



BELIZE

**GRAIN ACT
CHAPTER 288**

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CHAPTER 288**GRAIN****ARRANGEMENT OF SECTIONS****PART I***Preliminary*

1. Short title.
2. Interpretation.

PART II*Establishment, Powers, Functions etc.,
of the Grain Commission*

3. Establishment of Grain Commission.
4. Constitution of the Commission.
5. Membership of the Commission.
6. Meeting and quorum.
7. Powers and duties of the Commission.
8. Regulations.
9. Fund of the Commission.
10. Accounts of the Commission.
11. Estimates.
12. Annual report.
13. Rules.

PART III

*Establishment, Powers, Functions etc.,
of the Grain Growers Association.*

14. Establishment of the Grain Growers Association.
15. Objects of the Association.
16. Membership.
17. Register of members.
18. Committee of Management.
19. Functions of the Committee.
20. Branches.
21. Meetings of the Association.
22. Fund of the Association.
23. Cess on grain.
24. Accounts of the Association.
25. Committee to submit estimates of revenue and expenditure.
26. Annual report of the Association.

PART IV

Miscellaneous

27. Powers of the Minister.
28. Offence and penalty.

CHAPTER 288

GRAIN

CAP. 232C,
R.E. 1980-1990.
4 of 1982.
14 of 1982.

[11th November, 1982]

PART I

Preliminary

1. This Act may be cited as the Grain Act.

Short title.

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

Interpretation.

“Association” means the Grain Growers Association established under section 14 of this Act;

“branches” means branches of the Association established under the provisions of section 20 (l) of this Act;

“cess” means a monetary imposition raised under section 23 of this Act;

“Commission” means the Grain Commission established under section 3 of this Act;

“Committee” means the Committee of Management established under the provisions of section 18 of this Act;

“Development Fund” means the Grain Producers Development Fund established under the provisions of section 22(4) of this Act;

“Division” means the Southern Division comprising the judicial districts of Toledo and Stann Creek, the Central Division comprising the judicial districts of Cayo and Belize, or the Northern Division comprising the judicial districts of Orange Walk and Corozal;

“grain” means corn, rice, beans and grain sorghum;

“grain processing units” means rice, flour and feed mills and includes silos but excludes nixtamal;

“Marketing Board” means the Marketing Board established under the Marketing Board Act, Cap. 281;

“Minister” means the Minister responsible for Agriculture.

PART II

Establishment, Powers, Functions etc., of the Grain Commission

Establishment of
Grain Commission.

3.—(1) There is hereby established a Grain Commission to be known by that name which shall be a body corporate having perpetual succession and a common seal which shall be judicially noticed, and which may sue and be sued in its corporate name and may make contracts and hold and dispose of land of whatever tenure and other property for the purpose of carrying out its functions under this Act.

(2) All deeds, documents or other instruments requiring the seal of the Commission shall be sealed with the common seal of the Commission in the presence of the Chairperson and one other member of the Commission who shall sign every such deed, document or other instrument to which the common seal is affixed.

Constitution of the
Commission.

4.—(1) The Commission shall consist of,

- (a) three *ex officio* members, namely,
 - (i) the Permanent Secretary to the Ministry responsible for Agriculture;
 - (ii) the Head of the Extension Services Division of the Ministry responsible for Agriculture; and
 - (iii) the General Manager of the Marketing Board;

- (b) six grain growers who are members of the Association, two of whom shall be selected by the Association from each Division; and
- (c) three other persons appointed by the Minister, namely,
 - (i) one person representing the operators of grain processing units; and
 - (ii) two persons having no connection with the grain and feed industry.

(2) Any member of the Commission who is unable to be present at any meeting of the Commission may appoint an alternate to represent him at that meeting.

5.-(1) The Minister shall appoint one of the members Chairperson of the Commission.

Membership of
the Commission.

(2) Any member, of the Commission, other than an *ex officio* member, shall, unless he earlier vacates office by death or resignation, hold office for a period of one year.

