\ & = \\ & \frac{\text{Quality Ratio (Factory)} \times (\text{Pol F} \times \text{Availability factor F})}{(\text{Pol f} \times \text{Availability factor f})} \end{aligned}$$

Where:

t.c. is the tonnage of sugar cane (as adjusted by any Extraneous Matter deduction) supplied by the Producers and accepted by the Factory during the same Factory report period.

**Quality Ratio (Factory)** is the average tonnage of sugar cane (as adjusted by any Extraneous Matter deduction) required by the Factory during the same report period to produce one ton of 96 degree equivalent sugar.

**Pol F** is the average Pol content of the first expressed juice of all sugar cane sampled during the same Factory report period supplied by the Producers.

**Pol f** is the average Pol content of the first expressed juice of all the Producers' sugar cane sampled during the relevant Factory report period.

**Availability factor F** is the availability factor corresponding to the average purity of the first expressed juice sampled during the same Factory report period supplied by the relevant Producers.

**Availability factor f** is the availability factor as determined by the SJM Formula from the average purity of the first expressed juice from all the individual Producers' sugar cane sampled during the same Factory report period.

10. Where the relevant year's crop has been harvested and processed and the resulting 96 degree equivalent sugar and molasses sold, there shall be established the total gross revenue proceeds of such sales; from such proceeds there shall be deducted the following items of expenditure incurred with reference to such relevant year's crop—

- (a) sugar Industry Special Funds;
- (b) sums payable in respect of Excise Duty Export Tax and Pier Dues;
- (c) wharfage and lighterage charges;
- (d) loading charges;
- (e) freight charges (exclusive of despatch) insurance and stevedoring charges at port of discharge for c.i.f. contracts;
- (f) the cost of making supervision tests for sampling sugar when it is being shipped in bulk;
- (g) brokerage charges;
- (h) the annual cost of administering the Relevant Tests;
- (i) the annual cost of maintaining the St. Kitts Sugar Association or any successor organisation formed for similar purposes.

11. The gross revenue proceeds duly adjusted in accordance with paragraph (f) above (hereinafter called "the Divisible Proceeds") will then be divided into two portions, the "Producers' Portion" and the "Factory's Portion", and the Producers' Portion shall be not less than seventy (70) per centum of the Divisible Proceeds.

12. In the event that the Factory's annual production of 96 degree equivalent sugar should exceed 40,000 tons an additional sum amounting to 0.25 per centum of the Divisible Proceeds called a productivity bonus shall be paid to the Producers.

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## SECOND SCHEDULE

*(Section 15)*

### SUGAR INDUSTRY (SUGAR CANE LAND) ORDER

#### **Citation.**

1. This Order may be cited as the Sugar Industry (Sugar Cane Land) Order.

#### **Declaration of Sugar Cane Land.**

2. The lands listed in the Schedule to this Order are hereby specified and declared to be sugar cane land.

#### **Owners to Care Cane.**

3. The owners of the lands listed in the Schedule to this Order are hereby required to care any cane planted on the land having regard to the best practices of husbandry in the sugar industry.

#### **Provision for Owner's Default.**

4. If the owner fails or refuses to care the cane planted on the lands in accordance with the provisions of the foregoing paragraph, any person authorised in that behalf may enter upon and take possession of the lands and thereon do the work which the owner was required to do and may remain in possession of the land for so long as may be necessary in connection with the carrying out of the work.

**Penalty for Obstruction.**

5. Any owner or other person who molests, obstructs, resists, hinders or otherwise interrupts or interferes with or attempts to molest, resist, obstruct, hinder or otherwise interrupt or interfere with any person authorised as aforesaid commits an offence and shall, on summary conviction, be liable to a fine of three thousand dollars or six months imprisonment.

*(Amended by Act 9 of 1986)*

**SCHEDULE TO THE ORDER**

**WEST FARM**

**BELOW THE PUBLIC ROAD**

Boyds Seaside

West Farm Seaside

Frontier

Harts

**PUBLIC ROAD TO RAILWAY LINE**

Lower Gate

**PUBLIC ROAD TO RAILWAY LINE**

Nine Acre

Lower Baily

**EAST OF WEST FARM GREAT HOUSE**

Balava

**BELOW THE PUBLIC ROAD**

Upper Plough & Sandy

Big Barnes

Cocoa Field

Low Life

Thomas

No. 1

Copper Hole

Garden Field

**ABOVE PUBLIC ROAD TO RAILWAY LINE EAST OF WEST FARM GREAT HOUSE**

Connolly

Barnabis

Land bounded on the West by Abbott's Village, On the South by the Sea, On the North by the Island main road and the East by small farmers land.

