

- (iii) to renew driving licences under Regulation 37;
  - (iv) to issue licences for projecting loads under Regulation 45 (n), for excess passengers under Regulations 46 (g) and 47, and for excess goods or luggage on roof under Regulation 53 (1) (s).
2. The Notification published under No. 615 in Supplement No. 3 to the *Gazette* of the 12th December, 1951, is hereby cancelled.

J. H. ASHMORE,  
*Registrar of Motor Cars.*

Nicosia, 7th May, 1953.

No. 238.

**TOBACCO PRODUCTION AND MARKETING SCHEME.**

PART I.

*Preliminary.*

1. This Scheme may be cited as the Tobacco Production and Marketing Scheme, 1953, and shall be applicable throughout the Colony. Short title.

2. In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“ area ” means an area constituted for the purpose of this Scheme ;  
 “ dealer ” means a dealer licensed under the provisions of the Tobacco Law ; Cap. 170.

“ the Law ” means the Agricultural Marketing Law, 1953 ;

“ leaf-tobacco ” means leaves of the plant *Nicotiana Tabacum* the produce of Cyprus which have been cured and dried but have undergone no other process to render them fit for consumption and includes all types of leaf tobacco excepting the type known as “ Latakia ” or “ Fumigated ” ;

“ licence ” means a licence issued to a producer under the provisions of the Tobacco Law ; Cap. 170.

“ manufacturer ” means a manufacturer licensed under the provisions of the Tobacco Law ; Cap. 170.

“ registered ” means registered under this Scheme and “ registration ” shall be construed accordingly ;

“ tobacco ” means the plant known as *Nicotiana Tabacum* and includes seedlings, plants, leaves or any part thereof.

PART II.

*Administration of the Scheme.*

3. The Board to administer this Scheme shall be called “ the Tobacco Marketing Board ” and is hereafter referred to in this Scheme as “ the Board.” The Board shall be a body corporate with a common seal and power to hold immovable property.

4.—(1) Until the..... the Board shall consist of the following persons..... Constitution of Board.  
 and four persons nominated by the Governor.....

..... and thereafter the Board shall consist of nine area members, annually elected in accordance with the provisions of the First Schedule hereto, and four members annually nominated to the Board by the Governor and any such member of the Board shall, subject to the provisions of this Scheme, hold office until the expiration of the day on which a successor is elected or nominated. First Schedule.

(2) The Governor shall, of the members nominated by him, depute one as the Chairman of the Board.

- Filling of casual vacancies.
5. If an area member of the Board dies or ceases to hold office under paragraph 6 of this Scheme the Board may co-opt in his place any person who in the opinion of the Board is qualified to represent the registered producers of tobacco in that area.
- Conditions under which a member of the Board ceases to hold office.
6. A member of the Board shall cease to hold office—
- (a) if he delivers to the Board a written resignation of his office and the resignation is accepted by the Board or, if not so accepted, is not withdrawn within seven days ; or
  - (b) if he is detained for more than seven days in any place under any Law in force for the time being relating to persons of unsound mind ; or
  - (c) if he is adjudged bankrupt or enters into a composition or scheme of arrangement with his creditors ; or
  - (d) if the Board by resolution declare he has been absent from six consecutive meetings of the Board without reasonable excuse ; or
  - (e) if he is convicted for any offence under section 17 of the Law.
- Powers of the Board.
7. The Board—
- (a) shall elect from amongst their members a Vice-Chairman who shall (provided he remains a member of the Board) hold office until the expiration of the day on which the next ensuing annual area elections are held ;
  - (b) may employ a secretary and such other officers, servants and agents as they think fit ;
  - (c) shall have an office at which communications and notices shall at all times be received and shall notify the Director of Agriculture of the address thereof and of any change in such address ;
  - (d) may have such district and local offices as they think fit ;
  - (e) shall establish a warehouse or warehouses in such localities as they deem fit and obtain equipment for the efficient working of such warehouse or warehouses ;
  - (f) may enter into such agreements, acquire such property and do such things as may in their opinion be necessary or desirable for the purpose of exercising any of their powers or performing any of their duties under this Scheme and may mortgage, sell or otherwise dispose of any property acquired by them ; and
  - (g) may appoint such committees from amongst their members as they think fit for the purpose of considering and reporting to the Board on such matters as the Board may direct ;
  - (h) may take such measures as may in their opinion be necessary or desirable for controlling the supply and distribution of tobacco seed or seedlings to tobacco producers and may direct that only tobacco seed from sources approved by the Board shall be used by tobacco producers registered under this Scheme.
- Chairman of meetings.
8. At every meeting of the Board or of any Committee appointed by the Board the chair shall be taken by the Chairman, or, in his absence, the Vice-Chairman. If at any meeting neither the Chairman nor the Vice-Chairman shall be present, the meeting shall elect a chairman for that meeting.
- Convocation of meetings.
- 9.—(1) Meetings of the Board, or of any Committee thereof, shall be convened by the Secretary who shall forward to each member of the Board or Committee by registered post, at least seven clear days before the date of the meeting, a notice stating—
- (a) the time and place appointed for the meeting ; and
  - (b) the business to be transacted.
- The non-delivery or non-receipt of any such notice shall not invalidate the proceedings of any meeting of the Board or Committee.
- (2) The Secretary shall, on the written request of any seven members of the Board, convene a meeting of the Board.

