

SAINT LUCIA

No. 8 of 2022

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I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

March 16, 2022.

SAINT LUCIA

No. 8 of 2022

AN ACT to amend the Agriculture and Fisheries Incentives Act,
Cap. 7.18.

[21st March, 2022]

BE IT ENACTED by the Queen's Most Excellent Majesty, by
and with the advice and consent of the House of Assembly and the
Senate of Saint Lucia, and by the authority of the same, as follows:

No. 8] *Agriculture and Fisheries Incentives (Amendment) Act* [2022**Short title**

1. This Act may be cited as the Agriculture and Fisheries Incentives (Amendment) Act, 2022.

Interpretation

2. In this Act, “principal Act” means the Agriculture and Fisheries Incentives Act, Cap. 7.18.

Amendment of section 2

3. Section 2 of the principal Act is amended —

- (a) in the definition of the words “agricultural inputs”, by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”;
- (b) by deleting the definition of the words “agricultural produce” and substituting the following definition —
 - “ “agricultural produce” includes anything for profit derived directly or indirectly from —
 - (a) apiculture;
 - (b) aquaculture;
 - (c) aquaponics;
 - (d) crop production;
 - (e) horticulture;
 - (f) hydroponics;
 - (g) livestock production; or
 - (h) production of timber;”;
- (c) in the definition of the word “applicant”, by inserting immediately after the word “processor”, the words “sea moss producer, agro-forester”;
- (d) by deleting the definition of the word “articles” and substituting the following —

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“ “articles” —

- (a) includes plant, machinery, spare parts for processing equipment, raw materials or components or other articles needed for an approved agricultural or fisheries project;
- (b) does not include spare parts or tires for a commercial motor vehicle;”;
- (e) in the definition of the words “capital equipment”, by deleting the words “fish product” and substituting the words “fisheries product”;
- (f) in the definition of the word “exporter”, by deleting the words “fish product” and substituting the words “fisheries product”;
- (g) in the definition of the word “facility”, by deleting the words “fish product” and substituting the words “fisheries product”;
- (h) by deleting the definition of the words “fish product”;
- (i) by inserting in the proper alphabetical sequence the following definitions —
 - “apiculture” means the cultivation or rearing of bees on a commercial scale for the production of honey and other derived products;
 - “approved agricultural or fisheries product” means an approved agricultural or fisheries product under section 12;
 - “approved agricultural or fisheries project” means an approved agricultural or fisheries project declared under section 9;
 - “aquaculture” means the rearing of aquatic animals or the cultivation of aquatic plants for food and ornamental purposes;
 - “aquaponics” means an aquaculture system in which plants are fed through the soluble waste products of fish or other aquatic animals;

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“commercial motor vehicle” includes —

- (a) a Single and Double Cab Closed Panel Van;
- (b) a Single and Double Cab Pickup Van;
- (c) a Refrigerated Truck;
- (d) a Dump Truck weighing 4 Tons or less,

that is used solely for the transportation of agricultural produce, inputs and processing equipment;

“crop production” means a branch of agriculture that deals with growing crops for use as food and fibre;

“fisheries product” —

- (a) means fish;
- (b) includes other aquatic biota,

in whatever form whether, live, frozen, iced, dried, salted or other form of processing that is intended for human consumption;

“horticulture” means the agriculture of plants, mainly for food, materials, comfort and beauty for decoration;

“hydroponics” means a soilless growth of plants, such as, cultivation of plants by placing roots in liquid nutrient solutions rather than soil;

“livestock production” means the raising of domesticated animals in an agricultural setting to produce commodities, such as, meat, eggs, milk, fur, leather and wool;

“production of timber” means the process of managing stands of deciduous trees to maximize woody output.”.

Amendment of section 3

4. Section 3 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following —

“(1) A person who applies for agriculture or fisheries incentives that has a value of one hundred dollars or

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more shall satisfy the eligibility criteria set out in Schedule 1.”;

- (b) by inserting immediately after subsection (2) the following new subsection (3) —

“(3) A person shall not request an incentive for a commercial motor vehicle if the incentive exceeds his or her annual income unless there is proof, provided by the business plan or financial records submitted, of improving efficiency of production and increasing profit through technology or enhanced product.”.

