

THE RURAL AGRICULTURAL DEVELOPMENT
AUTHORITY ACT

ARRANGEMENT OF SECTIONS

Preliminary

1. Short title.
2. Interpretation.

Establishment and Functions of Authority

3. Establishment of Authority.
4. Functions of Authority.
5. Ministerial directions.
6. Appointment of officers and employees.

Financial Provisions

7. Funds.
8. Borrowing powers.
9. Advances and guarantee of borrowings.
10. Repayment of, and interest on, advances and sums issued to meet guarantee.
- 10A. Exemption from income tax.
11. Accounts and audit.
12. Annual report and estimates.
13. Improvement work on private land.
14. Power of inspection.
15. Notices.
16. Regulations.

SCHEDULE

THE RURAL AGRICULTURAL DEVELOPMENT
AUTHORITY ACT

Act
13 of 1990,
20 of 2002.

[17th May, 1990.]

1. This Act may be cited as the Rural Agricultural Development Authority Act. Short title.

Preliminary

2. In this Act—

“agriculture” includes any activities relating to—

Interpreta-
tion.

- (a) horticulture;
- (b) afforestation;
- (c) apiculture;
- (d) fish-culture;
- (e) fishing;
- (f) the development and maintenance of pastures;
- (g) the cultivation of crops;
- (h) the keeping or breeding of livestock or poultry,

and “agricultural” shall be construed accordingly;

“chairman” means the chairman of the Authority;

“functions” includes powers and duties;

“improvement work” means work of any nature which is likely to enhance the productivity of land, or to reclaim or rehabilitate any land or to remedy, retard or prevent erosion or deterioration of land;

“rural areas” means all that part of Jamaica which falls outside of the parish of Kingston as defined in the Counties and Parishes Act.

Establishment and Functions of Authority

Establishment
of Authority.

3.—(1) For the purposes of this Act there is hereby established a body to be called the Rural Agricultural Development Authority, which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

Schedule.

(2) The provisions of the Schedule shall have effect with respect to the constitution and operation of the Authority and otherwise in relation thereto.

Functions of
Authority.

4.—(1) It shall be the duty of the Authority to—

- (a) provide an efficient agricultural extension service and participate in the formulation and implementation of appropriate rural development projects with a view to stimulating and facilitating the development of agriculture in Jamaica;
- (b) encourage and, so far as may be practicable, having regard to the financial and other resources and to the statutory powers of the Authority, to secure the proper economic and efficient utilization of all land in the rural areas;
- (c) encourage and, so far as may be practicable, having regard to the financial and other resources at the disposal of the Authority for such purpose, to assist or to participate in the doing by private enterprise of any improvement work in the rural areas to such extent and in such manner as the Authority may consider expedient;
- (d) perform such other functions as the Minister may from time to time by order prescribe.

(2) In the exercise of its functions under subsection (1) the Authority may—

- (a) carry on such activities as appear to it to be advantageous, necessary or desirable for or in connection with the performance of those functions, including, without prejudice to the generality of the foregoing, the marketing of agricultural produce;
- (b) promote the carrying on of any such activities as aforesaid by other bodies or persons and, for that purpose may—
 - (i) establish or expand or promote the establishment or expansion of other bodies to carry on those activities whether or not under the control or partial control of the Authority;
 - (ii) give assistance to such bodies or persons;
- (c) carry on any such activities in association with other bodies or persons (including government authorities) or as managing agents or otherwise on their behalf;
- (d) provide technical and advisory services in connection with agriculture, including without prejudice to the generality of the foregoing—
 - (i) research, training and development programmes;
 - (ii) the development and operation of agricultural service centres in the rural areas.

5.—(1) The Minister may, after consultation with the chairman, give to the Authority directions of a general character as to the policy to be followed by the Authority in the exercise and performance of its functions in relation to matters appearing to the Minister to concern the public interest.

Ministerial
directions.

(2) The Authority shall give effect to any directions given by the Minister under subsection (1).

Appoint-
ment of
officers and
employees.

6.—(1) The Authority may, after consultation with the Minister, appoint and employ an Executive Director at such remuneration and on such terms and conditions as the Authority thinks fit.

(2) The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers, other employees and agents as it thinks necessary for the proper carrying out of the provisions of this Act.

(3) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any officer in the service of the Government to any office with the Authority and any officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance, and in relation to other rights as a public officer, be treated as continuing in the service of the Government.

(4) It shall be lawful for the Authority, with the approval of the Minister—

(a) to enter into arrangements respecting schemes whether by way of insurance policies or not; or

(b) to make regulations,
for pensions, gratuities and other retiring or disability or death benefits relating to members and employees of the Authority, and such arrangements or regulations may include provisions for the grant of benefits to the dependents and legal personal representatives of such members or employees.

