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**THE AGRICULTURAL LOAN SOCIETIES AND APPROVED
ORGANIZATIONS ACT**

**THE AGRICULTURAL LOAN SOCIETIES AND APPROVED ORGANIZATIONS
REGULATIONS, 2021**

In exercise of the power conferred upon the Minister by section 54(b) of the Agricultural Loan Societies and Approved Organizations Act, and of every other power hereunto enabling, the following Regulations are made:—

Citation. 1. These Regulations may be cited as the Agricultural Loan Societies and Approved Organizations Regulations, 2021.

Interpretation. 2. In these Regulations—

“authorized officer” means the secretary of the agricultural loan society or an approved organization, or any other person authorized to perform functions on behalf of the secretary;

SCHEDULE, *cont'd.*

“charge” means, pursuant to section 40 of the Act, the security lien exercised by the lender over movable property belonging to the borrower;

“Registrar” has the meaning assigned to it under section 2 of the Act; “Rules” means the registered Rules of the Society for the time being and shall include any registered amendment of such Rules.

Rules and registration fee.

3. Pursuant to section (9)(1)(b) of the Act, the application form for registration as an agricultural loan society, shall be accompanied by a copy of the Rules of the applicant, and includes evidence of payment by the applicant of the non-refundable application fee, of three thousand dollars.

Certification fee.

4. Pursuant to section 14(2) of the Act, an application for certification as an approved organization, shall be accompanied by evidence of payment of the non-refundable certification fee of five thousand dollars.

Amendment of Rules of an Agricultural Loan Society and an Approved Organization.

5.—(1) An agricultural loan society or an approved organization, may, subject to the approval of the Registrar, amend the Rules of the society or the approved organization, if the following conditions have been met—

- (a) the Registrar is notified, in writing, of the proposed amendment, no later than 14 days prior to the general meeting for the proposed amendment to the Rules;
- (b) the proposed amendment to the Rules is not contrary to the provisions of the Act; and
- (c) the proposed amendment to the Rules is not prejudicial to the stability of the agricultural loan society or the approved organization.

(2) If the Registrar determines that the proposed amendments to the Rules do not meet the conditions set out in paragraph (1), the Registrar shall refuse to register the amendments to the Rules.

(3) If the Registrar refuses to grant the approval to register the amendments, the Registrar shall, within thirty days of the refusal, notify the agricultural loan society or the approved organization, in writing, of the reason or reasons for the refusal.

(4) If the Registrar determines that the amendments meet the conditions set out in paragraph (1), the Registrar shall register the amendments to the Rules or cause the amendments to the Rules to be registered.

Loan classification.

6. An agricultural loan society or an approved organization, shall, subject to sections 37 and 38 of the Act, classify all loans issued by the agricultural loan society or the approved organization, as such type of loan and for such purpose as approved by the Registrar.

SCHEDULE, *cont'd.*

Annual reports and returns.

7. In addition to the duties set out in section 25 of the Act, every agricultural loan society and every approved organization shall, within two months of the close of the financial year, submit to the Registrar, the following items—

- (a) a certified copy of the Annual Returns;
- (b) a copy of the most recent Audited Financial Statements;
- (c) a copy of the report of the auditors made by the agricultural loan society or the approved organization under section 13 of the Industrial and Provident Societies Act; and
- (d) any other reports required under any other relevant enactment affecting such society and approved organization.

Duty to keep record.

8. Every agricultural loan society and every approved organization shall keep written and up to date records of the following books and documents—

- (a) minutes of meetings of the committees of management, risk compliance and audit;
- (b) a value book, in which shall be recorded all registered letters and valuables, including loan securities received;
- (c) a share register in which shall contain—
 - (i) the names, addresses and telephone numbers of all members;
 - (ii) the membership number and Tax Registration Number, of all members;
 - (iii) the number of shares and the value of shares held by each member;
 - (iv) the record of all transfers of shares and certificate of shares issued to each member;
- (d) a cash book in the prescribed format, in which shall be recorded all receipts and payments;
- (e) a petty cash register, in the prescribed format, in which shall be recorded all petty cash expenditure and reimbursements;
- (f) a ledger in which shall be recorded all shares, deposits and loans in the prescribed format, and shall include—
 - (i) all instalments paid by members, from time to time, on account of their shares or deposits;
 - (ii) particulars of loans made to borrowers;
 - (iii) the terms and conditions on which each loan is issued;