Amendment of section 4

5. Section 4 of the principal Act is amended by deleting the words “fish product” and substituting the words “fisheries product”.

Insertion of new section 5A

6. The principal Act is amended by inserting immediately after section 5 the following new section 5A —

“Consideration of application by the Permanent Secretary

5A. The Permanent Secretary of the Ministry shall consider applications for —

- (a) agriculture or fisheries incentives that are one hundred dollars or more and not exceeding twenty thousand dollars;
- (b) change of a commercial motor vehicle;
- (c) renewal of incentives for a commercial motor vehicle;
- (d) extension of time to import an item.”.

Amendment of section 7

7. Section 7 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by deleting the words “Agriculture and Fisheries Committee” and substituting the word “Committee”,

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- (ii) in paragraph (a), by inserting immediately after the word “Agriculture”, the words “or his or her delegate”,
- (iii) in paragraph (d), by inserting immediately after the word “persons”, the words “and two alternates”;
- (b) by inserting immediately after subsection (1) the following new subsections (1A) and (1B) —
 - “(1A) The persons and alternates appointed under subsection (1)(d) must have experience, and have shown capacity, in matters relating to —
 - (a) natural resources;
 - (b) fisheries;
 - (c) agriculture;
 - (d) law;
 - (e) marketing;
 - (f) finance; and
 - (g) accounts.
 - (1B) The two alternates appointed under subsection (1) (d) shall act for the duration of the absence or inability of the two persons appointed under that subsection.”;
- (c) in subsection (4), by inserting immediately after the words “shall be” the words “a public officer”.

Amendment of section 8

8. Section 8 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) under paragraph (a), by inserting immediately after the word “incentives” the words “exceeding twenty thousand dollars and less than one hundred thousand dollars, to change a vehicle or extend the period to purchase a vehicle”,

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(ii) by inserting immediately after paragraph (c) the following new paragraph (ca) —

“(ca) ensure that the criteria under section 3 is met by an applicant who makes an application for incentives that exceeds one hundred thousand dollars or new applications for incentives for a commercial motor vehicle;”;

(b) in subsection (3), by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”.

Insertion of new sections 8A to 8F

9. The principal Act is amended by inserting immediately after section 8 the following new sections 8A to 8F —

“Term of appointment

8A.—(1) Unless a member under section 7(1)(d) resigns under section 8B or the appointment of a member is revoked under section 8C, the appointment of a member is for a term not exceeding two years.

(2) A member may be reappointed.

Resignation

8B.—(1) A member, other than the Chairperson, may resign his or her office by notice in writing addressed to the Minister through the Chairperson.

(2) The Chairperson may, by notice in writing addressed to the Minister, resign from his or her office.

(3) A resignation takes effect on receipt of the notice by the Minister and the member ceases to be on the Committee.

Revocation

8C. The Minister may, by notice in writing, revoke the appointment of a member if the Minister is satisfied that the member —

(a) is unable to perform the functions of his or her office;

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- (b) commits an act of misconduct under section 8F(4);
- (c) has failed to attend three consecutive meetings of the Committee without presenting a medical certificate or without being excused —
 - (i) in the case of the Chairperson, by the Minister in writing, or
 - (ii) in the case of any other member, by the Chairperson in writing.

Vacancy

8D.—(1) The office of a member is vacated —

- (a) on the death of the member;
- (b) if the member resigns under section 8B;
- (c) if the Minister revokes the appointment of the member under section 8C; or
- (d) on the expiry of the member's term of appointment.

(2) A decision of the Committee taken at a meeting is not invalidated because there is a vacancy in membership as long as there was the quorum required under section 8E(6).

Meetings

8E.—(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of the business of the Committee.

(2) The meetings of the Committee must be held at the place and time the Chairperson determines.

(3) The Chairperson may call a special meeting of the Committee within forty-eight hours of receipt of a written request for that purpose addressed to the Chairperson by three members.

(4) The Chairperson and any other member is deemed to be present at a meeting of the Committee if the Chairperson or

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the other member participates by telephone, video link or satellite, and all members participating in the meeting are able to hear and speak to each other.

