



ACT No. 2 of 1989

MISCELLANEOUS ENACTMENTS (AMENDMENT) ACT 1989

I assent,

H. D. HOYTE,
President.

1989—05—12

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of certain enactments.

SCHEDULE

AN ACT to amend certain enactments.

A.D. 1989 Enacted by the Parliament of Guyana :—

Short title. 1. This Act may be cited as the **Miscellaneous Enactments (Amendment) Act 1989**.

Amendment of certain enactments. 2. The enactments specified in the first column of the Schedule are hereby amended in the manner specified in the corresponding entry in the second column of that Schedule.

SCHEDULE

Section 2

Enactments	Amendments		
Summary Jurisdiction (Appeals) Act, Cap. 3:04			
Section 9(1)	After "severe" insert "or unduly lenient".		
Summary Jurisdiction (Procedure) Act, Cap. 10:02			
Section 37	After "exceeding" insert "seven thousand".		
Section 38	For the words beginning with "where the sum" and ending with "six months" substitute —		
	<table border="0"> <tr> <td data-bbox="368 1065 687 1151">"where the sum of money adjudged to be paid by an order</td> <td data-bbox="801 1065 998 1122">the period shall not exceed —</td> </tr> </table>	"where the sum of money adjudged to be paid by an order	the period shall not exceed —
"where the sum of money adjudged to be paid by an order	the period shall not exceed —		
	does not exceed \$100.00 ten days;		
	exceeds \$100.00 but does not exceed \$150.00. twenty-one days;		
	exceeds \$150.00 but does not exceed \$750.00 six weeks;		
	exceeds \$750.00 but does not exceed \$4000.00 three months;		
	exceeds \$4000.00 but does not exceed \$7500.00 five months;		
	exceeds \$7500.00 nine months."		

Enactments**Amendments**

Section 61 (1)

The Proviso

For "three years" substitute "five years" and for "four thousand" substitute "fifteen thousand".

Exchange Control Act,
Cap. 86:01FIFTH SCHEDULE
PART IIParagraph 1
Subparagraph 3 (a)

For "and to imprisonment for two years" substitute "together with imprisonment for three years".

Subparagraph 3 (b)

For "and to imprisonment for four years" substitute "together with imprisonment for six years".

Paragraph 2
Subparagraph 5

After subparagraph (4) insert the following subparagraph as subparagraph (5) —

Cap. 82:01

"(5) In any proceedings for an offence punishable under this Act or the Customs Act where the offence is concerned with any gold, foreign currency, cheque or security it shall be presumed, until the contrary is proved, that —

(a) **the said gold —**

(i) **where it is a coin, is genuine legal tender validly issued in the country of issue by the duly authorised person or authority appearing on the face thereof;**

(ii) **where it is bullion, is genuine;**

(b) **the said currency is genuine legal tender validly issued in the country of issue by the duly authorised person or authority appearing on the face thereof;**

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Medical Service Ordinance, Cap. 134 of 1953 ed.	(c) the said cheque or security is valid.
Section 16(1) Paragraph (c)	For "three" substitute "five".
Section 20	For "three" substitute "four".
Public Health Ordinance, Cap. 145 of 1953 ed.	
Section 22(1) Paragraph (b)	For the full stop at the end substitute a colon and insert the following proviso — <p data-bbox="358 824 995 967">"Provided that where the suspected infectious disease is the disease Acquired Immune Deficiency Syndrome (AIDS), any notice or certificate mentioned in paragraph (a) or (b) shall be sent to the Minister and to no other person."</p>
Section 22(2)	For "a penalty not exceeding ten dollars" substitute — <p data-bbox="389 1073 995 1211">(i) where the infectious disease is the disease Acquired Immune Deficiency Syndrome (AIDS), a fine not exceeding five thousand dollars and imprisonment for not more than three years;</p> <p data-bbox="389 1235 995 1373">(ii) where the infectious disease is a disease other than Acquired Immune Deficiency Syndrome (AIDS), a fine not exceeding five thousand dollars or imprisonment for not more than three years".</p>
Maritime Boundaries Act, Act No. 10 of 1977	
Section 24(A)	Insert after section 24 the following section as section 24A —

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“Prohibition
of sale or
purchase of
fish at sea.

24A. (1) An owner or person in charge of, or any other person on, a fishing boat engaged in fishing in the fishery zone or in the territorial sea shall not sell or otherwise transfer possession of the whole or part of the catch of fish of such boat before the boat moors at a wharf, fishing dock or landing place —

(a) in any river or creek in Guyana flowing into the Atlantic or in any river or creek flowing into a river or creek flowing into the Atlantic;

(b) on the Atlantic coast of Guyana; or

(c) on the coast on any island forming part of Guyana.

(2) Any person who contravenes the provisions of subsection

(1) shall be liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for five years, and the court, on convicting any person under this subsection, shall order the forfeiture of the fishing boat in relation to which the offence was committed together with all fishing gear, net, line, stake, instrument, appliance and fish on the aforesaid fishing boat.

(3) An owner or person in charge of, or any other person on, a boat (whether

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or not it is a fishing boat) shall not buy, or otherwise obtain possession of the whole or part of the catch of fish of a fishing boat where the sale or otherwise transferring possession, of such fish shall constitute a contravention of subsection (1).

- (4) Any person who buys or, otherwise acquires possession of, any fish in contravention of subsection (3) shall be liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for five years and the court, on convicting any person under this subsection, shall order the forfeiture of the boat in which any quantity of fish was found as a consequence of buying, or otherwise obtaining possession of, such fish in contravention of subsection (3), together with all fishing gear, net, line, stake, instrument, appliance and fish on the aforesaid boat.

(5) In a case where the owner or person in charge of a boat is charged with an offence against subsections (3) and (4), and it is proved that any quantity of fish was found on the boat while it was in the territorial sea or fishery zone, the burden of proving that the fish on the boat was lawfully acquired shall be on the owner or person in charge of the boat.

(6) In this section —

(a) 'boat' includes —

(i) any vessel or ship; or

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	(ii) any other craft used, or which can be used, for transporting men, animals or goods on the sea, river or any other water course;
	(b) "wharf" means a wharf, a fishing dock or landing place appointed by the Minister by notice in the <i>Gazette</i> as a place where fish, being the catch of any boat, may be discharged."
Section 27 (4)	For "net" substitute "fishing gear, net".
Section 27 (7)	For "net" wherever it occurs substitute "fishing gear, net" and in paragraph (a) for the words "disposed of in such manner as the court may think fit" substitute "forfeited to the State".
Section 28A	Insert after section 28 the following section as section 28A —
	<p>"Chief Fisheries Officer may restore anything seized,</p> <p>28A. Subject to the approval of the President (which approval may be signified by general directions to the Chief Fisheries Officer) and notwithstanding anything contained in this Part, the Chief Fisheries Officer may restore anything seized under this Act at any time prior to the commencement of proceedings in any court against any person for an offence under this Act".</p>
Acquisition of Lands (Not Beneficially Occupied) Act 1984	
Act No. 2 of 1984 Section 2	In the definition of "land" after "includes" insert "all buildings thereon and".

Passed by the National Assembly on 1989—02—10.