

THE AGRICULTURAL MARKETING ACT

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SCHEDULES

THE AGRICULTURAL MARKETING ACT

Cap. 6.
Acts
3 of 1978,
1 of 1991.

[16th November, 1944.]

1. This Act may be cited as the Agricultural Marketing Act. Short title.

2. In this Act—
“agricultural produce” includes the produce of any plant or animal in its natural state; Interpretation.

“approved association” means any association declared by the Minister in accordance with the provisions of section 5 to be an approved association;

“association” means any statutory corporation or company incorporated under any enactment for the time being in force in Jamaica, or any industrial and provident society registered under any such enactment;

“Committee of Enquiry” means any Committee of Enquiry appointed by the Minister in accordance with the provisions of section 8;

“Committee of Investigation” means any Committee of Investigation constituted by the Minister in accordance with the provisions of section 16;

“governing body” means the Board of Directors, Executive Committee, Committee of Management, or other body by whatever name called having power to conduct the affairs of any association;

“plan” means any marketing plan submitted by any approved association;

“producer” means the grower, breeder or rearer of any article of agricultural produce or any person who has the right to dispose of such article, such right having been acquired otherwise than by purchase of the article;

“registered producer” means any producer registered under this Act;

“specified article” means any article declared by the Minister in accordance with the provisions of section 3 to be a specified article.

Power to specify articles of agricultural produce.

3.—(1) Subject to the provisions of subsection (2), the Minister may declare any article of agricultural produce to be a specified article for the purposes of this Act.

(2) No article of agricultural produce shall be declared to be a specified article under subsection (1) at any time when the marketing thereof is under the control of or is vested in any statutory authority appointed or elected under any enactment, in force on the 16th November, 1944 in relation to the marketing of such article.

Power to make regulations for registration of producers of specified articles.

4.—(1) The Minister may make regulations for the registration of the producers of any specified article or of any class of such producers and for all matters incidental thereto.

(2) Regulations made under subsection (1) may, without prejudice to the generality of such power, make provision with regard to—

- (a) the form in which and the person or authority by whom the register is to be kept;
- (b) the form in which and the time within which application is to be made for registration;
- (c) the information to be supplied by any applicant for registration as to—

- (i) the quantity of the specified article produced by him during any prescribed period; and
 - (ii) the price for which he sold such specified article during any prescribed period; and
 - (iii) the channels through which he sold such specified article during any prescribed period; and
 - (iv) any other matter which the Minister may think necessary;
- (d) the date on which the register shall first come into force;
- (e) the amendment of the register by the deletion therefrom of the names of persons who have ceased to be producers or by the addition of the names of persons who desire to be registered as producers, and the rectification of the particulars in the register relating to any registered producer or to any of the matters referred to in paragraph (c);
- (f) the making by any registered producer of such returns in relation to any of the matters referred to in paragraph (c) at such time and in such form and to such authority as may be prescribed.

(3) Every person who is required by any regulations made under this section to be registered as a producer of any specified article and who, without being so registered, sells or offers for sale any quantity of such article after the date upon which the register comes into force, shall be guilty of an offence against this subsection and, upon summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding two hundred dollars or to be imprisoned for any term not exceeding twelve months or to both such fine and imprisonment.

(4) Every person who wilfully makes any statement which he knows to be false or does not believe to be true—

- (a) in any application for registration under any regulations made in pursuance of the powers conferred by this section; or
- (b) in any return which he is required to make under such regulations,

shall be guilty of an offence against this subsection and, upon summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding one hundred dollars or to be imprisoned for any term not exceeding six months or to both such fine and imprisonment.

Power to
declare
association
an approved
association.

5.—(1) Subject to the provisions of subsection (2), the Minister may on the application of any association declare such association to be an approved association in relation to any specified article or class of specified articles of agricultural produce.

(2) No association shall be declared to be an approved association unless the Minister is satisfied—

- (a) that it has as one of its principal objects the furtherance of the interests of the producers of agricultural produce in general or of the specified article or class of specified articles of agricultural produce in relation to which the application is made; and
- (b) that a substantial proportion of its members are producers or are engaged in the production of agricultural produce in general or of such specified article or class of specified articles of agricultural produce; and
- (c) that its constitution is such as to ensure that all of its members have a right to participate directly or