



**CONSOLIDATED VERSION OF
THE SUGAR INSURANCE FUND ACT
N° 4 OF 1974**

**As subsequently amended
October 2022 I**

DISCLAIMER

The contents of this booklet do not purport to replace the legal enactments passed by the Parliament of Mauritius. It includes subsequent amendments/enactments and has been reformatted to improve legibility.

October-2022

SUGAR INSURANCE FUND ACT

Act 4 of 1974 - 1 June 1974

Amended GN 208/11; 40/11 (P12/12 - c/o 19/3/12); 1/12 (c/o 12/5/12); 15/13 (c/o 29/6/13)]; 5/14 (P 32/14 - c/o 20/8/14); 9/15 (c/o 1/6/13, 1/6/14, 23/3/15); GN 157/15 (c/o 8/8/15); GN 176/16 (c/o 13/8/16); 18/16 (c/o 28/4/16); GN 24/17 (c/o 11/2/17); 10/17 (c/o 21/4/17); 11/18 (c/o 1/6/17; 11/12/17; 9/8/18); 13/19 (c/o 25/7/19); 1/2020 (c/o 23/3/2020); 7/2020 (c/o 7/8/2020); 15/21 (c/o 5/8/21); 15/22 (c/o 1/6/2020); GN 262/22 (c/o 1/6/2020);

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

1. Short title
2. Interpretation

PART II - THE FUND, THE BOARD AND THE COMMITTEE

3. The Fund and its objects
4. The Board
5. Constitution of Board
6. Quorum
7. —
8. Execution of documents
9. Attendance of experts
10. Investment Committee
11. —

PART III - STAFF OF BOARD

12. General Manager
13. Appointment of staff
14. Delegation of powers
15. Conditions of service of staff

PART IV - FINANCIAL PROVISIONS

16. Administrative expenses
17. Investment of assets of Fund
18. Loans by Board
- 18A. Loans granted by Board
19. General Insurance, Fire Insurance and Bulk Sugar Insurance Account
20. Reserve Fund
- 20A. Reinsurance Fund

PART V - GENERAL INSURANCE

21. Assignment of ranking
22. Insurable sugar of a planter or *métayer*
23. Insurable sugar of a miller
24. General insurance premium
25. Declaration of event year
- 25A. —

- 26. Assessment of compensation
- 27. Reduction of compensation
- 28. Payments out of General Insurance Account
- 29. Limitation of compensation
- 29A. Cap on compensation
- 30. Advances to an insured
- 31. —
- 32. Bar to claim
- 33. Forfeiture of compensation
- 33A. Insurance of refiners

PART VI – FIRE INSURANCE

- 34. Fire insurance premium
- 35. Report of fire
- 36. Inspection of plantation after damage by fire
- 37. Compensation for loss by fire
- 37A. Transport allowance for burnt canes
- 38. Compensation and transport allowance met by Fire Insurance Account
- 38A. Deficit in Fire Insurance Account
- 39. Where insured ineligible for compensation
- 39A. Payments out of Bulk Sugar Insurance Account

PART VII – MISCELLANEOUS

- 40. Registration of factories and plantations
- 41. Change of ownership
- 42. Inspection of property
- 43. Survey of plantations
- 44. Special privilege
- 45. Returns
- 46. —
- 47. Sugar price
- 48. Consulting actuary
- 49. Recommendations made by Board
- 50. Special duty
- 51. Reduced premiums for groups of planters and *métayers*
- 52. Appeal to Supreme Court
- 53. Offences
- 54. Burden of proof
- 55. Regulations made by Minister
- 56. Regulations made by Board
- 56A. Temporary measures during COVID-19 period
- 56B. Temporary measures for crop year starting on 1 June 2019 and ending on 31 May 2020
- 57. Transitional provision
- 57A. One-off financial assistance

- First Schedule
- Second Schedule
- Third Schedule
- Fourth Schedule
- Fifth Schedule

SUGAR INSURANCE FUND ACT

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Sugar Insurance Fund Act.

2. Interpretation

In this Act—

“average sugar yield per arpent” means the average cane yield in tonnes per arpent harvested and converted to sugar by reference to extraction;

“average sugar yield per hectare” means the average cane yield in tonnes per hectare harvested and converted to sugar by reference to extraction;
[Amended 1/12 (cio 12/5/12).]

“Board” means the Sugar Insurance Fund Board referred to in section 4;

“Bulk Sugar Insurance Account” means the Bulk Sugar Insurance Account referred to in section 19;

“cane plantation” includes all the canes grown by a planter or *métayer* in a factory area in any given year whether or not these canes were grown in previous years by some other planter or *métayer*;

“Chairperson” means the Chairperson of the Board;

“Committee” means the Investment Committee established under section 10;

“co-operative society” means a co-operative society registered under the Co-operatives Act;

“crop year” means the period beginning on 1 June in any year and ending on 31 May in the following year;

“Director”—

(a) means a Director of the Board;

(b) includes the Chairperson;

“employee” means a person, other than an officer, employed by the Board;

“enlarged factory area” —

(a) means a factory area; and

(b) includes any other area or region from which canes are delivered to a factory in operation in the factory area, following any previous or future closing down of another factory to which that area or region was assigned before the closing down;

[Inserted 9/15 (cio 1/6/14).]

“event year” means a crop year declared as such under section 25;

“excessive rainfall” means excessive rainfall with or without the yellow spot disease (*Cercospora Koxpei*);

“extraction” means the average percentage, determined by the Board and calculated to 2 decimal places, of the sugar recovered from the cane supplied to a factory by an insured;

“factory” means a sugar factory;

“factory area” has the same meaning as in Mauritius Cane Industry Authority Act;

[Amended 40/11 (cio 19/3/12).]

“Fire Insurance Account” means the Fire Insurance Account referred to in section 19;

“fire insurance premium” means the premium specified in section 34;

“first loss” means the product of the amount of insurable sugar of an insured in an event year and the first loss percentage set out in the third column of the Second Schedule corresponding to the ranking assigned to the insured;

[Inserted 15/22 (cio 1/6/2020).]

“Fund” means the Sugar Insurance Fund established under section 3;

“General Insurance Account” means the General Insurance Account referred to in section 19;

“general insurance premium” means the premium determined in accordance with section 24 (6);

“General Manager” means the General Manager of the Board appointed under section 12;

“growing unit” means a grouping of planters, other than large planters, and métayers cultivating cane in any prescribed area;

[Inserted 11/18 (cio 1/6/17).]

“insurable sugar” means in the case of —

(a) a large planter or growing unit, the insurable sugar determined in accordance with section 22;

[Amended 11/18 (cio 1/6/17).]

(b) a miller, the insurable sugar determined in accordance with section 23;

“insurance contract” means an insurance contract referred to in sections 3 and 33A;

“insured” means a miller, a planter, a *métayer* or a refiner;

“large planter” means a planter who cultivates cane, whether in one or more factory areas, on an extent under cane of not less than 300 hectares;

[Inserted 11/18 (cio 1/6/17).]

“*métayer*” means a person who, by agreement with a planter, cultivates cane on land which belongs to the planter and, in consideration for the use of the land, gives the planter a portion of the annual sugar yield of such land, with or without any additional payment;

“miller” has the same meaning as in the Mauritius Cane Industry Authority Act;

[Amended 40/11 (cio 19/3/12).]

“Minister” means the Minister to whom responsibility for the subject of agro-industry and food security is assigned;

[Amended 13/19 (cio 25/7/19).]

“normal years”, in relation to a large planter or growing unit, means the 3 crop years of the 5 crop years preceding any crop year which had the highest average sugar yield per hectare;

Amended 11/18 (cio 1/6/17); 15/22 (cio 1/6/2020).]

“officer” means a person employed by the Board to perform administrative or technical duties;

"plantation white sugar" means sugar which has a polarisation of more than 99 but less than 99.7;

"planter" has the same meaning as in the Mauritius Cane Industry Authority Act; [Amended 40/11 (cio 19/3/12).]

"prescribed area" means such area as may be prescribed by the Minister, following the advice of a consulting actuary under section 48;

[Inserted 1/12 (cio 12/5/12).]

"prescribed percentage of the total insurable sugar" means such percentage of total insurable sugar as may be prescribed by the Minister for an area, following the advice of a consulting actuary under section 48;

[Inserted 1/12 (cio 12/5/12).]

"ranking" means a ranking calculated under section 21;

"refined sugar" means sugar with a polarisation of 99.7 or more;

"refiner" means a miller or another entity, having the Trust or any other vehicle established to foster equity participation of planters and employees of the sugar industry as a shareholder and mandated by the Syndicate to optimise value added for the whole of the sugar industry through the production of refined sugar;

"refinery" means a site where plantation white sugar is processed into refined sugar;

"refining" means the process by which plantation white sugar is converted into refined sugar;

"register" means the register referred to in section 43;

"registered" means registered with the Board under section 40;

"Reinsurance Fund" means the fund referred to in section 20A;

"shortfall" means the insurable sugar of an insured in an event year –

(a) less the first loss of the insured in that year; and

(b) less the sugar accruing to the insured in that year; [Amended 11/18 (cio 1/6/17); RR 15/22 (cio 1/6/2020).]

"sugar" –

(a) means raw sugar with a polarisation of 98.5; and

(b) includes white sugar or any other type of sugar converted to raw sugar on the basis of such equivalent as the Minister may, after consultation with the Board, prescribe;

"sugar accruing" or "sugar accrued" means—

(a) in respect of a planter, the percentage of sugar produced or expected to be produced, from the canes of planters or the *métayers*, in accordance with section 39(1) of the Mauritius Cane Industry Authority Act;

(b) in respect of a miller, the sugar left to him after giving to planters or *métayers* the share of sugar accruing to them as set out in paragraph (a);

"sugar price" means the price determined under section 47;

"Syndicate" means the Mauritius Sugar Syndicate;

"total insurable sugar for a prescribed area", in relation to large planters or a growing unit, means the total insurable sugar of all large planters or the growing unit

within a prescribed area”;

[Inserted 1/12 (cio 12/5/12); RR 11/18 (cio 1/6/17).]

