



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.34

SUGAR EXPORT CESS (SPECIAL WAGES INCREASE FUND) ACT

Revised Edition

showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

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CHAPTER 18.34

SUGAR EXPORT CESS (SPECIAL WAGES INCREASE FUND) ACT

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CHAPTER 18.34**SUGAR EXPORT CESS (SPECIAL WAGES INCREASE FUND) ACT**

AN ACT TO VARY TEMPORARILY CERTAIN PROVISIONS OF THE SUGAR EXPORT CESS ACT AND TO CREATE A NEW FUND TO BE KNOWN AS THE SPECIAL WAGES INCREASE FUND; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Sugar Export Cess (Special Wages Increase Fund) Act, and shall be read in conjunction with the Sugar Export Cess Act, Cap. 20.43 (hereinafter referred to as the Principal Enactment) and all amendments thereto.

Interpretation.

2. In this Act, unless the context otherwise requires—

“the Authority” means the Special Wages Increase Fund Authority established under section 5 of this Act and for the purposes of this Act;

“the Fund” means the Special Wages Increase Fund created under the provisions of and for the purposes of this Act.

Creation of Special Fund.

3. From and after the coming into force of this Act there shall be established for the purposes of this Act a special Fund to be known as the Special Wages Increase Fund which shall be in addition to the funds established under section 5 of the principal enactment and shall be maintained by the Accountant-General in the same manner as the other funds hereinbefore mentioned.

Establishment and membership of Authority for control of special Fund.

4. (1) There shall be established an Authority to be known as the Special Wages Increase Fund Authority which shall be responsible for receiving, considering and approving claims on the Fund.

(2) The Authority shall consist of the following members to be appointed by the Minister of Labour—

- (a) the Labour Commissioner who shall be the Chairperson;
- (b) one member representing the St. Kitts-Nevis Trades and Labour Union;
- (c) one member representing the St. Christopher Sugar Producers' Association; and
- (d) one member representing the Ministry of Finance of the State.

Sources of revenue of the Fund.

5. The revenue of the Fund shall consist of—

- (a) all such sums as may from time to time be allocated to and deposited in the Fund under the provisions of this Act;
- (b) such sums as may from time to time be advanced or loaned to the Fund by the Minister of Finance; and

- (c) such sums as may from time to time be granted to the Fund from any source.

Use to which Fund is to be put.

6. The revenue of the Fund shall be used to assist persons engaged in the production of sugar to pay increases in wages in the sugar industry, from time to time, whenever the Authority considers that such assistance is necessary for the well-being of the industry:

Provided that persons engaged in the production of sugar shall pay an increase in wages during the year 1969, amounting to two per centum of the wages paid in the industry during the year 1968 (which said wages shall be deemed to include the special 3% payment) and the Authority shall grant such financial assistance from the Fund as shall enable them so to do.

Claims upon the Fund.

7. Any sugar plantation owner, sugar factory or other person engaged in the production of sugar, whether in planting, cultivating or reaping of sugar cane, or the actual manufacture of sugar in the State, shall, if he or she satisfies the Authority that he or she is unable to meet increases in wages in the industry without financial assistance from the Fund, be entitled to claim and receive such assistance from the Fund.

Authority to decide upon claims.

8. (1) The Authority, upon considering the claim of any applicant for financial assistance from the Fund, and upon the examination of any books or other documents or any other evidence produced by such applicant, shall decide what if any financial assistance from the Fund shall be granted to such applicant.

(2) In deciding upon any claims for assistance from the Fund, the Authority shall be guided by any Regulations made for that purpose under the provisions of this Act.

Right of appeal.

9. Any applicant for financial assistance from the Fund who is dissatisfied with the decision of the Authority may appeal therefrom to the Minister of Government for the time being responsible for the subject of Industries.

Labour Commissioner may inspect books and other documents of applicants for assistance.

10. For the purpose of assisting the Authority in deciding what if any financial assistance from the Fund shall be granted to any applicant for such assistance, as well as to ascertain whether such assistance, if granted, is being used for the purpose for which it has been granted, the Labour Commissioner may at all reasonable times inspect the books and other documents of such applicant and may demand the production of any books or other documents which he or she knows or suspects to be in the possession or control of such applicant and which he or she considers relevant to his or her investigations.

Offences and penalties.

11. If any person—

- (a) neglects or fails to produce for inspection by the Labour Commissioner any book or other document in the possession or control of such person which the Labour Commissioner may consider necessary for the performance of his or her duties under this Act;
- (b) produces to the Labour Commissioner any book or other document which to the knowledge of such person contains any entry which is false in any material particular; or
- (c) fails to apply any part of the financial assistance granted to him or her from the Fund to the purpose for which such financial assistance was granted to him or her,

such person commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding five thousand dollars, and in case of an offence against paragraph (c) of this section such person shall be ordered by the court to refund any amount of such assistance which he or she has failed to apply to the purpose for which it was granted to him or her.

(Amended by Act 9 of 1986)

Responsibility of master for acts or omissions of servants or agents.

12. Any person who would have been liable under this Act to any pecuniary penalty for anything done or omitted if such thing had been done or omitted by him or her personally, shall be liable to the same penalty if such thing has been done or omitted by his or her agent or servant, and may be prosecuted and convicted together with such agent or servant unless he or she proves to the satisfaction of the court that the offence was committed without his or her knowledge and that he or she exercised all due diligence to prevent the commission of the offence.

Minister of Finance may make loans or grants to Fund.

13. (1) The Minister of Finance may, from time to time, whenever he or she is satisfied that the assets of the Fund are insufficient to meet the claims for financial assistance from the Fund, make or cause to be made loans or advances to the Fund.

(2) Each such loan or advance shall bear such rate of interest as may from time to time be prescribed by the Minister of Finance.

(3) The Minister of Finance may also from time to time cause such grants of moneys to be made to the Fund from such sources as he or she may consider desirable.

Regulations.

14. (1) The Cabinet may, from time to time, make Regulations—

- (a) prescribing the matters which shall be considered by the Authority in deciding whether or not financial assistance ought to be granted from the Fund to any applicant;
- (b) prescribing the intervals at which financial assistance from the Fund shall be granted to any particular applicant;
- (c) providing that no further financial assistance from the Fund shall be granted to any applicant until such applicant shall have properly applied such assistance to the purpose for which it was intended; and
- (d) generally for giving effect to the provisions of this Act.

(2) Regulations made under this section may provide, for any infringement thereof or failure to comply therewith, a penalty not exceeding three thousand dollars on summary conviction.

(3) The Cabinet may, if it considers it desirable so to do, give retrospective effect to any Regulations made under this section:

Provided however that no such retrospective effect shall be so given as to increase the penalty for any offence committed before the making of such Regulations, or to make unlawful any act or omission which was not unlawful at the time the act was done or the omission made.

(Amended by Act 9 of 1986)

Unused balance of Fund.

15. Any unused balance remaining in the Fund at the date when this Act shall cease to be in force shall be disposed of in the manner following, that is to say—

- (a) any outstanding loan or advance made to the Fund under the provisions of section 13(1) of this Act shall first be repaid together with any interest accrued thereon and remaining unpaid; and
- (b) the balance if any thereof shall be divided between and deposited into the accounts of the Sugar Industry Rehabilitation Fund and the Sugar Industry Labour Welfare Fund in such proportions as the Minister of Finance may order.

(Note: Sections 4, 16 and 18 were repealed by Act 13 of 1975. Remaining sections have been renumbered accordingly)
