L.N. 233 of 2011

PRODUCER ORGANISATION ACT
(CAP. 447)

Producer Organisations Board Regulations, 2011

IN exercise of the powers conferred by article 19 of the Producer Organisations Act, the Minister for Resources and Rural Affairs has made the following regulations:-

Title.

1. The title of these regulations is the Producer Organisations Board Regulations, 2011.

Interpretation.

2. In these regulations, unless the context otherwise requires:-

"the Act" means the Producer Organisations Act;

"the Board" means the Producer Organisations Board established in terms of regulation 3 of these regulations;

"the Director" shall have the same meaning as that assigned to it in the Act;

"the Directorate" means the Directorate of Agriculture;

"the Minister" means the Minister responsible for agriculture;

L.N. 126 of 2004.

"the Paying Agency" means the entity established in terms of the Paying Agency Regulations;

"producer organisation" shall have the same meaning as that assigned to it in the Act.

Establishment of Producer Organisations Board.

3. (1) There shall be established a Producer Organisations Board which shall be responsible for:

(a) advising the Director on any matter relating to granting of recognition to producer organisations or producer groups;

(b) advising the Director on decisions to be taken on any matter arising from any application submitted in terms of any regulations made under the Act;

(c) advising the Director on any measures to be taken on any matter in connection with the monitoring of producer organisations and producer groups, including recommending the review of a particular producer organisation's operation and recommending spot-checks or thorough investigations;

(d) advising the Director on any measures to be taken in connection with cases of non-compliance including the possible withdrawal of recognition.

(e) making proposals to the Director regarding the initiation of reviews and audits;

(f) making proposals to the Director regarding the adoption and implementation of Manuals of Procedure to regulate the procedures to be undertaken by the Directorate with respect to the recognition of producer organisations and the monitoring and review of their operations;

(g) making proposals to the Director for the publication of guidelines on the setting up and operation of producer groups and producer organisations;

(h) advising the Director on any other matter in connection with producer organisations as may be requested by the Director.

(2) The Producer Organisations Board shall consist of five members to be appointed by the Minister and shall hold office in accordance with such terms as established in their letter of appointment.

(3) The Board shall regulate its own procedure.

(4) The Chairperson of the Board shall be appointed by the members of the Board during its first sitting.

(5) The Secretary to the Board shall be appointed by the Director.

(6) Every member of the Board shall regard and

deal with all documents and information relating to matters contemplated by or pursuant to the provisions of these regulations as secret and confidential and shall make and subscribe before a Commissioner for Oaths a declaration on oath to this effect in the form prescribed which shall be deposited with the Attorney General.

Duty of Director to consult the Board.

4. (1) The Director shall consult the Board in the exercise of his duties provided for in articles 7 (1) (a) and (b), 8(2) and (3), 11(2)(a),(b) and(c), and 14(2) of the Act and any regulations made thereunder, and prior to taking any decision as required by the same articles or regulations.

(2) The Director may also consult the Board in the exercise of other duties provided for in the Act and any regulations made thereunder, and particularly with respect to articles 6(2)(d), 12(1) and 13(1) of the Act.

Advice to be in line with national and European Union legislation.

5. The Board shall ensure that it provides the advice to the Director as required in terms of regulation 3 in accordance with the provisions of all applicable national and European Union legislation in force at the time.

Annual report.

6. The Board shall, by the 31st March, submit an annual report to the Minister in respect of the work undertaken during the previous calendar year.