“total sugar accrued for a prescribed area”, in relation to large planters or a growing unit, means the total sugar accrued of all large planters or the growing unit within a prescribed area”;

[RR 11/18 (cio 1/6/17).]

“Trust” has the same meaning as in the Sugar Industry Efficiency Act.

[S. 2 amended by s. 3 of Act 42 of 1984 w.e.f. 16 July 1984; s. 3 of Act 21 of 1988 w.e.f. 16 July 1988; s. 3 of Act 44 of 1989 w.e.f. 1 June 1988; s. 12 of Act 17 of 2000 w.e.f. 5 August 2000; s. 3 of Act 7 of 2007 w.e.f. 1 June 2007; s. 44 (a) of Act 14 of 2009 w.e.f. 1 July 2009; s. 65(7) of Act 40 of 2011 w.e.f. 19 March 2012; s. 3 of Act 1 of 2012 w.e.f. 12 May 2012; s. 12 of Act 15 of 2013 w.e.f. 29 June 2013; s. 13(2) of Act 5 of 2014 w.e.f. 20 August 2014; s. 50 of Act 9 of 2015 w.e.f. 1 June 2014; s. 67 of Act 11 of 2016 w.e.f. 1 June 2017; s. 53 of Act 13 of 2019 w.e.f. 25 July 2019; s. 74 of Act 15 of 2022 w.e.f. 1 June 2020.]

PART II – THE FUND, THE BOARD AND THE COMMITTEE

3. The Fund and its objects

(1) There is established for the purposes of this Act the Sugar Insurance Fund.

(2) —

(3) The objects of the Fund shall be to—

- (a) insure the sugar industry against loss due to cyclones, drought, excessive rainfall or fire; and
- (aa) insure the refiners authorised by the Syndicate to optimise value added for the whole of the sugar industry through the production of refined sugar against loss due to cyclones, drought or excessive rainfall; and
- (b) carry out such activities relating to agriculture or insurance as the Board may determine.

(4) The Board may enter into an insurance contract with a refiner in respect of the production of refined sugar.

[S. 3 amended by s. 5 of Act 42 of 1984 w.e.f. 16 July 1984; s. 3 of Act 44 of 1989 w.e.f. 1 June 1988; s. 44 (b) of Act 14 of 2009 w.e.f. 1 July 2009.]

4. The Board

(1) The Fund shall be administered by a Board to be known as the Sugar Insurance Fund Board.

(2) The Board shall be a body corporate.

5. Constitution of Board

(1) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Minister on such terms and conditions as the Minister may determine;
- (b) the supervising officer of the Ministry responsible for the subject of agriculture or his representative;
- (c) the Financial Secretary or his representative;
- (d) the Director of the Control and Arbitration Department of the Mauritius Cane Industry Authority;

[Amended 40/11 (cio 19/3/12).]

- (e) —
- (f) a representative of the Chamber of Agriculture;
- (g) 4 representatives of planters;
- (h) a representative of millers;
- (i) a representative of the Mauritius Cane Industry Authority.

[Amended 40/11 (cio 19/3/12).]

(2) The Directors specified in subsection (1) (f), (g) and (h) shall—

- (a) be appointed or designated by the Minister, as the case may be; and
- (b) hold and vacate office on such terms as the Minister may determine.

(3) Every Director shall be paid such allowance as the Minister may determine.

[S. 5 amended by s. 4 of Act 42 of 1984 w.e.f. 16 July 1984; s. 4 of Act 21 of 1988 w.e.f. 16 July 1988; s. 3 of Act 44 of 1989 w.e.f. 1 June 1988; s. 4 of Act 7 of 2007 w.e.f. 2 June 2007.]

6. Quorum

The quorum of the Board shall be 5.

7. —

8. Execution of documents

(1) Subject to subsection (2), no document and no cheque drawn on a banking account shall be executed by or on behalf of the Board unless it is signed by—

- (a) the Chairperson or, in his absence, a member designated for the purpose by the Board; and

[Amended 18/16 (cio 28/4/16).]

- (b) the General Manager or, in his absence, any person designated by the Board.
- [Added 13/19 (cio 25/7/19).]

(2) A document to which the Board is a party may be signed outside Mauritius by a person nominated for the purpose by the Board.

[S. 8 amended by s. 4 of Act 42 of 1984 w.e.f. 16 July 1984; s. 54(a) of Act 18 of 2016; s. 53 of Act 15 of 2019 w.e.f. 25 July 2019.]

9. Attendance of experts

A party to any proceedings before the Board may be assisted by Counsel or technical experts.

10. Investment Committee

(1) There is established, for the purposes of this Act, an Investment Committee which shall be chaired by an ex officio member and which shall consist of—

- (a) the member referred to in section 5(1)(f);
- (b) 2 other members to be elected by the Board for such term of office as the Board may determine.

[Amended 18/16 (cio 28/4/16); repealed and replaced 13/19 (cio 25/7/19).]

(c) one other member to be elected by the Board for such term of office as the Board may determine.

(2) Decisions of the Committee shall be taken by a majority of the members present and voting at that meeting and, in the event of an equality of votes, the Chairperson shall have a casting vote.

(3) The quorum of the Committee shall be 3.

[S. 10 amended by s. 5 of Act 21 of 1988 w.e.f. 16 July 1988; s.54(b) of Act 18 of 2016 w.e.f. 28 April 2016; s. 53 of Act 13 of 2019 w.e.f. 25 July 2019.]

11. —

[S. 11 repealed by s. 5 of Act 7 of 2007 w.e.f. 2 June 2007.]

PART III – STAFF OF BOARD

12. General Manager

(1) The Board shall, with the approval of the Minister, appoint a General Manager who shall be the chief executive officer of the Board.

(2) The General Manager shall be responsible for the execution of the policy of the Board and for the control and management of its day-to-day business.

(3) In the exercise of his functions, the General Manager shall act in accordance with such directions as he may receive from the Board.

[S. 12 amended by Act 42 of 1984.]

13. Appointment of staff

(1) The Board may appoint on such terms and conditions as it may, with the approval of the Minister, determine, such officers and employees as may be reasonably necessary for the purposes of or in connection with the discharge of its functions.

(2) All officers and employees shall be under the administrative control of the General Manager.

[S. 13 amended by Act 42 of 1984.]

14. Delegation of powers

(1) Subject to such general or specific instructions and rules of a general nature as may be given or made by the Board, the Board may delegate to the General Manager such of its powers as may be necessary to enable him to effectively perform his duties.

(2) The General Manager may, with the approval of the Minister, delegate any of his functions to such officers as he may determine.

[S. 14 amended by Act 42 of 1984.]

15. Conditions of service of staff

The Board may, with the approval of the Minister, make such rules as it thinks fit to govern the conditions of service of its officers and employees and, in particular, to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, officers and employees;
- (b) appeals by officers and employees against dismissal and other disciplinary measures;
- (c) the establishment and maintenance of provident and pension fund schemes

and the contributions payable and the benefits recoverable.

PART IV – FINANCIAL PROVISIONS

16. Administrative expenses

Subject to section 20 (2) (b), the expenses of administering the Fund shall be defrayed out of the assets of the Fund.

17. Investment of assets of Fund

The Board may, on the recommendation of the Committee, invest any money forming part of the assets of the Fund which is not required to meet the liabilities of the Fund.

[S. 17 repealed and replaced by s. 6 of Act 7 of 2007.]

18. Loans by Board

The Board may, on the recommendation of the Committee and with the approval of the Minister—

- (a) borrow in such manner, on such terms and at such rate as it considers reasonable, any sum necessary to enable the Fund to meet its liabilities; and
- (b) give the assets of the Fund by way of security for such loans.

18A. Loans granted by Board

(1) The Board may, on the recommendation of the Committee, grant loans to the Syndicate in such sum and on such terms and conditions as the Board may approve.

(2) Any sum granted and not reimbursed immediately before the commencement of subsection (1) shall be deemed to have been approved by the Board.
[S. 18A inserted by s. 67 of Act 11 of 2018 w.e.f. 9 August 2018.]

19. General Insurance, Fire Insurance and Bulk Sugar Insurance Account

(1) The Fund shall set up and operate—

- (a) a General Insurance Account;
- (b) a Fire Insurance Account; and
- (c) a Bulk Sugar Insurance Account.

(2) The General Insurance Account shall consist of—

- (a) —
- (b) all general insurance premiums; and
- (c) such other sums as may accrue to it.

(3) The Fire Insurance Account shall consist of—

- (a) —
- (b) all fire insurance premiums; and
- (c) such other sums as may accrue to it.

(4) The Bulk Sugar Insurance Account shall consist of—

- (a) an amount not exceeding 25 million rupees transferred to it from the General Insurance Account;
- (b) all bulk sugar insurance premiums; and
- (c) such other sums as may accrue to it.

[S. 19 amended by Act 21 of 1988; Act 42 of 1984; Act 44 of 1989.]

20. Reserve Fund

- (1) The Board shall maintain a Reserve Fund which shall consist of—
 - (a) —
 - (b) such sums as the Minister may direct to be credited from the General Insurance Account and the Fire Insurance Account; and
 - (c) the amount of any special duty leviable under section 50 (1).
- (2) No drawing shall be made from the Reserve Fund except—
 - (a) to provide compensation payable in respect of loss in excess of 35 per cent where the overall loss in production in any crop year exceeds 35 per cent of the total amount of insurable sugar for that crop year; or
 - (b) to meet expenditure incurred for the insurance of any liability payable out of the Fund.