SCHEDULE, *cont'd.*

- (iv) payments made in reduction of such loans, or any interest payments and any other charges; and
 - (v) details of the security given; and
 - (g) a security register in the prescribed format, in which shall be recorded all securities held in respect of loans made by the society;
 - (h) a journal in the prescribed format, in which shall be recorded all adjustments in respect of the ledger accounts;
 - (i) a general ledger, in the prescribed format, in which shall be kept separate accounts for each type of loan granted, necessary control accounts, loan provision and the [Reserve Fund account.]
- Submission of monthly statement. Form A. Schedule. Insurance for Security. 9. Notwithstanding section 26(5) of the Act, every agricultural loan society and every approved organization shall prepare for submission to the committee of management of the society or the approved organization and the Registrar, at its first meeting after the close of each month, a monthly statement in the form set out as Form A in the Schedule.
- 10.—(1) Subject to the provisions of sections 28 and 34 of the Act, the committee of management of every agricultural loan society and every approved organization, shall require every officer having receipt or custody of the funds of the agricultural loan society or the approved organization, as the case may be, to give security in the form of a fidelity insurance policy, for such amount as shall be approved by the Board of the committee of management of the agricultural loan society or the approved organization.
- (2) Such policy under paragraph (1) and all renewals and renewal receipts thereof, shall be forwarded to and be retained by the Registrar.
- Provision for receipt book. 11.—(1) Every agricultural loan society and approved organization shall cause its secretary or any other officer authorized to receive moneys on behalf of the society or approved organization, to be supplied with a receipt book as approved by the Registrar.
- (2) The secretary or officer referred to under paragraph (1) shall, issue a receipt for every payment made to the society and retain in the receipt book the carbon copy or copies of the receipt issued.
- Grants. 12.—(1) An agricultural loan society or an approved organization that has received a grant, shall not pay, without the consent of the Registrar, in writing, interest on its share capital, either as dividend or bonus or by way of distribution of profits, at a rate exceeding two and one-half per centum per annum.
- (2) If the agricultural loan society or the approved organization is not in receipt of a grant, the agricultural loan society or the approved organization, may pay such interest on its share capital as agreed by the members of the society or the approved organization, as the case may be.

SCHEDULE, *cont'd.*

(3) Notwithstanding paragraph (2), such interest shall not exceed four per centum per annum and the agricultural loan society or the approved organization shall not, without the consent, in writing, of the Board of the committee of management, pay any further interest to its shareholders either as dividend, bonus or in the way of distribution of profits.

Examination of book, securities and records.

13.—(1) Subject to section 20(1) of the Act, the secretary or manager of an agricultural loan society or an approved organization shall, on being requested to do so, by the Registrar or an officer authorized by the Registrar, submit to the Registrar or the authorized officer, as the case may be, all cash in hand, securities and, documents for examination.

(2) The submission referred to in sub-paragraph (1), may be taken, as shall be considered necessary by the Registrar, for obtaining the fullest information.

Mode of payment.

14. All payments made by an agricultural loan society or an approved organization shall be made by cheque.

Custody of funds.

15.—(1) The secretary or an authorized officer of an agricultural loan society or an approved organization, having custody of the funds of the agricultural loan society or the approved organization, shall lodge such funds in a bank approved by the Registrar, in the registered name of the society or the approved organization.

(2) Any cash balance exceeding ten thousand dollars in the hands of the secretary or such other authorized officer, shall be lodged in the bank as soon as possible.

Safe keeping of cash, securities, documents, etc.

16. Subject to Part VI of the Act, the Registrar shall have power, at any time, to require an agricultural loan society or an approved organization, to make proper provision for the safe-keeping of any cash, securities, documents and other property of the agricultural loan or the approved organization.

