

Rodrigues Marketing Board Regulations, 1951

GN 216/1951

COURTS ACT-RODRIGUES, ST.BRANDON AND AGALEGA

Regulations made by the Governor in Council under section 158 of the Courts Act 1945

1. Short title,

These Regulations may be cited as the Rodrigues Marketing Board Regulations, 1951, and shall come into force on the 1st of January, 1952.

2. Definition.

In these Regulations-

"Produce" means any agricultural or fishery produce and livestock to which these Regulations apply.

3. Establishment of the Marketing Board

(1) For the purposes of these Regulations there shall be established a Board to be called the Rodrigues Marketing Board (hereinafter referred to as the Board") consisting of the Island Secretary, the Agricultural Officer, the Inspector of Co-operative Societies and six other members to be appointed annually by the President.

(2) The names of the members of the Board shall be published in the Gazette and the members appointed by the President shall, notwithstanding anything to the contrary in the preceding paragraph, but subject to the provisions of the next succeeding paragraph, hold office until the expiration of the day on which a notice appointing the Board for the year following that for which they were appointed is published in the Gazette.

(3) The date of the intended publication of the appointment of members of the Board in the Gazette shall be transmitted in time to the Magistrate to allow him to post on such date on the notice board of the Court house a notice announcing the appointment and the Magistrate shall cause such notice to be so posted.

(4) The Agricultural Officer shall be the Chairman of the Board; in the absence of the Agricultural Officer, the Inspector of Co-operative Societies shall be chairman and in the absence of the two aforementioned members the Board shall elect its own chairman for the meeting.

Amended by [\[GN No. 61 of 1968\]](#); [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#); [\[Act No. 48 of 1991\]](#)

4. Legal status of the Board.

(1) The Board shall be a body corporate having perpetual succession and a common seal. It shall be capable of suing and of being sued through its chairman and it shall, subject to the provisions of these regulations, and notwithstanding the provisions of any law to the contrary, be

capable of acquiring, holding and alienating property moveable and immoveable and of doing all such acts and things as bodies corporate may do and perform.

(2) Service of any process by or on the Board shall be sufficient if made on behalf of or on the Secretary.

5. Disqualification of members of the Board and the filling of casual vacancies.

(1) A member of the Board appointed by the President shall cease to hold office-

(a) if he resigns his office ; or

(b) if he is adjudged bankrupt or enters into a composition with his creditors ; or

(c) if the Board by resolution declares that he has been absent without reasonable excuse from three consecutive meetings of the Board.

(2) If a member of the Board appointed by the President dies, or ceases to hold office under the last preceding paragraph, the President may appoint a person in his place.

(3) The President may appoint another person to fill, temporarily or otherwise, a vacancy occurring through any other cause.

Amended by [\[GN No. 61 of 1968\]](#); [\[Act No. 48 of 1991\]](#)

6. Power of Board to act notwithstanding vacancies.

The Board shall at all times have power to act notwithstanding any vacancies amongst members provided the number of the members be not reduced at any time below five by such vacancies.

7. The quorum and meetings of the Board.

(1) The quorum of the Board shall be five.

(2) Questions arising at any meeting of the Board shall be decided by a majority of the votes of the members present, and, if at any such meeting the votes are equally divided, the Chairman of the meeting shall have a second or casting vote.

8. Appointment of Secretary and other officers.

(1) The Board shall have power to appoint, with the approval of the President, a Secretary, who shall not be a member of the Board, and such other officers, servants and agents as it thinks fit, and shall determine their respective duties and remuneration and the Board may fine, interdict, discharge or dismiss such Secretary, officers, servants and agents.

(3) The Secretary or any officer or agent appointed under the preceding paragraph may, with the approval of the President, be a Government officer seconded for duty with the Board.

Amended by [\[Act No. 48 of 1991\]](#)

9. Remuneration of members.

The Board may pay to each member of the Board such fee as may be determined by the Board and approved by the President.

Amended by [\[GN No. 61 of 1968\]](#); [\[Act No. 48 of 1991\]](#)

10. Exemption from stamp duties and registration fees.

The Board shall be exempt from all stamp duties and registration fees payable under any legal enactment for the time being in force on all deeds, documents, contracts and instruments, including cheques and receipts executed by or on behalf of the Board.

11. Pieces of produce for export to be fixed by the Board.

Notwithstanding the provisions of any law to the contrary, the Board shall have power to fix the prices of all or any produce intended for export.

12. Conditions under which export of produce permitted.

(1) No produce shall be exported from Rodrigues without a permit from the Board to that effect.

(2) Such permit shall only be granted by the Board after the purchaser who applies for export of the produce has supplied to the Board the name of the seller and has paid to the Board in the name of such seller the price fixed by the Board in respect of the produce.