20A. Reinsurance Fund

- (1) The Board shall set up a Reinsurance Fund which shall consist of—
 - (a) such sums as the Board may, with the approval of the Minister, decide to be credited from the General Insurance Account and the Fire Insurance Account; and
 - (b) the amount of any special duty leviable under section 50 (1).
- (2) The Board may insure against its liabilities to pay compensation under this Act or effect such insurance in such manner as may be necessary.
- (3) All premiums in respect of any participation by the Board in reinsurance treaties and such claims as may be payable to the General Insurance Account shall be met from the Reinsurance Fund.

[S. 20A inserted by Act 44 of 1989.]

PART V – GENERAL INSURANCE

21. Assignment of ranking

- (1) The Board shall, in respect of every crop year, assign a ranking to every insured.
- (2) Subject to subsections (3) and (4) and section 41, the ranking shall be calculated according to the formula set out in the First Schedule and the result reduced to the next lower multiple of 0.1.
- (3) Where the records of the Board are insufficient to enable it to calculate the ranking of a large planter or growing unit in accordance with subsection (2), the Board shall assign the ranking on such information as it has available.
[Amended 11/18 (cio 1/6/17).]
- (4) Where the ranking of an insured is less than 5, or exceeds 15, in any crop year, his ranking—
 - (a) shall be deemed to be 5 or 15, as the case may be, for the purposes of determining the premium percentage, the first loss percentage and the value percentage set out in the second, third and fourth columns of the Second Schedule respectively; and
[Amended 11/18 (cio 1/6/17); 15/22 (cio 1/6/2020).]

- (b) shall, for the following crop year, be calculated by reference to the ranking referred to in paragraph (a).
[Amended 1/12 (cio 12/5/12).]

(5) Notwithstanding subsection (4), the Board shall assign a ranking of 15 to any insured in respect of crop year beginning on 1 June 2017 and ending on 31 May 2018.
[RR 11/18 (cio 1/6/17).]

[S. 21 amended by s. 7 of Act 7 of 2007 w.e.f. 1 June 2006; s. 4 of Act 1 of 2012 w.e.f. 12 May 2012; s. 67 of Act 11 of 2018 w.e.f. 1 June 2017; s. 74 of Act 15 of 2022 w.e.f. 1 June 2020.]

22. Insurable sugar of a large planter or growing unit
[Amended 11/18 (cio 1/6/17).]

(1) (a) Subject to subsections (2) and (3) and section 27, the insurable sugar of a large planter or growing unit in respect of a cane plantation shall be determined by the Board, and shall be the percentage, described in section 2 in paragraph (a) of the definition of "sugar accruing" or "sugar accrued" of the product of the weighted average sugar yield per hectare for the normal years on that cane plantation and the number of hectares to be harvested.
[Amended 11/18 (cio 1/6/17).]

(b) For the purpose of determining, in the case of changes in the acreage of a plantation, the insurable sugar per hectare of a planter in any year—

- (i) any additional acreage taken over and harvested in that year shall be deemed to have formed part of that plantation during the preceding 8 crop years; and
- (ii) any acreage by which a plantation has been reduced shall be deemed not to have formed part of that plantation during the preceding 8 crop years.

(2) (a) Where the Board is satisfied that the area or yield records of a cane plantation registered by a large planter or growing unit are not adequate or reliable in respect of any one of the normal years, it shall assess the weighted average sugar yield per hectare of that cane plantation by reference to the weighted average sugar yield per hectare for the other normal years for which adequate and reliable area or yield records are available.
[Amended 11/18 (cio 1/6/17).]

(b) Where the Board is satisfied that no adequate and reliable area or yield records are available for a cane plantation in respect of any of the normal years, it shall assess the average sugar yield per hectare which the cane plantation can be expected to yield on such information as it has available.

(2A) Notwithstanding section 33, where the Board is satisfied that canes harvested from a cane plantation registered in the name of a large planter have in good faith been sent to be milled under the name of any other large planter in respect of any crop year, the Board may, for the purpose of assessment of premium and compensation, determine the insurable sugar of each account by apportioning the total insurable sugar of the accounts of all the large planters concerned with respect to the sugar accrued to each amount.
[Amended 11/18 (cio 1/6/17).]

(2B) Notwithstanding section 33, where a large planter holds plantations registered in his name in factory areas found in the same enlarged factory area or adjoining enlarged factory areas, the Board may, for the purpose of assessment of premium and compensation, determine the total insurable sugar in respect of these plantations as if they pertained to one account and apportion the insurable sugar of each of his account in proportion to the harvested acreage of his plantation in each factory area.
[Inserted 13/19 (cio 25/7/19).]

(3) The Board may, where it is satisfied that the average sugar yield per hectare of a cane plantation in a crop year has been so substantially increased in relation to the most recent normal years as a result of overhead irrigation or the clearance of stones or through common management practices that a determination under subsection (1) will not give the true average sugar yield per hectare of that cane plantation, assess the insurable sugar per hectare of that cane plantation for that crop year by reference to—

- (a) its average sugar yield per hectare in the most recent of the normal years; or
- (b) its weighted average sugar yield per hectare in the 2 most recent of the normal years.

[S. 22 amended by Act 42 of 1984; Act 44 of 1989; Act 1 of 1993; Act 17 of 2000; s. 8 of Act 7 of 2007 w.e.f. 1 June 2006; s. 67 of Act 11 of 2018 w.e.f. 1 June 2017; 53 of Act 13 of 2019 w.e.f. 25 July 2019.]

23. Insurable sugar of a miller

The insurable sugar of a miller shall be calculated in accordance with the formula set out in the Fourth Schedule.

[S. 23 amended by Act 42 of 1984; Act 44 of 1989.]

24. General insurance premium

(1) Every insured shall, in respect of the harvest of each crop year, contribute to the General Insurance Account an annual general insurance premium determined by the Board in accordance with subsection (6).

(2) Where it is not possible for the Board to determine the general insurance premium by 31 December, the Board may make a provisional estimate of the amount payable.

(3) The Syndicate shall, at the request of the Board, and without incurring any liability to any person, pay the general insurance premium or the estimate made under subsection (2) to the Board not later than 31 December in respect of the crop year for which it is payable.

(4) The difference between the general insurance premium and the provisional estimate made under subsection (2) shall be recovered—

- (a) through the Syndicate on or before 30 April of the crop year for which the premium is payable; or
- (b) from the insured after 30 April.

(5) Where the provisional estimate made under subsection (2) exceeds the general insurance premium, the excess shall be credited to the insured's general insurance premium for the following year.

(6) (a) The general insurance premium shall be a percentage of the value of the insurable sugar of the insured for the crop year for which the premium is payable and shall be calculated to the nearest rupee.

(b) The general insurance premium shall be determined by reference—

- (i) to the weight and value of insurable sugar of the insured; and
- (ii) to the premium percentage set out in the second column of the Second Schedule opposite the ranking assigned to the insured in respect of the crop year for which the premium is payable.

(c) The general insurance premium payable shall be shared, in respect of cane plantations of a *métayer*, between the *métayer* and the owner of the land in the proportion of their respective shares of sugar.

[S. 24 amended by Act 21 of 1988.]

25. Declaration of event year

(1) Where, in any crop year, the total sugar accrued for a prescribed area is not more than the prescribed percentage of the total insurable sugar for the prescribed area on account of the occurrence of all or any of the following events –

- (a) cyclone;
- (b) drought; or
- (c) excessive rainfall,

the Board may, not later than 30 April following that crop year, declare that crop year to be an event year on account of all or any of those events.

[Amended 7/2020 (cio 7/8/2020).]

(2) –

[Repealed 9/15 (cio 1/6/14).]

(3) Any declaration under subsection (1) shall be published in the Gazette and in at least 2 daily newspapers.

[Amended 9/15 (cio 1/6/14).]

(4) Where no declaration under subsection (1) is made, an insured may, in writing and not later than 31 May in the following crop year, request the Board to make a declaration.

[Amended 9/15 (cio 1/6/14).]

(5) Where a request for a declaration is made under subsection (4), the Board shall, not later than 15 July in the crop year following the crop year referred to in subsection (4), or such later date as the Board may by regulations appoint, make a declaration or refuse to make it.

(6) Where the Board refuses to make a declaration under subsection (1), following a request under subsection (4), it shall give written notification of its refusal to the insured.

[Amended 9/15 (cio 1/6/14).]

(7) –

[Repealed 9/15 (cio 1/6/14).]

[S. 25 amended by Act 42 of 1984; Act 21 of 1988; repealed and replaced by s. 5 of Act 1 of 2012 w.e.f. 12 May 2012; amended by s. 50 of Act 9 of 2015 w.e.f. 1 June 2014; s. 67 of Act 7 of 2020 w.e.f. 7 August 2020.]

25A. –

[s. 25A inserted by s. 67 of Act 11 of 2018 w.e.f. 1 June 2017; repealed by s. 74 of Act 15 of 2022 w.e.f. 1 June 2020.]

26. Assessment of compensation

(1) Subject to subsection (4) and sections 28, 32 and 33, where an event year has been

declared, every insured within the prescribed area shall be eligible for compensation on the shortfall due to any cyclone, drought or excessive rainfall.

[Amended 9/15 (cio 1/6/14).]

(2) Subject to sections 29 and 29A, the Board shall determine the amount of compensation payable to an insured by reference to—

[Amended 15/22 (cio 1/6/2020).]

