

THE COFFEE INDUSTRY REGULATION ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment and incorporation of the Board.
4. General duties of Board.
5. Powers of Board in relation to property.
6. Special powers of Board.
7. Regulation making section.
8. Minister may issue general directions in matters of policy.
9. Appeals.
10. Cess.
11. Fees.
12. Accounts and audit.
13. Annual report and estimates.
14. Membership of Board.
15. Vacation of office.
16. Authentication of acts of Board.
17. Grant of leave of absence to members.
18. Resignation of Chairman and other members of Board.
19. Liability of members of the Board.
20. Meetings and procedure thereat.
21. Appointment of officers and servants.

THE COFFEE INDUSTRY REGULATION ACT

[9th December, 1948.]

Cap. 64.
Law
62 of 1958.
Acts
6 of 1962,
34 of 1967,
14 of 1985,
14 of 1998.

1. This Act may be cited as the Coffee Industry Regulation Act. Short title.

2. In this Act—

Interpre-
tation.

“approved association” means any association or body declared by the Minister to be the approved association pursuant to subsection (6) of section 14; 6/1962
S. 2(a).

“coffee product” means any article the principal constituent of which is coffee;

“coffee works” means any plant, machinery, appliances, mills or apparatus, whether similar to the foregoing or not, and any premises, used for the curing, drying, pulping, washing, cleaning, processing or preparation for sale of any coffee berries or for the manufacture of any coffee product;

“nominated member” means a person appointed a member of the Board by the Minister from a panel of coffee growers; 6/1962
S. 2(b).

“nursery” means any nursery for the cultivation of coffee plants or coffee seedlings;

“panel of coffee growers” means a panel of five persons actively engaged in the growing of coffee nominated from time to time and as the occasion requires by the approved association and from which nominated members may be appointed. 6/1962
S. 2(c).

3. There is hereby established a body corporate which shall be known as the Coffee Industry Board which shall have perpetual succession and a common seal and which may sue and be sued in its own name. Establish-
ment and
incorpora-
tion of the
Board.

General
duties of
Board.

4. The Board shall—

- (a) do all such acts as may lawfully be done, or but for the provisions of this Act might lawfully have been done, by any individual which the Board having due regard to the financial resources at its disposal may consider most expedient for the encouragement and development of the coffee industry in Jamaica and for the promotion of the welfare of persons engaged in that industry;
- (b) upon being required so to do by the Minister, make recommendations to the Minister as to any matter directly or indirectly affecting, relating to or connected with the coffee industry or persons engaged in that industry;
- (c) perform such other duties in relation to or connected with the coffee industry or persons engaged in that industry as the Minister may require to be performed by the Board.

Powers of
Board in
relation to
property.

5. The Board may in its absolute discretion—

- (a) acquire by purchase, exchange, gift, devise or in any other manner, whether similar to the foregoing or not, any estate or interest or rights or encumbrances in, over or upon any real property and lease or rent any land and hold any estate, interest, rights or encumbrances in, over or upon any real property so acquired or any land so leased or rented; and
- (b) mortgage, charge, sell, exchange, surrender, give away or dispose of in any manner, whether similar to the foregoing or not, any estate, interest, right or encumbrance in, over or upon any real property held by the Board and create any estate or interest, right or encumbrance in, over or upon any real property so held by the Board and grant leases of or rent any land so held; and

- (c) acquire by purchase, barter, gift, bequest or in any other manner, whether similar to the foregoing or not, any personal property and rent or accept the bailment (whether for reward or otherwise) of any personal property and hold any personal property so acquired, rented or bailed; and
 - (d) sell, barter, exchange, charge, pledge, give away or dispose of in any manner, whether similar to the foregoing or not, and lend, rent or bail (whether for reward or otherwise) any personal property so held by the Board,
- as fully and effectually as if the Board were an individual of full age and not under disability.

6. Without prejudice to the generality of any other power conferred by or under this Act and notwithstanding anything to the contrary in any regulations under this Act, the Board may in its absolute discretion—

Special
powers of
Board.

