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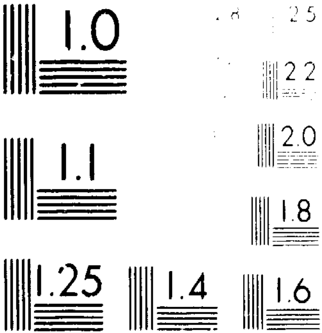
UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION
Vienna International Centre, P.O. Box 300, 1400 Vienna, Austria
Tel: (+43-1) 26026-0 · www.unido.org · unido@unido.org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UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

Report on Mission to the

Commonwealth of Dominica

(Windward Islands)

from 7 to 16 February 1981

Provide Consultative Assistance in

Relation to the Plans for Establishing

a National Development Corporation

Presented by
E. Zorrilla-Vazquez
Industrial Development Officer
IO/FCTY

February 1981

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INTRODUCTION

1. The Mission originated in a request by the Government of Dominica (please see telexes Misc.486 and Misc.124 of 12 December 1980 and 31 January, current year).

2. The terms of reference of the Mission included: discuss convenience of broadening/tailoring present institutional character and charter of existant Industrial Development Corporation (IDC); terms of technical assistance to be given to the Government of Dominica via IDC or other institutions or departments for creation of a National Development Corporation (NDC); and, suggest ways and means of training basic cadres in relation to above points.

As a consequence, the Mission was essentially of a direct assistance consultative character.

3. The writer was accompanied by Mr. W. Millager, Senior Industrial Development Field Adviser, during his stay at Dominica. Initial briefing and debriefing was undertaken by Mr. T. Gordon-Somers, Resident Representative. Further, the Mission was financed through project DP/DOM/73/001, aspect which has a bearing insofar as the point of departure for short and possibly long term technical assistance to Dominica in relation to the Mission's objectives, may be that very project. It is in this context, established during the briefing, that future technical assistance has been envisaged. Complementarily, the Caribbean Development Bank (CDB) has been traditionally a fundamental source of technical assistance, as indicated where necessary in the following findings.

FINDINGS

4. A considerable number of studies have been carried out by the World Bank[1/], the Caribbean Development Bank (CDB)[2/], which have surveyed the economic situation, post-hurricane problematic, and have dealt to some degree with concepts related to the institutional functions and characteristics of a possible development institution.

1/ World Bank, Economic Memorandum on Dominica, May 12, 1980.

2/ CDB, Proposal for the Establishment of a National Development Corporation in Dominica, January 1975.

5. The development policy of the new Government is project-oriented with a strong agro-sector base. Insofar as Dominica has a predominant agricultural sector, industrial development is seen by the Government authorities as a closely related activity through currently incipient yet potentially significant agroindustrial projects.

6. Local financial resources are meagre, and modest capital formation and counterpart savings processes have not been condusive to systematic investment, for coping with creeping unemployment, and to bolster collateral for bank loans in relation to increased flow of long term financing for on-lending to agriculture and industry.

7. The general lack of long term financial resources has in part led to consistent cash cropping inducing persistent monoculture (bananas) to the disadvantage of potentially attractive forests, forest products, fishing, tourism and peripheral services, small and medium scale and/or rural industrialization programmes.

8. A well known, however important aspect to reiterate is the general deterioration of economic conditions due to Hurricanes David in 1979 and Allen in 1980. The lagged effect on activities, infrastructure, and tourism particularly are indeed very much related with the general financial exposure, and the recognized needs for an accelerated and vigorous impulse for development.

9. Considerable project identification, formulation and to some degree implementation has been carried out by the Ministries. The public (civil service) administrative and project promotion/development functions have from time to time been combined and as a result project ideas have tended to accumulate without fructification.

10. Industrial policies and instruments currently gravitate around the following:

a) Industrial fiscal enclaves (Free Zones);
b) construction and selling/leasing of factory shells;
c) development of agroindustrial projects, particularly related to bananas, citrus tree crops and forest wood products;

d) mini-hydros systems;

e) construction materials, and

f) small-medium scale rural industry programme for basic goods production.

1/ 11. The National Planning Organization (NPO) is with high probability to be superseded by a new organization, the Economic Development Unit (EDU). The latter has been created and its functions are in the process of being defined. Rather than an "umbrella" unit in developmental functions, it is visualized by the Government as essentially a human resource cum service instrument with the role of indicatively orienting project formulation, development and implementation to conform to general overall development policy, prefeasibility standards and will provide administrative and logistic support.

12. It is interesting to note in fact that part of the more recent antecedents related to development institutions appear to emanate from the Development and Planning Corporation (DPC), created by Act 19 of 1972. The concept and later perfected institutionalisation of the Dominica Industrial Development Corporation (IDC) created by Act 21 of 1974, the Town and Country development scheme, and the separation of Government-backed commercial banking activities. As a consequence the statutory modifications gave the DPC a physical planning and development character. The IDC is at present staffed solely by the Manager, and its role as such has not yet been fully deployed.

13. The Development and Planning Corporation (DPC) created by Act 19 of 1972 will also probably be dissolved according to discussions held with Government officials. It has had relatively little and limited functionality.

14. The Agricultural Marketing Board (AMB) is undergoing a functional and operational review to adjust, to the degree possible, the scope and nature of its marketing function to available financial resources and allocation policies and to the degree of and nature of current and

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1/ In relation to this and the following points, please refer to Annex II-Report "Framework and Guidelines for the Establishment of a National Development Corporation in Dominica", February 1980, pages 6-8, and Annex D formulated by the writer on-the-spot.

convenient subvention requirements. Its role is also under purview because of the direct financial mechanisms which are operative between the parastatal banking system and agricultural producer associations.

15. The Agricultural and Industrial Development Bank (AIDB) has been operating for over eight years as a joint enterprise between Government (51%) and private investment (49%); within the latter, the Dominican Commercial and Development Bank (DCDB), a mixed institution as well, has a predominant participation. The consolidated character of the AIDB, its policies and procedures established and working satisfactorily in channeling soft loans to agriculture and industry, make it a prime mover of the economy. It will apparently soon be separated from the DCDB as a majority public banking entity with private investor participation.

16. The Government was found very keen on habilitating a National Development Corporation (NDC) as a governmental instrument for industrial and, indeed, multisectoral development based on risk capital, long-term loans, ample grace periods, soft rates, and equity participation (permanent, temporary, buy-backs, etc). It was held by local authorities that public administrative (civil service) mechanisms do not possess the celerity and decision processes to integrate bankable projects and for their implementation in the Dominican setting.

17. Given the basic structure of the IDC (please see point 12, *supra*), it is possible that it could become, through reconversion, a National Development Corporation (NDC). In other words, this is a possibility from the standpoint of the nature, functions and role it is desired such an NDC could play, as well as from the institutional framework existant.

18. The Government's intention is to underwrite the prospective National Development Corporation's budget. The Cabinet would establish the policy of the institution and the Board of Directors would carry it out. Discussions with the Prime Minister highlighted that an NDC would not act as a bank, and that its promotional activities would relate development policy with specific projects, technical assistance (including applied research and engineering services), procurement, incentive and foreign

investment policy design, training of cadres, and, particularly, implementation by harnessing investment persons and institutions. It is desired that an institution such as NDC be habilitated to capture and manage special funds for earmarked investment as well as manage land development area schemes associated with industrialization.

19. There is an insufficiency of middle-level technical cadres to carry out the full array of development banking functions, particularly at the specific project cycle level, i.e. identification, formulation, evaluation, promotion, financing. On the other hand, the Caribbean Development Bank (CDB) has established mechanisms that are primarily centered on and provide technical support to the effect. Such assistance is at present received by AIDB. There are however several viable candidates of academic background and experience that already do, and others can be called upon to occupy major positions in an existing or new development banking institution.

CONCLUSIONS AND RECOMMENDATIONS

20. The institutional framework of Dominica related with industrial development strategic policy and instrument design/implementation is currently undergoing important changes. Among the array of public administration and banking entities, we may conclude that the Trade and Industry function will be substantially absorbed by a National Development Corporation (NDC), and that the National Planning Organization (NPO) is to be superseded by the Economic Development Unit (EDU) operating as a staff indicative/orienting planning cum projects standards/monitoring group. The Agriculture and Industrial Development Bank (AIDB) will stand on its own when separated, as planned from the Dominica Commercial and Development Bank, as a majority Government parastatal banking institution. The Industrial Development Corporation (IDC) is for practical effects not yet operative and presents the statutory base for the envisaged creation of an NDC. Annex II-D of the referred Report, entitled "Framework and Guidelines for the Establishment of a National Development Corporation in Dominica" outlines the institutional framework related to the National Development System of Dominica as essentially projected.

21. The AIDB could be the point of departure for an NDC. However, the writer observed it as an on-going, established banking institution, more on the traditional vein notwithstanding that its on-lending policy is relatively soft-termed. It has achieved an image as such and does not, nor would it be convenient in the opinion of the writer, that it assimilate and reflect a risk-taking, venture-financing corporation with recourse to promotional programmes, technical assistance for applied research, allocation of funds for training and correlation of investment needs and tax incentives, etc.

22. An argument can be made as to the relative size of Dominica's economy and financial system and the inconvenience of multiplying institutions; also, in the face of insufficient technical cadres. However, at this point, it is recommended that a big push in development, with all its demands and implications, be handled by a reconverted IDC which exists and need only be strengthened in functions and manpower. The reconversion can be achieved under a Government supervised programme and a tentative procedure has been outlined in the attached "Framework and Guidelines" Report (please see page 22). The procedure was discussed on-the- spot with the authorities, and generally approved.

23. The attached Report contains, as well, further concepts related to identified development institution needs (please see pages 7-8), and selected elements for the contents of a Charter for the projected (Dominica) National Development Corporation (please see pages 9 to 18).

24. Diverse people were interviewed as requested to familiarize the writer with manpower availability and eventual post and manning requirements that a prospective NDC might have. The corresponding comments were also transmitted to the Prime Minister and functionaries so determined by the Government. Among the corresponding observations it was suggested that an NDC should conveniently be kept initially compact, with low numerical manpower requirements, with the provision of building-up its functions on a solid plane and in parallel with a CDB-sponsored training programme.

25. It is considered that between three and five professionals can manage an initial NDC. To the effect job descriptions as well as a preliminary organizational structure were designed and incorporated into the draft "Framework and Guidelines" Report terminated on-the-spot and attached to this Mission Report (please see Annex II-E to E-4).

26. It is recommended that a full prospectus of the projected NDC be formulated as indicated in annexed Report (please see page 23) insofar as it will not only provide a baseline of action for the institution, but will also supply a structure and range of expectancies regarding the type and level of operations with corresponding pro-forma capital requirements and results. This pragmatic exercise will induce increased specificity in development programmes emanating from the economic development system in Dominica: at the very least to define programmes and possible programme budgets for contemplated developmental activities of the NDC. It is suggested that, for an immediate possibility for fielding an expert (also in relation to point 25, supra), ongoing projects be explored for financial feasibility. It is estimated that a prospectus formulating exercise, including the incorporation procedure of an NDC, should encompass a minimum of 2 m/m and a maximum of 3 m/m (please see Annex II-F ofthe attached Report). Such an expert, in the view of the writer, could be fielded imminently if financed by an ongoing project.

27. For training purposes, firstly: the same expert as well could be contracted in a second stage for staff direct support advisory services to the manager-designate of the NDC (similar to an "OPAS" expert). It was suggested in situ and generally accepted by the highest authorities, that such an expert would be needed during at least two years, a lapse for consolidation required by an NDC. This assistance may either be provided by the CDB under its usual technical assistance programmes or could be contemplated as a UNIDO technical assistance project for the third programming cycle. It is recommended that a project document to the effect be formulated; secondly, middle staff (2-3 persons) training can as well be encompassed.

28. In the opinion of the writer Dominica has in effect several courses for a strong thrust into industrial or industry-related endeavors, namely:

a) agroindustry: with planning and programming linkages into the agro-primary sector to assure raw material supplies (a co-ordinated link between the Agricultural Marketing Board and an NDC is to be desired);
b) fiscal enclaves (Free Zones) for off-shore in-bond manufacturing;
c) a full-out effort on tourism and related activities because of the natural endowment;
d) small and medium scale rural industrialization programme to satisfy basic population requirements;
e) survey situation of mechanical maintenance and repair workshops for transport and fishing equipment;

Sheer size, the geography, and the relative social and ethnic homogeneity, offer in Dominica an ecosystem amenable to accelerated development planning and promotion.

29. The following are further recommendations that may be posed:

a) Project for a Donor/Investor Meeting based on a project (albeit at an opportunity study level) and/or programme portfolio; or promotion of a Solidarity Meeting for Cooperation in Industrial Development;
b) Explore, through the appropriate channels, the feasibility of Dominica's classification as an LDC (specially after being gravely affected by hurricanes David and Allen in 1979 and 1980);
c) The formulation and design of an indicative development strategy and plan (along the lines of the St. Lucia National Plan);
d) Urgent rehabilitation of transport infrastructure as a fundamental underlying factor for industrial programmes.

LIST OF PERSONS INTERVIEWED

Mrs. Eugenia Charles	Prime Minister
Mr. Vans T. Le Blanc	Manager, AIDB
Mr. N. Ericson Watty	Secretary/Manager, NPO
Mr. Patrick Pierre	Manager, IDC
Mr. Julian Johnson	Chief Technical Officer, Dept. of Trade and Industry
Mr. Colin Bully	Chief Agricultural Officer, Ministry of Agriculture
Mr. Phillip M. Nassief	Managing Director, Dominica Coconut Products, Ltd.
Mr. T. Gordon-Sommers	Resident Representative, UNDP
Mr. W. Millager	SIDFA
Ms. M. Miyanabe	JPO

ANNEX II

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

FRAMEWORK AND GUIDELINES FOR THE ESTABLISHMENT

OF A

NATIONAL DEVELOPMENT CORPORATION

IN DOMINICA

by

Emilio Zorrilla-Vazquez
Industrial Development Officer

February 1981

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INDUSTRIAL DEVELOPMENT POLICY

1. Strategy and Policy Objectives for the Industrial Sector

Industry has a key role to play in Dominica's development in providing a significant portion of the job places and output needed to meet the social and economic aspirations of Dominicans. 1/ The strategy being used is based on a pragmatic approach to increasing the utilization of existing capacity while in parallel, improving the infrastructural facilities and mounting a modest but determined promotional campaign to attract both local and overseas investment.

