

SEAL NO 124/71



## GUYANA.

ACT NO. 6 OF 1971.

### RICE FARMERS (SECURITY OF TENURE) (AMENDMENT) ACT, 1971.

I assent.

*A. Burnham*  
President.  
14<sup>th</sup> April, 1971.

#### Arrangement of Sections.

##### Section.

1. Short title.
2. Amendment of section 2 of the Principal Ordinance.
3. Amendment of section 7 of the Principal Ordinance.
4. Amendment of section 8 of the Principal Ordinance.
5. Amendment of section 11 of the Principal Ordinance.
6. Amendment of section 15 of the Principal Ordinance.

7. Amendment of section 17 of the Principal Ordinance.
8. Amendment of section 26 of the Principal Ordinance.
9. Amendment of section 29 of the Principal Ordinance.
10. Amendment of section 31 of the Principal Ordinance.
11. Amendment of section 33 of the Principal Ordinance.
12. Amendment of section 34 of the Principal Ordinance.
13. Amendment of section 36 of the Principal Ordinance.
14. Amendment of section 37 of the Principal Ordinance.
15. Amendment of section 38 of the Principal Ordinance.
16. Amendment of section 39 of the Principal Ordinance.
17. Amendment of section 40 of the Principal Ordinance.
18. Amendment of section 43 of the Principal Ordinance.
19. Amendment of section 51 of the Principal Ordinance.
20. Amendment of section 56 of the Principal Ordinance.
21. Amendment of the Principal Ordinance.

AN ACT to amend the Rice Farmers (Security of Tenure) Ordinance, 1956.

A.D. 1971. Enacted by the Parliament of Guyana :—

Short title.  
No. 31 of  
1956.

1. This Act which amends the Rice Farmers (Security of Tenure) Ordinance, 1956, may be cited as the Rice Farmers (Security of Tenure) (Amendment) Act, 1971.

Amendment  
of section 2  
of the  
Principal  
Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended in the following respects —

- (a) by the insertion immediately after the word "paddy", appearing in the definition of "estate charges", of the words "but shall not include expenses incurred by a landlord in the employment of an agent or in the administration of his business as a landlord";
- (b) by the insertion immediately after the word "person" appearing in the definition of "landlord" of the words "other than the State or the Guyana Rice Corporation";
- (c) by the deletion of all the words appearing after the word "standards" in the definition of "rice land";
- (d) by the addition immediately after the words "rice lands" in the definition of the expression "rules of good estate management" of the words "and to modern agricultural methods and standards"; and
- (e) by the substitution for the definition of "tenant" of the following definition —

“tenant” includes —

- (i) a sub-tenant and the executor, administrator, transferee or legatee of a tenant or sub-tenant, or other person deriving title from a tenant or sub-tenant; and
- (ii) for the purpose of the due appearance by the tenant before a committee, a person who to the committee’s satisfaction cultivates or manages the holding on behalf of a tenant; .

3. Section 7 of the Principal Ordinance is hereby amended in the following respects —

Amendment  
of section 7  
of the  
Principal  
Ordinance.

- (a) by the insertion in subsection (1) immediately after the word “landlord” of the words “other than a landlord of rice lands not exceeding in the aggregate five acres, the proof whereof shall lie on him,”; and
- (b) by the insertion in subsection (3) immediately after the word “dollars” of the words

“and in relation to any period during which such failure subsisted or continues he shall not be entitled to any of the privileges, benefits or protection conferred upon a landlord by this Ordinance”.

4. Subsection (2) of section 8 of the Principal Ordinance is hereby amended by the deletion of paragraphs (b), (c), and (d) and the substitution therefor of the following paragraphs —

Amendment  
of section 8  
of the  
Principal  
Ordinance.

- “(b) one person who is an Agricultural officer not below the rank of an Agricultural Field Assistant in the Ministry responsible for agriculture;
- (c) two persons who are landlords of rice lands in the area in respect of which the committee is appointed;
- (d) two persons who are tenants of rice lands in the area in respect of which the committee is appointed”.

