

## CHAPTER 266.

## COTTON MARKETING.

(1st September, 1958.)

6/1955.  
23/1961.

1. This Ordinance may be cited as the Cotton Marketing Ordinance. Short title.

2. In this Ordinance :— Interpretation.

“Association” means the Montserrat Cotton Growers Association incorporated under the Montserrat Cotton Growers Association Ordinance;

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“Board” means the Cotton Marketing Board established under section 3;

“Chairman” means the Chairman of the Board;

“cotton” means cotton lint;

“member” means a member of the Board;

“person” includes any body of persons corporate or unincorporate;

“Secretary” means the Secretary of the Board.

3. (1) For the purpose of marketing all cotton produced in Montserrat and for the other purposes of this Ordinance, there shall be established a Board which shall be a body corporate by the name of the Cotton Marketing Board with perpetual succession and a common seal, which body shall be entitled to negotiate sales of cotton, to sign contracts therefor, and to control the export of cotton for the purposes of this Ordinance.

Establishment  
and  
constitution of  
Board.

(2) The common seal of the Board shall not be affixed to any instrument whatsoever except by the authority of a resolution of the Board and in the presence of the Chairman and the Secretary who shall sign their names to the instrument in token of their presence.

(3) The seal shall be kept in the custody of the Secretary or, in his absence from the Colony, by the Agricultural Superintendent.

Constitution  
and  
proceedings of  
the Board.

4. The Board shall be constituted and its proceedings shall be determined in accordance with the provisions contained in the First Schedule.

Proceedings on  
default of  
Board.

5. (1) If the Board, in the judgment of the Administrator in Council, makes default in the performance of the duties, by this Ordinance or by any other law of the Colony, imposed upon it or exceeds or abuses its powers, it shall be lawful for the Administrator in Council, by an order, published in the *Gazette*, to dissolve the Board.

(2) In case of such dissolution the following consequences shall ensue, namely :—

(a) All members of the Board shall, from the date of such order, vacate their offices.

(b) All the powers and duties of the Board shall until the formation of a new Board under this Ordinance be exercised by such person as the Administrator may appoint in that behalf, and any payment made to such person for his service shall be a charge upon the funds of the Board hereinafter mentioned.

(c) Any contracts or other obligations lawfully entered into by the Board before its dissolution shall be carried out, as far as possible, by such person aforesaid who shall, for such purposes, be deemed to be the agent of the Board.

(d) If such order for dissolution shall be made the person appointed by the Administrator as aforesaid shall perform the duties of the Board until a new Board is constituted under the provisions of this Ordinance, which event shall take place not later than two months after the date of the said order.

Minutes to be  
evidence.

6. A minute made of proceedings at a meeting of the Board and copies of any orders made or resolutions passed at such meeting, if purporting to be signed by the Chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by a Chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings; and, unless the contrary is shown, every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to have been duly transacted.

7. (1) All cotton produced in the Colony and intended to be exported therefrom shall be exported by the Board or such person or persons as may be authorised by them under licence, in the Form in the Second Schedule.

Control of  
cotton intended  
for export.

Second  
Schedule.

(2) All licences granted under the preceding sub-section shall be revocable at the discretion of the Board.

(3) Any person exporting cotton in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding two hundred and forty dollars, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

8. (1) The funds of the Board shall consist of a yearly contribution by the Association and of any moneys voted for that purpose and granted to the Board by the Legislative Council or by any body authorized by Her Majesty's Government in the United Kingdom to make grants for the development of British Colonies and all moneys donated or bequeathed to and all moneys raised by or payable to the Board under the provisions of this Ordinance or otherwise.

Funds of the  
Board.

(2) The Board may, with the consent of the Administrator in Council borrow money for the carrying out of its purposes and may charge in any manner all property of the Board of every nature and kind whatsoever and all its funds and all the revenues of the Board present and future with the repayment of the money borrowed for such purposes.

9. All books of accounts of the Board and all moneys, documents and things pertaining to the Board in the custody of or under the control of the Board, or of any officer or servant of the Board shall at all times be subject to inspection and audit by the Auditor of the Colony or by any Clerk of the Audit Department in like manner as though such books of account, moneys, documents and things were in the custody or under the control of a Public Officer in his official capacity.

Inspection and  
Audit.

10. (1) The Board may, with the approval of the Administrator—

Secretary of  
the Board to be  
appointed.

- (a) appoint a fit and proper person to be Secretary;
- (b) from time to time fix or alter the salary to be paid to such officer from the funds of the Board, and
- (c) suspend or dismiss such officer :

Provided that notwithstanding the dissolution or other determination of the Board the Secretary shall continue to hold office until his employment as such shall be terminated by the Administrator.