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### THIRD SCHEDULE

*(Section 15)*

#### SUGAR INDUSTRY (SUGAR CANE LAND) ORDER

##### **Citation.**

1. This Order may be cited as the Sugar Industry (Sugar Cane Land) Order.

##### **Declaration of Sugar Cane Land.**

2. The lands listed in the Schedule to this Order are hereby specified and declared to be sugar cane land.

##### **Owners to Cultivate.**

3. The owners of the lands listed in the Schedule to this Order are hereby required to cultivate the lands and to plant them with sugar cane and to care the same properly having regard to the best practices of husbandry in the sugar industry.

##### **Provision for Owner's Default.**

4. If the owner fails or refuses to cultivate, plant or care the lands in accordance with the provisions of the last foregoing paragraph any person authorised in that behalf may enter upon and take possession of the lands and thereon do the work which the owner was required to do and may remain in possession of the lands for so long as may be necessary in connection with the carrying out of the work.

##### **Penalty for Obstruction.**

5. Any owner or other person who molests, obstructs, resists, hinders or otherwise interrupts or interferes with or attempts to molest, resist, obstruct, hinder or otherwise interrupt or interfere with any person authorised as aforesaid commits an offence and shall, on summary conviction, be liable to a fine of three thousand dollars or six months imprisonment.

*(Amended by Act 9 of 1986)*

#### SCHEDULE TO THE ORDER

##### WEST FARM

BELOW THE PUBLIC ROAD

Karney

PUBLIC ROAD TO RAILWAY LINE

Lower Cayon  
ABOVE RAILWAY LINE  
Fitzjames & Pocket Handkerchief  
Lower Jump Row  
Upper Gate  
Eleven Acres  
Cayon Hole  
Hutchinson & Garvey's  
West Farm Old Yard  
Garnet Hall  
PUBLIC ROAD TO RAILWAY LINE  
Cedar Walk  
HAZEL MOUNTAIN  
The Hole  
EAST OF WEST FARM GREAT HOUSE  
Cart Path & Tamarind Tree  
Garden Ground  
Gum Tree  
Trinidad  
Cedar Walk (Balance Paddock)  
Lama Haif  
ABOVE PUBLIC ROAD TO RAILWAY LINE  
EAST OF WEST FARM GREAT HOUSE  
Cherry Tree  
BUCKLEY'S  
Pen Field

**CON PHIPPS**

Lands bounded on the South or sea-side by the main Public Road On the North or mountain by the Forest, On the West or Sandy Point side by New Guinea and Chalk Farm, and On the East by Godwins and Harry Phipps.

**MILLIKEN**

On the North partly by Fountain Estate and partly by Stapleton Estate, On the South

partly by Buckleys Estate and partly by Shadwell Estate, On the East by Monkey Hill and On the West by the South-east mountain range.

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## FOURTH SCHEDULE

*(Section 13(2))*

### THE CULTIVATION OF ARABLE LAND DIRECTION

#### **Citation.**

1. This Direction may be cited as the Cultivation of Arable Land Direction.

#### **Declaration of Sugar Lands.**

2. The lands more particularly described in the Schedule to this direction are hereby directed to sugar lands for the purpose of the cultivation and production of sugar cane.

#### **No Destruction of Sugar Cane.**

3. No person may in any manner or by any means destroy or interfere with or take any action likely to lead to the destruction of any sugar canes planted in the lands mentioned in the Schedule or to prevent the efficient working of the said lands.

#### **Penalty.**

4. Any person who takes any action in contravention of paragraph 3 shall be liable, on summary conviction, to a fine not exceeding three thousand dollars.

