



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.07

CENTRAL MARKETING CORPORATION ACT

Revised Edition

showing the law as at 31 December 2002

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CENTRAL MARKETING CORPORATION ACT

Act 19 of 1973 ... in force 1st February 1974

Amended by: Act 3 of 1976

Amended by: S.R.O. 47/1976

Amended by: Act 7 of 1976

Act 9 of 1986

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CHAPTER 18.07

CENTRAL MARKETING CORPORATION ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION TO BE KNOWN AS THE CENTRAL MARKETING CORPORATION; TO PROVIDE FOR THE POWERS OF THE CORPORATION; TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Central Marketing Corporation Act.

Interpretation.

2. In this Act, unless the context otherwise requires—
“agent” means any agent of the Corporation and includes any Government Department acting for or on behalf of the Corporation;
“Corporation” means the Central Marketing Corporation established under section 3 of this Act;
“export” means export from the State and the expressions “exporter” and “exportation” shall be construed accordingly;
“Minister” means the Minister to whom responsibility for the subject of Agriculture has been assigned;
“produce” means fruits, vegetables and any farm produce or foodstuffs cultivated above or beneath the soil and includes livestock, poultry, fish and the produce of any animal, but the term “produce” shall not include sugar or cotton;
“producer” means the grower, breeder, rearer or producer of any produce in the State or any person who has the right to dispose of such produce, the right having been acquired other than by purchase of the produce.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE CORPORATION

Establishment of Central Marketing Corporation.

3. (1) There is hereby established, for the purposes of this Act, a body to be known as the Central Marketing Corporation.
(2) The Central Marketing Corporation is hereby created a body corporate having perpetual succession and a common seal with power to acquire, hold, and dispose of land and other property of whatever kind.
(3) The Corporation may sue and be sued in its Corporate name and may for all purposes be described by such name.

(4) The provisions of the First Schedule shall have effect as to the constitution of the Corporation and otherwise in relation thereto.

Power of Corporation to delegate.

4. Subject to the provisions of this Act, the Corporation may delegate to any member or committee of the Corporation the power and authority to carry out on its behalf such duties as the Corporation may determine.

Functions of the Corporation.

5. It shall be the duty of the Corporation—

- (a) to stimulate, facilitate and improve the production, marketing and processing of produce in the State, particularly for the benefit of the producer;
- (b) to develop and carry out a co-ordinated programme with the view of securing the most favourable arrangements for the purchase, handling, distribution and transportation, storage, processing, exportation, shipping, marketing and sale of produce whether in the State or out of the State and to operate and maintain services necessary or incidental thereto in particular to assist agricultural and fishery co-operative societies to dispose of their produce;
- (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;
- (d) to collect, analyse and disseminate, where necessary, statistical data on agricultural production, particularly horticultural crops and livestock numbers by obtaining basic data on acreage, yield, production, livestock numbers in collaboration with the Agricultural Extension Service;
- (e) to assist and advise producers in the selection of commodities and their delivery to the market in order to regulate market supplies and to avoid marketing gluts with a consequent sudden drop in prices;
- (f) to give, when necessary, in collaboration with the Extension Service, practical demonstrations to producers in the timing of harvesting fruits and vegetables, packing and preparation for the market;
- (g) to supply to the producers the necessary means of production such as seeds, fertilizers and insecticides;
- (h) generally to carry out the provisions of this Act.

Powers of Corporation.

6. (1) In the discharge of its functions the Corporation may arrange for its duties to be carried out either by the Corporation directly through its own officers, servants and employees, or indirectly through persons with whom the Corporation has entered into contract, and for that purpose the Corporation may, with the prior consent in writing of the Minister, lease any lands, buildings, facilities or equipment.