- (a) the sugar price at which general insurance premium was paid for the relevant crop year; and
- (b) the value percentage set out in the fourth column of the Second Schedule opposite the ranking assigned to the insured.

(3) Compensation under subsection (2) shall be calculated to the nearest rupee and payable in such instalments as the Board may determine.

(4) Where a registered planter has the majority or controlling interest in a cane plantation registered in the name of another person, any compensation payable in respect of that cane plantation shall, for the purpose of subsection (1), be assessed and paid to the registered planter who holds the majority or controlling interest in the cane plantation as if it were part of the other cane plantations registered in his name.

(5) Where a person holds the majority or controlling interest in some plantations registered in the name of 2 or more different planters in the same factory area, any compensation payable in respect of these plantations shall, for the purpose of subsection (1), be assessed as if he were the registered owner of all these plantations and shall be paid to the registered planters in proportion to the harvested acreage of each of these registered plantations.

(6) The Board may deduct, from any money payable to an insured by way of compensation, any sum—

- (a) due to the Board in respect of a general insurance premium payable by the insured; and
- (b) unduly paid by way of compensation to the insured in respect of a previous crop year.

(7) Notwithstanding subsections (1) and (2) and subject to subsection (8), where a cane plantation has been partly or totally destroyed by any cyclone, drought or excessive rainfall, compensation net of premium on the extent destroyed shall be payable in respect of—

- (a) such prescribed area as the Board may determine; and
- (b) each tonne of insurable sugar short produced at such rate as the Board may determine and as the Minister may approve.

[Repealed 1/12 (cio 12/5/12); inserted 11/18 (cio 1/6/17).]

(8) For the purpose of subsection (7), the insurable sugar short produced shall be determined by reference to section 22 and shall not be aggregated with the total insurable sugar determined under section 23.

[Repealed 1/12 (cio 12/5/12); inserted 11/18 (cio 1/6/17).]

(9) Where the destroyed plantation is under the system of *métayage*, the compensation payable under subsection (7) shall be apportioned between the *métayer* and the owner of the land in the proportion of their respective shares of sugar.

[Repealed 1/12 (cio 12/5/12); inserted 11/18 (cio 1/6/17).]

(10) The compensation net of premium on the extent destroyed shall be shared, in respect of cane plantations of a growing unit, among the planters and *métayers* in the growing unit in the proportion of their respective extent destroyed.

[Repealed 1/12 (cio 12/5/12); inserted 11/18 (cio 1/6/17).]

[S. 26 amended by Act 36 of 1991; s. 6 of Act 1 of 2012 w.e.f. 12 May 2012; s. 67 of Act 11 of 2018 w.e.f. 1 June 2017; s. 74 of Act 15 of 2022 w.e.f. 1 June 2020.]

27. Reduction of compensation

(1) Notwithstanding section 26, and subject to sections 32 and 33, where the Board is satisfied that any part of the loss in the sugar yield of a planter or a *métayer* is attributable to causes other than cyclones, drought or excessive rainfall, the Board may, in respect of the loss due to cyclones, drought or excessive rainfall, pay compensation determined by reference to the amount of insurable sugar calculated in accordance with the formula set out in the Third Schedule.

[Amended 1/12 (cio 12/5/12).]

(2) —

[S. 27 amended by Act 1 of 1993; s. 9 of Act 7 of 2007; s. 7 of Act 1 of 2012 w.e.f. 12 May 2012; s. 56 of Act 9 of 2015 w.e.f. 1 June 2014.]

28. Payments out of General Insurance Account

(1) Subject to subsection (2), the Board shall, in accordance with any arrangement which it may approve for the purposes of this section, but subject to sections 25, 26 and 27, pay to the insured compensation out of the General Insurance Account.

(2) The Board may pay the compensation to the Syndicate for distribution to the insured through his broker, or other representative authorised by him to receive from the Syndicate payment of the proceeds of the sale of his sugar.

[Amended 5/14 (cio 20/8/14).]

(3) For the purpose of subsection (2), a broker or other representative shall be deemed to have been authorised to receive payments from the Syndicate in respect of any crop year by an insured who has consigned to the broker or other representative, as the case may be, the sugar accruing in that crop year to the insured.

[Amended 5/14 (cio 20/8/14).]

(4) Notwithstanding subsections (2) and (3), the Syndicate may pay the compensation directly to the insured where the insured has so opted at the time of registration.

(5) Compensation payable in any crop year in respect of a factory or cane plantation with respect to which there has been a change in ownership after registration under section 40 shall, in the absence of a notification under section 41 (1), be paid, in respect of—

(a) a factory, to the miller who operated the factory; and

(b) a cane plantation, the planter in whose name the canes were supplied.

(5A) Notwithstanding subsection (5), compensation payable in any crop year in respect of a cane plantation in relation to which there has been a change in ownership under section 41, may, in the absence of a notification under section 41(1), be withheld by the Board for such period as it may determine.

[inserted 1/12 (cio 12/5/12).]

(6) Any compensation payable shall be shared, in respect of the cane plantations of a *métayer*, between the *métayer* and the owner of the land in the same proportion as the premium under section 24 (6) (c).

(7) The compensation payable shall be shared, in respect of cane plantations of a growing unit, among the planters and *métayers* in the growing unit in the proportion of their respective area harvested.

[Added 11/18 (cio 1/6/18).]

[S. 28 amended by Act 42 of 1984; Act 21 of 1988; s. 8 of Act 1 of 2012 w.e.f. 12 May 2012; s. 13(2) of Act 5 of 2014 w.e.f. 20 August 2014; s. 67 of Act 11 of 2018 w.e.f. 1 June 2017.]

29. Limitation of compensation

Where the net amount standing to the credit of the General Insurance Account estimated as at 31 May is insufficient to meet the liabilities of the General Insurance Account in respect of losses incurred in an event year under this Part, the Minister may, by regulations published in the Gazette and in 2 daily newspapers, direct that compensation assessed in accordance with section 26 or 27 shall be reduced by such percentage as shall ensure that the compensation payable shall not, in the aggregate, exceed the net amount standing to the credit of the General Insurance Account.

29A. Cap on compensation

Notwithstanding section 29, where the sugar accrued of an insured is less than 55 per cent of his insurable sugar in any crop year, his insurable sugar shall be deemed to be his sugar accrued divided by 55 per cent for the purpose of assessment of compensation under section 26(2).

[S. 29A inserted by s. 74 of act 15 of 2022 w.e.f. 1 June 2020.]

30. Advances to an insured

(1) Subject to subsections (2) and (3), the Board may make advances to an insured eligible to compensation under section 26 on such conditions as the Board may determine.

(2) The advances made under subsection (1) shall in the aggregate not exceed 80 per cent of the loss suffered or likely to be suffered by the insured.

(3) The Board may, for the purposes of subsection (1), and without prejudice to any assessment which is required to be made under this Act for the payment of compensation, assess the loss suffered by an insured in such manner as it thinks fit.

[S. 30 amended by Act 36 of 1991; s. 10 of Act 7 of 2007.]

31. —

32. Bar to claim

(1) Where the Board is satisfied that the cultivation and maintenance of cane plantations have been neglected before or after the occurrence of a cyclone or drought or excessive rainfall, the Board may refuse to pay compensation in respect of those cane plantations or may reduce the compensation payable to such amount as it thinks fit.

(2) The Board shall not consider any claim by an insured for compensation or for re-assessment of compensation in respect of the loss suffered by the insured in any crop year unless—

- (a) the claim is lodged in writing with the Board within 9 months of the date on which the crop year was declared an event year or within 3 months of an

order of the Supreme Court declaring or ordering the Board to declare an event year;

[Amended 1/12 (cio 12/5/12).]

(b) in the case of a planter or *métayer*, his cane plantations have been registered;

[Amended 1/12 (cio 12/5/12).]

(c) section 40(2C) has been complied with.

[Amended 1/12 (cio 12/5/12).]

[S. 32 amended by s. 11 of Act 7 of 2007 w.e.f. 1 June 2006; s. 9 of Act 1 of 2012 w.e.f. 12 May 2012.]

33. Forfeiture of compensation

Where the Board is satisfied that a planter or *métayer*—

(a) has, under his name, sold or disposed of canes harvested from cane plantations other than those registered in his name in respect of any crop year; or

(b) has sold or disposed of any of the canes harvested from cane plantations, registered in his name, under a fictitious name or to any person other than a person to whom he is authorised to sell or dispose of his canes under the Mauritius Cane Industry Authority Act,

[Amended 40/11 (cio 19/3/12).]

it shall not pay to the planter any compensation to which he may have been entitled for that crop year.

[S. 33 amended by s. 12 of Act 7 of 2007 w.e.f. 2 June 2007; s. 65(7) of Act 40 of 2011 w.e.f. 19 March 2012.]

33A. Insurance of refiners

(1) No refiner shall be insured under this section unless it holds—

(a) a certificate from the Mauritius Sugar Authority witnessing its shareholding structure; and

(b) a certificate from the Syndicate witnessing its authorisation to produce refined sugar for the optimisation of value added for the whole of the sugar industry.

(2) Subject to subsection (3), the insurance of a refiner shall be governed by an insurance contract entered into between the Board and the refiner.

(3) An insurance contract shall be for an initial duration of 6 years, commencing on 1 July 2009 and ending on 30 June 2015.

(4) Wherever applicable, the terms and conditions of an insurance contract shall have regard to the provisions of Part V, in particular, those relating to ranking and insurable sugar and to the First and Second Schedules.

(5) A refiner and the Syndicate shall furnish such information pertaining to this section as may be required by the Board.

(6) A dispute under an insurance contract shall, in the first instance, be referred to arbitration as governed by rules on contracts.