- (a) establish, maintain and operate any nurseries; and
- (b) import, cultivate, sell, give away, distribute, export or otherwise dispose of any coffee seedlings or coffee plants; and
- (c) establish, maintain and operate any coffee plantations or coffee works;
- (d) cultivate, dry, cure, pulp, clean, wash or process in any other manner any coffee berries and manufacture any coffee product and purchase, prepare for market, store, transport, distribute, sell or export any coffee berries or any coffee product; and
- (e) establish, maintain or operate research stations for
 - (i) investigating the cause, incidence, prevention, control or eradication of any disease

COFFEE INDUSTRY REGULATION

- likely to be prejudicial to the interests of the coffee industry;
- (ii) investigating the types of coffee which and the conditions under which, and the manner in which coffee may most advantageously be cultivated in Jamaica or in any area in Jamaica;
 - (iii) investigating the conditions under which and the manner in which coffee may most advantageously be cured, dried, pulped, washed, cleaned, processed, stored, prepared for market, transported or exported from Jamaica;
 - (iv) improving the yield or other economic value of coffee or of any type of coffee;
 - (v) investigating the types of coffee products most suitable for manufacture in Jamaica and the conditions under which and the manner in which any such products may be most advantageously manufactured, stored, processed, prepared for market, transported or exported;
 - (vi) investigating any other matter the investigation of which may in the opinion of the Board be necessary or expedient in the interests of the coffee industry;
- (f) do any of the acts or things referred to in paragraphs (a) to (e) (both inclusive) on behalf of or as agent for or in partnership with any other person or finance the doing of any such acts or things by any other person;
 - (g) execute, accept, endorse and negotiate bills of exchange, cheques and promissory notes on its own behalf or on behalf of any other person;

- (h) borrow money and give security for the repayment of any money so borrowed by mortgaging or pledging any assets of the Board or by the issue of debentures or scrip of any description;
- (i) lend money to any person for the doing of any of the acts or things referred to in paragraphs (a) to (e) (both inclusive) or guarantee or give security (whether for reward or otherwise) for the repayment of any moneys borrowed by any person other than the Board, from any other person for the doing of any of the acts or things referred to in paragraphs (a) to (e) (both inclusive).

7.—(1) The Board with the approval of the Minister may make regulations— Regulation
making
section.

- (a) providing for the constitution of one or more advisory committees of coffee growers, coffee dealers, manufacturers of coffee products or other persons interested in the coffee industry and for the functions to be performed by such committees and the appointment of the members of such committees and the conduct of business and procedure to be followed at meetings of such committees;
- (b) providing for the registration, subject to such exemptions as may be specified—
 - (i) of all nurseries or of any particular class of nursery; or
 - (ii) of all coffee growers or of any particular class of coffee growers; or
 - (iii) of all coffee works or of any particular class of coffee works; or
 - (iv) of all dealers in coffee or of any particular class of dealers in coffee;
- (c) providing for the keeping of any register pursuant to the provisions of paragraph (b) and the form

of any such register and the procedure to be followed in relation to the registration of any person or undertaking required to be registered pursuant to such paragraph and the fees to be paid in respect of such registration;

34/1967
S. 2(a).

(d) providing, subject to such exemptions as may be specified, for the licensing (including the grant, refusal and revocation of licences) of—

(i) the operators of coffee nurseries or coffee works or of any particular class of coffee nursery or coffee works; or

(ii) all coffee dealers or of any particular class of coffee dealers;

(e) providing for the form of application for any licence pursuant to the provisions of paragraph (d) and the fees to be paid upon such application and the procedure to be followed upon such application and in relation to the grant, refusal or revocation of any such licence and the form and conditions of any such licence;

34/1967
S. 2(b).