Financial Provisions

Funds.

7.—(1) The funds of the authority shall consist of—

(a) all such moneys as may from time to time be appropriated by Parliament for the purposes of the Authority; and

(b) all moneys accruing to the Authority from any other source.

(2) The Authority may establish and maintain a reserve fund to meet contingencies and for such other purposes as it may think fit.

(3) The management of the reserve fund, the sums to be carried from time to time to the credit thereof, the charges to be made against it and any other application of the moneys comprised therein shall be as the Authority may, with the approval of the Minister responsible for finance, determine.

8.—(1) Subject to subsections (2) and (3), the Authority may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

Borrowing powers.

(2) The power of the Authority to borrow shall be exercisable only with the approval of the Minister responsible for finance as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purposes of subsection (2) may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

9.—(1) The Minister may from time to time make advances to the Authority out of moneys provided by Parliament for the purpose.

Advances and guarantee of borrowings.

(2) With the approval of the House of Representatives the Minister responsible for finance may guarantee, in such manner and on such conditions as he thinks fit, the payment of the principal and of interest on any authorized borrowings of the Authority made otherwise than by way of advances under subsection (1).

(3) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys or the payment of interest guaranteed under the provisions of this section he shall direct the repayment or, as

the case may be, the payment out of the Consolidated Fund of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Fund.

Repayment of, and interest on, advances and sums issued to meet guarantee.

10. The Authority shall make to the Accountant-General, at such times and in such manner as the Minister or other person designated by the Minister may direct, payment of—

- (a) such amount as may be directed in or towards repayment of advances made to the Authority under section 9 (1);
- (b) any sums issued in fulfilment of any guarantee given under that section;
- (c) interest on any sum outstanding for the time being in respect of such advances and of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

Exemption from income tax. 20/2002 S. 2.

10A.—(1) Any interest paid to the Authority in respect of funds placed in any savings or other interest bearing account shall be exempt from income tax.

(2) Subsection (1) shall be deemed to have come into operation on the 1st day of January, 1997.

(3) The amount of any income tax paid by the Authority in respect of any interest earned on any deposit referred to in subsection (1) for the years of assessment 1997, 1998, 1999, 2000 and 2001 shall be refunded to the Authority.

Accounts and audit.

11.—(1) The Authority shall keep proper accounts and other records in relation to the business of the Authority and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards.

(2) The accounts of the Authority shall be audited annually by an auditor or auditors appointed by the Authority and approved by the Minister.

(3) The auditor's fees and any expenses of the audit shall be paid by the Authority.

(4) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records in relation to the business of the Authority.

12.—(1) The Authority shall within six months after the end of each financial year cause to be prepared and submitted to the Minister a report dealing generally with the activities of the Authority during that financial year.

Annual report and estimates.

(2) A copy of such report and the annual statement of accounts and the auditors report thereon or on the accounts shall be laid on the Table of the House of Representatives and of the Senate.

(3) The Authority shall, before a date specified by the Minister, submit to the Minister for his approval estimates of income and expenditure for the ensuing financial year.

13. Where the Authority is satisfied that it is necessary or desirable for the purposes of this Act, to have improvement work done on any private land, the Authority shall notify the owner or occupier of such land accordingly and may thereafter enter into such arrangements for the execution of the work on such terms and conditions as may be agreed with the owner or occupier.

Improvement work on private land.

14.—(1) Subject to the provisions of this section, any person authorized in writing by the Authority in that behalf (in this section referred to as an "authorized person") may at all reasonable times enter upon any land for the purpose of—

Power of inspection.

- (a) inspecting the condition of such land or of any improvement work upon such land;

(b) ascertaining—

- (i) what crops are cultivated or most suitable for cultivating on such land;
- (ii) the conditions under which such crops are so cultivated; and
- (iii) the expediency or otherwise of doing upon such land any improvement work.

(2) An authorized person may—

- (a) take such angles, bearings or measurements or samples of soil or plants; or
- (b) examine and carry out on animals such tests,

as may be necessary for the purpose for which the authorized person entered upon the land.

(3) An authorized person shall not enter upon any land under this section except—

- (a) with the consent of the occupier of such land;
- (b) after he has given to such occupier not less than seven days' notice of his intention to enter upon such land; or
- (c) if the name or address of the occupier of such land is not known to and cannot reasonably be ascertained by him, after he has posted near to such land a notice of his intention to enter upon such land.

Notices.