(7) Where arbitration fails to resolve a dispute, the contracting parties may have recourse to the Supreme Court in accordance with any rules made by the Chief Justice.

[S. 33A inserted by s. 44 (e) of Act 14 of 2009 w.e.f. 1 July 2009.]

PART VI – FIRE INSURANCE

34. Fire insurance premium

(1) Every insured shall, in respect of the harvest of each crop year, contribute to the Fire Insurance Account an annual fire insurance premium in accordance with the Fifth Schedule to this Act.

[Amended 11/18 (cio 1/6/17).]

(2) The Syndicate shall, at the request of the Board and without any liability to any person, pay the fire insurance premium to the Board not later than 31 December in respect of the crop year for which it is payable.

[S. 34 amended by s. 10 of Act 42 of 1984 w.e.f. 16 July 1984; repealed and replaced by s.10 of Act 44 of 1989 w.e.f. 1 June 1988; amended by s. 67 of Act 11 of 2018 w.e.f. 1 July 2017.]

35. Report of fire

(1) Not later than 10 days after a cane plantation has been damaged by fire, the planter or *métayer* in whose name the cane plantation is registered shall notify the Board of the fact by registered letter.

(2) The notification sent to the Board under subsection (1) shall set out—

- (a) the date, time and place of the fire;
- (b) the area of the cane plantation destroyed; and
- (c) the category and variety of canes destroyed.

[S. 35 amended by s. 13 of Act 7 of 2007.]

36. Inspection of plantation after damage by fire

(1) On receipt of a notification under section 35 (1), the Board shall cause the cane plantation to be inspected for the purpose of—

- (a) ascertaining the extent of any damage, in terms of the tonnage of canes which would have been harvested in the following crop year but for such fire; and

[Amended 13/19 (cio 25/7/19).]

- (b) determining the cause of fire.

(2) Every insured shall give full assistance to the Board's officer in the carrying out of the inspection.

[S. 36 amended by s. 53. of Act 13 of 2019 w.e.f. 25 July 2019.]

37. Compensation for loss by fire

(1) (a) Every insured who has suffered loss as a result of fire shall be entitled to compensation at the rate set out in the Fifth Schedule to this Act.

(b) Notwithstanding subsection (2)(b), where the Board is satisfied that a cane plantation damaged by fire after harvest has been maintained and the regrown cane plantation has been harvested in the crop year following the crop year during which the fire occurred, the Board may pay compensation for partial loss as a result of the fire.

[Amended 9/15 (cio 1/6/14); 11/18 (cio 11/12/17); RR 13/19 (cio 25/7/19).]

(2) No compensation shall be paid—

- (a) where the Board is satisfied that the fire was deliberately set by the insured or his agent to the cane plantation with a view to obtaining compensation;

(b) in respect of canes which were not due to be harvested in the crop year or following the crop year during which the fire occurred;

[Amended 13/19 (cio 25/7/19).]

(c) where the burnt canes can be harvested and milled at a factory in the enlarged factory area of the cane plantation with the burnt canes;

[Amended 9/15 (cio 1/6/14); 9/15 (cio 1/6/14).]

(d) where an insured fails to comply with section 35 or 36 (2);

[Amended 9/15 (cio 1/6/14); 13/19 (cio 25/7/19).]

(e) where the Board is satisfied that it is economically viable for the insured to harvest and mill the burnt canes at a factory outside the enlarged factory area of the cane plantation with the burnt canes; or

[Inserted 9/15 (cio 1/6/14); amended 13/19 (cio 25/7/19).]

(f) where the Board is satisfied that the cultivation and maintenance of the cane plantation have been neglected before the occurrence of the fire.

[Added 13/19 (cio 25/7/19).]

(3) -

[Added 11/18 (cio 11/12/17); repealed 13/19 (cio 25/7/19).]

[S. 37 amended by Act 42 of 1984; Act 44 of 1989; s. 14 of Act 7 of 2007; s. 50 of Act 9 of 2015 w.e.f. 1 June 2014; s. 67 of Act 11 of 2018 w.e.f. 11 December 2017; s. 53 of Act 13 of 2019 w.e.f. 25 July 2019.]

37A. Transport allowance for burnt canes

(1) A planter or *métayer* whose cane plantations have been burnt, while the factory in his enlarged factory area is not in operation prior to the end of its milling activities in any crop year, shall be entitled to a transport allowance at the rate determined by the Board for all canes transported over a distance exceeding 6.4 kilometres to a factory or cane transit site, whichever is applicable.

(2) No transport allowance shall be paid where the Board is satisfied that the fire was deliberately set by the insured or his agent to the cane plantation with a view to obtaining transport allowance.

(3) In this section -

“cane transit site” has the same meaning as in section 40 of the Mauritius Cane Industry Authority Act.

[S. 37A. inserted by s.53 of Act 13 of 2019 w.e.f. 25 July 2019.]

38. Compensation and transport allowance met by Fire Insurance Account

[Amended 13/19 (cio 25/7/19).]

(1) Compensation under section 37 and transport allowance under section 37A shall be paid out of the Fire Insurance Account.

[Amended 13/19 (cio 25/7/19).]

(2) Where the net amount standing to the credit of the Fire Insurance Account estimated as at 31 May is insufficient to meet the liabilities of the Fire Insurance Account in respect of fire losses, the Minister may, by regulations published in the Gazette and in 2 daily newspapers, direct that compensation assessed in accordance with section 37 shall be reduced by such percentage as shall ensure that the compensation payable shall not, in

the aggregate, exceed the net amount standing to the credit of the Fire Insurance Account.

[S. 38 amended by s. 53 of Act 13 of 2019 w.e.f. 25 July 2019.]

38A. Deficit in Fire Insurance Account

Notwithstanding section 38(2), any deficit in the Fire Insurance Account as at 31 December 2016 shall be offset by a transfer from the General Insurance Account.
[Inserted 13/19 (cio 25/7/19).]

[S. 38A. inserted by s. 53 of Act 13 of 2019 w.e.f. 25 July 2019.]

39. Where insured ineligible for compensation

Where compensation is paid under this Part to an insured, the insured shall not be eligible for compensation under Part V in respect of the insurable sugar represented by sugar short produced as a result of fire.

39A. Payments out of Bulk Sugar Insurance Account

(1) All compensation, reinsurance premium and other amounts payable in connection with the Bulk Sugar Insurance shall be paid out of the Bulk Sugar Insurance Account.

(2) Any amount in excess of the liabilities of the Bulk Sugar Insurance Account shall, on the advice of the actuaries, be paid into the General Insurance Account.

[S. 39A added by s. 12 of Act 42 of 1984 w.e.f. 16 July 1984.]

PART VII – MISCELLANEOUS

40. Registration of factories and plantations

(1) Every miller shall, not later than 31 May, register his factory with the Board and shall furnish, at the time of registration, such information as the Board may require.

(2) Subject to subsection (3), every planter or *métayer* shall, not later than 31 May, register with the Board all his cane plantations for the following crop year and shall declare in respect of each cane plantation registered in his name—

[Amended 1/12 (cio 12/5/12); 10/17 (cio 21/4/17).]

- (a) the area of land which he has under cane cultivation; and
- (b) the area which he intends harvesting during that crop year.

(2A)–

[Inserted 1/12 (cio 12/5/12); Repealed 10/17 (cio 21/4/17).]

(2B)–

[Inserted 1/12 (cio 12/5/12).]

(2C) Where any change occurs in respect of the area of land which a planter or *métayer* has under cane cultivation or the area which he intends to harvest during a crop year, the planter or *métayer* shall inform the Board of the change.

[Inserted 1/12 (cio 12/5/12).]

(3) Where a planter or a *métayer* fails to register his cane plantations under subsection (2), he may register his cane plantations with the Board on payment of a late registration fee of 100 rupees, together with a surcharge of 10 rupees for every hectare or

part thereof which he intends harvesting on those plantations.

(4) The Board may require a planter or *métayer* to furnish a certificate signed by a land surveyor in support of any declaration made by him under this section.

(5) Where a husband and wife, married under the system of community of goods and property, own cane plantations, those cane plantations shall be registered in the joint names of the husband and wife.

(6) Cane plantations owned by 2 or more planters in undivided ownership or jointly leased by them shall be registered in their joint names.

[S. 40 amended by s. 12 of Act 44 of 1989 w.e.f. 1 June 1988; s. 15 of Act 7 of 2007 w.e.f. 2 June 2007; s. 10 of Act 1 of 2012 w.e.f. 12 May 2012; s. 56 of Act 10 of 2017 w.e.f. 21 April 2017.]

41. Change of ownership

(1) Every notary public shall, within one month of drawing up a deed witnessing the change in ownership of any factory, refinery or land under sugar cane cultivation which is registered under section 40, notify the Board in writing of the change, and provide such particulars as the Board may request.

(2) On receipt of a notification under subsection (1), the Board shall—

- (a) change the registration in respect of the factory or cane plantation from the name of the previous to that of the new owner; and
- (b) assign to the new owner, if he has at the time of registration no other cane plantation registered, the ranking which has been or would have been assigned to the previous owner; or
- (c) where necessary, adjust the ranking assigned to the previous and new owners.

[S. 41 amended by s. 9 of Act 21 of 1988 w.e.f. 16 July 1988; s. 44 (d) of Act 14 of 2009 w.e.f. 1 July 2007.]

42. Inspection of property

An officer may, on being so directed by the Board for the purposes of this Act—

- (a) enter on any land and inspect any cane plantation; and
- (b) on the production of his authority, where so required, require the production, by the owner of a cane plantation or his representative or by any other person, of any book, register or document which, in his opinion, is likely to contain any matter which will enable the Board to exercise his duties under this Act.