(2) Subject to the provisions of this Act, the Corporation shall have power to carry on all activities the carrying on whereof appears to it to be necessary, advantageous, or convenient for or in connection with the proper discharge of its

duties under this Act, and, in particular, without prejudice to the generality of the foregoing, shall have power—

- (a) to buy and sell produce;
- (b) to import and export produce;
- (c) to fix and determine the grading of produce;
- (d) to establish and operate depots and agencies for the purchase, delivery, grading and sale of produce;
- (e) to enter into any contracts for the transport of any produce or of such other commodities as may facilitate the operations of producers;
- (f) to enter into contracts for the purchase and sale of produce upon such terms and conditions as the Corporation may think fit;
- (g) to establish itinerant systems for the purchase of and sale of produce;
- (h) to establish and operate facilities for preparing and processing any produce;
- (i) to establish and operate facilities for cold storage or any other form of storage for produce;
- (j) to act as commission agents for the disposal of the produce of any producer or co-operative society;
- (k) to purchase, transport, store, insure, handle and sell packing material in such quantities and at such prices as the Corporation may from time to time determine;
- (l) to issue licences for the exportation of any article of produce approved by the Minister;
- (m) in accordance with the provisions of any enabling Act to control and manage markets and slaughter houses.

(Inserted by Act 3 of 1976)

Policy directions.

7. The Minister may, after consultation with the Chairperson, give to the Corporation directions of a general character as to the policy to be followed in the exercise or discharge of its functions in relation to matters appearing to him or her to concern the public interest, and the Corporation shall give effect to any such directions.

Appointment as Agent.

8. The Corporation may be appointed to be an agent of the Government or any person.

PART III

TRANSFER OF LAND, ASSETS AND LIABILITIES

Transfer of land.

9. (1) All that piece or parcel of land situate at Pond Pasture in the town of Basseterre in the Parish of Saint George Basseterre, in the Island of Saint Christopher more particularly described in the Second Schedule hereto now vested in the Crown is hereby by virtue of this section and without any further assurance or other transfer transferred to and vested in the Corporation and the same shall be held by the Corporation for purposes and with the powers and authorities mentioned in and conferred by this Act.

(2) From the 1st day of November, 1976, without further assurance or other transfer of all such assets and liabilities being—

(See S.R.O. No. 47/1976)

- (a) property (not being land or buildings) under the control of the Minister of Agriculture and utilised and enjoyed by the Marketing Depot immediately before the vesting day;
- (b) debts owing to the Government by virtue of the operations of the Marketing Depot; and
- (c) liabilities of the Government in respect of the Marketing Depot,

shall be transferred to and vested in the Corporation.

(Inserted by Act 3 of 1976 as section 8A)

PART IV

FINANCIAL PROVISIONS

Funds and resources of the Corporation.

10. (1) The funds and resources of the Corporation shall consist of—

- (a) such sums as may be provided by way of grant from time to time by the Minister out of funds approved for the purpose by the National Assembly;
- (b) such sums as may, from time to time, accrue from the operations of the Corporation;
- (c) such sums as may, from time to time, be borrowed by the Corporation for the purpose of meeting any of its obligations or discharging any of its functions;
- (d) such sums as may be advanced, from time to time, by the Minister out of funds approved for the purpose by the National Assembly;
- (e) monies earned or arising from any property, investments, mortgages or debentures acquired by or vested in the Corporation;
- (f) all other sums or property which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its powers and duties.

(2) Subject to the provisions of subsection (3) of this section, the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(3) The power of the Corporation to borrow, otherwise than by way of advance under subsection (1) of section 11, shall be exercisable only with the approval of the Minister after consultation with the Minister responsible for Finance as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected.

(4) An approval given in any respect for the purposes of this sub-section may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Advances, Grants and Guarantee of borrowings.

11. (1) The Minister may, from time to time, make advances and grants to the Corporation out of moneys provided by the National Assembly for the purpose.

(2) With the approval of the National Assembly the Minister responsible for Finance may guarantee, in such manner and on such conditions as he or she may think fit, the repayment of the principal and the payment of the interest on any authorised borrowings of the Corporation made otherwise than by way of advance under subsection (1) of this section.

(3) Where the Minister responsible for Finance is satisfied that there has been default in the repayment of any principal monies or in the payment of interest guaranteed under this section, he or she shall direct the repayment, or, as the case may be, the payment out of the general assets and revenue of the State of the amount in respect of which there has been such default.