Change of authorized personnel holding office.

17. Every agricultural loan society and approved organization shall, with immediate effect, advise the Registrar, in writing, of any change in the persons holding the office of chairman, treasurer, secretary, manager or any other office, including any change of persons authorized to sign cheques.

Treatment of statement of indebtedness.

18.—(1) An agricultural loan society or approved organization, shall, within two weeks of receiving a statement of indebtedness of the agricultural loan society or the approved organisation from the Registrar, certify the correctness of the statement.

(2) Where the agricultural loan society or the approved organization identifies any difference or discrepancy in the statement, the agricultural loan society or the approved organization, shall, forthwith, notify the Registrar of the difference or discrepancy.

SCHEDULE, *cont'd.*

(3) If the society or approved organization is satisfied that a statement agrees with the balances shown in the books of the agricultural loan society or the approved organization, the chairman, the treasurer or any other authorized officer of the society or the approved organization shall approve the statement, in writing.

Financial
statement.

19. Every agricultural loan society and approved organization, shall, at the end of the financial year, forward to each member of the society and the approved organization, as the case may be, a financial statement detailing, the amount owed by the members to the society and the approved organization on the members shares account and shall include any indebtedness, including the full amounts owed (inclusive of interest and other expenses) by the members to the society and approved organization, as the case may be.

Charges.
Form B.
Schedule.

20. Every charge created on crops or livestock under section 40 of the Act shall be in the form set out as Form B in the Schedule.

Memorandum
on charge.
Form C.

21. Every memorandum required by section 41 of the Act, in respect of a charge on crops or movable property, shall be in the form set out as Form C in the Schedule.

Memorandum
on
mortgages.
Form D.

22. Every memorandum required by section 41 of the Act to be prepared in respect of a mortgage of land not under the operation of the Registration of Titles Act, shall be in the form set out as Form D in the Schedule.

Release of
charges and
certain
mortgage.
Form E.

23. A release from a charge or mortgage under section 46 of the Act shall be in the form set out as Form E in the Schedule.

Offences.

24. Every person who commits an offence under these Regulations is liable on summary conviction in a Parish Court, to a fine not exceeding three million dollars or in default of payment of the fine, to imprisonment for a term not exceeding two years.

SCHEDULE

(Regulations 9, 20,
21, 22 and 23)

FORM A

(Regulation 9)

AGRICULTURAL LOAN SOCIETY AND
APPROVED ORGANIZATIONS ACT

The Agricultural Loan Societies and Approved
Organizations Regulations, 2021

Monthly Statement

Name of Society/Approved Organization _____

Month _____

<i>Receipts</i>	<i>Num</i>	<i>Present Month</i>	<i>Previous Month</i>	<i>Payments</i>	<i>Num</i>	<i>Present Month</i>	<i>Previous Month \$,000</i>
		<i>,\$000</i>	<i>,\$000</i>			<i>,\$000</i>	
BALANCES							
Cash				Cash			
Bank-lodgments				Bank-Withdrawals			
INVESTMENTS Deposits				INVESTMENTS Withdrawals			
Shares: Qualify							
Preference shares							
Ordinary				Shares Ordinary Withdrawals			
FIXED Deposits				Fixed deposit withdrawal			
Savings deposits				Savings withdrawal			
EXTERNAL FUNDED LOANS: DBJ				EXTERNAL FUNDED REPAYMENT-DBJ			
Short				PRIN Short			
Medium				PRIN Medium			
Long				PRIN Long			