5. Section 11 of the Principal Ordinance is hereby amended by the re-lettering of paragraph (l) as paragraph (n) and the insertion of the following paragraphs —

Amendment  
of section 11  
of the  
Principal  
Ordinance.

- “(l) to hear and determine an application for re-instatement by a tenant who alleges that he has been unlawfully dispossessed of his holding by a landlord or his agent and to award damages whether in lieu of or in addition to an order for re-instatement;
- (m) to hear an application for and certify any amount due to a landlord as rent by a tenant;”.

Amendment  
of section 15  
of the  
Principal  
Ordinance.

6. Section 15 of the Principal Ordinance is hereby amended by the deletion of the words "under subsection (1) of section 12 of this Ordinance has been made" and the substitution therefor of the words "to the committee has been made under this Ordinance".

Amendment  
of section 17  
of the  
Principal  
Ordinance.

7. Subsection (2) of section 17 of the Principal Ordinance is hereby amended by the substitution of the words "by the committee" for the words "under this section".

Amendment  
of section 26  
of the  
Principal  
Ordinance.

8. (1) Section 26 of the Principal Ordinance is hereby amended in the following respects—

- (a) by the substitution in subsection (5)—
  - (i) for the words "a Judge of the Supreme Court sitting in Chambers who" of the words "the Full Court of the High Court which";
  - (ii) for the word "him" appearing in paragraph (a) of the words "the Court"; and
  - (iii) for the word "Judge" appearing in paragraph (b) of the word "Court";
- (b) by the substitution in subsection (6) for the words "by the Judge" of the words "on appeal";
- (c) by the deletion of subsection (7);
- (d) by the renumbering of subsection (8) as subsection (7) and the substitution therein for the words "of the Judge" of the words "on appeal" and for the words "paragraph (b)" of the words "paragraph (a)";
- (e) by the repeal of subsections (9) and (10); and
- (f) by the substitution in subsection (11) for the word "Judge" of the word "Court" and the renumbering of that subsection as subsection (8).

(2) Nothing in subsection (1) shall be construed as applying the provisions thereof to any decision of a committee made or given before the coming into operation of that subsection.

Amendment  
of section 29  
of the  
Principal  
Ordinance.

9. Subsection (2) of section 29 of the Principal Ordinance is hereby amended in the following respects —

- (a) by the deletion of the words "of subsections (2), (3) and (4)" appearing in paragraph (j);
- (b) by the substitution of the words "; or" for the comma appearing in paragraph (i);
- (c) by the addition of the following paragraph —
  - "(m) the landlord of rice lands not exceeding in the aggregate ten acres, the proof whereof shall lie on him, and who is not a tenant requires the land for his own use in the cultivation of paddy,"; and



- (d) by the substitution of a colon for the full stop appearing at the end of the subsection and the addition of the following proviso —

“Provided that no order or judgement for the recovery of possession or for the ejectment of a tenant shall be made or given —

- (a) by reason of the non-payment of rent if the tenant's failure to do so has been occasioned by a total failure of his crop on account of an act of God, the proof whereof shall lie on the tenant; or
- (b) under paragraph (m) unless the committee is satisfied that the landlord would suffer greater hardship than his tenant unless he is granted possession and for that purpose shall, having regard to all relevant circumstances consider whether other rice lands are available to the tenant or under cultivation by him and, if so, whether any undue economic hardship would ensue to the landlord should an order be refused, save however, where such an order is made under the said paragraph the provisions of section 32 shall *mutatis mutandis* apply.”

10. Section 31 of the Principal Ordinance is hereby amended by the insertion immediately after the word “zone” of the following words “and if no crop has been planted, then on 30th April next”. Amendment of section 31 of the Principal Ordinance.

11. The proviso to section 33 of the Principal Ordinance is hereby amended by the substitution of the words “(k), (l) or (m)” for the words “(k) or (l)”. Amendment of section 33 of the Principal Ordinance.