Repayment of and interest on advances, and sums issued to meet guarantees.

12. The Corporation shall make to the Accountant General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of advances made to the Corporation under section 11, and of any sums issued in fulfilment of any guarantee given thereunder, and payments of interest on any sum outstanding for the time being in respect of such advances and of any sums so issued at such rates as the Minister may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

Application of funds of Corporation.

13. (1) The funds of the Corporation shall be applied towards—

- (a) meeting the obligations and discharging any of the functions of the Corporation under this Act and any matter incidental to the foregoing;
- (b) the creation of a reserve fund of such an amount as the Corporation deems expedient.

(2) Any sums outstanding to the credit of the reserve fund provided for under subsection (1) of this section not immediately required to be expended in the meeting of any obligation or the discharge of any functions of the Corporation may, from time to time, be invested in securities approved either generally or specifically by the Minister and the Corporation may, from time to time, with the like approval sell all or any of such securities.

Accounts and Audit.

14. (1) The Corporation shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with established accounting principles.

(2) The accounts of the Corporation shall be audited by the Auditor or auditors appointed annually by the Corporation and approved by the Minister.

Annual Report and Estimates.

15. (1) The Corporation shall prepare and present to the Minister, within three months after the expiration of each financial year of the Corporation, a report—

- (a) dealing generally with the activities of the Corporation during its last preceding financial year;
- (b) containing such information relating to the proceedings and policy of the Corporation as in its opinion can be made public without detriment to the interest of the Corporation; and
- (c) including a statement of its accounts audited in accordance with the provisions of section 14.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the Table of the National Assembly.

(3) Copies of the Corporation's report together with the annual statement of account and the auditor's report on that statement or on the account of the Corporation shall be published in such manner as the Minister may direct.

(4) The Corporation shall, not less than three months (or such shorter period as the Minister may in any particular case allow) before the expiration of each financial year of the Corporation, submit to the Minister for approval, its estimates of revenue and expenditure in respect of its next succeeding financial year.

Exemption from Customs Duty and Income Tax.

16. (1) Notwithstanding anything contained in any other Act, all plant, machinery, appliances, apparatus, equipment and materials of every kind imported by the Corporation for the purpose of carrying out its functions under this Act shall be free of all customs duty.

(2) Notwithstanding anything contained in the Income Tax Act, 20.22, the income of the Corporation shall be wholly exempt from payment of income tax.

PART V**STAFF AND REGULATIONS****Appointment of Officers and other employees.**

17. Subject to the provisions of this Act, the Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Manager, a Secretary, an Accountant and such officers and employees as may be necessary and

proper for the due and efficient administration, management and performance by the Corporation of its duties under this Act:

Provided that no person shall be appointed Manager or Secretary without the prior approval of the Minister.

Transfer of officers to the service of the Corporation, etc.

18. (1) The Governor-General may, with the approval of the Public Service Commission, authorise the transfer of an officer from the service of the Corporation to the service of the Government or from the service of the Government to the service of the Corporation, but in every such case—

- (a) any pension, gratuity or other allowance which is provided shall be paid from public funds;
- (b) the Corporation shall pay from its funds to the Government such contributions as may be provided for in rules made by the Governor-General acting with the advice of the Public Service Commission and any such rules may make different provisions in different classes of cases.

(2) An officer transferred in accordance with subsection (1) of this section shall be deemed to be seconded from the service of the Corporation to the service of the Government or from the Service of the Government to the service of the Corporation as the case may be.

(3) The Governor-General, acting in accordance with the advice of the Public Service Commission, may at any time determine the secondment of an officer.

(4) The Corporation shall not offer employment to any officer who holds a post, whether that post is pensionable or non-pensionable within the meaning of the Pensions Act, Cap. 22.06 except upon terms and conditions certified under the hand of the Chief Establishment Officer to be in his or her opinion not less favourable than those enjoyed by the officer in his or her substantive post at the date of such offer.

