

CHAPTER 215

NUTMEG INDUSTRY ACT

• Act • Subsidiary Legislation •

ACT

Amended by

Act No. 8 of 1974

Act No. 15 of 1976

Act No. 29 of 1978

Act No. 43 of 1979

Act No. 32 of 1981

Act No. 2 of 1982

Act No. 12 of 1984

Act No. 35 of 1991

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CHAPTER 215

NUTMEG INDUSTRY ACT

An Act to provide for a body corporate to safeguard and to promote the interests of the nutmeg industry and in particular to market nutmegs and to regulate and control the export of nutmegs.

[Amended by Act No. 8 of 1974, Act No. 15 of 1976, Act No. 29 of 1978, Act No. 43 of 1979, Act No. 32 of 1981, Act No. 2 of 1982, Act No. 12 of 1984, Act No. 35 of 1991.]

[8th March, 1947.]

1. Short title

This Act may be cited as the Nutmeg Industry Act.

2. Interpretation

In this Act—

“area” means any parish as defined in the Parish Boundaries Act, Chapter 224;

“area meeting” means a meeting in an area of the members of the Association resident in that area;

“Association” means the Grenada Co-operative Nutmeg Association by section 3(1) constituted and established;

“Board” means the Nutmeg Board;

“chairperson” means the chairperson of the Board;

“Manager” means the Manager of the Association;

“member” means a member of the Association;

“nutmeg year” means the period beginning on the first day of July in any one year and ending on the thirtieth day of June in the following year (both days inclusive);

“nutmegs” means nutmegs whether in shell or separated from the shell or whether cured or uncured, and includes mace;

“owner” means the owner of nutmegs delivered to the Association and any person who, being the agent of the owner or having any interest in any nutmegs delivered to the Association, is authorised to make such delivery, but does not include an employee or other agent engaged only in the transport of such nutmegs;

“secretary” means the secretary of the Association.

3. The Grenada Co-operative Nutmeg Association

(1) A body corporate called the Grenada Co-operative Nutmeg Association is hereby constituted and established with power to make contracts and to sue and be sued in that name and to acquire, hold and dispose of all kinds of real and personal property. In particular the Association is invested with authority in accordance with the provisions of this Act for the marketing and control of all nutmegs produced in Grenada and intended for export.

(2) Subject to the provisions of this Act the Association may—

- (a) process and distil nutmegs and the pericarp; and
- (b) manufacture products from the nutmeg or the pericarp,

and may sell or distribute the processed, distilled or manufactured products.

4. Membership of the Association

(1) Subject to subsection (2), all growers of nutmegs shall be eligible for membership of the Association.

(2) Where a member of the Association is a corporation or a partnership, the corporation or partnership shall have the right to nominate a representative to the Association who (subject to the provisions of this Act) may exercise on behalf of the corporation or partnership any rights conferred upon a member of the Association (including membership of the Board) which cannot conveniently be exercised by the corporation or partnership.

5. Power to appoint attorneys

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, and such attorney may exercise on behalf of such member all rights conferred upon the member by this Act in the same manner as if the member himself or herself were present.

6. Board to control affairs of the Association

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

(2) The functions of the Board shall be to—

- (a) regulate and control the export of nutmegs;
- (b) promote, protect and develop the nutmeg industry;
- (c) consider and advise the Minister in regard to 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;
- (d) 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, official seal and warehouses

The Association shall have a head office in the town of St. George and an official 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 seal

The 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 every instrument to which the seal of the Association is so affixed in their presence.

9. Applicant for membership may be required to furnish evidence of qualification; new members to be given identification card

(1) Upon application made by any person to the secretary for membership of the Association the applicant may be required to furnish such evidence of his or her qualification for membership as may reasonably be demanded by the Board.

(2) Upon acceptance of an application for membership the secretary shall issue to the new member an identification card and shall enter his or her name in the register of members of the Association.

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 such magistrate of his or her eligibility for membership of the Association the magistrate shall make an order directed to the chairperson requiring such person upon his or her complying with the regulations controlling the admission to membership of eligible persons generally to be forthwith admitted a member of the Association.

11. Notice of hearing to be given to secretary

Notice of the hearing of such application 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 twenty-five 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

The decision of the magistrate under section 12 shall be final:

Provided that the applicant shall be entitled to submit a fresh application for admission to membership to the Board after the expiration of six months from the date of the magistrate's decision.

14. Election and nomination of Board

(1) In the month of May in each year on a day to be fixed by the Board and published in the *Gazette* at least one month before such day, six members of the Association shall be elected by ballot to be members of the Board for the ensuing nutmeg year.