(5) At a meeting of the Committee —

- (a) the Chairperson presides;
- (b) if the Chairperson is not present, the Deputy Chairperson presides; or
- (c) if the Chairperson or Deputy Chairperson is not present, the members present shall choose one of their number to preside.

(6) A meeting of the Committee is constituted if at the meeting there is the presence of the Chairperson or Deputy Chairperson and at least two other members participating in the meeting.

(7) Decisions of the Committee shall be taken by a simple majority of votes of members present and voting at the meeting.

(8) The Chairperson or Deputy Chairperson, whoever chairs the meeting has an original vote and in cases of equal division that person has the casting vote.

(9) The Committee may co-opt a person to attend a meeting of the Committee at which it is proposed to deal with a particular matter, for the purpose of assisting or advising the Committee, but a co-opted person does not have the right to vote.

(10) The Secretary shall record and keep minutes of each meeting of the Committee.

(11) Subject to this section, the Committee may regulate its own proceedings.

Declaration of interest and abstention from voting

8F.—(1) A member who has a pecuniary or other interest in a matter before the Committee shall declare the nature of his or her interest at the first meeting of the Committee at which it is practicable to do so.

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(2) If a member declares an interest under subsection (1), the member shall leave the meeting on the matter coming up for discussion and shall not receive other communication on the matter.

(3) A declaration under subsection (1) and the departure of a member from the meeting under subsection (2) must be noted in the minutes of the meeting.

(4) A member commits an act of misconduct if he or she —

- (a) contravenes subsection (1);
- (b) votes in respect of a matter before the Committee in which he or she has an interest; or
- (c) seeks to influence the vote of another member in relation to a matter before the Committee.

(5) A person who contravenes subsections (1) and (2) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years or to both and to revocation of his or her appointment under section 8C.”.

Amendment of heading for Part 4

10. The heading for Part 4 of the principal Act is amended by deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries project”.

Amendment of section 9

11. Section 9 of the principal Act is amended —

- (a) in the heading, by deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries project”;
- (b) by deleting subsection (1) and substituting the following —
 - “(1) An application for agriculture or fisheries incentives shall be made to Cabinet for determination if —
 - (a) the incentive is one hundred thousand dollars or more; and

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- (b) the application is for —
 - (i) change of a commercial vehicle,
 - (ii) renewal of incentives, or
 - (iii) extension of time to import an item.”;
- (c) in subsection (2), by deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries project”.

Amendment of section 11

12. Section 11 of the principal Act is amended —

- (a) in paragraph (b) by deleting the words “fish product” and substituting the words “fisheries product”;
- (b) by deleting paragraph (d) and substituting the following —
 - “(d) the approved agricultural or fisheries product;”.

Amendment of section 12

13. Section 12 of the principal Act is amended —

- (a) in the heading, by deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries project”;
- (b) by deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries product”;
- (c) in paragraph (a) —
 - (i) by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”,
 - (ii) in subparagraph (ix), by deleting the word “and”,
 - (iii) by deleting subparagraph (x) and substituting the following —
 - “(x) greenhouses,”,
 - (iv) by inserting immediately after subparagraph (x) the following new subparagraph (xi) —

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“(xi) any other tools, equipment or materials to be used for producing, processing or providing approved agricultural or fisheries product;”;

(d) by inserting immediately after paragraph (a) the following new paragraphs —

“(ab) sea moss supplies including —

- (i) 5mm and 6mm polypropylene rope,
- (ii) 12mm and 14mm polypropylene rope,
- (iii) twine,
- (iv) weighing scales,
- (v) sea moss planting materials or seedlings,
- (vi) plastic net tubing for sea moss farming,
- (vii) water quality analysis equipment,
- (viii) snorkelling equipment, such as, mask, snorkel, wet suit and booties;

(ac) hydroponic or aquaponic system supplies —

- (i) water quality testing kit,
- (ii) air pumps or air blowers,
- (iii) air stones or air diffusers,
- (iv) airline tubing,
- (v) pH meter,
- (vi) pond liners,
- (vii) planting net cups and other growing containers,
- (viii) water hose,
- (ix) plumbing material, including PVC pipes and fittings,
- (x) two hundred gallon and above water tanks,
- (xi) floating rafts,