12. Section 34 of the Principal Ordinance is hereby amended in the following respects — Amendment of section 34 of the Principal Ordinance.

- (a) by the insertion immediately after the word “consent” of the words “in writing signed in the presence of two witnesses one of whom shall, in the case of a tenant being unable to sign his name, be a justice of the peace or a member of the local government authority for the area where the holding in question is situated”;
- (b) by the renumbering of the section as section 34(1) and the addition of the following subsections —

(2) Where a tenant has been dispossessed of his holding by a landlord, otherwise than as provided in this Ordinance, a committee may, upon an application by the tenant and on proof of such dispossession, order that the tenant be re-instated and, whether in

addition thereto or in lieu thereof, issue a certificate awarding such sum as the committee considers reasonable as damages.

(3) Without prejudice to the provisions of subsection (2) a landlord who dispossesses, or causes to be dispossessed, a tenant of his holding, otherwise than as provided in this Ordinance, shall be liable on summary conviction to a fine of one thousand dollars and, in addition, to a fine of ten dollars for each day the tenant is kept out of possession."

Amendment  
of section 36  
of the  
Principal  
Ordinance.

13. Section 36 of the Principal Ordinance is hereby amended in the following respects —

- (a) by the repeal of subsections (2), (3) and (4) and the substitution therefor of the following subsection —  
“(2) If a tenant desires to transfer his agreement of tenancy and his landlord is or appears to be unwilling to give his consent to the transfer, the tenant may make application in writing to the assessment committee for the area in which his holding is situate for an order that he is entitled to transfer his agreement of tenancy on a day specified without the consent of the landlord.”; and
- (b) by the re-numbering of subsections (5) and (6) as subsections (3) and (4), respectively.

Amendment  
of section 37  
of the  
Principal  
Ordinance.

14. Section 37 of the Principal Ordinance is hereby amended in the following respects —

- (a) by re-numbering the section as section 37(1); and
- (b) by the addition of the following subsection —  
“(2) In the event of a tenant dying intestate —
  - (a) the widow or widower who was residing with the tenant at the time of death; or
  - (b) where there is no such widow or widower the reputed spouse of the tenant with whom the tenant at the time of his death had his home established for not less than one year prior thereto; or
  - (c) where there is no such widow, widower or reputed spouse, such member of the tenant's family or household as was residing with, and dependant upon, the tenant at the time of his death,

shall within six months of the date of death be entitled to make an application for a transfer of the

tenancy if the landlord is or appears to be unwilling to give his consent for the transfer and the provisions of subsection (1) shall *mutatis mutandis* apply."

15. Section 38 of the Principal Ordinance is hereby amended in the following respects—

Amendment  
of section 38  
of the  
Principal  
Ordinance.

- (a) by the substitution of a colon for the full stop appearing at the end of subsection (2) and the insertion immediately thereafter of the following proviso —

"Provided that if the committee considers that the breach by the tenant of the rules of good husbandry is of such a nature that an order for the payment of damages by the tenant to the landlord in lieu of the issue of a certificate would be just and reasonable the committee shall assess and fix the amount to be paid on such terms and conditions as it may determine."; and

- (b) by the addition of the following subsections —

"(6) Where at the hearing of an application by a tenant under this section it is alleged by the landlord that, but for the unreasonable refusal of a local government authority to permit him to carry out certain works, he would observe the rules of good estate management, the committee may adjourn the hearing of the application and by notice to that authority require it to be represented before the committee on the date specified in such notice.

(7) Where the authority appears, or fails to be represented, on the specified date the committee may proceed to hear the application and if it is satisfied that the landlord would not have committed a breach of the rules of good estate management but for the unreasonable refusal of the authority the committee shall so state in the certificate issued under this section and any damages to be paid by a landlord pursuant to such a certificate may be recovered by him from the authority and the provisions of section 52 shall *mutatis mutandis* apply.

(8) The procedure set out in section 12 shall *mutatis mutandis* apply to an application made under this section.