A listing of principal objectives against which projects and programmes may be assessed, and towards which policies may be directed is as follows:

- steady, strong growth in employment
- increased output and value added (vertical integration)
- reduced trade imbalance (foreign exchange effects)
- increased technological, managerial and entrepreneurial self reliance, upgrading of skills
- increased production and use of local raw materials
- increased contribution to integrated economic development through intra- and inter-sectoral linkages
- steady development of physical and institutional infrastructure to facilitate self-regenerating industrial development
- increased flow of benefits of industrialization through careful project design and implementation
- Contribution to Government revenues

2. Industrial Development Policies

Following are brief statements of industrial development policies designed to support the strategy and objectives identified above:

2.1 Increased Utilization of Existing Production Capacity, Expansion and Product Diversification

It is the Government's policy to facilitate increased output from existing production units, to the maximum extent practicable. In general,

1/ Industry Sector Plan 1978-1983, Department of Industry, Premier's Office, September 1978, page 41.

this approach may provide quicker and more economical growth in employment and output than a similar amount of resources devoted to developing new enterprises. It may also help to multiply the effectiveness of existing entrepreneurs, managers, key technical personnel and skilled workers. Finally, by contributing to inproved financial results of existing enterprises, a favourable demonstration effect will be created for prospective new enterprises.

The same reasoning applies to expansion projects and product diversification, subject to evaluation of specific proposals.

2.2 Promotion of New Types of Projects

The Government encourages the establishment of new and expanded industrial units. Preference will be given in its promotional activities to manufacture of products which best meet criteria stated and implied by the industrial development policy objectives. As specified in past project identification exercises, these include, i.a., food processing building materials, timber products, construction industry, animal feeds and enclave industries such as garment making. Because of the prospective availability of relatively inexpensive hydro power, consideration may also be given to some industries which are inherently energy-intensive. Attention is probably also warranted in the case of agricultural inputs such as implements, chemicals, fertilizers and packaging materials. In the context of current construction programmes, attention may be given to the possible desirability of locally producing simple hardware items such as nails and brackets as well as the possibility of locally pressure treating utility poles (which reportedly must be imported in any case).

There has been considerable attention to the possibility of reducing dependence on bananas as the principal foreign exchange earner through crop diversification (especially tree crops). At the same time, it is appropriate to consider the full range of secondary production possibilities which arise in connection with the banana. These include inter alia, puree, flour, flakes, jams, catsups, chips, fermentation products (such as beer), animal feeds, including ensilage, fibres for ropes and fabrics and handicrafts from the leaves.

Increasing attention will have to be given to service industries such as repair and maintenance including production of spare parts, as well as to architectural, engineering, consultancy and project management services.

2.3 Complementary Roles of Private Sector and Public Participation

The private sector is regarded as the backbone of industrial development. Its store of expertise, contacts and capital is linked to restoration and healthy growth of industrial production and employment in Dominica.

The Government aims to play a catalytic role in stimulating renewal of industrial development. To this end, it intends to ensure that the climate for private investment is favourable, and to work in partnership with the private sector through the operation of incentive schemes and Government development projects. This approach will require, inter alia, active development of institutional and physical infrastructure. It will also involve Government taking the lead in some areas where private entrepreneurs are not able or willing to do so. For example, Government will continue to develop products and production technologies requiring non-conventional or non-traditional approaches involving risks which exceed those acceptable to the private sector. Once such activities have shown commercial promise they will be transferred to private hands to allow re-use of the Government's resources.

Joint ventures involving foreign participation and mixed private-public ownership are encouraged when appropriate. Non-commercial enterprises involving foreign or mixed ownership are also encouraged, especially where they are designed to function as pilot plants leading to future commercial ventures.

2.4 Incentives

The range and magnitudes of existing industrial development incentives 1/ will be reviewed with a view to making them more suitable in Dominica's

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1/ Please see, inter alia, the Fiscal Incentives Act, 1973 An Act to Give Effect To The Agreement on Harmonization of Fiscal Incentives to Industry.

current situation. Measures to be examined or considered will include e.g.:

- tax relief
- investment credit
- employment credit
- training assistance
- factory shell provision
- export marketing assistance
- direct export incentives
- technical services
- management services
- concessional finance
- physical infrastructure

2.5 Geographical Decentralization

Wherever possible, establishment of new production facilities - including reconstruction of existing units - will be encouraged to take place in locations other than Roseau. This measure is intended to contribute to a more balanced economic development throughout the island.

2.6 Size of Industrial Units

The basic policy is that the size of production units will be determined by available markets and/or resources (raw materials, labour, capital, etc.). Since there is often a tight constraint on the production of a given item, attention will be given to grouping products within a single enterprise where that will serve to spread overheads and/or scarce management talent, etc.

2.7 Reliance on Technical and Capital Assistance

In the preeent circumstances technical and capital assistance are warmly welcomed. A strong effort will be made to (1) ensure coordination of such assistance and (2) built-in measures to avoid long-term dependence on such aid.

THE MORE RECENT SITUATION OF THE INDUSTRIAL SECTOR

3. The 1970's were a period of net decline for the industrial sector because of plant closings and finally through the damage wreaked by Hurricane David in August 1979. Industrial production at present must be no more than 5% of GDP Post-hurricane reconstruction was impeded by a second - though less severe - hurricane in August 1980. However, power and communications have been largely restored, although still functioning at less than their pre-David levels.

3.1 The industrial sector consists mainly of agro processing units (e.g. fruit juices, soaps, tobacco products, sawmills,furniture makers) garment makers, and building materials suppliers. At the moment the construction industry is very busy with continuing reconstruction as well as some new projects.

3.2 Unemployment is said to be in the neighbourhood of 30% and the new Government (since November 1980) is striving to restore economic development momentum after past set backs. With a population of 77,000, a mountainous island of 750 km^2 with difficult internal transportation, the local market is small and fragmented. Thus many manufactured items must be imported and substantial foreign exchange earnings are necessary. However, 60% of export revenue has been from one crop: bananas. GDP per capita was estimated at only $459 in 1978 [1/], one of the lowest in the Caribbean area.

3.3 Against this difficult background, a number of initiatives are being taken to revitalize industry. A number of project possibilities are being pursued, investment promotion programmes are being organized, with help from CDE and UNIDO and institutional support is being mobilized to channel other forms of assistance into the sector. This report deals with the institutional effort on which attention of both Government and the private sector is now clearly focussed.

1/ World Bank, Economic Memorandum on Dominica, May 12, 1980

THE INSTITUTIONAL FRAMEWORK

4. For sustained and vigorous economic development, the present institutional structure must be strengthened. There are at present three statutory instruments for developmental tasks:

(a) The Development and Planning Corporation (DPC) created by Act No. 19 of 1972, whose fundamental functions are indicated in Annex A. This Corporation will, in all probability, be dissolved: it has had relatively little and limited functionality Its functional setting will be assimilated by a National Planning Organization (NPO) however basically shouldered by a planning/programming Economic Development Unit (EDU) supported on a strong data base.

(b) The Agricultural and Industrial Development Bank (AIDB) enacted by Act No. 22 of 1971, whose essential objectives and functions are noted in Annex B. This Bank has an established operative image and is successfully on-lending and channeling commercial loans and concessionary grants. Its maximum loan capability is EC $270,000 (US $100,000) and an interest rate of 4-7%. It has currently EC $3 million in outstanding loans.

(c) The Industrial Development Corporation (IDC), established by Act No. 21 of 1974 has the key functions and powers set forth in Annex C. The IDC has, for all practical purposes, not entered into operations. this may be attributed to the need for bolstering and building up of activities, information, project-products portfolio, so to speak, and, in brief, complementary design of promotional/diffusion ways and means that underlie the development banking function.

CONCEPTS RELATED TO IDENTIFIED DEVELOPMENT INSTITUTION NEEDS

5. The following concepts are a consequence of the findings of the mission and, therefore, gaps and needs in the institutional developmental mechanisms in Dominica, which are to be filled in the short-term.

- to institute a systematic and continual industrial project identification, formulation, evaluation and promotion packaging mechanism;

- to establish ways and means of publicizing, disseminating and fostering relations such that individual,institutional, bilateral multi-lateral and consortia associations and other investment/ promotional media,can be made increasingly aware of Dominica's resources , policies and instruments for economic development;

- to devise, draw up and propose tax and tariff,financial and other incentive measures, capable of channeling increasing investment funds;

- to identify, profile and propose industry-related infrastructure (power, roads, docks, warehouses, factory shells, land development, airports, communications, etc) integrated with specific projects, programmes or policy needs;

- to provide pre-investment and equity risk capital of a flexible, permanent or temporary nature (preferred shares, contractual repurchase agreements, etc), to attract mixed investment on longer-term complex industrial, agricultural and tourist enterprises;

- to sponsor, underwrite, guarantee and provide conversion of shares and securities;

- to promote, acquire, manage, develop and coordinate the development of any land area which can assist in the execution of fiscal enclaves or trade zones (free zones), industrial estates, offshore manufacturing facilities and similars;

- to assist in locating, examining, negotiating and procuring specialized technical assistance, applied research, training grants, project management, diverse consulting and engineering services for project fructification;
- to design and propose policies and measures related to foreign investment (type, amounts, application, remittances, etc) whether on a general or an ad hoc project basis;
- to act as an Agent of the Government of Dominica for any purpose related to economic development: very particularly to location, organization and procurement of consortia and for syndicated financing as well as management of loans of/and for the account of Government or any other institution;
- to commit funds that may surpass more than 50% of the project total capital costs, including permanent working capital;
- to eventually generate resources that will make the Corporation increasingly self-reliant by means of adequate spreads in interest rates and the eventual design of a fee structure in providing for project related services.

The above indicative concepts should not imply a large or complex organization, but rather are enumerated as a framework directed towards a case-by-case project-oriented approach in line with Government policy. To this end, the corresponding legislation should incorporate and convey a built-in flexibility conducive to the referred policy of the Government of Dominica.

Please see Annex D where a simplified diagram of an alternative institutional system for development is outlined.

SELECTED CONTENTS OF A CHARTER
FOR THE DOMINICA
NATIONAL DEVELOPMENT CORPORATION[1/]

6. The following are concepts, terms and possible statute elements:

In this Act -

"chairman" means Chairman of the Corporation

"deputy chairman" means Deputy Chairman of the Corporation

"Industrial Enterprise" includes factories, hotels and commercial undertakings of any kind whatsoever

"Development Area" means any area designated a development area by Order of the Minister published in the "Gazette"

"Development Company" means a company formed for the purpose of undertaking or participating in the development of a development area or any part thereof, or for the provision of the service therein

"Member of the Corporation" includes the Chairman or Deputy Chairman

"Minister" means the Prime Minister

"Person" includes a corporation

"Statutory undertakers" means any persons or Statutory Authority empowered by any enactment to carry out or operate any dock, harbour, pier, airport or any undertaking for the supply of electricity, hydraulic power, water or other public utility services and "statutory undertaking" shall be construed accordingly

"Corporation" means the Development Corporation established under Section

"Board" means the Board of Directors of the Bank appointed under section

"Economic Development" means the development, in conformity with the priorities of the National Development plans made by the Government from time to time, of -

(a) manufacturing, assembly and processing industries, including industries engaged in the processing of products of agriculture, forestry and fishing;

(b) engineering, construction, transport, power, tourist and mining industries; and

(c) small and large scale corporate agriculture.

1/ The St. Lucia Charter and others have been analyzed to the effect.

"Long and medium term finance" means any -

(a) equity participation in a company; or

(b) loan where the obligation of the borrower to repay the principal sum advanced will not, in the absence of default, be discharged sooner than sixty months from the date on which such loan became effective;

"Recipient" means anybody, corporate or unincorporate, to whom the Corporation makes available long and medium term finance

"Shareholders" means the persons who have subscribed to share capital of the Corporation pursuant to subsection and have paid the subscription pursuant to subsection of section

"Special funds" means the funds administered by the Corporation under paragraph of section

Functions of the Corporation (some basic elements)

(1) It shall be the function of the Corporation to stimulate, facilitate and undertake the economic development of Dominica.

(2) Without prejudice to the generality of subsection (1), it shall also be the function of the Corporation to undertake or promote the development of land and industry in Dominica and for such purposes:

(a) to promote, direct and coordinate the development of any development area designated by the Minister under this Act;

(b) provide assistance, financial or otherwise, in accordance with the provisions hereinafter contained to agriculture, agro-industrial and similar activities and enterprises and to industrial enterprises whether existing at or established after the commencement of this Act.

