

CHAPTER 183

MARKETING AND NATIONAL IMPORTING BOARD ACT

• Act • Subsidiary Legislation •

ACT

Act No. 40 of 1973

Amended by

Act No. 69 of 1979

Act No. 17 of 1981

Act No. 30 of 1996

Act No. 1 of 2006

Act No. 14 of 2008

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CHAPTER 183
MARKETING AND NATIONAL IMPORTING BOARD ACT

An Act to provide for the establishment and incorporation of a Marketing and National Importing Board to market produce of Grenada not already marketed under other statutory authority, and for matters connected therewith.

[Act No. 40 of 1973 amended by Act No. 69 of 1979, Act No. 17 of 1981, Act No. 30 of 1996, Act No. 1 of 2006, Act No. 14 of 2008.]

[5th October, 1987.]

1. Short title

This Act may be cited as the Marketing and National Importing Board Act.

2. Interpretation

In this Act—

“agent” means an agent of the Board appointed under section 17, or any Government Department acting for and on behalf of the Board;

“Board” means the Marketing and National Importing Board established under section 3;

“business plan”, for a financial year, means—

- (a) the business plan approved under section 22; and
- (b) all amendments to the business plan approved under that section, for the financial year;

“chairperson” means chairperson of the Board;

“financial year” means the financial year referred to in section 21;

“Manager” means the person for the time being appointed as Manager under section 7 or the person carrying out his or her duties for the purposes of this Act;

“Minister” means the Minister with the responsibility for the Marketing and National Importing Board;

“produce” means any fruit, vegetable, other praedial production, any cultivated root or plant used or capable of being used (whether in its natural state or otherwise) for the food of man or beast, for medicines, distilling, dyeing, or for the manufacture of clothing, any livestock, poultry, fish, and any other marketable commodity whether or not similar to any of the foregoing, which has been grown, captured or produced in Grenada, or wholly or partly processed or manufactured in Grenada;

“producer” means the grower, breeder, rearer or collector in Grenada of any produce, and any person who has the right to dispose of produce, the right having been acquired other than by purchase of that produce;

“purchase” includes the taking of produce in exchange for other goods or on account of any claim of indebtedness, the delivery of produce under an agreement to purchase the same in certain eventualities, and the completion of a contract for the sale or purchase of produce, nothing further being required to vest the property and possession in the purchaser;

“specified import” means any imported commodity specified in an Order made under section 16;

“specified produce” means produce of a kind specified in an Order made under section 15.

3. Establishment and incorporation of the Marketing and National Importing Board

There is hereby established a Board to be known as the Marketing and National Importing Board which shall be a body corporate and to which section 49 of the Interpretation and General Provisions Act, Chapter 153, shall apply.

4. Membership of the Board

(1) The Board shall consist of nine members appointed by the Minister.

(2) In the event of the illness or absence from Grenada of the chairperson, the Minister may appoint a temporary chairperson from among the other eight members of the Board.

(3) The powers of the Board may be exercised notwithstanding a vacancy in its membership.

5. Tenure of office of members of the Board

(1) Each member of the Board shall hold office for a period of two years from the date of his or her appointment.

(2) A member may resign his or her office by notice in writing under his or her hand given to the Minister.

(3) If a member of the Board is absent from three consecutive meetings of the Board (except for a reason approved by the Minister) he or she shall cease to be a member of the Board.

(4) When a vacancy occurs in the membership of the Board, the vacancy may be filled by a person appointed by the Minister and the person so appointed shall hold office as a member so long only as the member in whose place he or she is appointed would have held office.

(5) A person ceasing to be a member of the board shall be eligible for re-appointment to the board.

6. Power of the Minister to make regulations regarding the Board

(1) The Minister may make regulations for—

- (a) regulating the procedure of the Board and requiring returns and reports;
- (b) prescribing the principles to be followed by the Board in the exercise of its powers;
- (c) placing restrictions or limitations on the exercise of the powers of the Board;
- (d) providing for the collection by the Board of the fees paid in respect of licences or any other matter or thing, and providing for the disposal of the fees collected; and
- (e) carrying out generally and in a proper manner the purposes of this Act.