(f) prohibiting or restricting, subject to such exemptions as may be specified, the establishment, maintenance or operation by any person other than the Board except under and in accordance with the terms of a licence granted by the Board of any nursery or any coffee works;

(g) prohibiting, restricting or regulating, subject to such exemptions as may be specified, the purchase, sale, distribution and the price to be paid for any coffee plants or coffee seedlings grown in any nursery;

(h) regulating the operation of any nursery or of any coffee works;

- (i) prohibiting, restricting or regulating, subject to such exemptions as may be specified, the export from Jamaica of any coffee or coffee product by any person other than the Board;
- (j) prohibiting, restricting or regulating, subject to such exemptions as may be specified any dealings or any particular class of dealings in coffee berries, coffee or any coffee product by any person other than the Board;
- (k) prohibiting, restricting or regulating, subject to such exemptions as may be specified, the growing, picking, curing, drying, pulping, washing, cleaning, processing in any manner, preparing for market, storing, packing, transporting, distributing, purchase or sale of any coffee berries;
- (l) prohibiting, restricting or regulating, subject to such exemptions as may be specified, the manufacture, processing, preparing for market, storing, packing, transporting, distributing, purchase or sale of any coffee product;
- (m) prescribing the grades and types and quality of coffee and of any coffee product;
- (n) prescribing the prices to be paid to the grower, processor, manufacturer or dealer in coffee or any coffee product in respect of any grade, type or quality of coffee or coffee product, so, however, that different prices may be fixed in respect of the same grade, type or quality of coffee or coffee product if delivered at different delivery points or in respect of the same grade, type or quality of coffee or coffee product purchased or sold by dealers of different categories;
- (o) regulating the delivery points of coffee berries and the persons to whom delivery may be made of coffee berries;

- (p) prescribing, subject to such exemptions as may be specified, the records to be kept by any person who is required pursuant to paragraph (b) to be registered or who has control of any undertaking so required to be registered or who is required pursuant to the provisions of paragraph (d) to be licensed;
- (q) prescribing, subject to such exemptions as may be specified, the returns to be made by any person who is required to be registered pursuant to the provisions of paragraph (b) or who has the control of any undertaking so required to be registered or who pursuant to the provisions of paragraph (d) is required to be licensed or who is liable to pay any cess under this Act and the time at which and the form in which any such returns are required to be made and the particulars to be contained in such returns;
- (r) requiring, subject to such exemptions as may be specified, any person who is required pursuant to the provisions of paragraph (b) to be registered or who has the control of any undertaking so required to be registered or who is licensed or who is liable to pay any cess under this Act, to furnish to the Board or to some person designated by the Board such information in relation to the growing, picking, curing, drying, pulping, washing, cleaning, processing, transporting, distributing, purchase, sale or manufacture of any coffee plants, coffee seedlings, coffee berries or coffee product in such form as may be prescribed;
- (s) providing for the entry at all reasonable times during the hours of daylight by persons appointed by the Board upon any land on which coffee is grown or upon any premises used or believed by the

Board to be used or to be about to be used for any purpose connected with the processing of coffee berries or the manufacture of any coffee product or the storage, purchase, sale, export or distribution of any coffee berries or coffee product;

- (t) prescribing the penalties for any contravention of any regulations made under this section or of the conditions of any licence granted pursuant to the provisions of paragraph (d); ^{34/1967} S. 2(c).
- (u) prescribing the form in which and the time within which any person aggrieved by any decision of the Board may appeal to the Minister against such decision;
- (v) providing for the collection of any cess imposed under section 10.

(2) Notwithstanding the provisions of section 29 of the Interpretation Act, regulations made under subsection (1) may prescribe penalties in accordance with the following— ^{14/1998} S. 2.

- (a) for any person—
 - (i) caught stealing coffee berries; or
 - (ii) collecting or receiving coffee berries without complying with the regulations, a fine not exceeding fifty thousand dollars per box of coffee berries or part thereof or a term of imprisonment not exceeding six months;
- (b) for any person transporting coffee berries which he knows to have been stolen, a fine not exceeding one hundred thousand dollars per box of coffee berries or part thereof or a term of imprisonment not exceeding twelve months;