(9) The provisions of section 26 (regarding an appeal by a landlord or tenant) shall *mutatis mutandis* apply to a local government authority dissatisfied with a decision of a committee under subsection (7), and in any such appeal by the authority, the tenant and the landlord in the proceedings before the com-

mittee from which the appeal is brought shall be the respondents to the appeal.”

Amendment  
of section 39  
of the  
Principal  
Ordinance.

16. Section 39 of the Principal Ordinance is hereby amended in the following respects —

- (a) by the deletion from subsection (1) of the words “to give his tenant notice of his intention”; and
- (b) by the repeal of subsections (3) and (4).

Amendment  
of section 40  
of the  
Principal  
Ordinance.

17. Section 40 of the Principal Ordinance is hereby amended by the insertion in subsection (1) immediately after the words “rice land” of the words “in accordance with section 29(2) (m) or”.

Amendment  
of section 43  
of the  
Principal  
Ordinance.

18. Section 43 of the Principal Ordinance is hereby amended in the following respects—

- (a) by the deletion of paragraph (a) of subsection (1) and the substitution therefor of the following paragraph—
  - “(a) if, within five years of such order or judgment, the landlord without first obtaining the permission of the committee sells or otherwise disposes of the holding, or uses, or permits to be used, or lets, the holding for any purpose other than that which constituted the ground on which the order was made or the judgment was given;”;
- (b) by the substitution for the words “two hundred and fifty dollars”, appearing in subsection (1) of the words “five hundred dollars and, in addition thereto, a sum of one hundred dollars for every acre in excess of five acres in respect of which the order was made”;
- (c) by the substitution for the word “(8)” of the word “(7)” appearing in paragraph (b) of the proviso to subsection (4); and
- (d) by the substitution for the words “the decision of the Judge,” in paragraph (c) of the proviso to subsection (4), of the words “any order entered pursuant to the disposal of the appeal.”

Amendment  
of section 51  
of the  
Principal  
Ordinance.

19. Subsection (1) of section 51 of the Principal Ordinance is hereby amended by the substitution of a colon for the full stop at the end thereof and the addition of the following proviso—

“Provided that—

- (a) where an equitable remedy is sought (whether or not in conjunction with any other remedy) such



- claim or other proceedings may be made or instituted in the High Court;
- (b) any sum due as rent by a tenant in respect of rice lands may only be sued for upon a certificate of a committee issued pursuant to an application under paragraph (m) of section 11, such certificate being *prima facie* evidence of the amount due at the date of issue;
- (c) notwithstanding anything to the contrary in any law the State or the Guyana Rice Corporation may institute a claim for such an amount in like manner without any such certificate.”

20. Section 56 of the Principal Ordinance is hereby amended in the following respects—

Amendment  
of section  
56 of the  
Principal  
Ordinance.

- (a) by the deletion of the words “oxen (not exceeding four oxen for every five acres or part thereof) for such period as may be necessary during any year” and by the substitution therefor of the words “cattle (not exceeding eight heads for the first ten acres or part thereof and not more than four <sup>for</sup> each additional five acres) for that period of the year during which no crop is planted”;
- (b) by the repeal of subsection (3) and the substitution therefor of the following subsection—

“(3) Any tenant who by any wilful or negligent act or omission permits any cattle kept and used on his holding in accordance with the provisions of subsection (1) to damage the property of the landlord, or retains such cattle on his holding during a period otherwise as permitted by that subsection, after having been notified in writing by the landlord to remove such cattle, shall on summary conviction thereof be liable to a fine of fifty dollars.”

21. The Principal Ordinance is hereby amended in the following respects—

Amendment  
of the  
Principal  
Ordinance.

- (a) by the substitution of the word “Minister” for the words “Governor” and “Governor in Council” wherever they respectively appear;
- (b) by the repeal of sections 57, 59, 60 and 61; and
- (c) by the renumbering of section 58 as section 57.

Passed by the National Assembly on the 25th March, 1971.

  
Clerk of the National Assembly.