(2) The Secretary shall be the Chief Executive Officer of the Board and shall have all such powers and perform all such duties as are or may be conferred upon him by this or any other Ordinance, or by any regulation or order of the Board. He shall attend the meetings of the Board and shall keep the minutes of the proceedings at every such meeting.

(3) The Secretary shall be *ex-officio* Treasurer of the Board.

(4) In the case of the illness, or absence of the Secretary, the Board may, with the consent of the Administrator, appoint some fit and proper person to be Assistant Secretary.

(5) The Assistant Secretary shall hold office during the pleasure of the Administrator, and of the Board.

(6) All things required or authorised by law or any regulation or order of the Board to be done by the Secretary may be done by the Assistant Secretary.

(7) An Assistant Secretary, while acting for a Secretary, may receive remuneration to be paid from the funds of the Board as the Board may determine.

Appointment of subordinate officers and servants.

**11.** (1) The Board may from time to time appoint such other officers and servants as may be required for the efficient administration of the affairs of the Board.

(2) Every such officer or servant shall hold office during the pleasure of the Board.

(3) Every such officer or servant shall receive such remuneration and shall perform such duties as may, from time to time be assigned to him by the Board.

Officers and servants may be required to furnish security.

**12.** (1) The Board may require any officer or servant appointed hereunder to give such security as may be thought proper for the true and faithful performance of the duties of his office, and for the due accounting for, paying over, and delivering all moneys, goods and chattels which may come into his hands in virtue of such office.

(2) No officer or servant of the Board shall be entitled to more than a month's notice of the termination of his employment, and the Board shall have no power to make any agreement for service involving any longer period of such notice or any claim for pension or compassionate allowance unless authorised by the Administrator with the approval of the Legislative Council, to make such agreement.

(3) If the Secretary or any other officer or any servant appointed by the Board shall, directly or indirectly, have any pecuniary interest in any agreement or contract which shall be entered into by the Board, or any matter affecting the Board, the Secretary, officer or servant shall report the circumstances of such interest to the Board through the Secretary as soon as practicable after he becomes aware of his having such interest; and in default of his so reporting, he shall be liable to summary dismissal from the service of the Board.

13. (1) Every officer or servant appointed by the Board shall give, at such times during the continuance of his office or within ten days after ceasing to hold it, and in such manner as the Board may direct, a true account in writing of all matters committed to his charge and of his receipts and payments with vouchers therefor.

Officers and  
servants to  
account.

(2) Every such officer or servant shall pay all moneys due from him to the Secretary or as the Board may otherwise direct.

(3) If any such officer or servant—

(a) refuses or neglects to deliver any account which he ought to deliver or any voucher relating thereto, or to make any payment which he ought to make; or

(b) after three days' notice in writing signed by the Chairman and given to him refuses or neglects to deliver to the Secretary, anything whatsoever which he ought to deliver or in respect of which he ought to give satisfaction to the Secretary or to the Board, as the case may be, a Magistrate may, on the complaint of the Secretary, by summary order require the said officer or servant to make such delivery or payments or to give such satisfaction.

(4) Any such officer or servant who fails to comply with the order of the Magistrate shall be guilty of an offence against this Ordinance

(5) Nothing in this section shall affect any remedy by civil action against any officer or servant but so that an officer or servant shall not be liable to be proceeded against both summarily and by civil action for the same cause.

(6) In paragraph (b) of sub-section (3) the reference to the giving of a notice shall be construed as including the leaving of such notice at the usual or last known place of abode of the officer or servant to whom such notice is to be given and the reference to the Secretary shall be construed as including any other person whom the Board may direct for the purpose of receiving the delivery or payment or the satisfaction mentioned in the said paragraph.

Regulations.

14. (1) Subject to the provisions of the succeeding sub-sections, the Board may make regulations with respect to all or any of the following matters, that is to say :—

(a) the handling and export of cotton by the Board and the marketing of the same;

(b) the manner in which the accounts of the Board shall be kept;

(c) the finances of the Board and the time at and the terms under which payments to suppliers of cotton and other persons shall be made;

(d) for regulating and controlling every matter within the scope of the Board's operations whether the same shall be of the same kind as any of the matters hereinbefore particularly mentioned or otherwise.

(2) No regulation shall be made, or, when made, shall be altered or revoked, unless special notice of such intended making, alteration, or revocation has been given at a meeting of the Board held at least seven days before that at which such making, alteration, or revocation, is proposed, and unless special notice in writing thereof has also been given to the members at least three days before such latter meeting.