(3) Any member, other than an *ex officio* member, may at any time resign his office by letter addressed to the Minister through the Chairperson of the Commission.

(4) Any vacancy in the membership of the Commission shall be filled as soon as may be convenient with due regard to the provisions of section 4 of this Act.

(5) Where the Chairperson or any member is temporarily unable to discharge the duties of his office on account of ill-health or absence from Belize or from any other cause, another person shall be appointed to act in his place as Chairperson or member, as the case may be, with due regard to the provisions of section 4 of this Act.

(6) Any person appointed in place of any member who has vacated office by death or resignation shall hold office only for the unexpired term of office of such member who has vacated office.

(7) A member of the Commission shall be deemed to have vacated his seat if he,

- (a) dies, is certified insane, is adjudicated a bankrupt or accepts any office of profit under the Commission;
- (b) not being an *ex officio* member, is absent without the leave of the Commission from four consecutive meetings of the Commission;
- (c) not being an *ex officio* member, ceases to be eligible to serve on the Commission.

Meeting and quorum.

6.-(1) The Commission shall hold meetings for the transaction of its business at such time and place and upon such days as the Chairperson may determine from time to time,

Provided that all members are given due notification of the meeting.

(2) The Chairperson may at any time, and shall within seven days of the receipt of a requisition for that purpose addressed to him by any three members, call a special meeting of the Commission.

(3) The Chairperson shall preside at all meetings at which he is present, and in his absence the members present shall elect one of their number to preside at that meeting.

(4) At any meeting of the Commission, five members shall constitute a quorum, and the business shall be transacted on the vote of the majority present and voting.

Powers and duties of the Commission.

7.-(1) The powers and duties of the Commission shall be,

- (a) to employ such officers and servants upon such terms and conditions as it may deem fit;
- (b) to specify the records to be kept and the returns to be made by the Association;
- (c) to receive and deal with returns made in terms of paragraph (b) of this subsection;
- (d) to advise the Association, the Marketing Board and Grain Processing Units on any matter concerning the grain industry;
- (e) to advise the Minister on all matters concerned with the grain industry;
- (f) to appoint such executive committees or sub-committees as may be required for the efficient performance of its duties and functions under this Act;
- (g) to be an arbitrator, when requested, in any dispute, issue or disagreement between the buyer and the producer and/or other parties, provided that the Commission's decision shall be final and binding on all the parties concerned;
- (h) to receive and expend such monies as may accrue to the Commission;
- (i) to do any other act that may be necessary to give effect to one or more of the above.

(2) The Commission shall comply with any direction, whether general or particular, given by the Minister in connection with the exercise or discharge of any powers or duties conferred upon the Commission.

Regulations.

8. The Minister may make regulations for the carrying out of the powers and duties of the Commission and the Association under this Act.

Funds of the Commission.

9.-(1) The Commission shall have its own Fund.

(2) There shall be paid by the Association to the Fund of the Commission in respect of each financial year all such contributions as may become necessary towards defraying the expenses incurred by the Commission in the exercise, discharge and performance of its powers, functions and duties under this Act or any regulations made thereunder.

Accounts of the Commission.

10. The Commission shall cause proper accounts to be kept of its financial transactions. Such accounts shall be made up in respect of each financial year and audited by an auditor appointed by the Commission and approved by the Minister, and when so audited shall be submitted to the Minister, who shall cause the same to be published in the *Gazette* and at least one local newspaper within six months of the close of the financial year.

Estimates.

11.-(1) The Commission shall, in respect of each financial year, as early as may be convenient, prepare and submit to the Minister, in such form as required by the Minister, the estimates of the income recoverable and expenditure to be incurred during that financial year.

(2) The Minister may approve or amend such estimates.

(3) When the Minister has approved the said estimates, he shall cause the same to be published in the *Gazette*.

(4) All new or special expenditure, with the exception of emoluments, shall receive the approval of the Minister before being included in the estimates.