*(Amended by Act 9 of 1986)*

## SCHEDULE TO THE DIRECTION

### WEST FARM

#### BELOW THE PUBLIC ROAD

Karney

Boyds Seaside

West Farm Seaside

Frontier

Harts

Copper Hole

Garden Field

#### PUBLIC ROAD TO RAILWAY LINE

Lower Gate

Lower Cayon

ABOVE RAILWAY LINE

Fitzjames & Pocket Handkerchief

Lower Jump Row

Upper Jump Row

Upper Gate

Eleven Acres

Cayon Hole

Hutchinson & Garvey's

West Farm Old Yard

Garnet Hall

PUBLIC ROAD TO RAILWAY LINE

Nine Acre

Cedar Walk

Lower Baily

HAZEL MOUNTAIN

Hazel

The Hole

EAST OF WEST FARM GREAT HOUSE

Balava

Cart Path & Tamarind Tree

Garden Ground

Gum Tree

Trinidad

Cedar Walk (Balance Paddock)

Lama Haif

BELOW PUBLIC ROAD

Upper Plough & Sandy

Big Barnes

Cocoa Field

Low Life

Thomas

No. 1

ABOVE PUBLIC ROAD TO RAILWAY LINE

EAST OF WEST FARM GREAT HOUSE

Cherry Tree

Connolly Barb  
Barnabis

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## FIFTH SCHEDULE

*(Section 13(2))*

### CULTIVATION OF ARABLE LAND (WEST FARM) DIRECTION

#### **Citation.**

1. This Direction may be cited as the Cultivation of Arable Land (West Farm) Direction.

#### **Owners to Cultivate.**

2. The owners of the fields, lots, parcels or areas more particularly described in the Schedule to this Direction shall forthwith cultivate the same to sugar cane and shall properly maintain the same in good condition and shall exercise proper care and husbandry in regard to the same having regard to the best practices in the Industry.

#### **In Default Minister to act.**

3. If after the expiration of thirty days following the date of this direction the owners have not complied with its terms the Minister of Agriculture, Housing and Labour may by himself or herself his or her servants or agents enter upon and cultivate, re-cultivate, re-habilitate, re-plant and take all proper care of the lands:

Provided that no use of the land by the Minister which is authorised under this paragraph shall extend beyond the last day of the cane harvest in the year 1977.

#### **Provisions for Payment.**

4. Where the Minister acts in pursuance of paragraph 3 he or she shall be entitled to pay all expenses arising out of such action or incidental thereto out of the sums of money provided under the Sugar Industry (Rehabilitation) Loan Act, Cap. 14.14 and all payments in respect of cane throughout the period during which the Minister may act under this Direction shall be made to and received by the Minister.

**SCHEDULE TO THE DIRECTION**

**WEST FARM**

BELOW THE PUBLIC ROAD

Karney

Boyds Seaside

West Farm Seaside

Frontier

Harts

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**SIXTH SCHEDULE**

*(Section 13(2))*

CULTIVATION OF ARABLE LAND (CON PHIPPS WEST, FARM, MILLIKEN)  
DIRECTION

**Citation.**

1. This Direction may be cited as the Cultivation of Arable Land (Con Phipps, West Farm, Milliken) Direction.

**Owners to Cultivate.**

2. The owners of the fields, lots, parcels or areas more particularly described in the Schedule to this Direction shall forthwith cultivate the same to sugar cane and shall properly maintain the same in good condition and shall exercise proper care and husbandry in regard to the same having regard to the best practices in the Industry.

**In default Minister to act.**

3. If after the expiration of thirty days following the date of this direction the owners have not complied with its terms the Minister of Agriculture, Housing and Labour may by himself or herself his or her servants or agents enter upon and cultivate, re-cultivate, re-habilitate, re-plant and take all proper care of the lands:

Provided that no use of the land by the Minister which is authorised under this paragraph shall extend beyond the last day of the cane harvest in the year 1978.

**Provisions for Payment.**

4. Where the Minister acts in pursuance of paragraph 3 he or she shall be entitled to pay all expenses arising out of such action or incidental thereto out of the sums of money provided under the Sugar Industry (Rehabilitation) Loan Act, Cap. 14.14 and all payments in respect of cane throughout the period during which the Minister may act under this Direction shall be made to and received by the Minister.