(3) The Corporation shall have power for the purpose of the discharge of their functions under subsection (1) and (2) of this section:

(a) to carry on all activities the carrying on of which appear to them to be requisite, advantageous or convenient for or in connection with the discharge of their said function;

(b) to promote the carrying on of any such activities by other bodies or persons and for that purpose to establish or expand or promote the establishment or expansion of other bodies to carry on any such activities either under the control or partial control of the Corporation, and to give assistance to such bodies or to other bodies or persons appearing to the Corporation to have facilities for the carrying on of any such activities, including financial assistance by the taking up of share or loan capital, or by loan or otherwise;

(c) to carry on such activities either independently by or in association with other bodies or persons (including local authorities or Statutory bodies) or as managing agents or otherwise on their behalf;

(d) to do anything and to enter into any transaction of any nature whatsoever, whether or not involving expenditure, borrowing, granting of loans or investment of money, financial transactions in accordance with the provisions of this Act in that behalf, the acquisition of any property or rights, or the disposal of any property or rights which in their opinion is calculated to facilitate the proper discharge of their functions or is incidental or conducive thereto;

(e) to study and promote investment opportunities; and to assist in obtaining and placing foreign investment for the purpose of promoting economic development;

(f) to provide technical assistance and advisory services for the purpose of promoting economic development and at the discretion of the Board to charge fees for such services;

(g) to administer on such terms and conditions as may be approved by the Board such special funds as may from time to time be placed at the disposal of the Corporation.

Definition, Provision and Use of Special Funds

(1) The Corporation may accept for administration from the Government or from such other sources as it may consider appropriate, Special Funds which are intended to promote the objects of the Corporation.

(2) Special Funds accepted by the Corporation under subsection (1) shall be used on terms and conditions consistent with the objects of the Corporation and the agreement under which such funds are accepted by the Corporation for administration.

(3) Subject to the provisions of this Act, the Board of Directors may make regulations for the administration and use of each Special Fund.

(4) For the purpose of this Act -

"Special Fund" means the resources of any Special Fund and shall include -

(a) funds accepted by the Corporation in any any Special Fund;

(b) funds repaid in respect of loans made from a Special Fund which under the regulations of the Corporation governing that Special Fund are received by such Special Fund;

(c) funds recovered in respect of guarantees chargeable on a Special Fund which have been honoured out of the resources of that Special Fund and which under the regulations of the Corporation governing that Special Fund are received by such Special Fund;

(d) income derived from the operations of the Corporation in which any of the funds referred to in paragraphs (a), (b) and (c) have been used, committed or charged if under the regulations of the Corporation covering the Special Fund concerned with that income accrues to such Special Fund;

(e) the Special Funds shall be kept separate from the funds specified in subsection (1), and the income therefrom shall be applied or distributed in such manner as the Board may approve;

(f) no charge or lien created on any special fund shall operate as a charge or lien upon the funds of the Bank.

Designation of Development Areas

(1) The Minister may, if satisfied that it is expedient to do so in the interest of the State, by Order to be published in the "Gazette" designate any area of land a development area.

Acquisition of Land Development Areas

(1) The Minister may, after the designation of a development area, acquire by private treaty or compulsorily under the provisions of the Land Acquisition Ordinance,.........

(2) The Minister may, upon such terms and conditions as he may determine, vest any lands acquired in a development area in the Corporation by Order declaring that such lands shall vest in the Corporation as from the date thereof,......

Powers of the Corporation in Relation to Development Areas

(1) The Corporation shall have the following powers in relation to any development area -

(a) to hold, manage and dispose of land or other property therein;

(b) to exercise all the functions of Planning Authorities under the provisions of the Town and Country Planning Ordinance, or any amendment or modification thereof for the time being in force in relation to such area;

(c) to provide or cause to be provided and maintained electricity, telephone, water sewerage, communication and other services of any nature whatsoever in such area.

(d) to carry out site and other development works and building and other operations therein;

(e) to establish industrial enterprises therein;

(f) to enter into any contract or arrangement with a development company whereby such company may undertake the development of the whole or any part of a development area or the functions and duties of the Corporation in relation to a development area.

Restriction on Authority or Corporation in Development Areas

The Corporation, notwithstanding anything contained in Section shall have no authority in respect of main roads, and port or airport facilities in a development area save as may be otherwise provided in any agreement between the Government and the Corporation.

Charges for Services

(1) There shall be levied and charged for services provided by the Corporation or a Development Company in a development area such rates, charges or fees as may from time to time be fixed by regulations made under section of this act.

(2) Such charges or fees shall be paid to the Corporation or to a Development Company when the service in respect of which the same are payable are provided by a Development Company;

Power to Transfer Undertakings

....

Power to Collect Rates, etc.

(1) Notwithstanding contained in the Local Authorities Ordinance, or any other enactment, house and land tax and water rates shall be paid to the Corporation so long as any duty or function of the local authority or authorities in whose district or districts a development area is situated, is being performed by the Corporation.

(2) The Minister shall cause a notice to be published ....

Transfer of Property and Services on Achievement of Objects in Development Area, Cap. 239

(1) The Corporation shall upon being required to do so by the Minister by Order to be published in the "Gazette", transfer to any Local Authority constituted under the Local Authorities Ordinance, the whole or any part of a development area in respect of which the Corporation's development works may have been completed ....

(2) The Corporation shall, if required by the Minister to do so, by Order made as aforesaid transfer any of the services being provided in a development area by the Corporation to anybody or authority designated by the Minister.

Disposal of Lands in Development Area

(1) Subject to this section and to any directions that may be given by the Minister, the Corporation may dispose of any land or any interest therein in any development area to such person or persons or a Development Company in such manner and subject to such covenants or conditions as it may consider expedient.

Provided, however, that the Corporation shall not, without prior approval in writing of the Minister, dispose absolutely of any land or grant a lease of any land for a term exceeding .... years.

(2) In this section, disposal of land means disposal thereof by way of sale, exchange, lease or by the creation of any servitude, right or privileges.

Shares in Development Companies to be Acquired by Corporation

The Corporation shall be entitled to acquire shares in any Development Company to which is assigned any responsibility or function of the Corporation in a development area, and the consideration for such shares may be paid for or satisfied either in cash or otherwise as may be agreed between the Corporation and the Development Company.

Appointment of Certain Directors of Development Company by the Corporation

The Corporation shall be entitled to appoint such number of directors to the Board of Directors of such Development Company as may be determined by agreement between the Corporation and such company and such directors may be removed and replaced only by the Corporation and not otherwise.

Minister to Approve Transaction with Development Company

Any contract or ther transaction between the Corporation and a Development Company in relation to the Development of or the disposal of any land in a development area to a Development Company, shall be subject to the prior approval of the Minister.

Compensation

A Development Company shall be entitled to full compensation for any of its assets that may be acquired by the Government or the Corporation in accordance with the provisions of the Dominica Constitution Order ......

Funds and Resources of the Corporation

(1) The funds and resources of the Corporation shall consist of -

(a) such amounts as may from time to time be appropriated therefor by the House of Assembly;

(b) all sums from time to time received by or falling due to the Corporation in respect of the repayment of any loan made by the Corporation and the interest payable in respect of any such loan;

(c) monies earned or arising from any property investments and debentures acquired by or vested in the Corporation;

(d) any property hypothecs, debentures or investments acquired by or vested in the Corporation under this Act;

(e) sums borrowed by the Corporation for the purpose of meeting any of their obligations or discharging their functions;

(f) such sums as the Minister may, with the approval by resolution of the House of Assembly, advance for the purposes of the Corporation as provided by this Act;

(g) all other sums or property that may in any other manner become payable to or vested in the Corporation in respect of any matter incidental to its powers and duties.

Borrowing Powers

(1) Subject to theprovisions of subsection (2) of this section, the Corporation may borrow sums required by them for meeting any of their obligations or discharging their functions.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be affected. An approval given in any respect for the purpose of this subsection may be either general or limited to a particular borrowing or otherwise and may be

either unconditional or subject to conditions.

Advances from Government

(1) The Corporation may, from time to time, borrow by way of advances from the Government such sums as may be necessary for carrying out its functions under this act but notice of any such advance shall be given by the Minister to the House of Assembly.

(2) For the purpose of making approved advances to the Corporation under this section, the Minister may authorize advances out of the proceeds by any loan raised for the purpose or out of the reserve fund, revenues or surplus balances of the state ....

Guarantee by Minister of Borrowings by Corporation and Repayment of Sums Issued to Meet Guarantees

(1) With the approval of the House of Assembly, the Minister may guarantee in such a manner and on such conditions as he may think fit, the payments of the principal and interest in respect of any authorized borrowing of the Corporation

Investments

Monies standing to the credit of the Corporation may from time to time be invested in securities approved either generally or specifically by the Minister and the Corporation may, from time to time, with the like approval sell or deal with any or all of such securities.

Application of Funds and Resources of Corporation

(1) The funds and resources of the Corporation shall be applied in the following manner, that is to say:

(a) in making loans in accordance with the provisions of this Act in the discharge of their functions, subject to such conditions as they may deem fit to impose in any particular case;

(b) in defraying the following charges -

(1) the remuneration and allowances of the members of the Corporation or of any committee thereof;

(ii) the remuneration, salaries and gratuities, including payments for maintenance of the provident fund or pension fund .....

(iii) working and establishment expenses, and expenditure on, or provision for, the maintenance of the property and of any of the works of the Corporation and the insurance ....

(iv) interest on any debenture and debenture stock or other security issued, and on any loan raised, by the Corporation;

(v) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security......

(vi) such sums as it may deem appropriate to set aside in respect of depreciation of the property of the Corporation;

(vii) any other expenditure authorized by the Corporation.

(c) in the purchase of plant, equipment, stores and any other materials, and for the purchase of lands of the construction of building and carrying out of any other works and undertakings or the establishment of industrial enterprises in the discharge of their various functions under this Act.

(2) The balance of the funds and resources of the Corporation shall belong to the Government ....

Decision of the Corporation

....

Interest on Loans Made By the Corporation

....

Repayment of Loans to the Corporation

....

Suspension of Payment of Principal and Interest and Power to Extend time, Compound or Release

....

Examination as to Application of Monies Lent

....

Further concepts are relatively similar to other charters.

ORGANIZATION, SCHEME AND INDICATIVE MANNING NEEDS

7. The organization of the National Development Corporation should be kept compact and simplified, particularly since it will be sounding out initial functions and also because of the pronounced scarcity of technical and managerial cadres in Dominica. As the Corporation grows and acquires experience, it will become necessary to alter the organizational scheme. Initially, the professional and technical staff might consist only of the following:

The General Manager, who as Chief Executive Officer, would advise the Board on policy matters, and be responsible for implementing the decisions of the Board and managing the Corporation's affairs.

The Secretary/Accountant would perform the duties of Secretary to the Board.

Finance and Administration Department (Officer). This Department carries out all administrative matters, maintenance of the Corporation's properties, financial policy, post finance administration and provision of accounting services and project financial analyses.

Technical Services Department (Officer). This Department handles project appraisals, harnesses external services for and supervises project implementation, and will see to providing extension services for project support and training.

Projects Department (Officer). This Department is responsible for identifying potential projects, carrying out market and product surveys and profiles, formulating prefeasibility and feasibility studies, will assist potential investors to develop their project ideas and obtain their financing.

Promotion and Relations Department (Officer)

This Department is in charge of local and international relations, publications, brochures, propaganda and diffusion, reunions and meetings' logistics, works in close coordination with the General Manager in all of these topics.

The Corporation should embark on an intensive training scheme and apart from organizing internal courses and on-the-job training, can contemplate over a two to three year period, obtaining various fellowships abroad for young Dominicans.

7.1 As the work load demands it, additional staff are hired so that individual officers may be responsible for Industry and Agriculture, etc, and as need be, major technical, economic and financial functional activities may be enhanced.

7.2 Further functions of the Corporation might entail the establishment and use of Special Funds and/or development companies earmarked for specific objectives, specially in the case of concessionary grants for ad hoc projects or programme-budget allocation and supervision. This can be properly reflected in the corresponding legislation. Such funds are often convenient "drawers" for rural industry, land development and specific agro-industrial endeavours.

Attached in Annex E are a preliminary organizational diagram and Job description.

7.3 The Board may consist of seven members including a Chairman and a Deputy Chairman, both of whom should be persons possesing the necessary competence and experience from the Private Sector; three of the members could be(ex-officio)representatives of relevant Ministries such as Finance, Agriculture and Communications and Works.

7.4 The responsibility of the Board will be to set policy for the Organization under the general direction of the Cabinet. It should have full control over its funds (except for Statutory Reporting requirements), and full authority to appoint and dismiss all staff except the General Manager whose appointment might be subject to confirmation by Cabinet, and except for appointments to clerical and other supporting staff positions which would normally be delegated to the General Manager. The Board can make sure that its policy is adhered to by the use of adequate and timely reporting systems (including budgets and financial reports), but will probably want to retain authority for the final approval of loans above a certain amount, and for any recommendations to Government in relation to the granting of incentives.

7.5 The funds and resources of the Corporation would consist of grants for administration and other purposes appropriated by the House of Assembly, revenue from operations, sums borrowed for discharging its functions and any other sums or property which became payable to or vested in the Corporation.

PRELIMINARY PROCEDURE FOR IMPLEMENTATION OF
THE NATIONAL DEVELOPMENT CORPORATION *

8. Following, is an outline for a proposed procedure:

- Appoint task force
- Request to UNDP
  - UNDP/UNIDO TA, non-IPF (limits; Assoc Experts, "OPAS" Expert)
  - Initiate recruitment
  - TOKTEN source list
- Collect studies and prepare work programme
- Legislation approved
- Designation of Board
- Designate key staff
- NDC Prospectus (preparation and use)
- Constitute outside (international) advisory panel
- Comprehensive negotiations with CDB
  - Consultant to integrate
  - TA procedure (Industry S/Ag projects development)
  - TEU Projects (Technology and Energy Unit projects)
  - CDB/USAID private sector onlending
  - NDC equity loan to Dominica Government
  - Direct lending/equity programme
  - CDB/USAID/UNIDO Investment Promotion programme (brochure, profiles, missions, etc)
- Define and activate training programme (staff)
- Incentive review and modification
- Activate direct promotion/information ties with UNIDO
- Identify existing lands and projects to be assigned to NDC

* Formulated in collaboration with Mr Millager, SIDFA and presented on-the-spot to government authorities

SCOPE OF A PROSPECTUS AND CONSULTANT TERMS OF REFERENCE FOR CARRYING IT OUT

9. A prospectus of the Corporation is considered to be a definitive element to assess the estimated cost and benefits as well as a means to staffing and divulgement both in the decision making process as well as a guideline during implementation.