(5) Save with the approval of the Minister, no further sum shall be expended during any financial year other than is provided in the estimates relating to such financial year.

Annual report.

12.-(1) The Commission shall prepare annually a written report of its activities during the financial year together with a complete statement of

its financial position and its accounts, audited as provided for in section 10 of this Act.

(2) The Commission shall transmit certified copies of such report, statement and accounts to the Minister, who shall lay them before the National Assembly.

13. The Commission may, with the approval of the Minister, make rules for regulating its proceedings and may from time to time alter or amend the same.

Rules.

PART III

Establishment, Powers, Functions etc., of the Grain Growers Association.

14. There is hereby created a body corporate by the name of Belize Grain Growers Association with perpetual succession. It shall have the power to make contracts, to sue and be sued in its corporate name, to receive, acquire, lease, take hold of and enjoy, either absolutely or subject to any trust, movable and immovable property for the purpose of its functions under this Act and to sell, convey, assign, surrender or yield up, transfer or otherwise dispose of same when not so required.

Establishment of
the Grain Growers
Association.

15.—(1) The objects of the Association shall be,

Objects of the As-
sociation.

- (a) to promote understanding and goodwill among the members of the Association;
- (b) to promote the development of the grain industry, particularly corn, rice and grain sorghum;
- (c) to promote the utilisation of such grain;
- (d) to encourage the production of better quality seed for the grain industry and the formation of seed grower units;

- (e) to encourage the utilisation of grain and their by-products for feed;
- (f) to provide, for the benefit of the members, educational and training facilities in the grain industry;
- (g) to nominate Association representatives on the Grain Commission to safeguard the interests of members in all matters concerned with the production and marketing of grains;
- (h) to establish branches of the Association where necessary in each division; and
- (i) generally to do all things necessary to be done in the best interests of the grain industry.

Membership.

16.-(1) All grain growers who have paid cess shall be registered as members of the Association.

(2) Rules may be made with the approval of the Minister, specifying the procedure to be adopted in the registration of members.

Register of members.

17.-(1) The Committee of Management of the Association shall keep, in such form as may be prescribed, a register containing in respect of each member of the Association particulars of,

- (a) his full name and address;
- (b) delivery or sale of grain to the Marketing Board, and others purchasing it, and to the grain processing units;
- (c) such other particulars as the Commission may from time to time prescribe.

(2) Separate registers shall be maintained in respect of the various judicial districts.

(3) The registers shall be open for inspection during normal office hours to any member of the Association or of the Commission.

18.—(1) The affairs of the Association shall be managed by a Committee of Management which shall have control of the income, capital and property of the Association, and shall have full authority in all matters connected with the appointment and dismissal of the officers and employees of the Association and with the administration of the affairs and the accomplishment of the objects and purposes of the Association.

Committee of Management.

(2) The Committee shall consist of six members, each Division appointing two, and a Chairperson elected in accordance with subsection (3) of this section.

(3) The Chairperson shall be elected at the annual general meeting.

(4) The term of office of a member of the Committee shall be one year from the date of his election or nomination to the Committee unless he sooner resigns or vacates his seat but he shall be eligible for re-election.

(5) A member of the Committee may resign his seat by letter addressed to the Chairperson, and a person may be appointed in his place with due regard to the provisions of subsection (2) of this section. He shall hold office only for the remainder of the term of office of such member.

(6) The Committee shall meet on a regular basis for the transaction of business.

(7) The quorum for a meeting of the Committee shall be four members.

(8) Subject to the existence of a quorum, the powers of the Committee shall not be affected by any vacancy in the membership thereof.

(9) Any member of the Committee who,

(a) dies;

(b) is adjudicated bankrupt;

- (c) is certified insane;
- (d) holds any office of profit in the gift of the Association;
- (e) is absent from three consecutive meetings without valid reasons acceptable to the Committee; or
- (f) is serving a prison sentence,

shall be deemed to have vacated his seat.

(10) The first Committee shall, however, be appointed by the Minister and shall hold office until the first annual general meeting of the Association.

