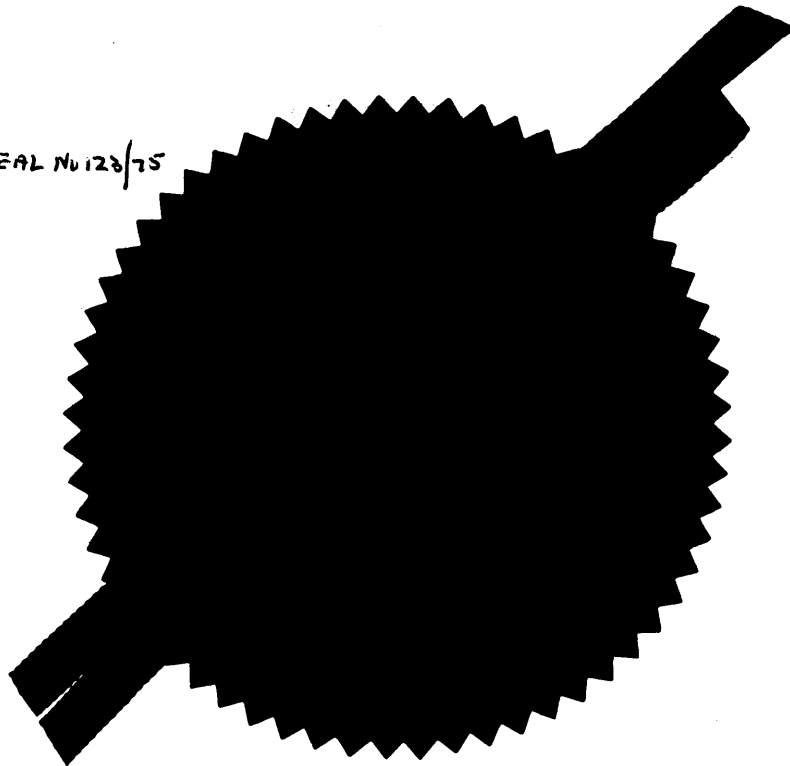


SEAL No 123/75



**GUYANA**

ACT No. 5 of 1975

MINERS ASSISTANCE ACT 1975

I assent.

*A. Chung*  
A. CHUNG,  
President.  
7<sup>th</sup> March, 1975.

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MINERS ASSISTANCE

[No. 5

AN ACT to provide for the establishment of a Miners Assistance Fund to aid miners in the orderly and effective extraction of valuable minerals.

Enacted by the Parliament of Guyana:—

A.D. 1975

## PART I

### SHORT TITLE AND INTERPRETATION

1. This Act may be cited as the Miners Assistance Act 1975. Short title.
2. In this Act — Interpretation .
  - “application” means an application for assistance;
  - “assistance” means miners assistance granted to a miner for the purpose specified in this Act;
  - “Committee” means the Advisory Committee constituted under section 8;
  - “equipment” means equipment used or to be used in carrying on the extraction of valuable minerals;
  - “Fund” means the Miners Assistance Fund established under section 3;
  - “miner” means a person who prospects for, locates claims for, exploits and processes valuable minerals;
  - “valuable minerals” means gold and precious stones.

## PART II

### THE FUND

3.(1) There is hereby established a Fund to be known as the Miners Assistance Fund to be applied for the purpose specified in section 5. Establishment of the Fund.

(2) At the commencement of this Act, the Permanent Secretary shall transfer to the Fund —

- (a) all sums appropriated by Parliament that are standing or paid to his credit, and
  - (b) all sums hereafter accruing to him,
- for the purposes specified in section 5.

4. The Fund shall consist of — Composition of the Fund.
  - (a) sums transferred to it under section 3;
  - (b) sums appropriated to it by Parliament;
  - (c) sums received as repayment;

- (d) sums accruing by way of interest on moneys of the Fund deposited or invested under section 6;
- (e) sums arising from the sale of equipment; and
- (f) such other sums that may lawfully accrue to it.

Application of the Fund. 5. The Fund shall be applied for the purposes specified as follows —

- (a) to subsidise transportation by air to a mining district;
- (b) to assist miners in the purchase of equipment for use in mining operations and of food supplies;
- (c) to establish and maintain a mine;
- (d) to purchase, install, alter or improve equipment for mining operations;
- (e) to construct, excavate, alter, repair or improve works for the purpose of mining;
- (f) to construct, paint, repair, or make any structural alterations or additions to any building on a mine other than a building used or to be used mainly as a dwelling;
- (g) to pay expenses properly incurred in the administration of this Act; and
- (h) such other purposes as the committee thinks fit.

Deposit and investment of the Fund. 6. The Fund shall be deposited with the Bank of Guyana and any part of the Fund that is not required for early disbursement may be invested in such securities as the Minister responsible for finance may approve.

Laying of report before National Assembly. 7. The Minister shall, within six months of the end of that year, lay before the National Assembly a report on the transactions of the Fund during the preceding financial year.

### PART III

#### ADVISORY COMMITTEE

Advisory Committees 8.(1) There is hereby constituted an Advisory Committee consisting of members appointed by the Minister.