10.—(1) The quorum of the Board shall be such members, not being less than nine, as the Board may from time to time determine, and until otherwise so determined shall be nine and the Board shall have power at all times to act notwithstanding any vacancy in their number.

Quorum of Board and Committees.

(2) The quorum of any Committee appointed by the Board shall be such as the Board may determine.

11. The meetings of the Board, or of any Committee of the Board, shall be held at such place or places as may be determined by the Board or the Committee respectively, and the expenses thereof shall be defrayed out of the funds of the Board.

Place of meetings.

12. Questions arising at any meeting of the Board, or of a Committee thereof, shall be decided by a majority of the votes of the members present, and if at any such meeting the votes are equally divided on any question, the Chairman of the meeting shall, for the purpose of deciding that question, have a second or casting vote.

Determination of questions arising.

13. Minutes shall be kept of the proceedings of the Board and of every Committee thereof, and any such minutes shall, if signed by a person purporting to have acted as Chairman of the meeting to which they relate, or of a meeting at which they were read, be evidence of those proceedings; and the meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted.

Minutes to be kept.

14. The common seal of the Board shall not be applied to any document except by the authority of the Board, and the application of the seal shall be attested by the Chairman or Vice-Chairman and at least one other member and by the Secretary of the Board.

Application of the common seal.

15. All acts done at a meeting of the Board, or of any Committee thereof, shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or qualification of a person purporting to be a member of the Board or of the Committee, or that a member of the Board or of the Committee had voted upon any question upon which he was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

Validity of acts at meetings of Board or Committee.

16. The Board may pay to members of the Board, and of any Committee thereof, such travelling and other expenses as have, in the opinion of the Board, been reasonably incurred by them in connection with the business of the Board and may also pay to the members of the Board such remuneration, if any, as may be determined by resolution of the registered producers in annual general meeting.

Payment of expenses, etc. to members of Board.

### PART III.

#### *Registration of producers and poll on whether Scheme shall remain in force.*

17.—(1) The Board shall prepare and keep a register of tobacco producers (hereinafter referred to as "the register"), and all persons who have held a licence for the cultivation of tobacco during any season within the five years immediately preceding the coming into force of this Scheme shall, on making application within the time specified by the Board in the notice published under the provisions of section 7 of the Law, be entitled to be registered as a registered producer; provided that the Board may refuse to register any person who has been convicted, during the preceding five years, of any offence under the Tobacco Law.

Registration of producers

(2) The Board shall register as a registered producer any person who makes an application for this purpose on such form, and during such period in any year, as the Board may prescribe:

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Provided that no such applications shall be entertained if in the opinion of the Board it is necessary to impose the provisions of paragraph 27 of this Scheme.

(3) The Board may exempt from registration under this paragraph of the Scheme such producers as the Board may declare, in the notice published under the provisions of section 7 of the Law, to be exempt.

18.—(1) The register shall be open for inspection at the office of the Board during such hours on each week day, other than Saturdays or Bank Holidays, as the Board may decide.

(2) The Board shall furnish a copy of the register or any part thereof to any person demanding it on payment of a fee of one piastre for each entry copy of which is furnished.

Poll whether Scheme to remain in force.

19. As soon as possible after the coming into force of this Scheme a poll of the registered producers shall be taken on the question whether this Scheme is to remain in force. The said poll (in this Scheme referred to as the "initial poll"), and any poll held in connection with a proposal for the amendment or revocation of this Scheme shall be taken in accordance with the ensuing provisions of this Part of this Scheme.

Qualification of voters.

20. The producers who are entitled to vote on the poll shall be the producers who are registered on the qualifying date, that is to say:—

(a) in the case of the initial poll all producers who shall have been registered under the provisions of paragraph 17 of this Scheme by such day as the Board may determine ;

(b) in the case of any other poll taken in accordance with the provisions of this Scheme all producers whose name shall be borne on the register on such day as the Board may determine.

Method of conducting poll.