(2) Subject to regulations made under subsection (1) the Board may regulate its own procedure.

7. Appointment of Manager and other officers and employees of the Board

(1) The Board may appoint, at such remuneration and on such terms and conditions as it shall determine, a Manager and such other officers and employees as are necessary and proper for the efficient management of the business of the Board, and may require an officer or employee whom it appoints to give such security as may be deemed proper for the due execution of his or her duties.

(2) No appointment at a salary of forty eight thousand dollars per annum or upward shall be made without the prior approval of the Minister.

8. Powers and duties of Manager

(1) The Manager shall be the Chief Executive Officer of the Board and shall have all such powers and perform all such duties as are respectively conferred and imposed upon him or her by or under this Act.

(2) Notwithstanding the dissolution or other cessation of existence of the Board, the Manager shall continue to hold office until his or her employment shall have been determined by the Minister.

(3) The Manager shall attend every meeting of the Board and shall keep minutes of the proceedings thereat. He or she shall not be entitled to vote at any meeting, and he or she may be called upon to give such information to a meeting as may be required by the Board.

9. Indemnity of members and officers of the Board

The members, the Manager and other officers for the time being of the Board may be indemnified out of the assets of the Board from and against all actions, proceedings, costs, charges, losses, damages and expenses which they or any of them may properly incur or sustain by reason of acts done or omitted in or about the execution of their duty in their respective offices except such, if any, as they shall incur or sustain by or through their own wilful neglect or default respectively.

10. Funds of the Board

The funds of the Board shall consist of such monies as may—

- (a) accrue from the operations of the Board;
- (b) be borrowed by the Board from time to time;
- (c) be appropriated by Parliament from time to time; and
- (d) accrue from any source and at any time be granted or allocated to the Board.

11. Loans and advances

(1) The Board shall not, without the prior consent of the Minister, borrow any sum of money, or mortgage or pledge its assets for the repayment of any sum borrowed or owing by the Board.

(2) The Minister may, by warrant under his or her hand authorise the Accountant-General to make advances to the Board in such sums and on such terms and conditions as the Minister may think fit for the purposes of this Act.

12. Application of the funds of the Board

(1) The funds of the Board shall be applied towards—

- (a) the remuneration of the members, officers and employees of the Board;
- (b) meeting the costs of acquisition of any land or building purchased for the purposes of this Act:
Provided that no land or building shall be purchased by the Board without the prior approval of the Minister;
- (c) the purchase, construction, maintenance and replacement, for the purposes of this Act, of any processing or manufacturing equipment;
- (d) the payment of the rent of premises used by the Board in the carrying on of its business;
- (e) the payment of rates and taxes on any land, building or other property acquired by the Board;
- (f) the payment of all expenses duly incurred for the purposes of this Act;
- (g) the purchase and processing of produce;
- (h) the purchase of stocks of commodities for sale to producers to facilitate their operations or for use in the processing of produce;
- (i) the repayment of advances received by the Board from the Accountant-General and of other sums borrowed by the Board and the payment of interest thereon;
- (j) the training of the employees, including temporary employees, of the Board; and
- (k) the creation of a reserve fund in such amount as the Board considers sufficient.

(2) The reserve fund may, from time to time, be used to invest in securities generally and particular in stocks, bonds and shares or in such other securities as may be specifically approved by the Minister in this regard; and the Board may, from time to time, and with like approval, sell any or all of such securities.

13. Duties of the Board

It shall be the duty of the Board—

- (a) to buy specified produce and to sell the same;
- (b) to improve, for the benefit of producers, by such means as it shall from time to time determine, the processing and marketing of produce;
- (c) to secure the most favourable arrangement for the purchasing, handling, storage, export, shipping and marketing of produce and, in particular, to assist agricultural and fishery co-operative societies to dispose of their produce to the best advantage;
- (d) upon being required by the Minister to do so, to make recommendations on any matter directly or indirectly relating to or affecting any specified produce; and
- (e) to sell specified imports after bringing the same into Grenada.

14. Powers of the Board

The Board may—