9.1 It is calculated that as a follow-up to this preliminary report, a two to three man-months consultant assignment would be convenient to integrate the prospectus, the contents of which are the following:

(i) Nature of the Corporation and its operations

(ii) Purposes

(iii) Capital structure

(iv) Provisions for increases of capital

(v) Treatment of operating deficits

(vi) Board and Government appointments

(viii) Sources of funds

(x) Restriction on transfer of shares and of concentration of control

(x) Reserves: Nature and policies

(xi) Organization and staffing requirements

(xii) Operating procedures and policies

(xiii) Estimated operating costs

(xiv) Estimated profit and loss and proforma balance sheets and cash flow

Annexes: Forms for applicants and standard service and loan contract

Please see attached Annex F for a job description of the referred consultant

ANNEX A

DOMINICA

ACT No. 19 of 1972.

LS

I assent

L. COOLS-LARTIGUE
Governor.

11th September, 1972.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION TO BE KNOWN AS THE DEVELOPMENT AND PLANNING CORPORATION, FOR THE FUNCTIONS OF THE CORPORATION AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

(Gazetted 21st September, 1972.)

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the

DEVELOPMENT AND PLANNING CORPORATION ACT, 1972.

Interpretation.

2. In this Act unless the context otherwise requires —

"chairman" means the chairman of the Corporation and includes any person for the time being performing the functions of chairman;

"the Corporation" means the Development and Planning Corporation established under section 3;

"designated area" means any area in respect of which a development plan has been initiated by the Corporation and approved by the Minister;

"development" includes re-development;

"financial year" means such period of twelve months as the Corporation with the approval of the Minister may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as may be fixed by the Corporation with the approval of the Minister;

"functions" includes powers and duties;

"local authority" means —

(a) in relation to the towns of Roseau and Portsmouth, the Roseau Town Council and the Portsmouth Town Council, and

(b) in relation to any other village or place the Village Council established for that village or place;

"Minister" means the Minister for the time being assigned with the responsibility of Planning;

"owner" in relation to land, means a person who is for the time being entitled to dispose of the fee simple of the land whether in possession or in reversion, and includes a person holding or entitled to the rents and profits under a lease or agreement, the unexpired term whereof exceeds three years;

"statutory undertakers" means persons authorised by any law to carry on any transport undertaking by land, air or water, or any undertaking for the supply of electricity, gas, hydraulic power or water, or any telephone service.

PART II

Establishment and Functions of the Corporation

Establishment of Development and Planning Corporation.

3.—(1) There shall be established for the purposes of this Act a body to be called the Development and Planning Corporation which, with effect from a date to be notified by the Minister by Order published in the *Gazette*, shall be the body solely responsible for planning powers in Dominica.

Schedule.

(2) The provisions of the Schedule shall have effect with respect to the constitution of the Corporation and otherwise in relation thereto.

Functions of the Corporation.

4.—(1) Subject to the provisions of this Act the Corporation shall have power to carry out or secure the laying out and development of areas designated for the purpose.

(2) Subject to the provisions of this Act and to any directions from the Minister, the Corporation may, for the purpose of performing any of its functions under this Act, do anything and enter into any transaction which, in the opinion of the Corporation, is necessary to ensure the proper performance of its functions.

(3) In particular and without prejudice to the generality of the provisions of subsections (1) and (2) the Corporation may —

(a) acquire, manage and dispose of land whether within or outside any designated area;

(b) lay out, construct and maintain roads, construct and [illegible] and engineering operations as may appear to it to be necessary or desirable in, on, over or under land within any designated area;

(c) provide and maintain car parks, piers, public parks, public gardens and other public amenities within any designated area;

(d) carry on any business or undertaking for the development of any designated area;

(e) contribute to local authorities and statutory undertakers sums in respect of expenditure incurred by such authorities and undertakers in respect of their functions in connection with the development of any designated area;

(f) engage in any other activity designed to promote the development of any designated area.

(4) The Corporation shall, in performing any of its functions under this Act, take such action as may be necessary and practicable to ensure the preservation of sites and objects of architectural or historic interest.

Powers of dealing with land and buildings.

5.—(1) Without prejudice to any of its other powers under this Act, the Corporation may —

(a) let or lease for any term of years, or upon any conditions, any land vested in it under or by virtue of this Act and accept surrenders of any such leases as it may think fit:

Provided that the Corporation shall not exercise the powers conferred by this paragraph without the prior sanction of the Minister if he so directs;

(b) with the consent of the Minister, sell or exchange such land, whether or not it pays or receives any money for equality of exchange.

(2) The sale or lease of any land vested in the Corporation may be subject to such covenants and conditions as the Corporation, with the approval of the Minister, may impose in regard to the laying out and use of the land or in regard to the use and maintenance of any building thereon, and upon any such sale the Corporation may, with the approval of the Minister, accept payment of part of the price and secure the remainder by a mortgage of the premises.

Ministerial directions.

6.—(1) The Minister may, after consultation with the chairman, give to the Corporation directions of a general character as to the policy to be followed in the performance of its functions in relation to matters appearing to him to concern the public interest.

(2) The Corporation shall furnish the Minister with such returns, accounts and other information as he may require with respect to the property and activities of the Corporation, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

ppointment of accountant and other officers, servants and agents.

7.—(1) The Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit an accountant and such other officers, servants and agents as it thinks necessary for the proper performance of its functions.

(2) The Public Service Commission may, subject to such conditions as it may impose, approve of the appointment of any public officer in the service of the State to any office with the Corporation and any public officer so appointed shall, in relation to pension, gratuity or other allowances, and to other rights as a public officer, be treated as continuing in the service of the Government.

PART III

FINANCIAL

unds and resources of the Corporation.

8. The funds and resources of the Corporation shall consist of—

(a) such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament;

(b) moneys borrowed by the Corporation pursuant to section 9 for the purpose of meeting any of its obligations or performing any of its functions;

(c) all other moneys and other property which may in any manner become payable to, or vested in, the Corporation in respect of any matter incidental to its functions.

Borrowing powers.

9.—(1) Subject to the provisions of subsection (2), the Corporation may borrow moneys required by it for meeting any of its obligations or performing any of its functions.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister responsible for Finance as to the amount, as to the source of borrowing and as to the terms on which the borrowing may be effected, and an approval given in any respect for the purpose of this section may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

stments.

10. Moneys standing to the credit of the Corporation may from time to time be invested in securities approved either generally or specifically by the Minister responsible for Finance, and the

DOMINICA

ACT No. 39 OF 1973.

LS

I assent

L. COOLS-LARTIGUE
Governor.

20th December, 1973.

AN ACT TO AMEND THE DEVELOPMENT AND PLANNING CORPORATION ACT No. 19 OF 1972.

(Gazetted 20th December, 1973.)

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

Short title.

1. This Act may be cited as the

DEVELOPMENT AND PLANNING CORPORATION (AMENDMENT) ACT, 1973.

Interpretation.

2. In this Act the Development and Planning Corporation Act No. 19 of 1972 is referred to as the Act.

Amendments to the Act.

3. The Act is amended as follows:—

(1) By inserting the word "physical" between the words "for" and "planning" occurring in the last line of section 3 (1) of the Act.

(2) (*a*) by inserting the word "develop" between the words "manage" and "and" occurring in the first line of section 4 (3) (*a*); and

(*b*) by inserting the following as paragraph 4 (3) (*g*):—

"(3) (*g*) perform such functions and duties as may be delegated to it by the Minister whether within or outside a designated area."

(3) by inserting the following as section 9(3) of the Act:—

"(3) Moneys borrowed by the Corporation for meeting any of its obligations or performing any of its functions under this Act with the approval of the Minister of Finance, shall be guaranteed by the Minister of Finance and when so guaranteed shall become a charge on the Consolidated Fund.

(4) The Schedule to the Act is amended by deleting the word "a" occurring immediately before the word "Chairman" and inserting the words "an executive "in place thereof.

Passed in the House of Assembly this 18th day of December, 1973.

MARIE DAVIS PIERRE
Clerk of the House of Assembly.

M.P. P.D. 230—04III.

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Corporation may from time to time with the like approval sell any or all of such securities.

Reserve fund. 11. The Corporation shall establish a reserve fund to be utilised for such purposes as the Minister responsible for Finance may approve.

Accounts and audit. 12.—(1) The Corporation shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by the Director of Audit or some other suitable person appointed by the Minister for the purpose.

(2) The members, officers and servants of the Corporation shall grant to the Director of Audit or any other person appointed under this section to audit its accounts access to all books, documents, cash and securities of the Corporation and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Corporation.

Annual report and estimates. 13.—(1) The Corporation shall prepare and present to the Minister within four months (or such longer period as the Minister may allow) after the expiration of each financial year of the Corporation a report —

(a) dealing generally with the activities of the Corporation during its last financial year;

(b) containing such information relating to the proceedings and policy of the Corporation as in its opinion can be made public without detriment to the interest of the Corporation; and

(c) including a statement of its accounts audited in accordance with the provisions of section 12.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the report of the person who audited the accounts on that statement and on the accounts of the Corporation to be laid on the table of the House of Assembly.

(3) Copies of the Corporation's report together with the annual statement of accounts and the report of the person who audited the accounts on that statement and on the accounts of the Corporation shall be published in such manner as the Minister may direct.

(4) The Corporation shall, not less than three months (or such shorter period as the Minister may in any particular case allow) before the expiration of each financial year of the Corporation, submit to the Minister for approval its estimates of revenue and expenditure in respect of its next financial year.

Exemption from stamp duty and income tax.

14. Notwithstanding anything contained in any other enactment—

(a) any instrument necessary for the transfer or vesting any land to or in the Corporation or from or by the Corporation to or in any person, or relating to any lease, mortgage, or other charge or any release, in regard to which the Corporation is a party, upon or in respect of which stamp duties, registration or recording fees are payable, shall be exempt from the payment of such stamp duties, registration or recording fees:

(b) the income of the Corporation shall be exempt from income tax.

PART IV

Transfer of Property to Corporation

Transfer of property to Corporation.

15. Upon a day to be appointed by the Minister by notice published in the *Gazette* by virtue of this section and without further assurance all such property owned by the Government of Dominica as may be specified in the notice as aforesaid shall be transferred and vested in the Corporation.

PART V

Incentives for Development

Corporation to grant exemption from income tax in designated area. Ord. 28/1966.

16. Notwithstanding the provisions of the Income Tax Ordinance number 28 of 1966 or of any amendments thereto, or of any law enabling the imposition of income tax on persons in the State, the Corporation shall, with the approval of the Minister responsible for Finance, have power to grant relief from income tax to persons within the areas designated for a period not exceeding seventeen years.

Corporation to grant remission of duties within designated area. Cap. 265.

17. Notwithstanding the provisions of the Customs Import and Export Tariffs Ordinance or of any amendments thereto, or of any tax on goods, materials or equipment, the Corporation shall, with the approval of the Minister of Finance, from time to time and for specified periods, remit the payment of duties or taxes on materials, equipment or goods used in the construction and equipment of buildings within the areas designated.

PART VI

General

Regulations.

18. The Minister may make regulations generally for the proper carrying out of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations—

(a) for securing the proper laying out and development of designated areas;

(b) prescribing the form of any notice or other document authorised or required by this Act to be served or issued;

(c) prescribing any other matter or anything which may be, or is required by this Act to be, prescribed.

SCHEDULE (Section 3)

CONSTITUTION AND PROCEDURE OF THE CORPORATION

1.—(1) The Corporation shall consist of a chairman, a deputy chairman, Secretary-Manager and such other members as the Minister may from time to time appoint. Constitution of the Corporation.

(2) In the case of the absence or inability to act of the chairman the deputy chairman shall exercise the functions of the chairman.

(3) Subject to the provisions of sub-paragraph (2) the Minister may appoint any person to act temporarily in the place of any member of the Corporation in the case of the absence or inability to act of such member.

2. The appointment of a member of the Corporation shall, subject to the provisions of this Schedule, be for a period not exceeding three years and such member shall be eligible for re-appointment. Tenure of office.

3.—(1) Any member of the Corporation, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Corporation. Resignations.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

4. The Minister may at any time revoke the appointment of any member of the Corporation if he thinks it expedient so to do. Revocation of appointments.

5. If any vacancy occurs in the membership of the Corporation such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed. Filling of vacancies.

Gazetting of appointments.

6. The names of all members of the Corporation as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Incorporation.

7.—(1) The Corporation shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

(2) The seal of the Corporation shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Corporation in the presence of the chairman or any other member of the Corporation and the secretary.

(3) The seal of the Corporation shall be authenticated by the signatures of the chairman or a member of the Corporation authorised to act in that behalf and the secretary and such seal shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of the Corporation may be signified under the hand of the chairman or any other member authorised to act in that behalf or the secretary.

(5) The Corporation may sue or be sued in its corporate name and may for all purposes be described by such name.

Service of documents.

8. Any summons, notice or other document required or authorised to be served upon the Corporation under the provisions of this Act or any other law may, unless in any case there is express provision to the contrary, be served by delivering the same to the chairman or secretary, or by sending it by registered post addressed to the secretary at the principal office of the Corporation.

Disclosure of interest.

9. A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation —

(*a*) shall disclose the nature of his interest at a meeting of the Corporation;

(*b*) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

Procedure and meetings.

10.—(1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Corporation may determine:

Provided that not less than six meetings of the Corporation shall be held in each financial year of the Corporation.

(2) Minutes in proper form of each meeting of the Corporation shall be kept.

(3) The chairman may at any time call a special meeting of the Corporation and shall call a special meeting to be held within seven days from the receipt of the written request for that purpose addressed to him by any three members of the Corporation.