SCHEDULE, *cont'd.*FORM A, *cont'd.*

<i>Receipts</i>	<i>Num</i>	<i>Present Month \$,000</i>	<i>Previous Month \$,000</i>	<i>Payments</i>	<i>Num</i>	<i>Present Month \$,000</i>	<i>Previous Month \$,000</i>
REPAYMENTS FROM BORROWERS				Disbursements TO BORROWERS			
DBJ-Short Principal				DBJ-Short Loan			
Short Interest							
Medium Principal				DBJ-Medium Loan			
Medium Interest							
Long Principal				DBJ-Long Loan			
Long Interest							
RELATED PARTY TRANS- ACTIONS				RELATED PARTY TRANS- ACTIONS			
DISPOSAL OF FIXED ASSETS				PURCHASE OF FIXED ASSETS			
INTERNALLY FUNDED LOAN REPAYMENTS				INTERNALLY FUNDED LOAN DISBURSE- MENT			
Agricultural Loan Society LOAN Short				Agricultural Loan Society LOAN Short			
Interest							
Agricultural Loan Society Medium Loan				Agricultural Loan Society Medium Loan			
Interest							
Agricultural Loan Society Long Term				Agricultural Loan Society Long Term			

SCHEDULE, *cont'd.*FORM A, *cont'd.*

PARTICULARS	Num	PRESENT MONTH	Num	PREVIOUS MONTH
1. MEMBERSHIP				
2. SHARES -PERMANENT				
ORDINARY				
3. LOAN BAL- EXT- DBJ- Agricultural				
EXT -DBJ- Others				
INT- ALS-Agricultural				
ALS-Others				
4. ARREARS- EXT-DBJ- 1-30 DAYS				
31-60 DAYS				
61 & 90 DAYS OVER				
ARREARS- INT -ALS- 1-30 DAYS				
31-60 DAYS				
61 & 90 DAYS OVER				
ARREARS-STAFF- 1-30 DAYS				
31-60 DAYS				
61 & 90 DAYS OVER				
ARREARS-COMMITTEE MEMBERS				
1-30 DAYS				
31-60 DAYS				
61 & 90 DAYS OVER				
5. DEV BK OF JAMAICA-BALANCES				
ARREARS - LOAN INSTALLMENT				
- INTEREST INSTALLMENT				
6. BANK BALANCES				
7. CASH BALANCES				
8. INVESTMENT BALANCES				
9. DEPOSIT SAVINGS SCHEME BAL				
Regular Alpha savings				

SCHEDULE, *cont'd.*

FORM A, *cont'd.*

PARTICULARS	Num	PRESENT MONTH	Num	PREVIOUS MONTH
Dormant				
Starter				
Dormant				
Stepping Stone				
Dormant				
Saving Club				
Dormant				
Partner Plan				
Dormant				
Fixed Investments				
Dormant				
OTHERS (specify)				

SIGNED _____

Position _____

Date _____

The Agricultural Loan Societies and Approved Organizations
Regulations, 2021

Additional Information Required

Particulars	Number	Present \$,000	Number	PREVIOUS \$,000
Loans Approved:				
External-DBJ-Agricultural				
External-DBJ-Non Agricultural				
Internal-ALS-Agricultural				
Internal-ALS-Non Agricultural				
Others				
MICRO-LOANS				

SCHEDULE, *cont'd.*

FORM A, *cont'd.*

Additional Information Required, *contd.*

Particulars	Number	Present \$,000	Number	PREVIOUS \$,000
Loans not Approved:				
EXTERNAL-DBJ-Agricultural				
External-DBJ-Non Agricultural				
Internal-ALS-Agricultural				
Internal-ALS-Non Agricultural				
Others				
MICRO-LOANS				
Loans -Disbursed:				
EXTERNAL-DBJ-Agricultural				
External-DBJ-Non Agricultural				
Internal-ALS-Agricultural				
Internal-ALS-Non Agricultural				
Others				
MICRO-LOANS				

SCHEDULE, *cont'd.*

FORM B

(Regulation 20)

Charge

The Agricultural Loan Societies and Approved Organizations Act, 2017 (section 40)

The Agricultural Loan Societies and Approved Organizations Regulations, 2021 (Regulation 20)

APPENDIX 1

(*Loan Instalments*)

This CHARGE is made on the.....day of.....20..... BETWEEN.....of (occupation) of the parish of (hereinafter called "the Borrower") of the ONE PART and..... of..... in the parish of.....(hereinafter called "the Lenders") of the OTHER PART:

WHEREAS the Borrower has applied to the Lenders for a loan of which the Lenders have agreed to make to the Borrower in the instalments and for the purposes set out in the Appendix hereto upon having the repayment thereof secured in manner hereinafter appearing:

Now This INSTRUMENT WITNESSETH THAT in consideration of the sum of.....(hereinafter called "the said principal sum") to be lent as aforesaid to the Borrower by the Lenders:—

APPENDIX 2

(*Repayment Instalments*)

The Borrower hereby COVENANTS with the Lenders as follows:

- (1) (a) To pay to the Lenders at.....or at such other place as the Lenders may direct the said principal sum of.....in the manner set out in [APPENDIX 7] hereto and in the meantime and so long as the said principal sum or anypart thereof shall remain unpaid to pay to the Lenders at the place aforesaid interest on the said principal sum or so much thereof as shall for the.....day of.....20..... at the rate of twelve dollars per centum per annum by quarterly payments on

SCHEDULE, *cont'd.*FORM B, *cont'd.*

the first day of each of the months of January, April, July and October in each and every year, the first of such payments to be made on theday of.....20.....

- (b) To pay to the Lenders on demand all costs charges and expenses incurred by them in the collection of any arrearages which may at any time be outstanding on the account of the Borrower or for the protection or enforcement of their rights or interests hereunder:

PROVIDED THAT if the Borrower fails to pay to the Lenders any money owing under this Charge within thirty days after payment thereof becomes due this security shall become immediately enforceable.

- (2) To deliver to the Lenders within 14 days after a written request therefor by the Lenders, a full and accurate statement of all dealings up to the date thereof with the property subject to this Charge and of the progeny, if any, of any livestock so subject and of any replacements of plant or other matters relating to the property hereby charged as the Lenders may reasonably require.

APPENDIX 3

(Disposal of Crops and Produce)

That until the Borrower receives notice in writing to the contrary from the Lenders the Borrower shall deal with and dispose of the crops and produce in the manner specified in the [APPENDIX 5].

APPENDIX 4

(Charge on Crops and Movable Property)

The Borrower hereby CHARGES the *crops and movable property* particulars whereof are set forth in the [APPENDIX 6] and including in the case of livestock any progeny thereof which may be born after the date hereof and in the case of agricultural plant any plant which may whilst this Charge is in force be substituted for the plant specified in the said Schedule with the payment to the Lenders of the said principal sum together with interest at the rate aforesaid and all other moneys hereby secured.

APPENDIX 5

(Power of Sale)

AND IT IS HEREBY AGREED AND DECLARED as follows:

- (1) That this Charge is subject to the rights and obligations conferred or imposed by the Agricultural Loan Societies and Approved Organizations Act and also to the Special Conditions of Loan set out in the [APPENDIX].

SCHEDULE, *cont'd.*

FORM B, *cont'd.*

- (2) That the Powers of Sale and all ancillary powers conferred upon Lenders by the said Act shall be exercisable by the Lenders without any notice to or demand on or consent by the Borrower NOT ONLY on the happening of the events mentioned in the said Act BUT ALSO whenever there shall be any other breach or non-observance of any of the covenants or conditions herein contained or implied AND that immediately on the happening of any of the events afore-said the principal sum and all other moneys intended to be hereby secured shall become due and payable and such moneys shall be recoverable by suit or otherwise as and for moneys then due and payable by the Borrower to the Lenders under the covenants herein contained and shall so remain until full payment thereof.
- (3) All notices shall be well and sufficiently served on the Borrower by being sent by post addressed to.....
.....P.O.

APPENDIX 6

The following crops and movable property growing on or situated at all this.....parcel of land known as.....
situated at.....in the parish of.....
(and registered/recorded at.....Folio.....)