Functions of the
Committee.

19.—(1) The Committee shall comply with any lawful direction given to the Association by the Commission.

(2) The Committee shall have and may exercise all the powers conferred upon the Association under this Act.

(3) The Committee shall submit an annual return to the Commission, at such time and in such form as the Commission may determine, of all registered members of the Association together with such other information as may be contained in the register of the Association.

(4) The Committee shall be bound by the resolutions passed by the Association in general meeting.

Branches.

20.—(1) A branch of the Association may be established for each Division.

(2) The branch of the Association shall be managed by five members elected at a special meeting of each branch called for that purpose. One of them shall be elected Chairperson of the branch.

Meetings of the
Association.

21.—(1) There shall be an annual general meeting of the Association before the 23rd November of each year. This meeting shall be called by the Committee and shall consider annual reports dealing with the finances and management of the Association and the election of the Committee.

(2) The Committee shall, if requested to do so in writing by one-third of the members of the Association, call a special general meeting giving twenty-one days' notice thereof to all members.

(3) The quorum for a meeting under subsections (1) and (2) of this section shall be ten per cent of the total membership.

22.-(1) The Association shall have its own Fund.

Fund of the Association.

(2) There shall be paid into the Fund of the Association,

- (a) all such sums as may be collected by the Association by way of cess;
- (b) any other sums due to the Association from any other source.

(3) There shall be paid out of the Fund in respect of each financial year,

- (a) all such sums as are required to defray the expenses incurred by the Commission in the exercise, discharge and performance of its powers, functions and duties under this Act or any regulations made thereunder; and
- (b) all such sums as are required to defray the expenses of the Association and which have been provided for in the budget submitted to and approved by the Commission,

Provided that the annual budget of the Commission and the Association shall have been approved by the Minister.

(4) Any sum remaining after defraying the expenses referred to in subsection (3) of this section, shall be paid into a fund to be known as the "Grain Producers Development Fund".

(5) The administration of the Development Fund referred to in subsection (4) of this section, shall be vested in a Board of Trustees consisting of three trustees, one appointed by the Minister, one by the Commission, and one by the Association. Regulations may be made by the Minister for the administration of the Grain Producers Development Fund.

Cess on grain.

23.—(1) The Association shall, with the approval of the Minister, impose, levy and collect a cess upon all grain delivered to grain processing units or sold to any person for export.

(2) The operator of the grain processing unit and the purchaser of grain for export shall be responsible for the collection of cess at the time of the delivery or purchase of the grain, as the case may be, and for the payment of the same to such person as may be authorised by the Association to collect the cess.

(3) The cess shall be levied on the basis of a rate per pound of grain and shall not be varied during the financial year in respect of which it was imposed.

Accounts of the Association.

24. The Association shall cause proper accounts to be kept of its financial transactions. Such accounts shall be made up in respect of each financial year and audited by an auditor appointed by the Association and approved by the Minister, and when so audited shall be submitted to the Minister who shall cause the same to be published in the *Gazette* and at least in one local newspaper, within six months of the close of the financial year.

Committee to submit estimates of revenue and expenditure.

25. The Committee shall, in respect of each financial year, prepare and submit to the Minister, in a form required by the Minister, estimates of the income receivable and expenditure to be incurred by the Association during that financial year.

Annual report of the Association.

26. The Committee shall also prepare and present to the annual general meeting of members of the Association a report of its proceedings for each financial year.

PART IV

Miscellaneous

27.—(1) The Minister may from time to time direct the Association in writing to furnish him in such form as he may require with returns, accounts and other information with respect to the property and business of the Association and the Association shall carry out such direction.

Powers of the
Minister.

(2) The Minister may order all or any of the activities of the Association to be investigated and reported upon by such person or persons as he may specify and upon such order being made, the Association shall afford all such facilities to carry out such order.

28. Any person who contravenes any of the provisions of this Act or any regulations made thereunder commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Offence and pen-
alty.