15.—(1) Subject to subsection (2), all notices required to be given for the purposes of this Act—

- (a) to the Authority shall be given either by delivering it to the Executive Director or other principal officer of the Authority or by registered post;
- (b) by the Authority to any other person by registered post;

(2) Where the Authority is unable to ascertain the postal address of any person, any notice required to be given in relation to any land for the purposes of this Act may be given by the posting up of such notice in a conspicuous position upon the land.

16. The Authority may, with the approval of the Minister, make regulations for the better carrying out of the purposes of this Act. **Regulations.**

SCHEDULE

(Section 3)

Constitu-
tion of
Authority.

1.—(1) The Authority shall consist of such number of persons, not being less than ten nor more than fifteen as the Minister may from time to time appoint.

(2) The members of the Authority shall be appointed by the Minister from amongst persons appearing to him to be qualified as having had experience of, and shown capacity in, matters relating to agriculture, finance, administration or in such other matters as the Minister considers appropriate for appointment under this paragraph.

(3) A person shall be disqualified for appointment as a member of the Authority so long as he is a member of the Kingston and St. Andrew Corporation or any Parish Council.

Temporary
appoint-
ments.

2. The Minister may appoint any person to act temporarily in the place of any member of the Authority in the case of the absence or inability to act of such member.

Chairman
and deputy
chairman.

3.—(1) The Minister shall appoint a chairman and deputy chairman from amongst the members of the Authority.

(2) In the case of the absence or inability to act of the chairman, the deputy chairman shall perform the functions of the chairman.

(3) In the case of the absence or inability to act of both the chairman and deputy chairman, the Minister may appoint any other member of the Authority to perform the functions of the chairman or, as the case may be, the deputy chairman, during such absence or incapacity.

Tenure of
office.

4.—(1) The appointment of every member of the Authority shall be evidenced by instrument in writing, and such instrument shall specify the period of office of the member which shall not exceed three years.

(2) Every member of the Authority shall be eligible for re-appointment.

(3) The Minister may at any time revoke the appointment of any member of the Authority if he thinks it expedient so to do.

Resigna-
tion.

5.—(1) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instrument by the Minister.

(2) Any member of the Authority other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Authority.

6. The names of the members of the Authority as first constituted and every change of membership shall be published in the *Gazette*.

Publica-
tion of
member-
ship.

7.—(1) The Authority shall meet at such times as may be necessary or expedient for the transaction of its business so, however, that the Authority shall meet at least once per month in ten months of each calendar year and such meetings shall be held at such places and times and on such days as the Authority may determine.

Procedure
and meet-
ings.

(2) The chairman may at any time call a special meeting of the Authority, and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Authority.

(3) The chairman shall preside at meetings of the Authority and if the chairman and the deputy chairman and the person appointed under paragraph 3 (3) are absent from a meeting the members present shall elect one of their number to preside at the meeting.

(4) The quorum of the Authority shall be five.

(5) The decisions of the Authority shall be by a majority of votes, and in addition to an original vote the chairman or other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.

(6) Subject to the provisions of this Schedule the Authority may regulate its own proceedings.

(7) The validity of any proceedings of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

8.—(1) The seal of the Authority shall be kept in the custody of the Executive Director or of any officer of the Authority authorized by the Authority in that behalf, and shall be affixed to instruments pursuant to a resolution of the Authority, in the presence of the Executive Director or any other member of the Authority authorized to act in that behalf, and the secretary thereof.

Seal and
execution
of docu-
ments.

(2) The seal of the Authority shall be authenticated by the signature of the Executive Director.

(3) All documents other than those required by law to be under seal, made by, and all decisions of the Authority may be signified under the hand of the chairman and any other member or officer of the Authority authorized to act in that behalf.

9. A member of the Authority who is directly or indirectly interested in any matter which is being dealt with by the Authority—

Disclosure
of interest.

(a) shall disclose the nature of his interest at a meeting of the Authority; and

RURAL AGRICULTURAL DEVELOPMENT AUTHORITY

(b) shall not take part in any deliberation or decision of the Authority with respect to that matter.

Leave of
absence.

10.—(1) Any member of the Authority other than the chairman who intends to be absent from meetings of the Authority during a period of more than three consecutive months shall apply to the chairman for leave of absence.

(2) If the chairman intends to be absent from meetings of the Authority during a period of more than three consecutive months he shall apply to the Minister for leave of absence.

Protection of
members.

11.—(1) No action, suit or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this section the Authority shall be liable to the extent that it would have been if such member were an employee or agent of the Authority.

Remunera-
tion of
members.

12. There shall be paid to the chairman and other members of the Authority such remuneration, whether by way of salaries, honorarium or other allowance, as the Minister may determine.