43. Survey of plantations

(1) (a) The Board shall keep a register in which shall be entered the area of the cane plantations of every planter or *métayer*.

(b) The Board may, on evidence being adduced to its satisfaction that an entry in the register is incorrect, cause the entry to be rectified.

(2) Notwithstanding the Land Surveyors Act, the Board may cause the area of a cane plantation to be ascertained by an officer or by a land surveyor, and the area so ascertained shall, for the purposes of this Act, be deemed to be the correct area and shall be entered by the Board as the area of the cane plantation in the register.

[S. 43 amended by s. 16 of Act 7 of 2007 w.e.f. 2 June 2007.]

44. Special privilege

(i) The Board shall have a special privilege ranking before any other privilege conferred under any enactment and operating independently of inscription, on all sugar deposited in any place in the name of the Syndicate in respect of—

- (a) any amount due to the Board in respect of a general insurance premium or a fire insurance premium by an insured; and
- (b) any amount unduly paid to an insured by the Board by way of compensation for any crop year.

(2) The Syndicate, a co-operate society shall, request in writing from the Board and without incurring any liability to the insured, deduct from any money payable to an insured the amount due by or overpaid to him under subsection (1) and shall pay that amount to the Board.

[Amended 1/12 (cio 12/5/12); 5/14 (cio 20/8/14).]

[S. 44 amended by s. 11 of Act 1 of 2012 w.e.f. 12 May 2012; s. 13(2) of Act 5 of 2014 w.e.f. 20 August 2014.]

45. Returns

(1) Every miller, refiner, planter, *métayer* or a cooperative society shall furnish in writing to the Board such information within such time and in such manner as may be prescribed.

[Amended 5/14 (cio 20/8/14).]

(2) Every planter or *métayer* shall, on being so required by the Board, furnish to the cooperative society or miller to whom he sold his canes such information within such time and in such manner as may be prescribed.

[Amended 5/14 (cio 20/8/14).]

(3) The Board may call for such other information from any person as it may reasonably require for the purposes of this Act.

(4) Any compensation which may be payable under this Act may be withheld by the Board until this section has been complied with.

[S. 45 amended by s. 17 of Act 7 of 2007 w.e.f. 2 June 2007; s. 44 (e) of Act 14 of 2009 w.e.f. 1 July 2009; s. 13(2) of Act 5 of 2014 w.e.f. 20 August 2014.]

46. —

47. Sugar price

(1) The Minister shall, on or before 31 December in any crop year, after consultation with the Mauritius Cane Industry Authority, determine the sugar price, applicable to any specified class of insured, at which insurable sugar shall be valued for that crop year in respect of that particular class of insured.

[Amended 13/19 (cio 25/7/19).]

(2) The sugar price determined under subsection (1) shall be—

- (a) the price per ton of sugar, inclusive of the value of the molasses by-product associated with each ton of sugar;
- (b) expressed to the nearest rupee; and
- (c) published in the *Gazette* and in 2 daily newspapers.

[S. 47 amended by s. 13 of Act 42 of 1984 w.e.f. 16 July 1984; s. 6 of Act 36 of 1988 w.e.f. 10 December 1988; s. 53 of Act 13 of 2019 w.e.f. 25 July 2019.]

44. Special privilege

(1) The Board shall have a special privilege ranking before any other privilege conferred under any enactment and operating independently of inscription, on all sugar deposited in any place in the name of the Syndicate in respect of—

- (a) any amount due to the Board in respect of a general insurance premium or a fire insurance premium by an insured; and
- (b) any amount unduly paid to an insured by the Board by way of compensation for any crop year.

(2) The Syndicate, a co-operate society shall, request in writing from the Board and without incurring any liability to the insured, deduct from any money payable to an insured the amount due by or overpaid to him under subsection (1) and shall pay that amount to the Board.

[Amended 1/12 (cio 12/5/12); 5/14 (cio 20/8/14).]

[S. 44 amended by s. 11 of Act 1 of 2012 w.e.f. 12 May 2012; s. 13(2) of Act 5 of 2014 w.e.f. 20 August 2014.]

45. Returns

(1) Every miller, refiner, planter, *métayer* or a cooperative society shall furnish in writing to the Board such information within such time and in such manner as may be prescribed.

[Amended 5/14 (cio 20/8/14).]

(2) Every planter or *métayer* shall, on being so required by the Board, furnish to the cooperative society or miller to whom he sold his canes such information within such time and in such manner as may be prescribed.

[Amended 5/14 (cio 20/8/14).]

(3) The Board may call for such other information from any person as it may reasonably require for the purposes of this Act.

(4) Any compensation which may be payable under this Act may be withheld by the Board until this section has been complied with.

[S. 45 amended by s. 17 of Act 7 of 2007 w.e.f. 2 June 2007; s. 44 (e) of Act 14 of 2009 w.e.f. 1 July 2009; s. 13(2) of Act 5 of 2014 w.e.f. 20 August 2014.]

46. —

47. Sugar price

(1) The Minister shall, on or before 31 December in any crop year, after consultation with the Mauritius Cane Industry Authority, determine the sugar price, applicable to any specified class of insured, at which insurable sugar shall be valued for that crop year in respect of that particular class of insured.

[Amended 13/19 (cio 25/7/19).]

(2) The sugar price determined under subsection (1) shall be—

- (a) the price per ton of sugar, inclusive of the value of the molasses by-product associated with each ton of sugar;
- (b) expressed to the nearest rupee; and
- (c) published in the *Gazette* and in 2 daily newspapers.

[S. 47 amended by s. 13 of Act 42 of 1984 w.e.f. 16 July 1984; s. 6 of Act 36 of 1988 w.e.f. 10 December 1988; s. 53 of Act 13 of 2019 w.e.f. 25 July 2019.]

48. Consulting actuary

(1) The Board shall, with the approval of the Minister, appoint a consulting actuary who shall, at least once every 5 years, review the position of the Fund and make such recommendations to the Board as he considers necessary and who shall advise the Board on any change to be made to—

(a) the percentages laid down in the Second Schedule;

[Amended 1/12 (cio 12/5/12).]

(b) the method of determining ranking and the value of insurable sugar;

[Amended 1/12 (cio 12/5/12).]

(c) the prescribed area and the prescribed percentage of the total insurable sugar for the purpose of the declaration of an event year under section 25.

[Inserted 1/12 (cio 12/5/12).]

[S. 48 amended by s. 12 of Act 1 of 2012 w.e.f. 12 May 2012.]

(2) The recommendations under subsection (1) may include the defining of such prescribed area and such prescribed percentage of the total insurable sugar as the consulting actuary may deem appropriate.

49. Recommendations made by Board

The Board shall consider any recommendation made and advice given by the consulting actuary under section 48 and shall make such recommendations to the Minister as it considers appropriate.

[S. 49 inserted by s. 13 of Act 1 of 2012 w.e.f. 12 May 2012.]

50. Special duty

(1) Where the Minister is of opinion that the selling price of sugar in any crop year so justifies, he may, by regulations, levy a special duty on all insurable sugar, or on all sugar accrued, in that crop year.

(2) The Syndicate shall, at the request of the Board and without incurring any liability to any person, pay the special duty levied under subsection (1) to the Board in such manner and at such times as the Board may direct.

51. Reduced premiums for groups of planters and *métayers*

(1) The Minister may, by regulations, declare that planters or *métayers* shall, for the purpose of this section, be grouped by reference to the size or geographical location of their plantations or such other criteria as the Minister may determine.

(2) Planters and *métayers* grouped under subsection (1) shall pay such reduced general insurance premium and fire insurance premium as may be specified in the regulations.

[Amended 15/22 (cio 1/6/2020).]

(3) Where planters and *métayers* who are grouped are authorised under subsection (2) to pay the reduced general premiums, there shall be paid from the Consolidated Fund into the General Insurance Account the difference between the General Insurance premiums payable under section 24 by such planters or *métayers* and the reduced premium authorised under subsection (2).

(3A) Where planters and *métayers* who are grouped and are authorised under subsection (2) to pay reduced fire premiums, there shall be paid from the Consolidated

Fund into the Fire Insurance Account the difference between the fire insurance premium payable under section 34 by such planters or *métayers* and the reduced premium authorised under subsection (2).

[inserted 15/22 (cio 1/6/2020).]

(4) Notwithstanding any regulations under subsection (1) for the payment of reduced general insurance premium, planters and *métayers* to whom the regulations apply shall, for the purposes of reinsurance under section 49, be deemed to have paid the full insurance premium.

[S. 51 amended by s. 74 of Act 15 of 2022 w.e.f. 1 June 2020.]

52. Appeal to Supreme Court

An insured, who is aggrieved by a decision of the Board under section 22, 23, 25, 26, 27, 32, 33, 37 or 53 (2), may appeal against the decision to the Supreme Court in such manner as may be provided by rules made by the Supreme Court.

53. Offences

(1) Any person who—

- (a) knowingly makes a declaration required under section 40 or knowingly furnishes information under section 45 which is false in any material particular;
- (b) prevents or impedes, or attempts to prevent or impede, any officer from entering any land or from exercising any of his powers under this Act;
- (c) fails to comply with any request made by an officer under section 42 (b); or
- (d) otherwise contravenes this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) Where a planter or *métayer* has been convicted of an offence under subsection (1) (b), the Board may withhold any compensation payable to him.

54. Burden of proof

In any proceedings—

- (a) by an insured against a decision of the Board under section 32 (1), the onus of proving that the cultivation and maintenance of the cane plantations had not been neglected; or
- (b) by an insured dissatisfied with the assessment made by the Board under section 26, the onus of proving that the basis on which the assessment was made is incorrect,

shall lie on the insured.

