

THE MAURITIUS CANE INDUSTRY AUTHORITY (AMENDMENT) BILL
(No. III of 2014)

Explanatory Memorandum

The main object of this Bill is to amend the Mauritius Cane Industry Authority Act to, *inter alia* –

- (a) provide for a new definition of “crop year”;
 - (b) provide that no planter shall deliver canes to a person for the production of cane juice for direct consumption;
 - (c) provide for a factory, which has closed down but contains fully operational infrastructure with regard to cane sampling, cane storage facilities, cane unloading facilities and weighing of canes, to operate as a cane transit site which will continue to provide those facilities to planters;
 - (d) remove any reference to middlemen since no person now acts as middleman;
 - (e) provide that an employee of the former Mauritius Sugar Industry Research Institute who has not opted to be transferred to the Mauritius Cane Industry Authority and has retired with compensation pursuant to a Voluntary Retirement Scheme shall be eligible to an actuarially calculated contributory retirement pension.
2. Opportunity is being taken to clarify some provisions of the Act.

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*Minister of Agro-Industry
and Food Security*

11 April 2014

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ARRANGEMENT OF CLAUSES

Clause

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|----------------------------------------|-----------------------------------------|
| 1. Short title | 7. Section 27 of principal Act amended |
| 2. Interpretation | 8. Section 31 of principal Act repealed |
| 3. Section 2 of principal Act amended | 9. Section 33 of principal Act amended |
| 4. Section 5 of principal Act amended | 10. Section 40 of principal Act amended |
| 5. Section 24 of principal Act amended | 11. Section 52 of principal Act amended |
| 6. Section 26 of principal Act amended | 12. Section 66 of principal Act amended |
| | 13. Consequential amendments |
| | 14. Transitional provision |
| | 15. Commencement |

A BILL

To amend the Mauritius Cane Industry Authority Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Mauritius Cane Industry Authority (Amendment) Act 2014.

2. Interpretation

In this Act –

“principal Act” means the Mauritius Cane Industry Authority Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) by deleting the definition of “crop year” and replacing it by the following definition –

“crop year” means the period extending from 16 January in a year to 15 January in the following year;

- (b) by deleting the definitions of “middleman” and “middleman’s permit”.

4. Section 5 of principal Act amended

Section 5 of the principal Act is amended, in subsection (1) –

- (a) by deleting the word “and” at the end of paragraph (q);
- (b) by adding the following new paragraph, the full stop at the end of paragraph (r)(iv) being deleted and replaced by the words “; and” –
 - (s) undertake such other activities as the Minister may determine.

5. Section 24 of principal Act amended

Section 24 of the principal Act is amended –

- (a) by inserting, after subsection (2), the following new subsection –
 - (2A) No planter shall deliver canes to a person for the production of cane juice for direct consumption.
- (b) by inserting, after paragraph (a), the following new paragraphs –
 - (aa) use canes grown by him, or deliver canes to a person, for feeding livestock for research purposes;

6. Section 26 of principal Act amended

Section 26 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “and every middleman”;
- (b) in subsection (3), by deleting the words “or middleman”.

7. Section 27 of principal Act amended

Section 27 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “or, if he consigns his canes to a middleman, with the middleman”;
- (b) by repealing subsection (2);
- (c) in subsection (4), by deleting the words “, middleman”.

8. Section 31 of principal Act repealed

Section 31 of the principal Act is repealed.

9. Section 33 of principal Act amended

Section 33 of the principal Act is amended, in subsection (2), by deleting the words “to the person holding the office of Senior Area Superintendant or”.

10. Section 40 of principal Act amended

Section 40 of the principal Act is amended –

- (a) in subsection (1), by inserting, after the word “factory”, the words “or to a cane transit site”;
- (b) by adding the following new subsection –

(4) In this section –

“cane transit site” means a factory which has closed down but which contains fully operational infrastructure with regard to –

- (a) cane sampling;
- (b) cane storage facilities;
- (c) cane unloading facilities; and
- (d) weighing of canes.

11. Section 52 of principal Act amended

Section 52 of the principal Act is amended by repealing subsection (1) and replacing it by the following subsection –

(1) The Board shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the operations of the Authority, in respect of every financial year.

12. Section 66 of principal Act amended

Section 66 of the principal Act is amended, in subsection (4) –

(a) in paragraph (a), by adding the following new definition, the full stop at the end of the definition of “SPMPC” being deleted and replaced by a semicolon –

“Voluntary Retirement Scheme” means the Voluntary Retirement Scheme referred to in the Memorandum of Understanding signed on 27 March 2012 between the Ministry, the Authority and the trade unions relating to the transfer or otherwise of the staff of the 6 service providing institutions to the Authority.