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(3) All regulations made by the Board under this Ordinance shall be submitted for confirmation of the Administrator in Council and when so confirmed shall have the force and effect of law.

(4) All regulations made by the Board under this Ordinance shall be published in the *Gazette*, provided that it shall be lawful for the Administrator in Council by order to revoke the

confirmation of any regulation and thereupon such regulation shall cease to have force and effect. Every such revocation shall be published in the *Gazette*.

15. (1) Any person who is guilty of an offence against this Ordinance for which no special penalty is provided by this Ordinance shall be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Penalty for offences.

(2) Where an offence against this Ordinance or any regulations made thereunder committed by a company or other body of persons is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, president, chairman, manager, secretary or other officer of the company or other body of persons, he as well as the company or body of persons shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) Every proceeding instituted in accordance with the provisions of this section shall be taken in the name and at the instance of the Secretary or in the name and at the instance of the Gazetted Police Officer in charge of the Police Division in the Colony.

#### FIRST SCHEDULE.

S. 4

(1) The Board shall consist of—

(a) five members of the Committee of Management of the Association (hereinafter called the "Cotton Growers representatives");

(b) one member who shall be one of the elected members of the Legislative Council serving on the Executive Council of the Colony and exercising the functions of Member for Trade and Production (hereinafter called the "Member for Trade and Production"):

Provided that where, for any reason, a vacancy exists in respect of the seat of such member, the Administrator may appoint a person, not being an officer in the public service, to be a member of the Board until such time as the aforesaid vacancy shall cease to exist; and

(c) one member appointed by the Administrator who shall be an officer in the public service.

(2) Within twenty-one days after the coming into force of this Ordinance and thereafter within fourteen days before the expiration of the term of office of the Cotton Growers' representatives, the Cotton Growers' representatives shall be elected by secret ballot of the members of the Association and shall serve for a term of office of the members of the Board.

(3) Every member shall, unless elected or appointed for a shorter term, hold his seat on the Board for a term of three years.

(4) If by reason of the dissolution of the Legislative Council, or for any other cause, the member serving on the Board by reason of his office as Member for Trade and Production, ceases to hold such office, he shall not on that account vacate his seat as a member of the Board until such time as his successor in the office of Member for Trade and Production shall be appointed.

(5) Any member of the Board who—

(a) not being an officer in the public service, by writing addressed to the Administrator, resigns from the Board; or

(b) departs from the Colony without leave of the Administrator; or

(c) remains out of the Colony after the expiration of his leave without reasonable excuse; or

(d) fails without reasonable excuse to attend four meetings of the Board

shall cease to be a member of the Board.

(6) The appointment of any member of the Board appointed by the Administrator may be revoked by the Administrator.

(7) The Chairman shall be such member as shall be elected by a majority of votes of the members at the first meeting of the Board after its establishment and shall remain in office until the appointment of his successor unless he has previously resigned his office or become disqualified for membership of the Board.

(8) If the Chairman, from any cause whatsoever, ceases to be Chairman during the period for which he has been elected, the Board shall proceed to elect another member to be Chairman and such other Chairman, when elected, shall hold office for the remainder of the time for which his predecessor would have held office if he had not ceased to be Chairman.

(9) A retiring Chairman shall be eligible for re-election.

(10) The Chairman shall preside at every meeting of the Board and shall have such powers and perform such other duties as may be from time to time assigned to him by the rules.

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(11) The Chairman shall not have an original vote but in case of an equal division of votes on any question before the Board he shall have a casting vote.

(12) The Board may from time to time, appoint any member thereof to act as Deputy-Chairman during the illness or absence of the Chairman or during any temporary vacancy in the office of Chairman. A Deputy-Chairman shall, while acting as such have all the powers and perform all the duties of the Chairman.

(13) Subject to the provisions of paragraph (11) every question before the Board shall be decided by a majority of the votes of members present and voting. Every member shall have one vote.

(14) The Board may make rules relating to all or any of the following matters :—

- (a) the time and place of the meeting of the Board;
- (b) the mode of convening the members of the Board;
- (c) the attendance of members;
- (d) the form and order of the debates of the Board;
- (e) the powers and duties of the officers and servants of the Board; and
- (f) the general regulation of the proceedings (including the quorum) of the Board and the mode of conducting the business of the Board.

## SECOND SCHEDULE.

S. 7(1)

Licence is hereby granted

(name of seller)

of to sell

(address)

pounds of cotton to

(purchaser)

Dated this day of , 19

(Signature of Officer issuing licences.)