

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

THE SUGAR INDUSTRY EFFICIENCY (AMENDMENT) BILL

(No. IX of 2013)

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4 *(Section 14 of principal Act amended)*

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 4 –

- (a) in clause 4 –
 - (i) by deleting paragraph (c) and replacing it by the following paragraph –
 - (c) in subsection (5) –
 - (i) by inserting, after the words “an offer under section 23”, the words “or 23A”;
 - (ii) by inserting, after the words “for the purposes of implementing a VRS”, the words “or an ERS”;
 - (iii) by inserting, after the words “a VRS under section 23”, the words “or an ERS under section 23A”;
 - (ii) by adding the following new paragraph –
 - (d) in subsection (6) –
 - (i) by inserting, after the words “section 23”, the words “or 23A”;

- (ii) by inserting, after the words “a VRS”, the words “under section 23 or an ERS under section 23A”;

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Section 17 of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 5 –

“(b) in clause 5 –

- (i) by inserting, after paragraph (a), the following new paragraph –
 - (aa) in the newly lettered paragraph (a), by deleting the figure “1998” and replacing it by the figure “2012”;
- (ii) in paragraph (b), in the proposed new paragraph (b), by inserting, after the words “producer fails to comply with paragraph (a)”, the words “and any attempt by the Mauritius Cane Industry Authority to resolve the matter amicably is unsuccessful”;

Amendment agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Motion made and question proposed: “that the clause stand part of the Bill”.

New Clause 6A

Mr Faugoo: I move that a new clause 6A be added as follows –

“6A. Section 26 of principal Act amended

Section 26 of the principal Act is amended –

- (a) in the heading, by inserting, after the word “workers”, the words “and employees”;

(b) by inserting, after subsection (1A), the following new subsection –

(1AA) The exemptions referred to in subsections (1) and (1A) shall not apply unless the deed witnessing the transfer of land contains a certificate from the Mauritius Cane Industry Authority, stating that the transferee is entitled to that exemption.”

The Chairperson: The question is that new clause 6A be read a second time.

Question put and agreed to.

New Clause 6A ordered to stand part of the Bill.

Motion made and question proposed: “that the clause stand part of the Bill”.

Clause 7 (Section 27 of principal Act amended)

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 7 –

“(d) in clause 7(b), by deleting the proposed definition of “expenditure” and replacing it by the following definition –

“expenditure” –

(a) effected in relation to a factory closure, a VRS or an ERS, means –

(i) on site infrastructural costs in relation to the land being offered to employees, and such offsite infrastructural costs as may be approved by the Minister;

(ii) cash compensation paid to employees;

(iii) cumulative interest at prime lending rate for a maximum period of 2 years on loans contracted for the project implementation costs approved by the Minister; and

(iv) any of the expenditure incurred in the implementation of the conditions specified in Part I of the Eleventh Schedule;

- (b) effected in relation to a factory closure, includes costs for the upgrading or modernising of a factory or factories receiving canes in the context of a factory closure and any contribution made to the General Fund set up under section 46 of the Mauritius Cane Industry Authority Act;”

Amendment agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 (Section 28 of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 8 –

“in clause 8 –

- (i) by deleting paragraph (a) and replacing it by the following paragraph –
 - (a) by repealing subsections (2), (2A) and (2B);
- (ii) in paragraph (b)(iii), in the proposed new subparagraph (iii), by inserting, after the word “land”, the words “other than land”;
- (iii) in paragraph (d)(iii), in the proposed new sub subparagraph (C), by inserting, after the word “land”, the words “other than land”;
- (iv) by inserting, after paragraph (d), the following new paragraph –
 - (da) by inserting, after subsection (4C), the following new subsection –
 - (4CA) For the purposes of subsections (4A) and (4C), the minimum plot size for land subdivided for agricultural purposes shall be –
 - (a) where the subdivision relates to a donation by an ascendant and the site is –
 - (i) within the settlement boundary, 10 perches;

(ii) outside the settlement boundary, 20 perches;

(b) in any other case, 50 perches.

(v) in paragraph (f), by deleting the proposed new subsection (8AA) and replacing it by the following new subsection –

(8AA) (a) The committee may direct an applicant to amend his application where the application does not comply with relevant planning policy guidance issued under the Planning and Development Act.

(b) In particular, the committee may, in exercising its power under paragraph (a), direct an applicant to amend his application so that the conversion is for a mixed development use, comprising residential, commercial, leisure and social components, with a defined percentage allocated to each component.

(c) Where the applicant does not amend his application as directed by the committee under paragraph (a), the application shall not be considered by the committee.”

Amendment agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (Section 29 of principal Act amended).

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 9 –

“in clause 9, by deleting paragraph (b) and replacing it by the following paragraph –

(b) in subsection (1A), by deleting the figure “3.5” and replacing it by the figure “5.5”.”

Amendment agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (*Twelfth Schedule to principal Act amended*)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 10 –

“in clause 10, by deleting paragraph (a) and replacing it by the following paragraph –

(a) by repealing paragraphs 8 and 8A and replacing them by the following paragraph –

8. Subject to paragraph 9, any applicant shall –

(a) endeavour to obtain all necessary clearances and permits, including any Building and Land Use Permit, within a period of 2 years after having been granted authority for land conversion;

(b) start the conversion of the land within a period of 6 months from the date on which he obtained the last clearance or permit required for the proposed conversion, failing which the authority shall lapse automatically;

(c) complete the project in the manner specified in the authority granted within a period of 5 years from the date on which he obtained the last clearance or permit required for the conversion, failing which the authority shall lapse automatically.”

Amendment agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clauses 11 to 12 ordered to stand part of the Bill.

New Clause 13 (*Savings*)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Faugoo: Mr Chairperson, I move that a new clause 13 be added as follows –

“13. Savings

(1) Any application for land conversion that is pending at the commencement of this Act shall be dealt with and processed as if this Act has not come into operation.

(2) Any application for land conversion in relation to a factory closure shall be dealt with and processed as if this Act has not come into operation”.

The Chairperson: The question is that new clause 13 be read a second time.

Question put and agreed to.

New Clause 13 ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

Third Reading

The motion was made and seconded for the Sugar Industry Efficiency (Amendment) Bill (No. IX of 2013) be read a third time and passed.