

THE BANANA INSURANCE ACT

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THE BANANA INSURANCE ACT

[24th October, 1946.]

Cap. 27.
Acts
12 of 1962,
18 of 1965,
42 of 1969,
3rd Sch.
3 of 1971.

PART I. *Introductory*

1. This Act may be cited as the Banana Insurance Act. Short title.
- 2.—(1) In this Act— Interpreta-
tion.
- “affected cultivation” means any banana cultivation which is damaged by windstorm;
- “appropriate tribunal” means any tribunal established under section 17 having the power to exercise the powers conferred and to perform the duties imposed under section 18 in relation to any application for the review of any assessment of the average percentage of loss suffered by banana cultivations in any area;
- “area” means any area defined by the Board under section 16;
- “assessed acreage” means the acreage of any banana cultivation as computed in accordance with the provisions of subsection (2) of section 3;
- “assessed percentage of loss” means the percentage of loss assessed by the Board in accordance with the provisions of section 16;
- “banana cultivation” means any parcel of land on which bananas are grown immediately prior to any windstorm with a view to export or to sale for export;
- “banana grower” means any person for the time being in possession or control of any banana cultivation;
- “the Board” means the Banana Board established in accordance with the Banana Board Act; 18/1965
S. 2.

“cess” means the cess imposed under section 21;

“indemnity percentage” means the indemnity percentage as determined in accordance with the provisions of section 12;

“insurance year” means the period beginning on the 1st January in any year and ending with the 31st December in the same year;

“qualified person” means—

(a) in relation to statutory benefit, a person who is qualified under section 4 to receive statutory benefit; and

(b) in relation to contractual benefit, a person who is qualified under section 6 to receive contractual benefit;

“windstorm” means any hurricane, tornado, cyclone, whirlwind, gale, or atmospheric disturbance, whether similar to the foregoing or not, which the Board is satisfied is likely to have caused appreciable damage to any banana cultivation.

12/1962
S. 2.

(2) For the purposes of this Act bananas sold for the purpose of being exported and in respect of which cess has been collected shall be deemed to have been exported.

PART II. *Qualification for determination of, and payment of, benefit*

Statutory
insurance.

3.—(1) Every banana grower shall be statutorily insured under this Act, in respect of the assessed acreage of his banana cultivation, against loss consequent upon damage to such cultivation occasioned by windstorm.

12/1962
S. 3(a).

(2) For the purposes of this Act the assessed acreage of any banana cultivation in any insurance year shall be computed by dividing the total number of insurance weight units of bananas grown upon such cultivation and exported

ted or deemed to have been exported or sold for export during the preceding insurance year by the declared constant. 12/1962
S. 3(c).

(3) For the purposes of subsection (2), the Minister may, after considering any recommendation of the Board, declare the figure that shall be the declared constant in respect of any insurance year, by order made prior to the commencement of the insurance year to which such order relates, and may, in like manner, fix the weight of bananas that shall be an insurance weight unit; so, however, that any figure declared or weight fixed as aforesaid shall continue to be the declared constant or the insurance weight unit unless and until varied by a subsequent order.

4. Every banana grower who in relation to any affected cultivation complies both with the general conditions for benefit and with the special condition for statutory benefit shall be qualified to receive statutory benefit in respect of damage occasioned to such cultivation in any insurance year by any windstorm. Qualification
for statutory
benefit.

5.—(1) Every banana grower who, within a period commencing fourteen months before the beginning of an insurance year and ending on the 31st May in such insurance year, has either— Contractual
insurance.

(a) replanted in bananas the whole or any part of his banana cultivation; or

(b) brought under cultivation in bananas any land on which bananas were not previously cultivated during the preceding insurance year,

may, in accordance with the provisions of this section, effect contractual insurance against loss occasioned to such bananas consequent upon the occurrence of any windstorm during such insurance year.