- (2) The Committee shall consist of the following members—
  - (a) the Permanent Secretary, who shall be the chairman;
  - (b) a Principal Assistant Secretary, who shall be the vice-chairman;

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- (c) two technical officers of the Department of Geological Surveys and Mines;
  - (d) the Chief Interior Development Officer or his representative;
  - (e) a Secretary; and
  - (f) not more than two persons (hereinafter referred to as appointed member) appointed by the Minister.
- (3) Every appointed member shall hold office for two years from the day of his appointment, but is eligible for re-appointment.
- (4) Five members present at a meeting shall form a quorum.
- (5) The Minister may grant leave of absence to an appointed member.
- (6) An appointed member vacates his office —
- (a) if he resigns in writing addressed to the Minister;
  - (b) if he departs from Guyana without leave of the Minister or remains out of Guyana after the expiration of his leave; or
  - (c) if he fails without reasonable excuse, the sufficiency whereof is determined by the Minister, to attend three consecutive meetings of the Committee.

9. The functions of the Committee are to make recommendations to the Minister in respect of —

Functions of the Committee.

- (a) the establishment and operation of a scheme to assist miners;
- (b) the operation of the Fund;
- (c) the granting of assistance to miners;
- (d) the improvement and development of the mining industry and of a mining district.

10. The Committee shall meet at least once in every month on such date as may be fixed by the Committee.

Meetings of the Committee.

#### PART IV

#### APPLICATION

11.(1) An application shall be made to the Permanent Secretary who shall forward it to the Committee.

Application.

- (2) The application shall —
- (a) be in writing;

- (b) contain information as to the purposes for which the proceeds for assistance are to be expended and as to the cost or estimated cost of carrying out such purposes; and
- (c) disclose any principal amount that the applicant owes in respect of assistance previously granted to him.

Minister  
may grant  
assistance.

12. The Minister, upon application by a miner, may, on the recommendation of the Committee, grant assistance to the miner out of the Fund for the purposes specified in section 5 subject to such terms and conditions as the Minister may determine and to such security pursuant to section 16.

Amount of  
assistance.

13.(1) The principal amount granted on any such application together with any amount disclosed therein as required by section 11(2)(c) shall not be more than five thousand dollars.

(2) The limit on the principal amount specified in subsection (1) does not apply in the case of a co-operative society registered under the Co-operative Societies Act.

Cap. 88:01

Repayment of  
assistance.

14. The principal amount of assistance is repayable within a period not exceeding one year after the granting thereof except that the Minister may in his discretion extend the period of repayment.

Use of  
assistance.

15. The miner shall not use the assistance other than for any of the purposes specified in section 5.

## PART V

### GUARANTEE

Security.

16. A miner shall not receive a grant out of the Fund unless he has given security which the Minister in his discretion thinks fit.

Assistance  
cancelled or  
modified.

17. At any time after the approval of the granting of assistance and before its actual payment, the approval may be cancelled or modified without a reason being furnished therefor.

Recipient to  
pay legal  
expenses.

18. Every security in respect of assistance shall be prepared by the Ministry and the miner shall pay the legal expenses in connection therewith and shall also pay all necessary disbursements.

Refusal to  
advance  
assistance.

19. Where approval is given to grant assistance by instalments and a part of the assistance has not yet been advanced the Minister may, without prejudice to any other remedy, refuse to advance a portion of the assistance if —

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- (a) the miner keeps <sup>unpaid</sup> ~~upaid~~ any sum of money, whether principal or interest due in respect of assistance granted;
- (b) the miner, in the opinion of the Minister —
- (i) has not applied within a reasonable time any assistance previously granted to him by the Ministry for the purposes for which it was granted; or
- (ii) has not carefully or economically expended the assistance;
- (c) the miner becomes insolvent or is sentenced to a term of imprisonment without the option of the payment of a fine or assigns his estate for the benefit of his creditors; or
- (d) the miner fails to comply with or to observe any condition that is attached to the grant of the assistance.

20. It is a condition in every agreement for assistance that is granted for the purposes specified in section 5 that on failure of the miner to repay the assistance within the period mentioned in section 14 the Permanent Secretary or any other officer of the Ministry authorised in writing by him, may seize and detain any valuable minerals owned by the miner or any equipment or other article relating to the mining operation for which assistance was granted and may dispose of it by sale to recover the assistance.

Condition in agreement for assistance.

## PART VI

## REGULATIONS

21. Subject to negative resolution of the National Assembly, the Minister may make regulations generally, for carrying into effect the purposes and provisions of this Act.

Regulations.

## PART VII

## OFFENCE AND PENALTY

22. Every person who —

- (a) knowingly makes any false statement or misrepresentation in an application or document or wilfully furnishes any false or misleading information in an application or document; or

Offence and penalty.

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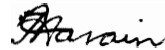
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(b) being a miner, uses the proceeds of the assistance for a purpose other than that stated in his application,

is liable on summary conviction to a fine of five hundred dollars or to imprisonment for twelve months.

*Passed by the National Assembly on the 26th February, 1975.*



F. A. Narain,  
Clerk of the National Assembly.

(Bill No. 5/1975)

(ENR: 22/16)