13. Responsibility of Master and agent of ship.

The Master or agent of a ship accepting produce for export shall ensure that an export permit has been issued by the Board authorising the export of such produce.

14. Officers of the Board responsible for weighing and grading of produce.

When the sale is in respect of produce, the price of which is fixed either by weight or grade, the weighing and grading shall be effected by or under the control of an officer of the Board.

15. Board to levy commission.

The Board after receiving payment on behalf of an individual in respect of the sale of any produce for export shall deduct not less than three and not more than ten per cent of any sum so received and shall, as soon as convenient, pay over the balance to such individual.

16. Thumb mark where payee is illiterate and proof of identity.

(1) Where payment under the preceding regulation is made to any person who is illiterate the officer of the Board effecting payment shall require such person to affix his thumb mark to the receipt.

(2) Where the officer effecting payment is not certain of the identity of the payee, such identity shall be certified by a person whose identity is known to the officer.

17. Settlement of dispute by arbitration.

Where any dispute arises between the Board and any person and the dispute relates to a matter within the jurisdiction of the Magistrate, such person may, notwithstanding the provisions of any law to the contrary, apply to the Magistrate to have the dispute settled by arbitration. The Magistrate shall then appoint an arbitrator whose decision shall be final.

18. Power to borrow money.

Subject to the approval of the President in Council the Board may for the purpose of exercising any of its functions under these regulations borrow money in such manner and on such terms and on such security as may be arranged by it with the person from whom the money is borrowed.

Amended by [\[GN No. 61 of 1968\]](#); [\[Act No. 48 of 1991\]](#)

19. Government advances.

The President may authorize the Accountant General to make advances to the Board in such sums and on such terms and conditions as the President may think fit for the purposes of these regulations.

Amended by [\[GN No. 61 of 1968\]](#); [\[Act No. 48 of 1991\]](#)

20. Power to create reserves.

The Board may create such reserves as it may consider necessary for exercising any of its functions under these regulations or for the purpose of providing for any future liability or contingency.

21. Limitation of period during which moneys may be paid to sellers.

Notwithstanding the provisions of any law to the contrary, any money standing to the credit of a seller of produce or other person in the books of the Board and which has remained unclaimed for a period of two years shall, if not claimed within one month of the posting up on the notice Board of the Court house of a notice stating that the Board intends to transfer such money to its credit, be transferred to the credit of the Board, and the seller or other person, or his heirs, executors or assignees, shall thereafter have no further claim on such money.

22. Balance sheet, appointment of auditor.

(1) The Board shall at the end of every financial year make out a Balance Sheet and a Profit and Loss Account in a form approved by the Accountant General and shall submit them to be audited by an auditor who shall not hold any other office in connection with the Board and who shall be specially appointed by the President for that purpose at such remuneration as the Chairman may determine with the approval of the President.

(2) The Board shall, as soon as may be after the auditor has submitted his report and not later than three months after the close of the financial year, send to the Accountant General a copy of such Balance Sheet and Profit and Loss Account and of the report of the Auditor, and also a report of the Chairman of the Board as to the operations of the Board during the period covered by the Profit and Loss Account. Such reports together with the Balance Sheet and Profit and Loss Account shall be laid on the table of the Council.

Amended by [\[Act No. 48 of 1991\]](#)

23. Powers of Auditor.

The Auditor so appointed shall have access to all books, deeds, documents, accounts and vouchers relating thereto, and shall either sign the same as found by him to be correct, duly vouched and in accordance with law or shall report to the Board in what respect the same are found incorrect, unvouched and not in accordance with law.

24. Investment of funds.

Any funds standing to the credit of the Board may be invested by the Board in any securities which may be authorized by the President.

Amended by [\[Act No. 48 of 1991\]](#)

25. Right of entry.

25. Any person duly authorized in writing by the Chairman of the Board to act on its behalf shall have access at any time to any premises for the purpose of ensuing compliance with the provisions of these regulations.

26. Penalty.

Any person buying or selling any produce intended for export or assisting in the buying or selling of such produce or exporting or attempting to export any produce or assisting in the export of, or in the attempt to export, any such produce otherwise than in compliance with the provisions of these regulations shall be guilty of an offence against these regulations and shall be liable on conviction by a Magistrate to a fine not exceeding five hundred rupees and to imprisonment for a term not exceeding three months.

27. Application of Regulations.

These regulations shall apply to any produce which the Island Secretary may, by order posted in a conspicuous place at the Court House, determine to be produce to which these regulations shall apply.

Amended by [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)

Approved by the President on the twenty-fourth day of August, one thousand nine hundred and fifty-one.