(4) The chairman or, in his absence the deputy chairman, shall preside at the meetings of the Corporation, and if both the chairman and the deputy chairman are absent from any meeting the members present shall elect one of their number to preside at that meeting.

(5) The quorum of the Corporation shall be such number as the Corporation may fix from time to time, not being less than one half of the total number of members of the Corporation.

(6) The decisions of the Corporation shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(7) The validity of the proceedings of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Corporation may regulate its own proceedings.

11. The Corporation may by a vote of a majority of all the members thereof delegate to the chairman or a committee appointed by the Corporation such of the functions of the Corporation as to enable it effectively to transact such of the day to day business of the Corporation as it may decide: Power to delegate.

Provided that nothing in this paragraph shall authorize the Corporation to delegate to any person functions to do any act involving extraordinary expenditure, or expenditure beyond a limit approved by the Corporation.

12.—(1) No member of the Corporation shall be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operations of the Corporation. Protection of members.

(2) Where any member of the Corporation is exempt from liability by reason only of the provisions of this paragraph, the Corporation shall be liable to the extent that it would be if the member was a servant or agent of the Corporation.

Remuneration of members.

13. There shall be paid from the funds of the Corporation to the chairman and other members of the Corporation such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Office of member not public office.

14. The office of member of the Corporation shall not be a public office for the purpose of Chapter VI of the Constitution of Dominica.

Passed in the House of Assembly this 17th day of August, 1972.

MARIE DAVIS PIERRE
Clerk of the House of Assembly.

M.P. P. D. 230/04m.

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DOMINICA

ACT No. 22 OF 1971.

I assent

(LS)

L. COOLS-LARTIGUE
Governor.

28th July. 1971.

AN ACT TO MAKE PROVISION FOR THE CREATION OF AN AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BANK IN DOMINICA.

(Gazetted 29th July, 1971.)

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

Short title.

1. This Act may be cited as the

DOMINICA AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BANK ACT, 1971.

Interpretation.

2. In this Act —

"agriculture" means the use of land for any purpose of husbandry, including the rearing and breeding of livestock and the growing, processing and marketing of vegetables, root crops, fruits and other farm products, and includes fisheries, forestry and horticulture;

"Bank" means the Dominica Agricultural and Industrial Development Bank established under section 3 of this Act;

"Board" means the Board of Directors of the Bank as constituted and appointed under section 6 of this Act;

"Chairman" means the Chairman of the Board;

"Credit Officer" means a credit officer of the Bank, appointed under section 25 of this Act:

"Director" means a member of the Board;

"industry" includes craft work, and the building and equipping of hotels, guest houses and restaurants;

"land" means agricultural land or land used primarily for the purpose of processing or marketing the produce of agriculture, or for industry or otherwise connected with agriculture or industry, and includes all buildings, factories and machinery erected and standing thereon, and all live, dead or rolling stock belonging to the owner and used and worked in connection with such land;

"Manager" means the Manager of the Bank appointed under section 12 of this Act.

"Minister" means the Minister from time to time charged with responsibility for the subject of Finance;

"owner" includes —

(*a*) the owner of any land or of any boat or of any vehicle or of any agricultural or industrial machinery;

(*b*) the duly authorised attorney of such owner;

(*c*) an executor or administrator of a deceased owner if authorised by will or by an order of court or otherwise by law to mortgage land:

(*d*) a trustee appointed by deed or will if authorised by such deed or will or by an order of court or otherwise by law to mortgage land:

(*e*) a receiver appointed by an order of court or by a mortgagee:

(*f*) a mortgagee in possession:

(*g*) a lessee of land of which the unexpired term of the lease is not less than twenty-five years or where in any case the Manager for any special reason shall so decide, twenty years.

Establishment of the Agricultural and Industrial Development Bank.

3.—(1) There is hereby established a body corporate to be called "The Dominica Agricultural and Industrial Development Bank" which shall be entitled to make contracts and to sue and be sued in its name: and service upon the Bank of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the Manager of the Bank at its Head Office.

(2) The Bank shall have power to hold land and other property of whatever kind, real or personal, and in particular, for the purpose of fostering and encouraging agricultural and industrial development in the State.

(3) The Bank shall have a Head Office in the city of Roseau and shall have perpetual succession and an official seal.

(4) The seal of the Bank shall be affixed to any instrument by the Chairman, but shall not be so affixed except by the authority of a resolution of the

Board and shall be authenticated by the joint signatures of the Chairman and the Manager.

(5) The seal of the Bank shall be kept in the custody of the Manager.

Objectives of the Bank.

4. The objectives of the Bank shall be to promote, direct and influence the development of agriculture and industry in the State, and to mobilize funds for the purpose of such development.

Government and control of the Bank.

5. In the pursuance of its objectives, the Bank shall be governed by a Board of Directors which subject to any direction given by the Minister, shall determine the policy, and direct and control the affairs of the Bank.

Appointment of Board of Directors.

6.—(1) The Board of Directors of the Bank shall consist of not more than nine persons appointed by the Minister as follows:—

(a) five *ex-officio* members or their nominees namely —

(i) the Financial Secretary who shall be the Chairman, or an officer from the Ministry of Finance;

(ii) the Attorney General, who shall be the Deputy Chairman, or an officer from the Attorney General's Department;

(iii) the Secretary, Planning and Development;

(iv) the Permanent Secretary or an officer in the Ministry responsible for agriculture;

(v) the Permanent Secretary or an officer in the Ministry responsible for trade and industry.

(b) Two suitable and competent representatives of agricultural associations or organizations in the State. appointed on the advice of the Minister responsible for agriculture.

(*c*) Two suitable and competent representatives of industrial interests in the State appointed by the Minister responsible for industry.

(2) The persons appointed under section 6(1)(*b*) and (*c*) shall hold office for a period not exceeding two years and shall be eligible for reappointment to the Board: Provided that no such person shall hold office for more than two consecutive periods.

Meetings of Board.

7.—(1) The Board shall meet at least once every quarter and at such other times as may be necessary or expedient for the transaction of the business of the Bank.

(2) The Chairman shall, within seven days of the receipt by him of a request in writing addressed to him by any four members of the Board, call a special meeting of the Board.

(3) If the Chairman refuses to convene a special meeting of the Board upon request as aforesaid or shall neglect to convene such a meeting as requested, a special meeting of the Board may be convened by the members making such request.

(4) In the event of the absence of the Chairman or of the Deputy Chairman from a meeting, the members of the Board present at the meeting shall appoint one of their number to preside as Chairman and the member so appointed shall, for that meeting, have all the powers of the Chairman.

(5) A quorum of the Board shall be any five Directors.

(6) The decisions of the Board shall be taken by a simple majority of the votes of the members present, and in addition to an original vote in any case in which the vote is equal, the Chairman presiding at a meeting shall have a casting vote.

Directors to declare their interests.

8.—(1) Any member of the Board whose interest is likely to be affected whether directly or indirectly by a decision of the Board on any matter whatsoever, shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under subsection (1) of this section shall be recorded in the minutes of that Board meeting and after the disclosure the member making it shall, unless the Board otherwise direct, not be present at or take part in the deliberation or vote at any meeting of the Board during the time when such matter is being decided by the Board.

Termination of appointment of Directors.

9 The Minister may terminate the appointment of any Director if such Director —

(*a*) becomes of unsound mind or is incapable of carrying out his duties;

(*b*) becomes bankrupt or compounds with, or suspends payment to, his creditors;

(*c*) is convicted and sentenced to a term of imprisonment or to death;

(*d*) is convicted of any offence involving dishonesty;

(*e*) is guilty of misconduct in relation to his duties;

(*f*) is absent, except on leave granted by the Board, from three consecutive meetings of the Board;

(g) fails to carry out any of the duties or functions conferred or imposed on him under this Act: or

(h) refuses to act or withholds information as required under section 8(1) of this Act.

Resignation of Director.

10. A Director of the Bank other than an *ex-officio* director may at any time resign his office by instrument in writing addressed to the Minister through the Chairman.

Publication of names of members in Gazette.

11. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Appointment of Manager.

12. The Board shall, subject to the approval of the Minister, appoint a Manager, on such terms and conditions as it may determine from time to time.

Duties and powers of the Manager.

13.—(1) The Manager shall be the chief executive officer of the Bank and shall be entrusted with the day to day management, direction and control of the business of the Bank in all matters which are not by this Act or by Rules or Regulations made thereunder specifically reserved to be done by the Board; and shall be answerable to the Board for his acts and decisions. He shall attend meetings of the Board but shall not have a vote.

(2) All documents other than those required by law to be under seal, and all decisions of the Board, may be signed under the hand of the Manager.

(3) The Minister may, after consulting the Board, appoint any qualified person to act temporarily in place of the Manager during the absence of the Manager through illness, or inability from any cause arising.

Business of Bank.

Amend s.

14.—(1) The business of the Bank shall be the making of loans and advances in accordance with the provisions of this Act and for this purpose the Bank may employ its funds as hereinafter provided, and do all or any of such other matters and things as may be incidental or subsidiary to its business.

(2) All loans made by the Bank, secured by real property, chattels or produce shall be secured by a first mortgage on such property, or by a first charge or mortgage where the security is taken on produce or chattels.

(3) Each mortgage or charge given to secure the loan shall contain a covenant by the borrower that he will not, without the consent of the Board, dispose of any of the property subject to the mortgage or charge or any interest therein.

Board may employ officers and servants.

15.—(1) Subject to section 12 of this Act, the Board may appoint and employ at such remuneration and on such terms and conditions any officer or servant as may be deemed by it necessary for the efficient performance of the business of the Bank.

(2) The Board may require any officer or servant employed under this section to give security to its satisfaction for the due execution of his duties.

The funds and resources of the Bank.

16.—(1) The funds and resources of the Bank shall consist of.—

(*a*) such sums as may be provided for the purpose from time to time by the legislature;

(*b*) such sums as may be allocated from time to time to the Bank from loan funds;

(*c*) all sums from time to time received by or falling due to the Bank in respect of repayment of any loan made by the Bank and the interest payable thereon;

(*d*) moneys earned or arising from any property investments, mortgages or debentures acquired by or vested in the Bank;

(*e*) any property, mortgages, debentures or investments acquired by or vested in the Bank;

(*f*) sums borrowed by the Bank for the purposes of meeting any of its obligations or discharging any of its functions;

(*g*) all other sums or property which may in any manner become payable to or vested in the Bank.

(2) The charges on any amount which may be allocated to the Bank from loan funds shall be met by the Bank: Provided that, subject to the approval of the House of Assembly, all or any part of such charges may be met from the General Revenue of the State.

X (3) For the purposes of this section the expression "loan funds" means such sums as may be made available from time to time to the Government by way of loan.

(4) The Bank may subject to such notice of withdrawal of not less than three months as may from time to time be prescribed, accept any sums deposited with it by bodies corporate, public bodies, co-operative societies or associations or individuals and pay such interest thereon as it considers necessary to encourage such deposits.

Annex B-1

17.—(1) Every sum payable to the Bank shall be collected and received for and on account of the funds of the Bank. Receipts for sums paid to the Bank may

General financia provisions.

to pag. 97

be signed by an officer of the Bank authorised by resolution of the Board generally or specifically in that behalf.

(2) All payments out of the funds of the Bank shall be made by two of the following persons of whom the Chairman must be one, that is, the Chairman, the Manager, or a Director nominated by the Board for that purpose.

X

(3) The financial year of the Bank shall coincide with the financial year of the Government of Dominica.

(4) The Bank shall cause to be kept proper books and accounts and the accounts shall be audited annually by auditors who shall be appointed by the Board each year.

(5) Notwithstanding anything contained in subsection (4) of this section the Minister may, in his discretion, at any time require the Director of Audit to examine the report on the accounts of the Bank, and the Bank shall provide the Director of Audit with all necessary and appropriate facilities for such examination.

(6) The Bank shall make such provision for the safe keeping of its funds as may be approved by the Minister.

(7) Officers of the Bank generally or specifically authorised in that behalf by resolution of the Board may retain in their hands sums to meet petty disbursements or for immediate payments in accordance with the terms of the resolution.

(8) Subject to the provisions of this Act and of any Regulations made thereunder, the Board shall have power by resolutions to provide for all matters of

administration and procedure with regard to the Funds of the Bank.

18.—(1) The Bank shall, within three months after the end of each financial year, cause to be made and to be transmitted to the Minister — Reports

(*a*) a report dealing generally with the operation of the Bank during the last preceding financial year; and

(*b*) a copy of the annual audited statement of accounts certified by the auditors.

(2) The Minister shall as soon as possible after their receipt —

(*a*) cause a copy of the report together with the annual audited statement of accounts thereon to be laid before the House of Assembly; and

(*b*) cause a copy of the annual audited statement of accounts to be published in the *Gazette*.

19. It shall be lawful for the Bank out of funds at its disposal — Bank empowered to make loans.

(*a*) to make loans and advances to owners of land and to societies registered under the Co-operative Societies Ordinance; and Cap. 304.

(*b*) to make loans to any person other than a director or a member of the House of Assembly, or to any company engaged in agriculture or industry.

20.—(1) The Bank shall normally make four types of loans, namely — Types of loans and purposes to which they may be put.

(*a*) long term loans repayable within ten years from the date of issue;

(*b*) medium term loans repayable within [illegible] years from the date of issue;

(c) short term loans repayable within two years from the date of issue; and

(d) loans on mortgages of agricultural and livestock products repayable within twelve months from the date of issue.

(2) Long term loans may be granted for the following purposes, namely —

(a) the purchase, development and improvement of land;

(b) the purchase and erection of buildings including hotels, guest houses and restaurants;

(c) the purchase and installation of industrial machinery;

(d) the purchase and installation of processing and storage facilities;

(e) any other purpose that may be prescribed in accordance with the provisions of this Act.

