



## GUYANA

ACT No. 5 of 1983

GUYANA EXPORT PROMOTION COUNCIL ACT 1983

I assent,

A handwritten signature in blue ink, appearing to read 'L.F.S. GUNDRAM', written over a horizontal line.

L.F.S. GUNDRAM

President

1983-03-21

### ARRANGEMENT OF SECTIONS

#### SECTION

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## SCHEDULE

AN ACT to establish the Guyana Export Promotion Council to promote export trade in Guyana.

A.D. 1983 Enacted by the Parliament of Guyana:—

Short title.           1.     This Act may be cited as the Guyana Export Promotion Council Act 1983.

Interpretation.       2.     In this Act —  
                               “Council” means the Guyana Export Promotion Council established by section 3.

Establishment and incorporation of Council.     3. (1) There is hereby established a body corporate to be known as the Guyana Export Promotion Council.

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

(3) The Minister may by order amend the provisions of the Schedule.

Functions of Council.   4. (1) It shall be the function of the Council —

- (a) from time to time, to make recommendations and tender advice to the Minister on the formulation of national export policies and on the implementation of such policies;
- (b) from time to time, to make recommendations and tender advice to the Minister on practical measures to stimulate the export trade of the country; and
- (c) to promote and enhance the orderly development of the export trade of the country.

(2) Subject to the provisions of this Act and to any directions given by the Minister, the Council shall, for the purpose of the discharge of its functions under subsection (1), have power to do all such things and engage in all such activities as are in its opinion necessary for, or conducive to, the proper discharge of its functions, including (without prejudice to the generality of the foregoing) research, training consultancy and advisory activities and the compilation and issue of journals, bulletins and other publications.

(3) The Minister may in writing exclude specified products from the purview of the Council.

5. (1) The Council, with the approval of the Minister, may employ at such remuneration and on such other terms and conditions as it thinks fit (including the payment of pensions, gratuities and other like benefits by reference to the service of its officers and other employees) a Chief Executive Officer and such other officers and employees as the Council may require to carry out its functions effectively.

Employment  
of staff of  
Council.

(2) The Council may, at any time, retain the services of experts and other professional persons and may pay such remuneration in respect thereof as the Council, with the approval of the Minister, may determine.

6. (1) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Council, section 5 of that Act shall apply to him as if his service with the Council were service in a public office.

Secondment  
or transfer  
of officers to  
Council.

Cap. 27:02

(2) Where a public officer is transferred from a pensionable office to an office with the Council, his service with the Council shall be other public service within the meaning of, and for the purpose of such provisions applicable in relation thereto as are contained in, the Pensions Act (including the Pensions Regulations 1957).

(3) Subsections (1) and (2) shall, as they apply in relation to a public officer, apply **mutatis mutandis** in relation to a teacher to

Cap. 39:05 whom the Teachers' Pensions Act applies and who is employed by the Council.

Remuneration of members. 7. There shall be paid to the members of the Council such remuneration, whether by way of salaries or travelling or other allowances, as the Minister may determine.

Disclosure of interest. 8. It shall be the duty of a member who is in any way, whether directly or indirectly, interested in any contract or any other arrangement with the Council to declare the nature of his interest at a meeting of the Council and he shall not take part in any discussion of, or vote on any question relating to, the contract or other arrangement.

Protection of persons acting under this Act, Cap. 5:07 9. Any person acting under this Act shall be entitled to the protection afforded by the Justices Protection Act.

Funds and resources of Council. 10. (1) The funds and resources of the Council shall consist of —

- (a) such sums as may be provided by Parliament;
- (b) revenue obtained by virtue of the provisions of section 11;
- (c) such moneys or other assets as may accrue to, or vest in the Council by way of grants, subsidies, bequests, donations or gifts;
- (d) sums borrowed by the Council for the purpose of meeting any of its obligations or discharging any of its functions;
- (e) all other sums or property that may in any manner become payable to or vested in the Council in respect of any matter incidental to its powers and duties.

(2) The expenses of the Council including any remuneration of its members, officers and employees shall be paid out of the funds and resources of the Council.

Charging of fees for service rendered 11. Subject to the provisions of any regulations made under section 19, the Council may, in respect of any services rendered by it under this Act charge such fees or make such financial arrangements as it may deem fit.

12. The Council may, with the approval of the Minister responsible for finance, borrow any moneys required by it for meeting any of its obligations or discharging any of its functions.

Borrowing powers of Council.

13. (1) With the approval of the National Assembly, the Minister responsible for finance may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and interest on any authorised borrowings of the Council.

Guarantee by Minister of Finance of borrowing by Council and repayment of sums paid to meet guarantees.

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

(3) The Council shall make to the Accountant General, at such time and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of any such sum issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister responsible for finance may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

14. (1) The Council shall, in accordance with the directions of the Minister, submit to the Minister for approval, estimates of revenue and expenditure for the ensuing financial year.

Estimates, accounts and audit

(2) The Council shall keep proper accounts and other records in respect of its operations and the accounts shall be audited annually by an auditor appointed by the Council with the approval of the Minister.

(3) All books of accounts kept by the Council shall be subject to examination and audit at any time by the Auditor General.

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

15. (1) The Council shall not later than six months after the end of each financial year submit a report to the Minister containing —

Report.

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

(b) a statement of the accounts of the Council audited in accordance with section 14 (2).

(2) A copy of the report together with a copy of the auditor's report shall be printed and laid before the National Assembly.

Power of Minister to give directions to Council,

16. The Minister may give to the Council written directions of a general or special character as to the policy to be followed by the Council in the discharge of its functions and the Council shall give effect to those directions.

Exemption from taxes and duties.

17. The Council shall be exempt from the payment of customs duty, capital gains tax, corporation tax, income tax, property tax and purchase tax.

Limitation provisions excluded. Cap. 7:02

18. The Limitation Act shall not apply to proceedings instituted by the Council for the recovery of moneys due to the Council or any other property to which a claim is made by the Council.

Regulations.

19. The Minister may, after consultation with the Chairman of the Council, make regulations for the carrying out of the provisions of this Act.

### Section 3 SCHEDULE

1. The Council shall consist of such number of members, appointed by the Minister, being not less than nine and not more than fifteen as in the opinion of the Minister are necessary or desirable to facilitate the proper functioning of the Council.

2. The members of the Council shall be appointed from among persons who in the opinion of the Minister are qualified for appointment by reason of their experience of and proved capacity in matters relating to the functions of the Council and whose selection reflects the widest possible representation of entities which would have an interest in promoting the objectives and utilising the services of the Council.

3. The Minister shall after consultation with the members of the Council appoint one of the members of the Council to be the Chairman of the Council.

4. The Council shall appoint one of the members of the Council to be the Vice-Chairman of the Council.

5. The duties of the Chief Executive Officer appointed under section 5(1) shall include the responsibility for the management of any office or secretariat that the Council may establish and for the organisation and discipline of the staff in accordance with the general terms and conditions of service determined by the Council with the approval of the Minister.

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6. If the Chairman is absent or is unable to act or if the office is vacant, the Vice-Chairman shall have and may discharge the functions of the Chairman.

7. A member of the Council may at any time resign by written notice to that effect to the Minister.

8. The Council shall meet whenever necessary to ensure the proper discharge of its functions under this Act or whenever directed by the Minister or by the Chairman of the Council and the Council may regulate its own procedure.

*Passed by the National Assembly on 1983—02—24.*

*F. A. Narain*

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

(Bill No. 5/1983).