Establishment and maintenance of superannuation schemes.

19. The Corporation 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 Corporation, and in every such Scheme different provisions may be made for different classes of officers and employees.

Regulations.

20. (1) The Corporation may, with the approval of the Minister, make Regulations for the carrying out of the purposes of this Act, and without limiting the generality of the foregoing, may make Regulations—

- (a) establishing agricultural marketing schemes for one or more categories of produce;
- (b) fixing in respect of each category of produce wholesale and retail units;
- (c) determining the basis on which commissions are to be payable to the Corporation;

- (d) providing for the licensing and registration of producers and wholesale buyers of produce;
- (e) prescribing the standard to which items of produce must conform in order to be deemed to be marketable, and the inspection and grading according to its quality of produce intended for export;
- (f) prohibiting the sale or export of produce without inspection and grading and of any produce of inferior quality;
- (g) requiring registered producers to keep records and where required, to furnish returns of all produce sold by them, and of the price of all produce sold by them;
- (h) providing for the general control of the handling and export of any produce;
- (i) providing for the issue of licences to export produce, and to prescribe fees to be paid to the Corporation for the issue of such licences, and for cancellation and refusal of such licences;
- (j) providing for the regulation of the importation of produce;
- (k) providing for the regulation of sales of produce cultivated in the State;
- (l) prescribing the fees to be paid for any matter or thing done under any Regulations made under this section and the disposition of such fees.

(2) Regulations made under subsection (1) of this section may provide for the imposition of a fine of seven hundred and fifty dollars for the contravention of or non-compliance with any provision thereof.

(Amended by Acts 7 of 1976 and 9 of 1986)

FIRST SCHEDULE

(Section 3)

CONSTITUTION OF, AND OTHER MATTERS RELATING TO THE CORPORATION

Constitution of the Corporation.

1. The Corporation shall consist of the following members—
 - (a) an Officer (preferably an economist) attached to the Ministry of Agriculture nominated by the Minister;
 - (b) an officer attached to the Ministry of Finance nominated by the Minister of Finance;
 - (c) an officer attached to the Ministry of Health nominated by the Minister to whom responsibility for the subject of Health has been assigned;
 - (d) one member nominated by the Nevis Island Administration;
 - (e) one member representative of the Sugar Estates selected by the Minister;
 - (f) two members representative of farmers engaged in the cultivation of small agricultural farms or holdings selected by the Minister;
 - (g) one member representative of the business community who shall be a wholesaler or retailer of produce; and
 - (h) one other member.

Appointment of members.

2. The members of the Corporation shall be appointed by the Minister by instrument in writing and, subject to the provisions of this Schedule, shall hold office for such period not exceeding two years as the Minister may direct at the time of appointment but any member shall be eligible for re-appointment.

Disqualification.

3. A person shall be disqualified from being appointed or being a member of the Corporation as long as he or she is a member of the National Assembly or a member of the Nevis Island Assembly.

Chairperson.

4. The Minister shall from among the members of the Corporation appoint a Chairperson of the Corporation and a deputy Chairperson of the Corporation.

Leave of absence.

5. The Minister may grant to any member of the Corporation leave of absence in respect of his or her duties as a member of the Corporation.

Appointment of temporary members.

6. If any member of the Corporation is by reason of illness or any other cause temporarily unable to perform his or her functions as a member of the Corporation,

the Minister may appoint any person to act in his or her stead during the period of such illness or inability.

Resignations.

7. (1) Any member of the Corporation, 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 receipt by the Minister of such instrument such member shall cease to be a member of the Corporation.

(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 by the Minister of such instrument.

Revocation of appointments.

8. The Minister may at any time revoke the appointment of any member of the Corporation if he or she thinks it expedient to do so.

Gazetting of appointments and termination of appointments.

9. (1) The names of all members of the Corporation as first constituted and the appointment of any person, as a member of the Corporation shall be published in the *Gazette*.

(2) The termination of office of any member of the Corporation whether by death, resignation, revocation, effluxion of time or otherwise, shall be published in the *Gazette*.