- (c) for any breach of its licence by a factory in its establishment or operation, a fine not exceeding one hundred thousand dollars per box of coffee berries or part thereof or a term of imprisonment not exceeding twelve months;
- (d) for any person who purchases coffee without complying with the provisions of the regulations, a fine not exceeding one million dollars or a term of imprisonment not exceeding three years;
- (e) for any person who represents any coffee which is not Blue Mountain Coffee as being Blue Mountain Coffee, a fine not exceeding five million dollars or a term of imprisonment not exceeding three years;
- (f) for any person who knowingly purchases stolen coffee, a fine not exceeding two million dollars or a term of imprisonment not exceeding three years; and
- (g) for any other offence a fine not exceeding one hundred thousand dollars or a term of imprisonment not exceeding six months.

14/1998
S. 2.

(2A) In subsection (2), “box of coffee berries” means a box with internal measurements of 35.56 centimetres high, 48.26 centimetres long and 24.765 centimetres wide, filled with coffee berries.

62/1958
S. 2.

(3) All regulations made under this section shall be laid as soon as may be after the making thereof before the House of Representatives and the Senate and if the House of Representatives or the Senate within twenty-one days of the day on which any such regulations are laid as aforesaid resolves that the regulations be annulled, the regulations shall thereupon cease to have effect, but without prejudice to anything previously done thereunder or to the making of new regulations.

(4) In reckoning, for the purposes of subsection (3), the period of twenty-one days, no account shall be taken of any time during which the House of Representatives or the Senate is dissolved or prorogued or during which the House is adjourned for more than four days or the Senate for more than six days.

62/1958
S. 2.

8. The Minister may, after consultation with the chairman, give to the Board directions of a general character as to the policy to be followed by the Board in the exercise and performance of its functions.

Minister
may issue
general
directions
in matters
of policy.
62/1958
S. 3.

9.—(1) Any person aggrieved by any decision of the Board may appeal to the Minister in the prescribed manner.

Appeals.
62/1958
S. 4.

(2) The Minister shall consider every appeal made under subsection (1) at such time and in such manner either in the presence or absence of the appellant and shall make such order in relation to such appeal as the Minister may think fit.

(3) The decision of the Minister upon any appeal made pursuant to the provisions of this section shall be final and shall not be questioned in any legal proceedings.

10.—(1) Subject to the provisions of subsection (2) the Board may from time to time impose a cess upon the proceeds of the sale by any person in Jamaica of any coffee or any coffee product produced in Jamaica whether such sale takes place in Jamaica or elsewhere.

Cess.
62/1958
S. 5.

(2) No cess imposed under subsection (1) shall be of any effect unless and until approved by the Minister by order.

11. All fees paid pursuant to the provisions of any regulation made under section 7 shall be paid to the Board and shall form part of the assets of the Board.

Fees.

Accounts
and audit.
62/1958
S. 6.

12.—(1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Board and approved by the Minister.

(2) The members, officers and servants of the Board shall grant to the auditor appointed to audit the accounts of the Board under the provisions of subsection (1) access to all books, documents, cash and securities of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Board.

(3) The Board may write off bad debts.

(4) The Board with the prior approval of the Minister in every case may from the funds at its disposal from time to time contribute such sums as it thinks fit for any purpose or purposes likely in the opinion of the Board to benefit the coffee industry of Jamaica, including the organization of growers associations.

Annual
report and
estimates.
62/1958
S. 7.

13.—(1) The Board shall in each year prepare and present on or before the first day of December to the Minister a report of its proceedings during the twelve months ending on the thirty-first day of July in such year, including a statement of its accounts audited in accordance with the provisions of section 12.

(2) A copy of such report together with a copy of the auditor's report shall be laid on the Table of the House of Representatives and of the Senate and shall be published in the *Gazette*.

(3) The Board shall on or before the first day of June in each year, submit to the Minister for approval, its estimates of revenue and expenditure in respect of the period commencing on the first day of August next following and ending on the thirty-first day of July of the subsequent year, and shall during that year submit to the Minister

for approval any estimates of further expenditure as may become necessary.

14.—(1) The Board shall consist of not less than seven or more than nine members appointed by the Minister of whom three shall be nominated members.