(3) Medium term loans may be granted for the following purposes namely —

(a) the discharge of liabilities incurred in respect of the development, maintenance or improvement of land;

(b) the purchase of livestock and development of pasture;

(c) the purchase of tractors, ploughs, trucks, jeeps and other agricultural machinery;

(d) the purchase of boats or marine engines (inboard or outboard) for fishing;

(e) the purchase of industrial equipment;

(f) any other purpose that may be prescribed in accordance with the provisions of this Act.

(4) Short term loans may be granted for the following purposes namely: —

(*a*) the development, maintenance and improvement of land;

(*b*) the payment of labour and the purchase of supplies required to plant, cultivate and manure land or to protect crops from pests and diseases or to reap and make marketable the crop or produce thereof;

(*c*) the payment of labour and the purchase of supplies for processing agricultural produce and for storage;

(*d*) the preparation of the produce of land or sea for the market;

(*e*) the payment of labour and the purchase of materials and supplies for small industries;

(*f*) any other purpose that may be prescribed in accordance with the provisions of this Act.

(5) Loans on mortgages of agricultural and livestock products may be granted for the purpose of enabling co-operative societies to purchase the commodities produced by their members.

E-2

(6) It shall be lawful for the Board, with the approval of the Minister to prescribe further categories of loans.

21.—(1) The Bank may grant long term loans and medium term loans to owners only.

To whom loans may be granted.

(2) The Bank may grant short term loans to —

(*a*) owners;

(b) any person engaged in agriculture, whether as lessee or tenant, or engaged in industry, who can provide the security as set out in section 25 of this Act;

(c) co-operative societies, which shall decide on the distribution of such loans among their members, and shall be responsible for the repayment of the whole loan together with interest thereon to the Bank. In the event of failure to repay the whole or any part of the loan by a co-operative society, the Bank shall request the Registrar of co-operative societies to hold an inquiry and to proceed with the collection of the debt.

(3) The Bank may grant loans to co-operative societies for mortgaging agricultural and livestock products.

X

(4) The Bank shall not grant any loan to any member of the House of Assembly or to any member of the Board of Directors.

Interest payable on loans.

22.—(1) The Bank shall require interest to be paid on all loans granted by it on the outstanding balances of the principal as at the first day of each month from the date of issue to the date of full settlement.

(2) The rate of interest shall be determined from time to time by the Board with the approval of the Minister.

(3) The rate of interest charged on loans to co-operative societies may be less than on loans granted to any other borrower.

(4) Every borrower shall be required to pay simple interest on defaulted payments at a rate not ex-

exceeding one per cent per annum plus the rate of interest payable on principal money not in arrears and to pay when due all assessments, taxes and other charges for the security of the Bank in respect of the loan and to effect such insurance as the Bank may require; and if any charges referred to above are not paid when due, the borrower will be considered in default under the mortgage, and the charges may be paid by the Bank and charged to the borrower with interest thereon at the rate for defaulted payments: Provided that where the Board considers it just and equitable so to do the penalty on defaulted payments may be remitted.

Securities required by the Bank.

23.—(1) The Bank shall only grant a long term loan where the security offered is a mortgage on the land of the borrower. In addition, the Bank may require further security by —

A COB

(a) assignment of the benefit of an insurance policy to the Bank;

(b) insurance policy on the life of a borrower and the estate of the assured borrower named the beneficiary on such insurance policy;

(c) a mortgage on other property;

(d) assignment to the Bank of Government securities or any other securities guaranteed by the Government.

(2) The Bank shall require security for medium term loans and short term loans as follows, namely —

A COB

(a) a mortgage;

(b) a bill of sale;

(c) an insurance policy on the life of the borrower and the estate of the assured borrower named the beneficiary on such insurance policy;

(d) such other security (including endorsements) as may be acceptable to the Bank;

(e) other sufficient and easily realisable security.

(3) In the case of short term loans to a co-operative society any member to whom part of the loan has been distributed shall sign an agricultural or industrial financing contract with the society and shall guarantee his loan with a first lien on the crop or industrial product for which it has been obtained. This contract, together with a promissory note signed by the member shall be endorsed by the society in favour of the Bank. The procedure prescribed in this subsection shall not absolve a co-operative society from its collective liability to repay the whole of the loan to the Bank.

(4) The Bank may grant loans on mortgages of agricultural and livestock products where —

(a) the loan is guaranteed by a first lien on the mortgaged products and by any other assets the Bank may require;

(b) the mortgaged products, duly insured, are stored in a bonded warehouse, or in a warehouse under the control of the Bank.

(5) The maximum amount that may be loaned against mortgaged property shall be as follows —

(a) on land, buildings and other improvements of a permanent nature the loan shall not exceed seventy-five per centum (75%) of the value of the mortgaged property, as determined by the Bank;

(b) on moveable assets, including boats, vehicles and livestock the loan shall not exceed sixty-six per centum (66%) of the value of the mortgaged property as determined by the Bank:

(e) on agricultural and livestock products purchased by co-operatives societies the loan shall not exceed eighty per centum (80%) of the value of the mortgaged products.

24. Whenever it shall come to the notice of the Board that a loan has been applied to a purpose which is not in accordance with the purpose for which the loan was granted, the Board shall have the power to recall the loan forthwith, and the borrower shall accordingly repay such loan together with the interest accrued to date of recall. Such recall shall in no way prejudice any criminal proceedings which may be instituted under section 34 of this Act. Recall of loan misapplied.

25. Whenever the Bank shall accept an insurance on the life of a borrower as security for a loan, it shall be incumbent on such borrower to maintain the premium on such insurance until such time as the loan for which it is held as security has been fully paid. Borrower to maintain insurance premiums.

26. When a loan has been fully repaid, the Bank shall release any mortgage, bill of sale, or other security in such manner as may be required by law. Release of mortgages or bills of sale, etc.

27. Notwithstanding anything contained in the Stamp Ordinance, every instrument to secure a loan and every instrument evidencing discharge of such loan, shall be exempt from the payment of stamp duty. Exemption from stamp duty. Cap 277.

28. Notwithstanding anything contained in the Income Tax Ordinance, the income of the Bank shall be wholly exempt from the payment of income tax. Exemption from income tax. Ord. No. 28 of 1966.

Appointment of Credit Officers.

29.—(1) The Board may appoint and employ Agricultural Credit Officers at such remuneration and on such terms and conditions as it may determine and shall define their duties and functions accordingly or may utilize the services of such officers of the Division of Agriculture as may be made available to it by or with the consent of the Minister charged with responsibility for the subject of agriculture.

(2) The Board may appoint Industrial Credit Officers at such remuneration and on such terms and conditions as it may determine and shall define their duties and functions accordingly, or may utilize the services of such officers of the Ministry of Finance, Trade and Industry as may be made available to it by or with the consent of the Minister charged with reponsiblity for the subjects of finance, trade and industry.

(3) Any Credit Officer who has been appointed or whose services have been made available under this section may, at all reasonable times enter upon any land or the site of any industry or enter any vehicle, boat or other property in respect of a loan which has been granted under the provisions of this Act and may value and inspect the same.

Obstructing Credit Officers.

30. Any person hindering or preventing or causing any other person to hinder or prevent any Credit Officer from making any valuation or inspection required under this Act, whether by force or by threat or in any manner, shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months.

Sales.

31. Except as otherwise provided, every sale of land under this Act shall be by public auction subject to a reserve price to be fixed by the Board, and shall be conducted in accordance with the practice in force in sales by public auction for the collection of debts due to the Government.

32.—(1) The Board may make Regulations subject to the approval of the Cabinet, for all or any of the following purposes, namely :— Regulations.

(a) prescribing the additional purposes for which loans may be made under this Act:

(b) prescribing the limits within which loans may be made under this Act, including the limits within which loans for any prescribed purpose may be made:

(c) prescribing methods of disbursements or of the securing of loans made under this Act;

(d) prescribing the periods within which loans made under this Act shall be repayable:

(e) prescribing the forms to be used for the purposes of this Act, including forms of mortgage and memorandum of discharge or receipt, the form of notification of a charge against land in respect of which a loan is made under this Act and the form of agreement for repayment of a loan to be entered into by an individual, company or co-operative society;

(f) prescribing the methods of inspection, assessment and valuation to be employed for the purposes of this Act:

(g) prescribing the fees to be paid in respect of any matter or thing to be done in connection with a loan under the provisions of this Act:

(h) prescribing a scale of legal charges to be made in connection with mortgages to secure loans made under this Act:

(i) prescribing books and accounts to be kept by the Bank and as to the audit thereof;

(j) prescribing the terms and conditions applicable to loans made to co-operative societies under this Act;

(k) providing for any matters which are authorised by this Act to be prescribed;

(l) for regulating the hours of business and the administration of the Bank;

(m) generally for the purpose of carrying out the provisions of this Act.

(2) Regulations made under this section shall come into effect when approved by the Cabinet and gazetted.

False statements.

33. Any owner of land, or other person, applying for a loan who wilfully fails to disclose any material information within his knowledge or who wilfully makes any statement which he knows to be false or does not believe to be true, shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

Misapplication of loans.

34.—(1) Any person who applies any loan or part thereof made to him under the provisions of this Act to any purpose other than that authorised by the Board under this Act or any Regulations made thereunder shall be liable, on summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(2) Any person in charge or control of any land, industry, boat, vehicle or other property in respect of which a loan has been made to a company or corporation under the provisions of this Act, who shall apply any such loan or part thereof to any purpose other than that authorised by the Board under this Act, shall be liable on summary conviction to a fine not exceed-

ing two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(3) The onus of proving the manner in which a loan has been applied shall be upon the persons to whom the loan was made, or, in the case of a company or corporation, upon the person in charge or control of the land, industry, boat, vehicle or other property in respect of which the loan has been made.

Secrecy and penalty for disclosing information.

35.—(1) Except in so far as may be necessary for the due performance of its objects, every officer and employee of the Bank shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of the Bank that may come to his knowledge in the course of his duties.

(2) Any such officer or employee who communicates any such matter to any person other than a member of the Board or any officer of the Bank authorised in that behalf by the Manager, or who suffers or permits any unauthorised person to have access to any books, papers or records relating to the Bank shall be guilty of an offence against this Act and shall be liable, on summary conviction, to a fine of two hundred and fifty dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(3) No Director, officer or employee of the Bank shall be required to produce in any Court any book or document or to divulge or communicate to any Court any matter or thing coming under his notice in the performance of his duties under this Act except on the direction of the Court in so far as may be necessary for the purpose of carrying into effect the provisions of this Act.

Statements, accounts, etc.

36. Any Director, officer or auditor who knowing it to be false in any material particular—

(a) verifies any statement, account or report of the Bank, or

(b) causes to be delivered or transmitted any such statement, account or report,

shall be guilty of an offence against this Act and shall be liable, on summary conviction, to imprisonment for a term not exceeding two years.

Failure to send in returns.

37. Any person to whom a loan has been made under this Act and who fails to supply any return or information demanded by the Chairman or the Manager with regard to the application of the loan or any security for the loan, shall be guilty of an offence.

Penalties.

38. Any person guilty of an offence against this Act for which no penalty is provided, shall be liable on summary conviction to a penalty not exceeding five hundred dollars, or to be imprisoned for a term not exceeding six months or to both such penalty and imprisonment.

Immunities.

39. All directors, officials, employees or agents of the Bank shall be immune from legal process with respect to acts performed by them in their official capacity.

Passed in the House of Assembly this 8th day of July, 1971.

W. O. M. POND
Acting Clerk of the House of Assembly.

M.P. F.24/24.

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ANNEX C

DOMINICA INDUSTRIAL DEVELOPMENT CORPORATION ACT, 1974.

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
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5. General Powers of Corporation.
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7. Power to delegate.
8. Appointment of officers and employees.
9. Power to make regulations.
10. Power of Minister to give general policy directions.
11. Power of Minister to give directions as to disposal of capital assets.

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20. Minutes receivable in evidence.
21. Power to administer oaths.
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23. Commencement.

DOMINICA

ACT No. 21 OF 1974.

L.S.

I assent

L. COOLS-LARTIGUE
Governor.

20th August, 1974.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION WITH THE DUTY OF SECURING THE DEVELOPMENT OF INDUSTRY IN THE ISLAND AND FOR MATTERS CONNECTED THEREWITH.

(Gazetted 22nd August, 1974.)

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

PRELIMINARY

1. This Act may be cited as the DOMINICA INDUSTRIAL DEVELOPMENT CORPORATION ACT, 1974. Short title.

2.—(1) In this Act — Interpretation.

"Chairman" means the chairman of the Development and Planning Corporation:

"Corporation" means the Dominica Industrial Development Corporation established under section 3;

Act No. 19 of 1972

"Development and Planning Corporation" means the Corporation established under the Development and Planning Corporation Act, No. 19 of 1972;

"deputy chairman" means the deputy chairman of the Corporation;

Cap. 321.

"hotel" has the same meaning as in the Hotel Aids Ordinance or any law replacing it.;

"member" includes chairman and deputy chairman;

"Minister" means the Minister who is for the time being charged with responsibility for the subject of industry.

ESTABLISHMENT, FUNCTIONS AND POWERS OF THE CORPORATION

Establishment and Constitution of the Corporation.

3.—(1) There is hereby established for the purpose of this Act a body to be called the Dominica Industrial Development Corporation.

Schedule.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution of the Corporation and otherwise in relation thereto.

Functions of Corporation.

4.—(1) It shall be the duty of the Corporation to stimulate, facilitate and undertake the development of industry in Dominica, and to function as an agency of the Development and Planning Corporation.