Oaths.

10. Each member shall make and subscribe an oath before a Justice of the Peace that he or she will faithfully, and to the best of his or her ability, discharge the trust and perform the duties devolving upon him or her as a member of the Corporation.

Seal of the Corporation and Signature and Service.

11. (1) The seal of the Corporation shall be kept in the custody of the Chairperson, or the deputy Chairperson, or the Secretary of the Corporation and may be affixed to instruments pursuant to a resolution of the Corporation and in the presence of the Chairperson or deputy Chairperson, and of one other member, and the Secretary.

(2) The seal of the Corporation shall be authenticated by the signature of the Chairperson, or deputy Chairperson, and the Secretary of the Corporation and shall be officially and judicially noticed.

(3) All documents other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hands of the Chairperson, or any other member of the Corporation authorised to act in that behalf, and the Secretary of the Corporation.

Procedure and meetings.

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

(2) The Chairperson may at any time call a special meeting of the Corporation and shall, within seven days of the receipt of a requisition in writing addressed to him

or her by three or more members of the Corporation representing at least three of the classes mentioned in paragraph 1 of this Schedule, summon a special meeting of the Corporation to consider the matters contained in such requisition.

(3) The Chairperson or in his or her absence, the deputy Chairperson, shall preside at meetings of the Corporation; and where both the Chairperson and the deputy Chairperson are for any reason unable to preside over a meeting, the Minister may appoint another person to preside over that meeting.

(4) The Chairperson, or in his or her absence, the deputy Chairperson, or where both the Chairperson and the deputy Chairperson are absent, the person appointed by the Minister to preside over the meeting in pursuance of sub-paragraph (3) and four other members of the Corporation shall form a quorum.

(5) The decisions of the Corporation shall be by a majority of votes and in addition to an original vote, the Chairperson or the deputy Chairperson or other person appointed by the Minister to preside over the meeting as the case may require, shall have a casting vote.

(6) Minutes in proper form shall be kept by the Secretary and shall be confirmed by the Chairperson or the deputy Chairperson or other person appointed by the Minister to preside over the meeting, as the case may require, as soon as practicable thereafter at a subsequent meeting, and certified copies of such minutes when so confirmed shall be forwarded to the Minister within the prescribed period.

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

(8) Subject to the foregoing provisions of this Schedule the Corporation may regulate its own proceedings.

(9) The validity of the proceedings of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Committees of the Corporation.

13. (1) The Corporation may appoint a committee of the Corporation to examine and report to it on any matter arising out of or connected with any of its powers and duties under this Act.

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

(3) Where persons not being members of the Corporation, are members of a committee appointed under this paragraph, or where any person is co-opted under sub-paragraph (7) of paragraph 12, the Corporation may with the approval of the Minister by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Corporation.

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

Disclosure of interest.

14. A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation—

- (a) shall disclose the nature of his or her interest at a meeting of the Corporation; and
- (b) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

Protection of members.

15. (1) No member of the Corporation shall be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operation of the Corporation.

(2) Where any member of the Corporation is exempt from liability by reason only of the provisions of this paragraph, the Corporation shall be liable to the extent that it would be if the member was a servant or agent of the Corporation.

Remuneration of members.

16. There shall be paid from the funds of the Corporation to the Chairperson, the deputy Chairperson and other members of the Corporation such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Principal Office.

17. (1) The Corporation shall have its principal or head office in the town of Basseterre.

(2) The Corporation may establish branch offices in any part of the State.

SECOND SCHEDULE*(Section 9)*

All that piece or parcel of land situate at Pond Pasture in the town of Basseterre in the Parish of Saint George, Basseterre, in the Island of Saint Christopher, comprising .068 acres more or less and being a portion of a reserved area designated for shopping in the Pond Pasture Development Plan which said piece or parcel of land is situate to the South of land whereon the Basseterre Fire Station now stands on the South by a public road leading to Sandown Road, on the East by a public road connecting the aforesaid public roads and on the West by Sandown Road.

(Inserted by Act 3 of 1976)