55. Regulations made by Minister

(1) The Minister may, by regulations –

- (a) amend the Schedules to give effect to any recommendation which the Board may make following the advice of the consulting actuary;
- (b) give effect to any recommendation made by the Board under section 49.

(2) Regulations made under subsection (1) shall be published in the Gazette and in 2 daily newspapers.

[S. 55 repealed and replaced by s. 11 of Act 1 of 2012 w.e.f. 12 May 2012.]

56. Regulations made by Board

[Amended 1/12 (cio 12/5/12).]

The Board may make such regulations as it thinks fit for the purposes of this Act.

56A. Temporary measures during COVID-19 period

(1) The crop year for year 2020 shall start on 1 February 2020 and end on 28 February 2021.

(2) Notwithstanding section 24(4), the general insurance premium and the provisional estimate for crop year starting on 28 February 2020 shall be recovered -

- (a) through the Syndicate on or before 15 July 2020 of the crop year for which the premium is payable; or
- (b) from the insured after 15 July 2020.

(3) Notwithstanding section 40(2), every planter or métayer shall, not later than such period as may be prescribed after the COVID-19 period lapses, register with the Board all his cane plantations for the following crop year.

(4) Notwithstanding this Act, a crop year shall, on account of the COVID-19 period, start on such date as the Minister may determine and end on the following year on such date as the Minister may determine, provided that it does not end not later than 30 April in that following year.

[S. 56A inserted by s. 52 of Act 1 of 2020 w.e.f. 23 March 2020.]

56B. Temporary measures for crop year starting on 1 June 2019 and ending on 31 May 2020

For the crop year starting on 1 June 2019 and ending on 31 May 2020 and -

- (a) notwithstanding section 24(4), the difference between the general insurance premium and the provisional estimate made under section 24(2) shall be recovered-
 - (i) through the Syndicate on or before 15 July 2021; or
 - (ii) from the insured after 15 July 2021;
- (b) notwithstanding section 25(1), (4) and (5) -
 - (i) where the total sugar accrued for a prescribed area is not more than the prescribed percentage of the total insurable sugar for the prescribed area on account of the occurrence of all or any of the following events -
 - (A) cyclone;

- (B) drought, or
- (C) excessive rainfall,

the Board may not later than 15 June 2021, declare that crop year to be an event year on account of all or any of these events;

- (ii) where no declaration is made under subparagraph (i), an insured may request, in writing, and not later than 15 July 2021, the Board to make a declaration; or
- (iii) where a request for a declaration is made under subparagraph (ii), the Board shall, not later than 31 August 2021 or such later date as the Board may, by regulations, appoint, make a declaration or refuse to make it.

[S. 56B inserted by s. 89 of Act 15 of 2021 w.e.f. 5 August 2021.]

57. Transitional provision

(1) -

[Amended 18/16 (cio 28/4/16); repealed 11/18 (cio 1/6/17).]

(2) Notwithstanding section 3(3)(a), the Board shall, subject to subsections (3) and (4), pay a one-off financial assistance to an insured for the crop year beginning on 1 June 2014 and ending on 31 May 2015 amounting to a sum of 2,000 rupees per tonne of his sugar accrued or part thereof, or any compensation payable under the General Insurance Account to that insured for that crop year.

[Added 18/16 (cio 28/4/16)]

(3) (a) Where an insured is not eligible to a compensation under the General Insurance Account, he shall be paid a one-off financial assistance amounting to a sum of 2,000 rupees per tonne of his sugar accrued or part thereof.

(b) Where an insured is eligible to a compensation under the General Insurance Account of an amount equivalent to -

(i) less than 2,000 rupees per tonne of his sugar accrued or part thereof, he shall be paid a one-off financial assistance amounting to the difference between the sum of 2,000 rupees per tonne of his sugar accrued or part thereof and the amount of the compensation payable;

(ii) 2,000 rupees or more per tonne of his sugar accrued or part thereof, no financial assistance shall be payable.

[Added 18/16 (cio 28/4/16)]

(4) Any one-off financial assistance payable shall be shared, in respect of the cane plantations of a métayer, between the métayer and the owner of the land in the same proportion as determined in relation to the general insurance premium under section 24(6)(c).

[Added 18/16 (cio 28/4/16)]

(5) Notwithstanding section 3(3)(a), the Board shall, subject to subsection (4), pay a one-off financial assistance to an insured in respect of crop year beginning on 1 June 2016 and ending on 31 May 2017 amounting to a sum of 1,250 rupees per tonne of

sugar accrued or part thereof.

[Added 11/18 (cio 1/6/17).]

(6) Notwithstanding section 3(3)(a), the Board shall, subject to subsection (4), pay a one-off financial assistance to a planter or *métayer* for the crop year beginning on 1 June 2017 and ending on 31 May 2018 amounting to a sum of 1,250 rupees per tonne of sugar accrued or part thereof.

[Added 13/19 (cio 25/7/19).]

(7) Notwithstanding sections 3(3)(a) and 57(6), the Board shall, subject to subsection (4), pay an additional one-off financial assistance for the crop year beginning on 1 June 2017 and ending on 31 May 2018 amounting to one third of 257 rupees per tonne of sugarcane or part thereof to a planter or *métayer* having total sugar accrued not exceeding 60 tonnes.

[Added 13/19 (cio 25/7/19).]

[S. 57 added by s. 50 of Act 9 of 2015 w.e.f. 23 March 2015.; amended by s. 54 of Act 18 of 2016 w.e.f. 28 April 2016; s. 56 of Act 10 of 2017 w.e.f. 21 April 2017. s. 67 of Act 11 of 2018 w.e.f. 1 June 2017; s. 53 of Act 13 of 2019 w.e.f. 25 July 2019.]

57A. One-off financial assistance

(1) Notwithstanding section 3(3)(a), the Board shall pay a one-off financial assistance to a miller for the crop year beginning on 1 June 2017 and ending on 31 May 2018 amounting to a sum of 1,250 rupees per tonne of sugar accrued or part thereof.

(2) Notwithstanding section 3(3)(a), the Board shall, subject to section 57(4), pay an additional one-off financial assistance for the crop year beginning on 1 June 2017 and ending on 31 May 2018 amounting to one third of 257 rupees per tonne of sugarcane or part thereof to a miller or a planter having total sugar accrued exceeding 60 tonnes.
[S. 57A inserted by s. 67 of Act 7 of 2020 w.e.f. 7 August 2020.]

FIRST SCHEDULE

[Section 21]

$$R_2 = R_1 \left(1.05 - 0.1 \frac{C}{P} \right)$$

[Amended GN 262/2022 (cio 1/6/2020).]

where—

- R_2 is the ranking to be calculated for any crop year;
 R_1 is the ranking for the year previous to that for which ranking R_2 is being calculated;
 C is the compensation if any, other than for loss by fire paid in the year previous to that for which ranking R_2 is being calculated;
 P is the general insurance premium paid in the year previous to that for which ranking R_2 is being calculated.

For the crop year beginning on 1 June 2014 and ending on 31 May 2015, R_2 shall be equal to R_1 .
[Added GN 157/15 (cio 8/8/15)]

For the crop year beginning on 1 June 2015 and ending on 31 May 2016, R_2 shall be equal to R_1 .
[Added GN 24/17 (cio 11/2/17)]

[First Sch. amended by Act 42 of 1984; GN 94 of 2007 w.e.f. 1 June 2006; GN 157 of 2015 w.e.f. 8 August 2015; GN 24 of 2017 w.e.f. 11 February 2017; reg 3 of GN 262 of 2022 w.e.f. 1 June 2020.]

SECOND SCHEDULE
[Sections 2, 21, 24, 26 and 48]

Ranking	Premium percentage of value of insurable sugar	First loss percentage	Value percentage of shortfall
5.0	8.80	16.0	55.0
5.1	8.78	15.7	55.1
5.2	8.76	15.4	55.2
5.3	8.74	15.1	55.3
5.4	8.72	14.8	55.4
5.5	8.70	14.5	55.5
5.6	8.68	14.2	55.6
5.7	8.66	13.9	55.7
5.8	8.64	13.6	55.8
5.9	8.62	13.3	55.9
6.0	8.60	13.0	56.0
6.1	8.58	12.8	56.2
6.2	8.56	12.6	56.4
6.3	8.54	12.4	56.6
6.4	8.52	12.2	56.8
6.5	8.50	12.0	57.0
6.6	8.48	11.8	57.2
6.7	8.46	11.6	57.4
6.8	8.44	11.4	57.6
6.9	8.42	11.2	57.8
7.0	8.40	11.0	58.0
7.1	8.38	10.8	58.2

7.2	8.36	10.6	58.4
7.3	8.34	10.4	58.6
7.4	8.32	10.2	58.8
7.5	8.30	10.0	59.0
7.6	8.28	9.8	59.2
7.7	8.26	9.6	59.4
7.8	8.24	9.4	59.6
7.9	8.22	9.2	59.8
8.0	8.20	9.0	60.0
8.1	8.18	8.9	60.2
8.2	8.16	8.8	60.4
8.3	8.14	8.7	60.6
8.4	8.12	8.6	60.8
8.5	8.10	8.5	61.0
8.6	8.08	8.4	61.2
8.7	8.06	8.3	61.4
8.8	8.04	8.2	61.6
8.9	8.02	8.1	61.8
9.0	8.00	8.0	62.0
9.1	7.97	7.9	62.3
9.2	7.94	7.8	62.6
9.3	7.91	7.7	62.9
9.4	7.88	7.6	63.2
9.5	7.85	7.5	63.5
9.6	7.82	7.4	63.8