**SCHEDULE TO THE DIRECTION****CON PHIPPS**

Lands bounded by the South or sea-side by the main Public Road by the North or mountain by the Forest, by the West or Sandy Point side by New Guinea and Chalk and Farm, and by the East Godwins and Harry Phipps.

**WEST FARM**

Land bounded on the West by Abbott's Village, the South by the Sea, the North by the Island main road and the East by small farmers land.

**MILLIKEN**

On the North partly by Fountain Estate and partly by Stapleton Estate, On the South partly by Buckleys Estate and partly by Shadwell Estate, On the East by Monkey Hill and on the West by the South-east mountain range.

**Names and areas of fields:**

Upper Taylor Side	9.50	acres
Corn	9.00	”
Negro House	7.50	”
Pasture	15.00	”
Three Corner	6.75	”
Kitts Jib	2.00	”
Lower Taylor Side	9.00	”
Cart Path	5.50	”
Kitts & Flat	10.00	”
Miss Wall	13.00	”

**SEVENTH SCHEDULE**

*(Section 13(2))*

**CULTIVATION OF ARABLE LAND (PEN FIELD) DIRECTION****Citation.**

1. This Direction may be cited as the Cultivation of Arable Land (Pen Field) Direction.

**Owners to Cultivate.**

2. The owners of the field shall forthwith cultivate the same to sugar cane and shall properly maintain the same in good condition and shall exercise proper care and husbandry in regard to the same having regard to the best practices in the Industry.

**In default Minister to Act.**

3. If after the expiration of thirty days following the date of this direction the owners have not complied with its terms the Minister of Agriculture, Housing and Labour may by himself or herself his or her servants or agents enter upon and cultivate, re-cultivate, re-habilitate, re-plant, and take all proper care of the lands:

Provided that no use of the land by the Minister which is authorised under this paragraph shall extend beyond the last day of the cane harvest in the year 1978.

**Provisions for Payment.**

4. Where the Minister acts in pursuance of paragraph 3 he or she shall be entitled to pay all expenses arising out of such action or incidental thereto out of the sums of money provided under the Sugar Industry (Rehabilitation) Loan Act, Cap. 14.14, and all payments in respect of cane throughout the period during which the Minister may act under this Direction shall be made to and received by the Minister.

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**EIGHTH SCHEDULE**

*(Section 13(1))*

**SUGAR INDUSTRY (PAYMENT FOR SUGAR CANE) REGULATIONS****Short Title.**

1. These Regulations may be cited as the Sugar Industry (Payment for Sugar Cane) Regulations.

**Interpretation.**

2. In these regulations—

“Factory” means the St. Kitts (Basseterre) Sugar Factory Limited;

“Peasant cane farmer” means a cane farmer who cultivates sugar cane on a Government settlement;

“Estate cane farmer” means a cane farmer other than a peasant cane farmer;

“Stipulated price” means a minimum of twelve dollars per ton for each ton of cane;

“Calculated price” means the price based on the formula used by the Factory and the St. Christopher Sugar Producers’ Association for arriving at the price of sugar cane.

**Establishment of Sugar Industry Contingency Fund.**

3. (1) For the purposes of these Regulations, there is hereby established a Fund to be known as the Sugar Industry Contingency Fund.

(2) The Fund shall be controlled by the Sugar Industry Board and disbursements therefrom shall be made by the Board with the approval of the Minister of Trade and Industry.

(3) The monies in the Fund shall be used only for purposes directly related to the Sugar Industry.

**Price of Sugar Cane.**

4. The factory shall pay the stipulated price for each ton of sugar cane sold to it by any cane farmer.

**Payment to peasant cane farmer.**

5. The factory shall pay the stipulated price to a peasant cane farmer for each ton of sugar cane sold by him or her to the Factory.

**Payment to estate cane farmer.**

6. The factory shall pay the calculated price to an estate cane farmer for each ton of sugar cane sold by him or her to the Factory:

Provided that the price paid shall at no time be less than nine dollars per ton of cane.

**Payment into Sugar Industry Contingency Fund.**

7. (1) The factory shall pay into the Sugar Industry Contingency Fund an amount representing the difference between the calculated price and the stipulated price for each ton of sugar cane sold by an estate cane farmer to the factory.

(2) These Regulations shall apply to payments in respect of the 1970 crop.

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