(b) by inserting, after paragraph (j), the following new paragraph –

(ja) Notwithstanding paragraphs (b), (c), (d), (e), (f), (g) and (j), an employee of MSIRI who has not opted to be transferred to the Authority and has retired pursuant to the Voluntary Retirement Scheme shall be eligible to an actuarially calculated contributory retirement pension in accordance with section 20(8A) of the National Pensions Act.

(c) by inserting, after paragraph (l), the following new paragraph –

(la) Any proceedings, whether judicial or extra-judicial, started by or against a former organisation and pending at the commencement of this Act shall be deemed to have been started by or against the Authority.

13. Consequential amendments

(1) The National Pensions Act is amended –

(a) in section 20 –

(i) by inserting, after subsection (8), the following new subsection –

(8A) (a) An employee of the Mauritius Sugar Industry Research Institute who has not opted to be transferred to the Mauritius Cane Industry Authority and has retired pursuant to the Voluntary Retirement Scheme referred to in section 66(4) of the Mauritius Cane Industry Authority Act shall, where the employee is a –

(i) female employee aged 50 years or more; or

(ii) male employee aged 55 years or more,

be entitled to an actuarially calculated contributory retirement pension as from the date of retirement or the date specified in paragraph (b), as the case may be.

(b) Where, at the date of retirement –

(i) a female employee has not reached the age of 50, she shall be entitled to the actuarially calculated contributory retirement pension as from the date she reaches the age of 50; or

(ii) a male employee has not reached the age of 55, he shall be entitled to the actuarially calculated contributory retirement pension as from the date he reaches the age of 55.

(c) The contributory retirement pension shall be paid –

(i) in the case of a female employee –

(A) who has not reached the age of 50 at the time of retirement, on or after the date on which she reaches the age of 50; or

(B) who has reached the age of 50 or more at the time of retirement, on or after the date of her retirement; or

(ii) in the case of a male employee –

(A) who has not reached the age of 55 at the time of retirement, on or after the date on which he reaches the age of 55; or

(B) who has reached the age of 55 or more at the time of retirement, on or after the date of his retirement.

(d) Notwithstanding the National Pensions (Claims and Payments) Regulations 1977, where entitlement to an actuarially calculated contributory retirement pension under this section

arises before 1 January 2014, any arrears for the period prior to 1 January 2014 shall be calculated in accordance with the Eighth Schedule.

(e) In this subsection –

“Mauritius Cane Industry Authority” means the Mauritius Cane Industry Authority established under the Mauritius Cane Industry Authority Act;

“Mauritius Sugar Industry Research Institute” has the same meaning as “MSIRI” in section 66(4)(a) of the Mauritius Cane Industry Authority Act.

(ii) in subsection (9), by deleting the words “or (6)” and replacing them by the words “, (6) or (8A)”.

(b) in the Eighth Schedule –

(i) in item 1, by deleting the words “and (6)” and replacing them by the words “, (6) and (8A);

(ii) in item 4, in the heading, by deleting the words “and (6)” and replacing them by the words “, (6) and (8A)”.

(2) The Sugar Insurance Fund Act is amended –

(a) in section 2, by deleting the definition of “middleman”;

(b) in section 28 –

(i) in subsection (2), by deleting the words “, middleman,”;

(ii) in subsection (3), by deleting the words “, middleman” wherever they appear;

(c) in section 44(1), by deleting the words “or a middleman”;

- (d) in section 45 –
 - (i) in subsection (1), by deleting the words “, cooperative society or middleman” and replacing them by the words “or cooperative society”;
 - (ii) in subsection (2), by deleting the words “, middleman”.

(3) The Mauritius Cane Industry Authority (Cane Contract) Regulations 2012 are amended –

- (a) in regulation 3(1), by revoking paragraphs (b) and (c);
- (b) by revoking the Second and Third Schedules.

14. Transitional provision

Every planter who, at the commencement of this Act, has been authorised by the Control and Arbitration Committee to deliver canes to a person engaged in the production of cane juice for direct consumption may continue to deliver canes for that purpose until the expiry of his authorisation.

15. Commencement

(1) Subject to subsections (2) and (3), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

(3) Section 12(c) shall be deemed to have come into operation on 19 March 2012.