APPENDIX 7

Special Conditions of Loan

THE BORROWER—

- (1) Shall expend the instalments of the principal sum as and when received exclusively for the purposes for which the loan has been granted as set out in the [APPENDIX 1] of this charge and to the satisfaction of the Ministry of with responsibility for agriculture.
- (2) Shall produce at such intervals as may be required by the Lenders or any person thereunto authorized, in writing, by the Lenders an account showing the manner in which the loan was expended and such account shall be verified on oath or in such other manner as may be required by the Lenders or by such person.
- (3) Shall insure and keep insured in the name of the Lenders with a company to be approved of by the Lenders in such sum and against such risks as the Lenders shall require all property, from time to time, subject to this Charge.

SCHEDULE, *cont'd.*

FORM B, *cont'd.*

- (4) Shall maintain the cultivation of any crop subject to this Charge in good and husbandlike manner.
- (5) Shall keep in good and substantial repair all movable property subject to this Charge.
- (6) Shall permit the Lenders or any person authorized, in writing, for the purpose by the Leaders to inspect, from time to time, the crops or properly subject to the Charge.
- (7) Shall not remove, dismantle, or in any way alter any property subject to the Charge without the prior consent, in writing, of the Lenders.

If the Borrower fails to discharge any of the obligations imposed upon him by the Agricultural Loan Societies and Approved Organizations Act or by this Charge, no instalment not yet paid by the Lenders shall be payable and the provisions of paragraph 3 of this Charge shall become enforceable by the Lenders.

SIGNED by the said }
 }
 in the presence of: }

.....
 Justice of the Peace

RECEIPT

Received from the
 the sum of.....being the first
 instalment on account of the loan of

.....
 Date

.....
 Signature of Borrower

SCHEDULE, *cont'd.*

FORM C

(Regulation 21)

THE AGRICULTURAL LOAN SOCIETIES AND APPROVED ORGANIZATIONS ACT

(section 41)

The Agricultural Loan Societies and Approved Organizations Regulations, 2021

(Regulation 20)

MEMORANDUM to the Deputy Keeper of the Records in respect of a CHARGE (on crops and / or movable property created under section 40)

Name and address of Borrower: P.O.

Name and address of Lenders: P.O.

Date of Charge:

Consideration:

Description of the crops and/or Movable property charged: (Where crops are growing on land under the Registration of Titles Act, state Volume and Folio).

Dated this.....day of.....20.....

..... Signature of Borrower

..... Signature of Witness

NOTE: Where the Charge affects crop growing on land which is under the Registration of Titles Act, a copy of this Memorandum should also be transmitted to the Registrar of Titles in order that a Caveat may be lodged against the title to the land.

SCHEDULE, *cont'd.*

FORM D

(Regulation 22)

THE AGRICULTURAL LOAN SOCIETIES AND APPROVED ORGANIZATIONS ACT

(section 41)

The Agricultural Loan Societies and Approved Organizations Regulations, 2021 (Regulation 22)

MEMORANDUM to the Deputy Keeper of the Records in respect of a MORTGAGE (of land not under the Registration of the Titles Act)

Name and address of Mortgagor: P.O.

Name and address of Mortgagor: P.O.

Name and address of Mortgagees: P.O.

Date of Mortgage:.....

Consideration:.....

Description of premises: all this.....

Dated this..... day of 20.....

.....
Signature of Mortgagor

.....
Signature of Mortgagor

.....
Signature of Witness

SCHEDULE, *cont'd.*

FORM E

(Regulation 23)

THE AGRICULTURAL LOAN SOCIETIES AND APPROVED ORGANIZATIONS ACT

(section 46)

The Agricultural Loan Societies and Approved Organizations Regulations, 2021

(Regulation 23)

Release

The
of P.O.
hereby acknowledge the receipt from
of P.O. of all amounts owing in
respect of a loan of
secure by a Mortgage / Charge
dated and HEREBY RELEASE
from the said Mortgage / Charge the land crops (growing on lands registered at
Volume.....Folio.....and movable property described in the
Memorandum dated.....to the Deputy Keeper of the Records.

(Seal)

.....
Secretary of

.....
Date

Dated this 10th day of December, 2021.

AUDLEY SHAW
Minister of Industry, Investment and Commerce