9.7	7.79	7.3	64.1
9.8	7.76	7.2	64.4
9.9	7.73	7.1	64.7
10.0	7.70	7.0	65.0
10.1	7.67	6.9	65.3
10.2	7.64	6.8	65.6
10.3	7.61	6.7	65.9
10.4	7.58	6.6	66.2
10.5	7.55	6.5	66.5
10.6	7.52	6.4	66.8
10.7	7.49	6.3	67.1
10.8	7.46	6.2	67.4
10.9	7.43	6.1	67.7
11.0	7.40	6.0	68.0
11.1	7.36	5.9	68.3
11.2	7.32	5.8	68.6
11.3	7.28	5.8	68.9
11.4	7.24	5.7	69.2
11.5	7.20	5.7	69.5
11.6	7.16	5.6	69.8
11.7	7.12	5.6	70.1
11.8	7.08	5.5	70.4
11.9	7.04	5.5	70.7
12.0	7.00	5.4	71.0
12.1	6.96	5.4	71.3

12.2	6.92	5.3	71.6
12.3	6.88	5.3	71.9
12.4	6.84	5.2	72.2
12.5	6.80	5.2	72.5
12.6	6.76	5.1	72.8
12.7	6.72	5.1	73.1
12.8	6.68	5.0	73.4
12.9	6.64	5.0	73.7
13.0	6.60	4.9	74.0
13.1	6.55	4.9	74.3
13.2	6.50	4.8	74.6
13.3	6.45	4.8	74.9
13.4	6.40	4.7	75.2
13.5	6.35	4.7	75.5
13.6	6.30	4.6	75.8
13.7	6.25	4.6	76.1
13.8	6.20	4.5	76.4
13.9	6.15	4.5	76.7
14.0	6.10	4.4	77.0
14.1	6.04	4.4	77.3
14.2	5.98	4.3	77.6
14.3	5.92	4.3	77.9
14.4	5.86	4.2	78.2
14.5	5.80	4.2	78.5
14.6	5.74	4.1	78.8

14.7	5.68	4.1	79.1
14.8	5.62	4.0	79.4
14.9	5.56	4.0	79.7
15.0	5.50	4.0	80.0

{Added GN 176/16 (cio 13/8/16); RR 11/8 (cio 1/6/17); RR GN 262/22 (cio 1/6/2020).}

[Second Sch. amended by s. 14 of Act 42 of 1984 w.e.f. 16 July 1984; GN 169 of 2009 w.e.f. 12 December 2009; GN 236 of 2010 w.e.f. 31 December 2010; GN 208 of 2011 w.e.f. 17 December 2011; repealed and replaced by s. 16 of Act 1 of 2012 w.e.f. 12 May 2012; amended by GN 157 of 2015 w.e.f. 8 August 2015; GN 176 of 2016 w.e.f. 13 August 2016; reg. 4 of GN 262 of 2022 w.e.f. 1 June 2022.]

THIRD SCHEDULE

{Section 27}

Planter or *Métayer*

Unadjusted Insurable Sugar of planter or <i>métayer</i> in tonnes	=	TIS
Sugar accruing to a planter or <i>métayer</i> in tonnes	=	SA
Proportion of TIS disallowed due to gaps under section 27	=	Z
Adjusted Insurable Sugar of a planter or <i>métayer</i> in tonnes (ATIS)	=	TIS – (Z x TIS)
Proportion of Adjusted Insurable Sugar disallowed due to weediness and poor fertilisation under section 27	=	Y
Indemnifiable loss (before application of first loss)		
{Amended 13/19 (cio 25/7/19); RR GN 262/22 (cio 1/6/2020).}	=	ATIS – (Y x ATIS) – SA

[Third Sch. amended by Act 1 of 1993; GN 94 of 2007 w.e.f. 1 June 2006; s.17 of Act 1 of 2012 w.e.f. 12 May 2012; s.53 of Act 13 of 2019 w.e.f. 25 July 2019; reg. 5 of GN 262 of 2022 w.e.f. 1 June 2020.]

FOURTH SCHEDULE

[Section 23]

$$TIS_m = TIS_p \frac{SA_m}{SA_p} + (F_a - F_c) \times TIS_p$$

- Where
- TIS_m = Total insurable sugar of miller;
 - TIS_p = Total insurable sugar of planters and *métayers* in the enlarged factory area;
- [Amended 1/12 (cio 12/5/12).]
- SA_p = Sugar accruing to planters and *métayers* in the enlarged factory area;
 - SA_m = Sugar accruing to miller after giving to planters and *métayers* the share of sugar accruing to them;
 - F_c = Fraction, for the current year, of sugar accruing to miller divided by sugar accruing to planters and *métayers*;
 - F_a = average of 3 highest out of the immediately preceding 5 years fractions of the sugar accruing to miller divided by sugar accruing to planters and *métayers*.

The component $(F_a - F_c) \times TIS_p$ shall be used only where F_a is greater than F_c .

[Added 1/12 (cio 12 5/12); repealed 9/15 (cio 1/6/14).]

[Fourth Sch. added by Act 44 of 1989; amended by GN 94 of 2007 w.e.f. 1 June 2006; s. 18 of Act 1 of 2012 w.e.f. 12 May 2012; s. 50 of Act 9 of 2015 w.e.f. 1 June 2014.]

FIFTH SCHEDULE
 [Sections 34 and 37]

1. (a) Premium to be contributed by every planter or *métayer* to the Fire Insurance Account under section 34(1) shall be determined according to the premium structure specified hereunder, provided that in respect of lands under *métayage*, the premium shall be shared between the *métayer* and the owner of the land in the proportion of their respective share of sugar --

Planter or <i>métayer</i> classification	No claims discount level or premium penalty level	Definition	Premium adjustment applicable (%)	Premium to be contributed per tonne of insurable sugar
Large planter	NCD1	Large planter who was paid fire compensation or transport allowance in the previous crop year	0	27
Large planter	NCD2	Large planter who was not paid fire compensation nor transport allowance in the previous crop year, but was paid fire compensation or transport allowance 2 crop years ago	-20	22

Large planter	NCD3	Large planter who was not paid fire compensation nor transport allowance in the last 2 crop years	-40	16
Large planter	PP2	Large planter who was paid fire compensation or transport allowance for the 2 previous consecutive crop years	20	33
Large planter	PP3	Large planter who was paid fire compensation or transport allowance for the 3 previous consecutive crop years	40	38
Planter, other than large planter, or <i>métayer</i>	NCD1	Planter, other than large planter, or <i>métayer</i> who was paid fire compensation or transport allowance in the previous crop year	0	34

Planter, other than large planter, or <i>métayer</i>	NCD2	Planter, other than large planter, or <i>métayer</i> who was not paid fire compensation nor transport allowance in the previous crop year, but was paid fire compensation or transport allowance 2 crop years ago	-20	27
Planter, other than large planter, or <i>métayer</i>	NCD3	Planter, other than large planter, or <i>métayer</i> who was not paid fire compensation nor transport allowance in the last 2 crop years	-40	21
Planter, other than large planter, or <i>métayer</i>	PP2	Planter, other than large planter, or <i>métayer</i> who was paid fire compensation or transport allowance for the 2 previous consecutive crop years	20	41
Planter, other than large planter, or <i>métayer</i>	PP3	Planter, other than large planter, or <i>métayer</i> who was paid fire compensation or transport allowance for the 3 previous consecutive crop years	40	48

[RR GN 262/22 (cio 1/6/2020.)]

- (b) Premium to be contributed by every miller to the Fire Insurance Account under section 34(1) shall be in accordance with the following formula --

$$\frac{tp \times 22\%}{78\%}$$

where tp is the total premium of all planters and *métayers* in the enlarged factory area.

[Amended 9/15 (cio 1/6/13); inserted 11/18 (cio 1/6/17).]

2. Compensation to which a planter is entitled for each tonne of cane short produced as a result of fire: 487.50 rupees, provided that in respect of lands under *métayage* the compensation shall be shared between the *métayer* and the owner of the land in the proportion of their respective share of sugar
[Amended 1/12 (cio 12/5/12); GN 262/22 (cio 1/6/2020).]
3. Compensation to which a miller is entitled for each tonne of cane short produced from a planter's cane plantations as a result of fire: 137.50 rupees
[Amended GN 262/22 (cio 1/6/2020).]

[Fifth Sch. amended by Act 44 of 1989; GNs 30 of 1998; 198 of 2000; 94 of 2007 w.e.f. 1 June 2006; s. 49 of Act 1 of 2012 w.e.f. 12 May 2012; s. 50 of Act 9 of 2015 w.e.f. 1 June 2013; s. 67 of Act 11 of 2018 w.e.f. 1 June 2017; reg 6 of GN 262 of 2022 w.e.f. 1 June 2020.]

Government Notice No. 261 of 2022

THE SUGAR INSURANCE FUND ACT

**Regulations made by the Minister, on the recommendation of
the Sugar Insurance Fund Board, under section 55
of the Sugar Insurance Fund Act**

1. These regulations may be cited as the Sugar Insurance Fund (Prescribed Area and Prescribed Percentage of Total Insurable Sugar) Regulations 2022.
2. In these regulations –
“Act” means the Sugar Insurance Fund Act.
3. For the purpose of a “growing unit”, the prescribed area shall be an enlarged factory area.
4. For the purpose of section 25(1) of the Act, –
 - (a) the prescribed area for computing the total sugar accrued shall –
 - (i) subject to section 22(2A), be the extents under cane of all large planters in the Island of Mauritius; or
 - (ii) be the extents under cane of all the growing units in the Island of Mauritius; and
 - (b) the prescribed percentage of the total insurable sugar shall be 80 per cent.
5. These regulations shall be deemed to have come into operation on 1 June 2020.

Made by the Minister, on the recommendation of the Sugar Insurance Fund Board, on 22 September 2022.

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