

**SUGAR INDUSTRY LABOUR WELFARE
COMMITTEE (INCORPORATION) ACT**

CHAPTER 64:05

Act

40 of 1951

Amended by

41 of 1961

41 of 1970

*20 of 1981

*24 of 1981

3 of 1997

14 of 1998

*See Note on Amendment on page 2

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Amendment

Section 7(1) has been amended by Act No. 20 of 1981, and sections 6(2), 7(1), 7(2) and 18 have been amended by Act No. 24 of 1981. However, Acts No. 20 of 1981 and No. 24 of 1981 have not up to the date of the revision of this Act been brought into operation.

Note on Staff

Under section 3(2) of the Statutory Authorities Act (Chapter 24:01), the Sugar Industry Labour Welfare Committee (Incorporation) has been declared a statutory authority subject to the provisions of that Act (*see* Chapter 24:01 — Subsidiary Legislation).

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

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**SUGAR INDUSTRY LABOUR WELFARE
COMMITTEE (INCORPORATION) ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Incorporation of Sugar Industry Labour Welfare Committee.
4. Power to acquire and dispose of property.
5. Meetings of Committee.
6. Power of Committee to take and hold mortgages.
7. Release of mortgage.
8. Interest on loans and proceeds of sale of mortgaged property to be credited to Fund.
9. Payment of necessary expenses of Committee as mortgagee.
10. Exemption from personal liability of members of Committee.
11. Offences.
12. Inspection of premises.
13. Exemption from income tax.
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16. Service of process or notice on the Committee.
17. Committee to conform to directions of Minister.
18. Forms may be prescribed.
19. Powers conferred on Committee to be additional to those already possessed.

(b) to sell, demise, grant, convey, exchange or otherwise dispose of and deal with all property which may, from time to time, be vested in or acquired by the Committee.

(2) This section shall be deemed to have had effect from 1st December 1951.

5. In the event of the absence of the Chairman from a meeting of the Committee, the members of the Committee present at the meeting, being a quorum, shall appoint one of their number to preside as Chairman and the appointed member shall for that meeting have all the powers of the Chairman.

Meetings of
Committee.

6. (1) Where any disbursement from the Fund is made by way of loan, the Committee may take and hold a mortgage upon real or leasehold property, or a Bill of Sale in respect of a building standing on lands on which the borrower is a monthly or yearly tenant, by way of security therefor or for debts or liabilities due to the Committee in respect thereof, and in the case of a mortgage may exercise all the rights and powers of a mortgagee in relation to any such property.

Power of
Committee to
take and hold
mortgages.
[*41 of 1970].

(2) Any mortgage shall be by Deed registered under the Registration of Deeds Act, or by a memorandum of mortgage registered under the Real Property Act or by a mortgage Bill of Sale registered under the Bills of Sale Act except that notwithstanding anything contained in the Real Property Act the forms of memoranda of mortgage and discharge or receipt prescribed under this Act may be used in lieu of the forms provided by the Real Property Act.

Ch. 19:06.

Ch. 56:02.

Ch. 82:32.

* Section 6 of this amending Act (which came into operation on 4th November 1970) provides as follows: "Any question arising after the commencement of this Act as to the validity or otherwise of any mortgage Bill of Sale taken by way of security for any debt or liabilities due to the Committee in respect of any building standing on lands on which the borrower is a monthly or yearly tenant, shall be determined as if the provisions of this Act had been in force at all material times."

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Release of mortgage. [41 of 1970]. Ch. 19:06.

7. (1) Every mortgage to secure a loan made by the Committee from the Fund and registered under the Registration of Deeds Act may be vacated by a receipt under the seal of the Committee duly authenticated. The receipt shall vest the estate of and in the property comprised in the mortgage in the person for the time being entitled to the equity of redemption without any reconveyance whatever.

(2) The Registrar General shall, on production of the receipt, endorse upon the mortgage instrument an entry to the effect that the mortgage is satisfied, and shall grant a certificate to that effect, which certificate shall be received in all Courts and proceedings without further proof; and the entry shall have the effect of clearing the register or record of the mortgage.

Ch. 82:32.