21. The poll shall be conducted in such manner as the Board may determine and if conducted by post the Board shall, not later than the fifth day after the qualifying date, send a voting paper to every producer entitled to vote. In the event of the loss of a voting paper so sent the Board may supply a duplicate voting paper.

Voting paper, form of.

22. The voting paper shall be in such form as the Board may prescribe, and only voting papers which are properly completed and which reach the office of the Board on such day as the Board may prescribe being not less than twenty days after the qualifying date shall be taken into account.

Counting of votes and publication of result.

23. The Board shall cause the votes given on any poll to be counted by an independent person, and the result of the poll as certified by him shall, as soon as possible, be declared at a meeting of the Board by the member acting as Chairman of that meeting and shall be published in at least four newspapers ; or, at the option of the Board, by sending a notice thereof, in the case of the initial poll, to every person who is known to the Board to be a producer, and in the case of any other poll to every registered producer.

#### PART IV.

##### *Production of Tobacco and Marketing Provisions.*

Fixing date for this Part to become operative.

24. The provisions of this Part of this Scheme shall come into operation on a date to be fixed by the Governor after the result of the initial poll is declared to be favourable to the continuance in force of this Scheme.

Prohibiting the planting of tobacco without certificate.

25. No person who is not a registered producer in possession of a certificate issued under the provisions of paragraph 26 of this Scheme nor exempt from registration under sub-paragraph (3) of paragraph 17 of this Scheme shall plant or cultivate tobacco ; and no person other than the Board, a registered producer as aforesaid, a manufacturer, and a dealer or exporter, shall have in his possession any leaf-tobacco the produce of Cyprus. Any person contravening the provisions of this paragraph shall be liable, on summary conviction, to a fine not exceeding £100 and the tobacco or leaf-tobacco forming the subject of the contravention shall be liable to forfeiture to the Board.

26.—(1) On or before the first day of December in any year the Board shall issue to each registered producer an application form in the form set out in the Second Schedule hereto and all registered producers who desire to plant or cultivate tobacco during the following year must return the form duly completed by such date as the Board may determine.

Application form and issue of certificate for planting tobacco. Second Schedule.

(2) On receipt of the application form duly completed the Board shall issue to each applicant a certificate in the form set out in the Third Schedule hereto.

Third Schedule.

27. When, in the opinion of the Board, it is necessary in the interests of the registered producers and of the industry to limit the amount of leaf-tobacco to be produced in any year the Board shall control the production in accordance with the provisions of the Fourth Schedule hereto.

Controlling production.

Fourth Schedule.

*Marketing Provisions.*

28. Subject to any provisions which the Board may make with respect to existing contracts all registered producers shall, on the coming into force of this Part of this Scheme, deliver all leaf-tobacco in their possession to the Board at such place, between such dates, and in such manner as the Board may prescribe and the Board shall be bound to accept any leaf-tobacco so tendered to them by a registered producer :

All leaf-tobacco to be delivered to the Board.

Provided that—

- (a) the Board may refuse to accept leaf-tobacco of any season previous to the season immediately prior to the coming into force of this Part of this Scheme, but if they so refuse, they shall be deemed to have consented unconditionally to the sale of the leaf-tobacco otherwise than through their agency ;
- (b) the Board may refuse to accept leaf-tobacco of any season, if it is tendered to the Board after such date as the Board may fix as the last date for the tendering to them of leaf-tobacco of that season but, if any registered producer owing to weather conditions or any circumstances beyond his control fails to tender his leaf-tobacco on or before the date so fixed, the Board may fix a later date by which such producer must tender his leaf-tobacco. Any leaf-tobacco not tendered to the Board by the date so fixed shall be liable to forfeiture.

29. Before fixing the dates for the delivery of leaf-tobacco by registered producers the Board shall publish the grades and the prices which they have fixed for the leaf-tobacco of that season and on delivery of any leaf-tobacco by a registered producer it shall be consigned to grades by officers appointed by the Board for that purpose and the registered producer shall be given a receipt, in duplicate, for the leaf-tobacco he has delivered. Such receipt, which shall be in the form prescribed by the Board, shall show the weight and price of each grade delivered :

Publication of grades and prices.

Provided that any registered producer, who is dissatisfied with the decision of the officers who graded the leaf-tobacco, shall have the right of appeal to such other officer as the Director of Agriculture may nominate for this purpose and whose decision shall be final.

30. The Board shall grant to all registered producers who deliver leaf-tobacco an advance in proportion to the weight of each grade of the leaf-tobacco so delivered as the Board may decide, and the Board may vary the amount of such advance according to grades :

Granting of advances on leaf-tobacco delivered.

Provided that no advance on each oke of any one grade shall exceed fifty per cent of the price fixed for each oke of that grade under paragraph 29 of this Scheme.