Member-
ship of
Board.
6/1962
S. 4.
14/1985
S. 2.

(2) The appointment of every member of the Board shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

(3) Subject to the provisions of subsection (1) every member shall be eligible for reappointment.

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

(5) The Minister shall appoint from amongst the members of the Board the chairman of the Board.

(6) The Minister may from time to time as he sees fit declare any association or body which in his opinion is representative of coffee growers to be the approved association for the purposes of this Act and may revoke any such declaration.

(7) Notwithstanding anything to the contrary, where the occasion arises for the appointment of one or more nominated members or of a person to act temporarily in the place of any such member and the approved association—

(a) refuses; or

(b) fails within such reasonable time not being less than three weeks as may be specified by the Minister,

to comply with a request in writing made by the Minister to nominate a panel of coffee growers, the Minister may make any such appointment otherwise than from a panel

of coffee growers but from among persons who he is satisfied are actively engaged in the growing of coffee and thereupon the provisions of this Act shall apply to any person so appointed as if he were a nominated member.

Vacation of
office.
6/1962
S. 5.

15. Any member of the Board shall be deemed to have vacated his office if—

- (a) he becomes insane; or
- (b) he is adjudicated a bankrupt or makes any composition or arrangement with his creditors.

Authenti-
cation of
acts of
Board.

16.—(1) The seal of the Board shall be authenticated by the signatures of the chairman, or one member of the Board authorized to act in that behalf, and the secretary of the Board, and such seal shall be officially and judicially noticed.

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

(3) The powers of the Board shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Board.

(4) The Board may sue and be sued in its corporate name and may for all purposes be described by such name.

Grant of
leave of
absence to
members.
6/1962
S. 7.

17.—(1) The Minister may on the application of any member, grant to such member leave of absence for any period not exceeding six months.

(2) If the chairman is granted leave of absence in accordance with the provisions of subsection (1) or is unable to act, the Minister may appoint a person whether or not

such person is already a member of the Board to act temporarily in the place of the chairman.

(3) If a nominated member is granted leave of absence in accordance with the provisions of subsection (1) or is unable to act or has been appointed to act as chairman, the Minister may appoint a person from a panel of coffee growers to act temporarily in the place of such member.

(4) If any member other than the chairman or a nominated member is granted leave of absence in accordance with the provisions of subsection (1) or is unable to act, or has been appointed to act as chairman, the Minister may appoint a suitable person to act temporarily in place of such member.

18.—(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 the receipt by the Minister of such instrument.

Resignation
of chairman
and other
members of
Board.
6/1962
S. 8.

(2) Any member of the Board 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, upon the date of the receipt by the chairman of such instrument, such member shall cease to be a member of the Board.

19. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Liability of
members of
the Board.

20.—(1) The Board shall hold monthly meetings for the transaction of its business, which shall be held at such time and place and on such days as the Board may determine.

Meetings
and
procedure
thereat.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within

seven days of a requisition for that purpose addressed to him by any two members of the Board.

(3) The chairman shall preside at all meetings of the Board at which he is present, and in the case of his absence the members present and constituting a quorum shall elect one of their number to act as chairman of the meeting.

62/1958
S. 9.

(4) At any meeting of the Board four members shall form a quorum for the transaction of business.

(5) All acts of the Board, and all questions coming or arising before the Board, shall be done and decided by the majority of such members of the Board as are present and vote. In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

(6) The Board may from time to time make standing orders for the transaction of its business, including the power to appoint any member or committee to whom it may delegate authority to carry out such portions of the duties committed to it as it may from time to time determine.

(7) The Board may from time to time delegate to any of its officers or servants authority to carry out such portions of the duties committed to the Board as the Board may from time to time determine.

Appoint-
ment of
officers and
servants.

21.—(1) The Board may appoint and employ officers and servants upon such terms and conditions as it thinks fit.

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Island to any office under the Board:

Provided that in relation to pension, gratuity, allowance, and to other rights as a public officer, such officer shall be deemed to be in the service of the Island while so employed.