(2) Subject to the provisions of this Act the Corporation may, for the purpose of discharging its duties under subsection (1) —

(*a*) carry on all activities the carrying on of which appears to it to be necessary, advantageous or convenient for and in connection with the discharge of its duties, including the processing and marketing of products, and research activities;

(*b*) promote the carrying on of any such activities by other bodies or persons, and for that purpose establish or expand, or promote the establishment or expansion of, other bodies to carry on any such activities either under the control or partial control of the Corporation or independently, and give assistance to such bodies or to other bodies or persons appearing to the Corporation to have facilities for the carrying on of any such activities;

(*c*) carry on any such activities in association with other persons or as managing agents or otherwise on their behalf;

(*d*) subject to section 11 and in addition to the power of disposal of property rights conferred on it by section 5, sell or lease any land which it holds or acquires to any person for the purpose of constructing a building for use as or to form part of an hotel.

5. Subject to any directions from the Minister or the Development and Planning Corporation, the Corporation may do anything and enter into any transaction (whether or not involving the spending or borrowing of money, the investment of money in accordance with the provisions of this Act, the acquisition of any property or rights, or, subject to the provisions of section 11, the disposal of any property or rights) which in its opinion is calculated to facilitate the proper discharge of its function or is incidental or conducive thereto.

General powers of Corporation.

6.—(1) The Corporation may appoint a committee of the Corporation to examine and report on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

Power to appoint Committees.

(2) Any such committee shall consist of at least two members of the Corporation together with such other persons, whether members of the Corporation or not, whose assistance or advice the Corporation may desire.

(3) Where persons, not being members of the Corporation, are members of a committee appointed under this section, or where any person is co-opted under sub-paragraph (7) of paragraph 8 of the Schedule to this Act, the Corporation may by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Corporation.

(4) The Corporation may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Corporation may think fit.

7. Subject to the provisions of this Act, the Corporation may delegate to any member or committee of the Corporation the power and authority to carry out on its behalf such duties as the Corporation may determine.

Power to delegate.

8. The Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit such officers and employees as it deems necessary for the proper carrying out of the provisions of this Act; but —

Appointment of officers and employees.

(*a*) no salary in excess of the rate of six thousand dollars per annum shall be assigned to any post without the prior approval of the Minister;

(*b*) no appointment whether permanent or temporary shall be made to any post to which a salary in excess of the rate of six thousand dollars per annum is assigned without prior approval of the Minister;

(c) except with the prior approval of the Minister no person may be dismissed from any post specified in paragraph (b) of this section;

(d) no provision shall be made for the payment of any pensions, gratuities or other like benefits to any officers or employees, or to others by reference to their service without the prior approval of the Minister.

Powers to make regulations.

9. The Corporation with the approval of the Minister may, subject to the provisions of this Act, make regulations —

(a) governing the proceedings of the Corporation and the manner and transaction of its business;

(b) prescribing the manner in which documents, cheques, and instruments of any description may be signed or executed on behalf of the Corporation;

(c) prescribing the circumstances in which members of the Corporation may receive traveiling and subsistence allowances and fixing rates of such allowances;

(d) imposing fees in such cases as may be determined by the Corporation;

(e) generally for the exercise of its powers and duties under the provisions of this Act.

Power of Minister to give general policy directions.

10. The Minister may, after consultation with the chairman, or in the event of the absence from the State or inability to act of the chairman, the deputy chairman, give to the Corporation directions of a general character as to the policy to be followed in the exercise and performance of its functions in relation to matters appearing to the Minister to concern the public interest, and the Corporation shall give effect to any such directions.

Powers of Minister to give directions as to disposal of capital assets.

11. Notwithstanding that the type of directions specified in this section may not be of general character, the power of the Minister to give directions to the Corporation shall include power to give directions as to —

(a) the disposal of capital assets; and
(b) the application of the proceeds of such disposal.

FINANCIAL PROVISIONS

Funds and resources of the Corporation.

12.—(1) The funds and resources of the Corporation shall consist of —

(a) such sums as may be provided for the purpose from time to time by the Legislature;
(b) such sums as may be allocated from time to time to the Corporation from loan funds;

(c) monies earned or arising from any property, investments or debentures acquired by or vested in the Corporation:

(d) any property, debentures or investments acquired by or vested in the Corporation;

(e) sums borrowed by the Corporation for the purpose of meeting any of its obligations or discharging any of its functions;

(f) all other sums or property which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its powers and duties.

(2) The charges on any amount which may be allocated to the Corporation from loan funds shall be paid by the Corporation to the Accountant General unless the Minister with the approval of the Legislature waives the obligation of the Corporation to pay the charges.

(3) For the purposes of this section, the expression "loan funds" means such sums as may be made available from time to time to the Government by way of loan.

Borowing powers of Corporation.

13.—(1) Subject to sub-section (2), the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister, as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected. An approval given in any respect for the purposes of this sub-section may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Guarantee by the Minister of borowing by the Corporation and repayment of sums issued to meet guarantees.

14.—(1) The Minister may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and of interest on any authorised borrowings of the Corporation; but the total amount so guaranteed at any one time shall not exceed such amount as may be approved by the Legislature.

(2) Where the Minister is satisfied that there has been default in the repayment of any principal monies or interest guaranteed under the provisions of this section, it shall direct the repayment out of the general assets and revenues of the State of the amount in respect of which there has been such default.

(3) The Corporation shall make to the Accountant General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for

the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods

Powers of expenditure.

15. The Corporation may from its funds and resources —

(*a*) pay any expenses lawfully incurred by it including survey, legal and other fees and costs;

(*b*) pay any other expenses, cost, or expenditure properly incurred or accepted by it in pursuance of its purposes under the provisions of this Act;

(*c*) purchase plant, equipment, stores and any other materials and acquire land and erect buildings and carry out any other works and undertakings in the execution of its duty or in the discharge of its functions under section 4.

Investment of funds.

16. Any sums in the hands of the Corporation which are not immediately required by it for the purpose of its business may with the approval of the Minister be invested by it in such manner as it thinks proper.

Accounts and Audit.

17.—(1) The Corporation shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by the Auditor or by an auditor appointed by the Minister.

(2) The members, officers and employees of the Corporation shall grant to the Auditor or an auditor appointed to audit the accounts of the Corporation under subsection (1) access to all books, documents, cash and securities of the Corporation and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Corporation.

(3) The Corporation may write off bad debts.

Report.

18.—(1) The Corporation shall not later than six months from the end of each year submit to the Minister a report containing —

(*a*) an account of its transactions throughout the preceding year in such detail as the Minister may direct ; and

(*b*) a statement of the accounts of the Corporation audited in accordance with the provisions of section 17.

(2) A copy of the report together with a copy of the auditor's report shall be printed and laid on the table of the House of Assembly and published in the *Official Gazette*.

MISCELLANEOUS

Exemption from income tax, trade tax and rating by the Roseau Town Council.

19.—(1) The income of the Corporation shall be exempt from income tax and trade tax.

(2) For the purposes of rating by any council established under the appropriate law, the property of the Corporation shall be deemed to be the property of the Crown in right of its Government of the State.

20. Any minutes made of meetings of the Corporation shall, if duly signed by the chairman or deputy chairman, be receivable in evidence in all legal proceedings without further proof and every meeting of the Corporation in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act. Minutes receivable in evidence.

21. The Chairman or Deputy Chairman of the Corporation, or any officer authorised in that behalf for the purpose of examining any person needing to be examined on any matters concerned with the execution of this Act or otherwise for the purpose of the execution of this Act, may administer an oath and take any affidavit or declaration. Power to administer oaths.

22.—(1) All lands and property of any nature whatever heretofore vested in or assigned to any agency or body in Dominica by the Government for the purpose of industrial development, are hereby transferred to the Corporation without any conveyance, transfer or other formality, and shall on the coming into operation of this Act vest in, or be assigned to the Corporation for the same estate or as the case may be in the same manner, as the same were previously held by or assigned to such agency or body. Transfer of assets and liabilities.

(2) All rights, powers, privileges and authorities vested in or exercisable by any agency or body over the lands and property mentioned in subsection (1) shall be exercisable by the Corporation.

(3) All liabilities in respect of the industrial development of the lands and property mentioned in subsection (1) subsisting immediately before the coming into operation of this Act, except those liabilities that are otherwise provided for in any law, are hereby transferred and assigned to, and shall become the liabilities of the Corporation.

(4) Without restricting the generality of the provisions of subsections (1), (2) and (3) all moneys standing immediately before the coming into operation of this Act to the credit of any agency or body mentioned in subsection (1) are transferred from these bodies or agencies and vested in the Corporation.

(5) Notwithstanding the provisions of subsection (3) the Cabinet may, with the approval of the Legislature of the Island, discharge the Corporation of its obligations to the Government with respect to such liabilities transferred to the Corporation pursuant to subsection (3) as the Cabinet may determine.

Commencement.

23. This Act shall come into operation on such day as the Governor may appoint by proclamation published in the *Official Gazette*.

Passed in the House of Assembly this 7th day of August, 1974.

MARIE DAVIS PIERRE
Clerk of the House of Assembly.

M.P. PD/1000/27

SCHEDULE

(Section 3 (2))

CONSTITUTION AND PROCEDURE OF THE CORPORATION

Appointment chairman, deputy chairman and other members.

1. (1) The Corporation shall consist of such number of members, not exceeding seven, as the Minister may from time to time appoint by instrument in writing.

(2) The Minister shall appoint as chairman, the Chairman of the Development and Planning Corporation and a deputy chairman of the Corporation from among the members of the Corporation.

Tenure of office and revocation of appointments.

2.—(1) A member of the Corporation shall, subject to the provisions of this Schedule, hold office for such period, not exceeding three years, as the Minister may specify in the instrument appointing such member, but such member shall be eligible for re-appointment.

(2) The Minister may at any time revoke the appointment of any member of the Corporation if he thinks it expedient to do so.

Temporary appoinments.

3. The Minister may appoint some suitable person as a member of the Corporation to act temporarily in the place of any member of the Corporation in the case of the absence or inability to act of such member.

Resignation.

4.—(1) Any member of the Corporation, other than the chairman, may at any time resign his office by instrument in writing addressed to the chairman who shall immediately cause it to be forwarded to the Secretary to the Cabinet and from the date of the receipt by the chairman of such instrument, the member shall cease to be a member of the corporation.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Secretary to the Cabinet and the resignation shall take effect from the date of the receipt of the instrument by the Secretary to the Cabinet.

Publication of membership.

5. The appointment, removal, death, or resignation of any member of the Corporation shall be notified in the *Official Gazette*.

Incorporation.

6.—(1) The Corporation shall be a body corporate and an agency of the Development and Planning Corporation and shall have perpetual succession and a common seal with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatever kind.

(2) The Corporation may sue and be sued in its corporate name and may for all purposes be described by such name.

Affixing seal and authentication of documents.

7.—(1) The seal of the Corporation shall be kept in the custody of the chairman or the deputy chairman or of such officer of the Corporation as the Corporation may approve, and may be affixed to instruments pursuant to a resolution of the Corporation and in the presence of the chairman, or deputy chairman and of one other member.

(2) The seal of the Corporation shall be authenticated by the signature of the chairman, or deputy chairman, and of the other member in whose presence it was affixed and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hand of the chairman or deputy chairman.

Procedure and meeting of Corporation.

8.—(1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Corporation may determine.

(2) The chairman, or in the event of his being absent abroad or unable to act, the deputy chairman may at any time call a special meeting of the Corporation and shall call a special meeting within seven days of a requisition for that purpose addressed to him by any three members of the Corporation.

(3) The Chairman, or in the case of the absence or inability to act of the chairman, the deputy chairman, shall preside at all meetings of the Corporation.

(4) The chairman, or in his absence, the deputy chairman, and not less than half of the remaining members of the Corporation shall form a quorum.

(5) Subject to the provisions of this Act, the decisions of the Corporation shall be by a majority of votes and, in addition to

an original vote, in any case in which the voting is equal the chairman, or deputy chairman presiding at the meeting shall have a casting vote.

(6) Minutes in a proper form of each meeting shall be kept by a Secretary appointed by the Corporation and shall be confirmed by the Corporation at the next meeting and signed by the chairman or deputy chairman as the case may be.

(7) The Corporation may co-opt any one or more persons to attend any particular meeting of the Corporation at which it is dealing with the needs of a particular industry for the purpose of assisting or advising the Corporation, but no such co-opted person may vote at any such meeting.

(8) Subject to the provisions of this Schedule the Corporation may regulate its own proceedings.

(9) The validity of any proceedings of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof or by the contravention by any member of the provisions of subparagraph (1) of paragraph 9 of this Schedule.

Disclosure of interest.

9.—(1) A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation —

(*a*) shall disclose the nature of his interest at a meeting of the Corporation;

(*b*) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

(2) Any member of the Corporation who contravenes any of the provisions of subparagraph (1) of this paragraph is guilty of an offence against this Act and on conviction thereof by a court of summary jurisdiction, shall be liable to a fine not exceeding five hundred dollars.

Protection of members of Corporation.

10.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Corporation in respect of any act done *bona fide* in pursuance or execution or intended execution of the Corporation's functions.

(2) Where any member of the Corporation is exempted from liability only becuase of the provisions of this paragraph the Corporation shall be liable to the extent that it would be if the same member was an employee or agent of the Corporation.

Renumeration of members.

11. There shall be paid from the funds of the Corporation to the chairman and other members of the Corporation such remuneration and allowances as the Minister may determine in the case of those members respectively.

12. Service upon the Corporation of any summons, notice, order or other document may be executed by delivering the same to the Manager of the Corporation or by sending it by registered post addressed to the Manager of the Development Corporation at the office of the Development Corporation.

Service of documents.

DOMINICA
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(Price $1.20)

COMMONWEALTH OF DOMINICA

ACT No. 12 OF 1979.

LS

I assent

JENNER B. M. ARMOUR
Acting President.

31st July, 1979.

AN ACT TO AMEND THE DOMINICA INDUSTRIAL DEVELOPMENT CORPORATION ACT No. 21 OF 1974.

