

CHAPTER 70

COTTON CONTROL ACT

• Act • Subsidiary Legislation •

ACT

Act No. 24 of 1966

Amended by

Act No. 10 of 1990

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- Schedule Cotton Producer's Book

CHAPTER 70
COTTON CONTROL ACT

An Act to provide for the establishment of a growers' association to control the production and marketing of cotton intended for export, and for connected purposes.

[Act No. 24 of 1966 amended by Act No. 10 of 1990.]

[8th October, 1966.]

1. Short title

This Act may be cited as the Cotton Control Act.

2. Interpretation

In this Act—

“Association” means the Carriacou Cotton Association established and constituted by this Act;

“Board” means the Cotton Board established and constituted by this Act;

“chairperson” means the chairperson of the Board;

“cotton year” means the period beginning on the first day of December in each year and ending on the thirtieth day of November of the year following, both days inclusive.

3. Establishment of Carriacou Cotton Association

There is hereby established a body corporate called the Carriacou Cotton Association which in that name shall have power to enter into contracts, to sue and be sued, to acquire, hold and dispose of all kinds of property both real and personal and, in particular, to control in accordance with the provisions of this Act the production and marketing of cotton intended for export.

4. Qualification for membership, etc.

Every grower of cotton shall be eligible to apply for membership of the Association. Where a corporation or a partnership becomes a member of the Association that member shall nominate a representative to the Association. The nominated representative may, subject to the provisions of this Act, exercise on behalf of such member the rights conferred by this Act on an individual member which cannot conveniently be exercised by the corporation or partnership itself (including the right to stand for election to membership of the Board).

5. Power to appoint attorney to attend meetings, etc.

A member may be represented at all meetings of the Board and of the Association by an attorney on record duly authorised for that purpose who may exercise on behalf of that member all the rights conferred by this Act on the member as if the member were himself or herself present.

6. Board to control affairs of Association

(1) The affairs of the Association shall be managed and controlled by a Board to be called the Cotton Board which shall be the governing and executive body of the Association and shall consist of not less than seven nor more than nine persons.

(2) The functions of the Board shall be—

- (a) to regulate and control the export of cotton;
- (b) to promote, protect and develop the cotton industry;
- (c) to consider and advise the Minister concerning all matters affecting the industry as may be referred to the Board by Government, or which the Board considers should be submitted to Government, or which are referred to the Board by the Association; and
- (d) to expend and account for all such monies as may be collected by a cess on the industry, or which may be placed at the disposal of the Board by vote of the House of Representatives for the purpose of research, marketing or other service to the industry.

7. Association to have head office, Common Seal and may own or rent warehouses

The Association shall have a head office in the town of Hillsborough and a Common Seal, and may own or rent warehouses in the said town and such other places within Grenada as it may deem necessary for the efficient administration of the affairs of the Association.

8. Provision for use of Common Seal

The Common Seal of the Association shall not be affixed to any instrument except by the authority of a resolution of the Board and in the presence of at least two members of the Board and of the secretary who shall sign in their presence every instrument to which the Seal of the Association is so affixed.

9. Applicant for membership may be required to furnish evidence of qualification

Upon application made by any person to the secretary of the Association for membership thereof, the applicant may be required to furnish such evidence of qualification for membership as may reasonably be demanded by the Board.

10. Right of appeal of applicant

A person whose application for membership has been rejected by the Board may, within fourteen days thereafter, appeal to the magistrate of the district in which the person resides, and if he or she shall satisfy the magistrate of his or her eligibility for membership of the Association the magistrate shall make an order directed to the chairperson requiring that person (upon his or her complying with the regulations controlling the admission to membership of eligible persons generally) to be admitted a member of the Association forthwith.

11. Notice of hearing to be given to secretary

Notice of the hearing of the appeal to the magistrate shall be served upon the secretary not less than seven clear days before the date fixed for the hearing.

12. Chairperson liable to penalty for failing to obey order of magistrate

The chairperson shall be liable to a penalty of fifteen dollars for each day after the day of receipt by him or her of the order of the magistrate during which he or she shall fail to admit the applicant to membership of the Association:

Provided that the applicant shall have complied with all conditions precedent with respect to the admission of eligible persons to membership of the Association.

13. Magistrate's decision to be final, etc.

The decision of the magistrate shall be final, but an unsuccessful appellant shall be entitled to submit to the secretary of the Association a fresh application for admission to membership after the expiration of six months from the date of the Magistrate's decision.

14. Election and nomination of Board members

(1) In the month of November in each year, on a date to be fixed by the Board notice whereof shall be published in the *Gazette* and publicly displayed on a notice board outside the office of the Association at least one month beforehand, six members of the Association shall be elected by ballot to be members of the Board for the ensuing cotton year.

(2) The names of the members elected to the Board shall forthwith be submitted to the Minister who shall, within fourteen days of such election, nominate a public officer to serve on the Board. The Minister may also, at any time, nominate not more than two other persons to serve on the Board.

(3) Every member of the Board shall be eligible for re-election or re-nomination, as the case may be.

15. On failure to elect members of Board Minister to fill vacancies by nomination

If no election for the proper constitution of the Board shall take place, or if no person or an insufficient number of persons shall offer themselves for election to the Board or be elected thereto, the Minister may nominate the members whose election has hereinbefore been provided for, or as many of such members as shall, with any members elected by the Association, make up the number required to be elected.

16. Proceedings of Board not invalidated by vacancy

No act or proceeding of the Board shall be invalidated on account of any vacancy in its membership.

17. Minister may alter constitution of Board

If for any cause it shall be deemed expedient the Minister may, with the consent of the House of Representatives, declare by proclamation that the constitution of the Board shall be altered either by increasing or reducing the number of the members thereof:

Provided that any such alteration shall not affect the relative proportions of elected and nominated members constituting the Board.

18. Disqualification from membership of Board

(1) Subject to subsections (2) and (3), a person shall be disqualified from becoming and from being a member of the Board if and while he or she—

- (a) is bankrupt; or
- (b) holds an office of profit in the gift or disposal of the Board; or
- (c) has, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Association: