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THE AGRICULTURAL AND INDUSTRIAL AID LAW (24 OF 1978)

(1996 Revision)

Consolidated with Laws 1 of 1986 and 5 of 1996.

Revised under the authority of the Law Revision Law (19 of 1975).

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Law 1 of 1986-10th March, 1986

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Consolidated and revised this 2nd day of January, 1996.

AGRICULTURAL AND INDUSTRIAL AID LAW

(1996 Revision)

ARRANGEMENT OF SECTIONS

1. Short title
2. Definitions
3. Establishment of Development Board
4. Membership and constitution
5. Functions of Board
6. Powers of Board
7. Power to prepare for transfer of functions
8. Borrowing powers
9. Power to lend money
10. Application of loans
11. Offences in respect of loans
12. Penalties
13. Minutes
14. Funds and resources of Board
15. Powers of Governor
16. Procedure at meetings of Board
17. Officers of Board
18. Execution of documents
19. Power to make bye-laws
20. Accounts and audits
21. Report

AGRICULTURAL AND INDUSTRIAL AID LAW

(1996 Revision)

1. This Law may be cited as the Agricultural and Industrial Aid Law (1996 Revision). Short title
2. In this Law - Definitions
- “agriculture” includes the use of land for any purpose of husbandry, including the rearing and breeding of livestock and the growing and marketing of vegetables, root crops, fruits and other agricultural products and includes fisheries, forestry, horticulture and mariculture;
- “Board” means the Agricultural and Industrial Development Board established by section 3;
- “Caymanian” means a person having Caymanian status;
- “Chairman” means the Chairman of the Board;
- “Deputy Chairman” means the Deputy Chairman of the Board;
- “Governor” means the Governor in Council;
- “industry” includes manufacturing and craftwork, processing, assembly, installing, cleaning, packaging, transporting, warehousing of goods, overhauling, reconditioning, altering or repairing the same and includes hotels, guest houses, catering and sporting activities; and such businesses as the Governor may, from time to time, appoint;
- “member” means a member of the Board; and
- “Secretary” means the Secretary of the Board.
3. There is hereby established a body corporate called the Agricultural and Industrial Development Board having perpetual succession and a common seal, with power to sue and be sued, and to enter into such contracts as it considers expedient for performing its functions under this Law. Establishment of Development Board
4. (1) The Board shall consist of not less than five nor more than seven members as the Governor may, from time to time, determine. Membership and constitution

(2) The members shall be appointed by the Governor from amongst persons appearing to be qualified by reason of having experience of matters relating to industry, trade, finance, science, administration or agriculture, and a majority of the members shall be Caymanians.

(3) The Governor shall appoint members to be Chairman and Deputy Chairman of the Board.

(4) Members shall hold office for such period, not exceeding three years, as the Governor may direct, and shall be eligible for reappointment.

(5) The Governor may appoint any person appearing to have the qualifications necessary for appointment under subsection (2) as a member to act temporarily in the place of any member absent or unable to act.

(6) The Board may, in its discretion, invite any person or persons to attend any meeting of the Board and such person or persons may take part in the proceedings of that meeting but shall not be entitled to vote.

(7) The Chairman may, at any time, resign his office by instrument in writing addressed to the Governor, and a member other than the Chairman may, at any time, resign his office by instrument in writing addressed to the Chairman.

(8) The Governor may, at any time, revoke the appointment of a member.

(9) The appointment of, and the termination of office of a member by death, resignation, revocation, effluxion of time or otherwise, shall be gazetted.

(10) A member shall cease to hold office if -

- (a) he resigns in accordance with subsection (7);
- (b) his appointment is revoked by the Governor;
- (c) the Board declares by resolution that he has been absent from three consecutive meetings without leave of the Board; or
- (d) he is adjudged bankrupt or enters into a composition or arrangement with his creditors.

Functions of Board

5. (1) The functions of the Board are to-
- (a) promote agricultural and industrial development in the Islands; and
 - (b) provide financial assistance to persons pursuing courses of education approved under paragraph (b) of section 6.
- (2) In the performance of its functions, the Board-

- (a) may acquire, hold and dispose of property of all kinds, including without prejudice to the generality of the foregoing, trading concerns and other businesses and interests therein; and
- (b) shall have regard to the economic and commercial merits of any undertaking it plans to initiate, assist or expand.

6. The Board shall have power to-

Powers of Board

- (a) promote the carrying on of agricultural and industrial activities by bodies or individuals, and for that purpose to establish, expand or promote the establishment of such activities either under the control, partial or otherwise, of the Board or independently and to give assistance to such bodies or individuals appearing to the Board to have facilities for the carrying on of any such activities, including financial assistance by the taking up of share or loan capital, by direct loan or by issue of a guarantee or otherwise:

Provided that where the exercise by the Board of any of its powers under this section involves the Board entering into any new activity or transaction, the Board shall obtain the prior approval of the Governor;

- (b) enter into such arrangements as it thinks fit to assist suitable persons to pursue such courses of education as may be approved by the Education Council established by section 3 of the Education Law, 1983;
- (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) enter into any transaction (whether or not involving expenditure, borrowing, granting of loans or guarantees or investment of money) in accordance with this Law and to acquire or dispose of property or rights calculated to facilitate the proper discharge of its functions;
- (e) appoint such agents as the Board may consider necessary;
- (f) pay any fees, expenses, costs, or other expenditure properly incurred or accepted by it in the discharge of its functions;
- (g) exercise such other like powers as the Governor may, from time to time, confer upon it by notice published in the Gazette; and
- (h) exercise such supplementary powers as may be necessary or expedient in achieving the above.

Law 25 of 1983

7. (1) The Board shall have power to prepare for any enactment by or under which the functions of the Board are transferred to another statutory corporation.

Power to prepare for transfer of functions

(2) The Board may do whatever is necessary for, or conducive to, the carrying out of the preparations referred to in subsection (1).

Borrowing powers

8. (1) The Board may borrow such amounts as may be required for the purpose of meeting any of its obligations or discharging any of its functions.

(2) The power of the Board to borrow shall be exercised only with the approval of the Governor.

Power to lend money

9. (1) Subject to such conditions as it may impose and subject to satisfactory security being provided, the Board may, out of its funds and resources, make loans in accordance with this Law in the discharge of its functions, and in making such loans may charge such rates of interest as it deems fit.

(2) Subject to subsection (3), every loan shall be repaid to the Board in accordance with the terms and conditions under which it was made.

(3) With the approval of the Financial Secretary, the Board may extend the time for the repayment of any loan and interest due thereon or may compound, release or vary the terms of repayment or the interest due or payable thereon subject to the loan remaining satisfactorily secured and the observation of such conditions as it may impose.

(4) The Board may, at any time, accept repayment of the whole or any part of the principal of a loan and interest thereon before the time when such repayment is due upon such terms and conditions as it thinks fit.

Application of loans

10. (1) Where the Board has made a loan under this Law it shall-

- (a) from time to time, make or cause to be made such examination as may be necessary to ensure that the loan is being applied to the purpose for which it was made and for this purpose may authorise in writing any of its officers or any other person to make such examination, and an officer or person so authorised shall be entitled to demand the production of all such books, documents and other matters and things as he may consider necessary for the purpose of making such examination; and
- (b) require financial statements in such detail as it may determine to be submitted by the person in receipt of the loan biannually or at shorter intervals at the discretion of the Board, and such person shall comply with such request.

(2) Whoever fails to submit any financial statement or to produce any book, document or other matter or thing demanded in accordance with subsection (1) is guilty of an offence.

(3) Where, upon an examination made under paragraph (a) of subsection (1), it appears to the Board that any sum, being the whole or any part of the loan, has not been applied to the purpose for which the loan was made, without prejudice to any other power or remedy, it may order that any such sum be applied to such purpose within the time mentioned in the order, or that such sum together with any interest due thereon be repaid to the Board at the expiration of the time mentioned.

(4) If any such loan has been secured by mortgage or otherwise and the borrower defaults in complying with the order made in accordance with subsection (3), the Board may, by notice in writing addressed to the borrower, demand repayment of the said loan or any part thereof on such date as is specified in the notice and the payment of all interest due on such loan or part thereof on the date of the notice, and in default of payment on such specified date the Board may sell all or part of the land or other assets mortgaged for the purpose of the loan and take steps to enforce any other security provided by the borrower for the purpose of the loan.

(5) Where any security for a loan under this Law is sold for the purpose of the enforcement of the security, the Board may acquire the whole or part of the property concerned and may hold and manage such property.

11. Whoever-

Offences in respect of
loans

- (a) for the purpose of obtaining a loan from the Board makes any statement or representation in the truth of which he does not believe, the proof of his belief being upon him;
- (b) applies any loan made to him by the Board for a purpose other than that for which the loan was made; or
- (c) having obtained a loan from the Board, without the Board's consent wilfully jeopardises any security given in relation to any such loan,

is guilty of an offence and liable on summary conviction to a fine of two thousand five hundred dollars and to imprisonment for one year.

12. Whoever contravenes this Law, in a case for which no special penalty is provided, is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

Penalties

- Minutes 13. Minutes made of meetings of the Board shall, if purporting to be duly signed by the Chairman or another member acting in that capacity, be receivable in evidence in all legal proceedings without further proof and every meeting of the Board, in respect of the proceedings of which minutes have been made, shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.
- Funds and resources of Board 14. (1) The funds and resources of the Board shall consist of-
- (a) amounts provided for the purpose in the estimates of revenue and expenditure of the Islands;
 - (b) all moneys from time to time received by or falling due to the Board in respect of the repayment of loans and interest payable thereon;
 - (c) monies earned or arising from any property, investments, mortgages and debentures acquired by or vested in the Board;
 - (d) monies borrowed by the Board for the purpose of meeting any of its obligations or discharging its functions;
 - (e) such amounts as the Governor may advance; and
 - (f) all other monies or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.
- (2) Monies standing to the credit of the Board may, from time to time, be invested in securities approved either generally or specifically by the Governor, and the Board may, from time to time with the like approval, sell or deal with any such securities.
- Powers of Governor 15. (1) In the exercise of its powers and the discharge of its functions the Board shall conform with any general or special directions given by the Governor.
- (2) If the Governor instructs the Board to initiate, assist or expand any undertaking which the Board considers economically or otherwise unsound the Board shall not be required to proceed with such initiation, assistance or expansion until the Governor has, in writing, undertaken to reimburse the Board for any losses thereby incurred.
- Procedure at meetings of Board 16. (1) The Board shall meet at least once a quarter and at such other times as it may be convened by the Chairman.
- (2) The Chairman may, at any time, call a special meeting of the Board, and shall do so within seven days of a requisition for that purpose addressed to him by three or more members.

(3) In the absence of the Chairman and his deputy the members present shall appoint one of their number to preside.

(4) Three members shall form a quorum.

(5) The decisions of the Board shall be arrived at by a majority of votes, the person presiding having a casting but not an original vote.

(6) Minutes of meetings shall be kept by the Secretary and confirmed at the next meeting.

(7) In other respects the Board shall have power to regulate its own procedure.

(8) The Board may appoint a committee of its members to examine and report to it on any matter arising out of its functions.

(9) Such a committee shall consist of at least two members together with such other persons as the Board may desire.

(10) The Board may delegate its administrative functions to any member or committee of members.

17. (1) The Board, on such terms and conditions as it thinks fit, may employ a Secretary and such other officers and servants as are necessary for properly carrying out its duties.

Officers of Board

(2) No act or thing done by any member, or any officer or servant of the Board shall, if the act or thing is done in good faith and without gross negligence for the purpose of this Law, render that member, officer or employee, or any person acting by his directions, personally liable to any action, proceeding, claim or demand whatsoever.

(3) The Governor may provide for the expenses and remuneration of the members from funds voted by the Legislative Assembly.

(4) Every member who is or is likely to be concerned in, or who participates in the profits of any contract with which the Board is directly or indirectly concerned otherwise than in his capacity as a member shall, on the matter coming before the Board, immediately declare his interest therein, and shall, unless the Board otherwise agrees, retire from the meeting and shall, in any case, abstain from voting on the matter.

- Execution of documents 18. (1) The common seal of the Board shall be authenticated by the signature of the Chairman or another member authorised to act in that behalf, together with the signature of some other member or officer of the Board so authorised.
- (2) Documents made by the Board, other than those required by law to be under seal, shall be executed, and all decisions of the Board shall be signified under the hand of the Chairman or of a member, officer or servant of the Board authorised in that behalf.
- Power to make bye-laws 19. The Board, with the approval of the Governor, may make bye-laws-
- (a) governing the proceedings of the Board and the manner and transaction of its business;
 - (b) prescribing the limits of net worth of borrowers in respect of certain categories of loans, the limits within which loans may be made, the methods of disbursement, and of securing the loans;
 - (c) prescribing the periods within which loans shall be repayable;
 - (d) prescribing the manner in which documents, cheques and instruments of any description shall be signed or executed;
 - (e) prescribing the circumstances in which members may receive travelling and subsistence allowances, and fixing the rates of such allowances;
 - (f) imposing fees in such cases as may be determined by the Board; and
 - (g) generally for the exercise of its functions under this Law.
- Accounts and audits 20. (1) The Board shall keep accounts of its transactions to the satisfaction of the Financial Secretary and such accounts shall be audited annually by the Government auditor.
- (2) The Secretary shall send to the Governor a copy of the audited accounts thereof together with a copy of any report thereon by the auditor.
- (3) The Board may write off bad debts.
- Report 21. (1) The Board shall, within six months from the end of each calendar year, submit to the Governor a report containing an account of its transactions throughout the preceding calendar year in such detail as the Governor may direct.
- (2) A copy of the report together with a copy of the annual accounts and auditor's report shall be gazetted.

Publication in consolidated and revised form authorised by the Governor in Council this 2nd day of January, 1996.

Mona N. Banks-Jackson
Clerk of Executive Council