(Gazetted 9th August, 1979.)

BE IT ENACTED by the Parliament of the Commonwealth of Dominica as follows:—

1. This Act may be cited as the

DOMINICA INDUSTRIAL DEVELOPMENT CORPORATION (AMENDMENT) ACT, 1979. — Short title.

2. In this Act the Dominica Industrial Development Corporation Act No. 21 of 1974 is referred to as the Act. — Interpretation.

3. Subsection (2) of section 1 of the Schedule to the Act is hereby repealed and replaced as follows:— — Amendment of the Schedule to the Act.

> "(2) The Minister shall appoint a Chairman and a deputy Chairman of the Corporation from among the members of the Corporation".

Passed in the House of Assembly this 19th day of July, 1979.

JENNIFER O. WHITE
Acting Clerk of the House of Assembly.

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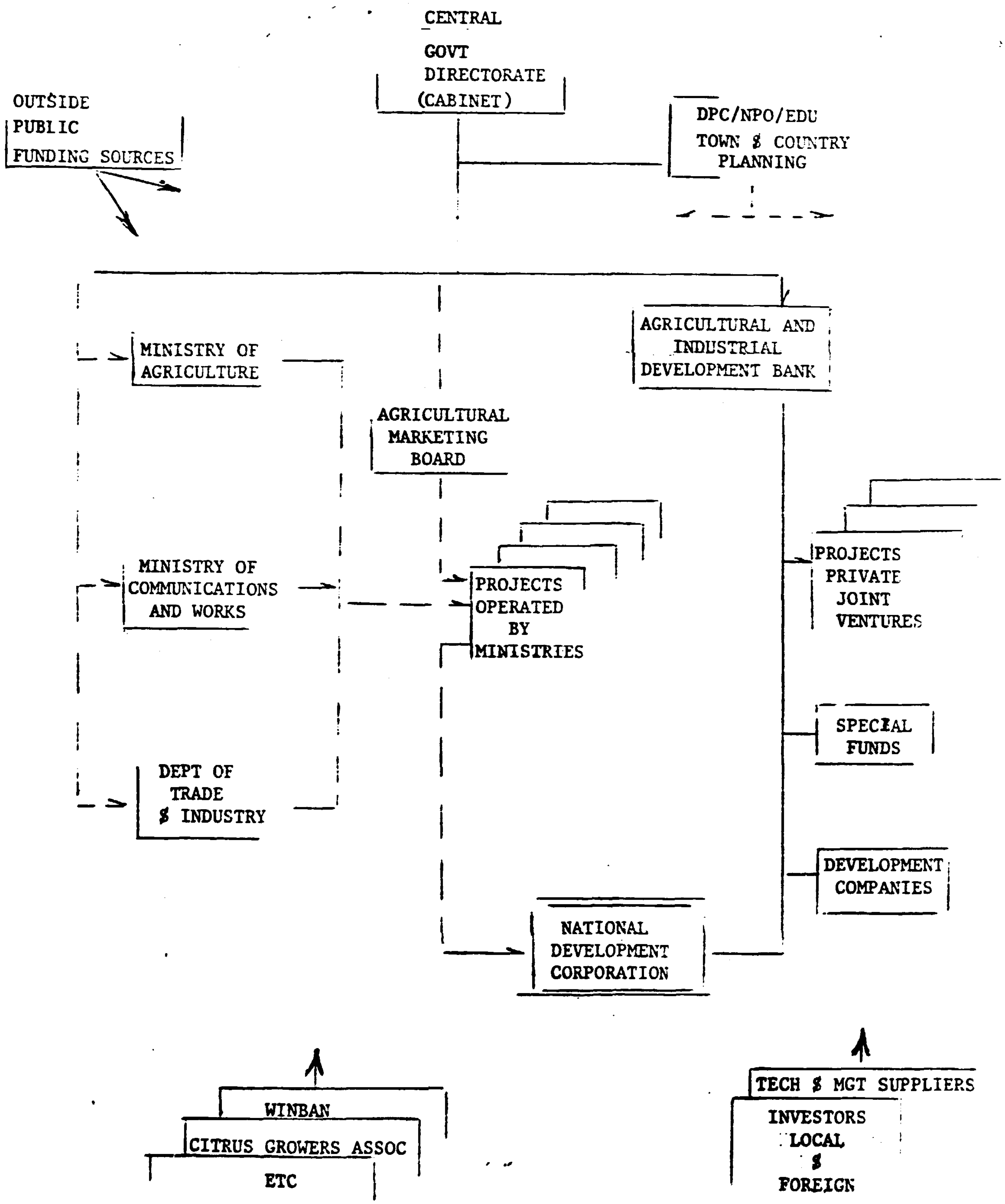
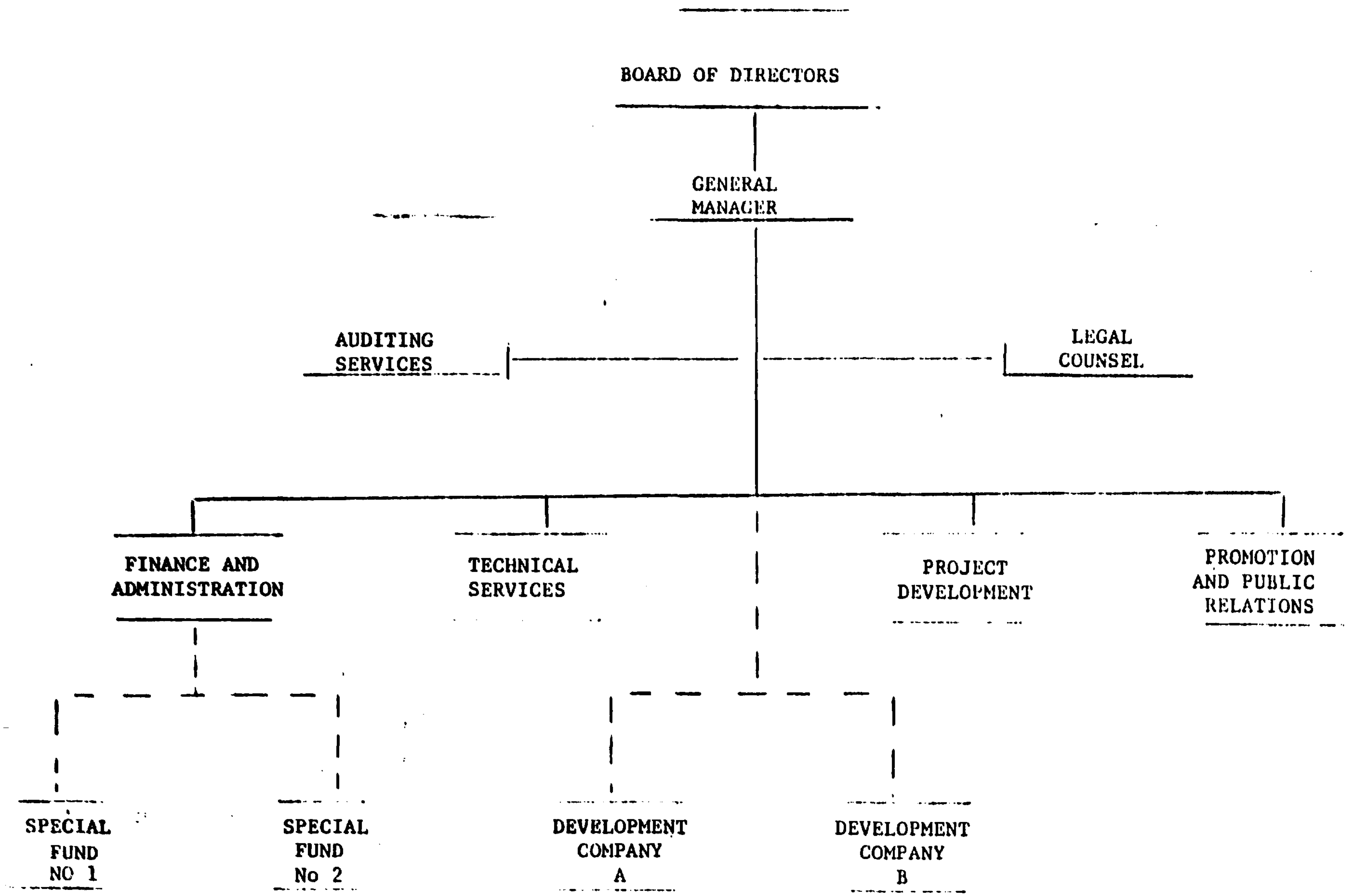
NATIONAL DEVELOPMENT SYSTEM (SIMPLIFIED) ANNEX - D



NOTE: The connecting lines are not lines of authority. They are indicative communication relationships.

ANNEX E


BOARD OF DIRECTORS
GENERAL MANAGER
AUDITING SERVICES
LEGAL COUNSEL
FINANCE AND ADMINISTRATION
TECHNICAL SERVICES
PROJECT DEVELOPMENT
PROMOTION AND PUBLIC RELATIONS
SPECIAL FUND NO 1
SPECIAL FUND No 2
DEVELOPMENT COMPANY A
DEVELOPMENT COMPANY B

Post Title: General Manager of the National Development Corporation

Location: Roseau, Dominica, W. I.

Duration: Indefinite

Duties: The incumbent will execute the directives, policies and programmes established by the Board as a consequence of the general and specific economic and industrial development policies of the Government of Dominica.

1. Harness and coordinate the Corporation's efforts to accomplish the functional objectives and quantitative and qualitative targets established for the Corporation,
2. Supervise the day-to-day operations as well as to motivate and evaluate the staff performance of the Corporation.
3. Coordinate the Corporation's financial, administrative and technical affairs and become directly involved in the financial administration of the Corporation.
4. Provide for the measures, systems and procedures necessary for the smooth operation of the Corporation and the protection of its assets, image and statutes.
5. Represent the Corporation in all those legal, administrative and further matters that the Board sees fit to delegate unto the General Manager.

Post Title: Promotion and Industrial Relations Officer of the National Development Corporation

Location: Roseau, Dominica, W.I.

Duration: Indefinite

Duties: The incumbent will perform these functions and carry out the duties under the direction and supervision of the General Manager as follows:

1. Establish and maintain coordination and communication channels with sub-regional and regional industrial development and project promotion institutions and mechanisms.

2. Design and/or implement media for the dissemination and promotion of Dominica's industrial potential and resource and geographical comparative advantages.

3. Gather, classify, priorize and develop a plan of action for project packaging and promotion.

4. In coordination with the Projects and Technical Services Officer, elaborate and carry out work plans. to integrate projects, e.g. data, documentation, including profiles, prefeasibility studies, pre-investment needs, and design of audio visual or other descriptive media.

5. Foster, organize and follow up of reunions and/or investment promotion meetings with investors, and institutions for general and preferably specific project promotion purposes.

6. Coordinate and expedite intra-governmental participation related to industrial programmes and projects to receive development assistance.

Post Title: Technical Services Officer of the National Development Corporation

Location: Roseau, Dominica, W.I.

Duration: Indefinite

Duties: The incumbent will perform those functions and carry out the duties under the direction and supervision of the General Manager as follows:

1. Employ consultants and independent research organizations to substantiate technical, economic and financial aspects of projects identified and/or to be promoted.

2. Liaise with applied research, quality certification and training institutions and facilities in the regional or sub-regional planes for support activities to project development and promotion.

3. Furnish technical advice and extension services to Dominican enterprises in the technical, administrative and accounting areas.

4. Formulate and assist in procurement of training facilities and means for corporation staff, enterprises and particularly new project-related requirements.

5. Liaise with financial, data and technical information banks for the transferring of technology and joint venture identification.

6. Procure, evaluate, tender and negotiate technical assistance and consulting capabilities and secure project management and implementation assistance sources for support to project implementation.

Post Title: Project Development Officer of the National Development Corporation.

Location: Roseau, Dominica, W. I.

Duration: Indefinite

Duties: The incumbent will perform those functions and carry out the duties under the direction and supervision of the General Manager, as follows:

1. Establish and maintain coordination and communication channels with sub-regional and regional industrial development and project generating institutions and mechanisms.

2. Carry out market and product development surveys and investigations in collaboration with the Technical Services Officer for project identification.

3. Formulate and/or supervise the formulation of project profiles, pre-investment and feasibility studies to determine technical feasibility and economic soundness.

4. Effect and/or see to the sub-contracting of services for the assessment and evaluation of project concepts, ideas, studies presented to the Corporation.

5. Coordinate and expedite intra-governmental decision-making processes for project implementation.

6. In coordination with Promotion and Industrial Relations Officer, package projects for investment promotion, technology transfer and negotiation or the sub-contracting of assistance for same.

Post Title: Expert in Economic Development Bank and Agencies

Location: Roseau, Dominica, with some travel in the Caribbean

Duration: Two man-months

Duties: In Consultation with the principal authorities of the Government of Dominica and on the basis of a preliminary report to be made available

1. Determine the Development Corporation's functions as a consequence of the general development plans and policies of Dominica.

2. Design the fund raising,financial allocations and extension and technical services procedures.

3. Design the organizational structure of the Corporation, define its staffing requirements and formulate definitive job descriptions of top and middle technical financial and administrative management.

4. Formulate an initial plan of action regarding fund raising and project portfolio integration, including loan/equity investment programming from which can be derived an income and expense statement

5. Formulate a plan for the capitalization and equity structure of the Corporation.

6. Prepare an integrated and condensed prospectus of the Corporation.

Level and Profession: High level Corporate Planner irrespective of profession with ample experience in finance companies or development banks, agencies or centres.

Language: English essential (working knowledge of)

Background: The Government of Dominica is intent on creating a National Development Corporation to harness efforts, information and actions related to industry, primarily, and agricultural/agro-industrial projects as well as to accelerate the economic development, employment generation and improved income and sectoral balance growth of the country.