(3) Every mortgage Bill of Sale to secure a loan made by the Committee shall be discharged in accordance with the Bills of Sale Act after repayment of the loan.

Interest on loans and proceeds of sale of mortgaged property to be credited to Fund. [41 of 1970 14 of 1998].

8. All sums realised by the Committee by way of interest on loans made, or proceeds of sale of property held on mortgage or mortgage Bill of Sale or service charges, by the Committee shall, after deduction of proper expenses, be paid to the Comptroller of Accounts and placed to the credit of the Fund.

Payment of necessary expenses of Committee as mortgagee. Ch. 64:04.

9. All necessary disbursements made, and all expenses properly incurred, by the Committee in the capacity of mortgagee of property shall be deemed to be expenses of administering the Fund for the purposes of section 11 of the Sugar Industry Special Funds Act.

Exemption from personal liability of members of Committee. [41 of 1961].

10. No personal liability shall attach to any member of the Committee in respect of anything done or suffered in good faith under this Act and any sums of money, damages or cost which may be recovered against them or any of them for anything done or suffered as mentioned above shall be paid out of the funds of the Committee.

11. (1) Any person who—

- (a) makes any statement in an application or declaration to the Committee which is false;
- (b) receives a loan and fails to apply it within three months from the receipt thereof to the purpose for which it was granted;
- (c) fails to complete any building operations within nine months of the date started without a satisfactory explanation to the Committee;
- (d) applies any loan obtained under this Act, or part thereof, to any purpose not authorised by the Committee;
- (e) uses, permits or suffers to be used, except with the consent in writing of the Committee, any land or building on the security of which the loan has been made under this Act for any purpose other than solely as a residence for himself and his family,

Offences.
[41 of 1961
41 of 1970].

is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months.

(2) Any borrower who wilfully and maliciously does any act calculated to diminish the value of the security held by the Committee is liable on conviction on indictment to a fine of one thousand five hundred dollars and to imprisonment for six months.

(3) Any person who disposes of or deals with or attempts to dispose of or deal with any property comprised on any mortgage or mortgage Bill of Sale in favour of the Committee without first obtaining the leave in writing of the Committee is liable on summary conviction to a fine of three hundred dollars or to imprisonment for one month.

(4) In any prosecution under this section the onus of proving the manner in which any loan or part thereof has been applied shall be on the person charged.

(5) Proceedings for any such offence may be commenced at any time within three years from the date on which the offence was committed.

Inspection of premises.
[41 of 1961].

12. (1) Any valuer or inspector employed by the Committee may at all reasonable times on giving forty-eight hours notice to the owner or occupier enter upon any land or building in respect of which a loan has been made under this Act and may value or inspect the same.

(2) Any person who obstructs or causes to be obstructed any such valuer or inspector in the exercise of any powers conferred by subsection (1), whether by force or by threats or otherwise, is liable on summary conviction to a fine of seven hundred and fifty dollars and to imprisonment for three months.

Exemption from income tax.
Ch. 75:01.

13. Notwithstanding anything contained in the Income Tax Act the income of the Committee derived from operations under this Act shall be wholly exempt from income tax.

Sale of land or houses charged to the Committee.
[41 of 1961].

14. Any sale of land or buildings on which there is a charge in favour of the Committee shall be by public auction conducted by the State Solicitor.

Effect of failure to comply with Act or Regulations.
[41 of 1961].

15. No failure to comply with this Act or the Regulations thereunder shall prevent the recovery of any sum by the Committee or the enforcement of any security by the Committee.

Service of process or notice on the Committee.

16. Service of any process or notice on the Committee may be effected by leaving the same with the Comptroller of Accounts.

Committee to conform to directions of Minister.

17. In the exercise of its powers and the performance of its duties the Committee shall conform with any general or special directions given to it by the Minister.

Forms may be prescribed.

Ch. 56:02.

18. The Committee may prescribe forms of memorandum of mortgage and discharge or receipt for use in lieu of the forms provided by the Real Property Act.

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19. The powers conferred on the Committee hereunder shall be in addition to and not in derogation of the powers exercisable by the Committee under or by virtue of the Sugar Industry Special Funds Act.

Powers conferred on Committee to be additional to those already possessed.
Ch. 64:04.