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- (xii) hand nets,
 - (xiii) growing media such as, oasis, rockwool grow blocks,
 - (xiv) chelated iron,
 - (xv) seedling trays, and
 - (xvi) grow light, such as UV lights;”;
- (e) by deleting paragraph (e) and substituting the following —
- “(e)in the case of aquaculture, sea moss production, hydroponics, aquaponics and other agricultural enterprise, the purchase of a commercial motor vehicle for an approved agricultural or fisheries project if the vehicle is purchased with an exemption granted under section 13 and has the FAR licence plate for farming activities issued under the Motor Vehicles and Road Traffic Act, Cap. 8.01.”.

Amendment of section 13

14. Section 13(1) of the principal Act is amended by —

- (a) deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”;
- (b) deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries project”.

Amendment of section 14

15. Section 14 of the principal Act is amended —

- (a) in subsection (1), by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”;
- (b) in subsection (2), by —
 - (i) deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”,

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- (ii) deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries project”.

Amendment of section 15

16. Section 15(1)(a) of the principal Act is amended by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”.

Amendment of section 16

17. Section 16 of the principal Act is amended —

- (a) in the heading by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”;
- (b) in subsection (1)(b), by —
 - (i) deleting the word “and” in subparagraph (ii),
 - (ii) deleting the full stop in subparagraph (iii) and substituting a comma and the word “and”,
 - (iii) inserting immediately after subparagraph (iii) the following new subparagraphs (iv) and (v) —
 - “(iv) inform the Committee and the Comptroller of Customs of a proposed sale or change of ownership of a commercial motor vehicle purchased for an approved agricultural project,
 - (v) permit the Comptroller of Customs to detain a commercial motor vehicle purchased for an approved agricultural project if the commercial motor vehicle is not used for an approved agricultural project.”,
 - (iv) deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”.

Amendment of section 17

18. Section 17 of the principal Act is amended —

- (a) in the heading, by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”;

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- (b) in subsection (1), by —
- (i) deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”,
 - (ii) inserting immediately after paragraph (a) the following new paragraphs (ab) and (ac) —
 - “(ab) if the commercial motor vehicle does not have a FAR licence plate for motor vehicles used for farming activities issued under the Motor Vehicles and Road Traffic Act, Cap. 8.01 or purchased with an exemption granted under section 13;
 - (ac) if there is no change of ownership of the commercial motor vehicle that was purchased for an approved agricultural product;”;
- (c) under subsection (2), by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”;
- (d) by inserting immediately after subsection (2) the following new subsection (2A) —
- “(2A) A person shall not dispose of a commercial motor vehicle before the expiration of five years from the date of purchase unless —
- (a) in the case of a commercial motor vehicle with a FAR licence plate for farming activities issued under the Motor Vehicles and Road Traffic Act, Cap. 8.01 or purchased with an exemption granted under section 13, it is sold to a farmer or processor at a price that excludes paid duties, excise tax and service charge and supporting documents are submitted to the Ministry; or
 - (b) the owner of the commercial motor vehicle with a FAR licence plate for farming activities issued under the Motor Vehicles and Road Traffic Act, Cap. 8.01 or purchased with an exemption granted under section 13 pays the full customs duty on the commercial motor vehicle.”.

No. 8] *Agriculture and Fisheries Incentives (Amendment) Act* [2022**Amendment of section 18**

19. Section 18(1) of the principal Act is amended by deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries project”.

Amendment of section 20

20. Section 20 of the principal Act is amended —

- (a) in subsection (3), by deleting the words “approved agricultural project” and substituting the words “approved agricultural or fisheries project”;
- (b) in subsection (4), by —
 - (i) deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”,
 - (ii) deleting the word “product” and substituting the words “agricultural or fisheries product”.

Amendment of Schedule 4

21. Schedule 4 of the principal Act is amended in paragraph (f) by deleting the words “agricultural inputs” and substituting the words “agricultural or fisheries inputs”.

Passed in the House of Assembly this 8th day of March, 2022.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 10th day of March, 2022.

STANLEY FELIX,
President of the Senate.