

THE OFFICIAL GAZETTE — 16TH APRIL, 1977
LEGAL SUPPLEMENT — C

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly



GUYANA

BILL No. 9 of 1977

MISCELLANEOUS ENACTMENTS (AMENDMENTS) BILL 1977

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 20A of the Amerindian Act, Chapter 29:01.
3. Amendments.

SCHEDULE.

A BILL

Intituled

AN ACT to amend certain enactments.

Enacted by the Parliament of Guyana: —

Short title. 1. This Act may be cited as the Miscellaneous Enactments (Amendment) Act 1977.

Amendment of Section 20A of the Amerindian Act Chapter 29:01. 2. Subsection (3) of section 20A of the Amerindian Act shall be construed and have effect as if at the time of its enactment there had been substituted the words “prior to 31st December 1977” for the words “within one year after the coming into operation of this section”.

Amendments. 3. The enactments specified in the first column of the Schedule are hereby amended to the extent set out in the second column thereof.

SCHEDULE

Enactment	Amendment
Lands Department Act Chapter 59:01 section 10	Re-number the section as section 10 (1) and insert the following subsections as subsections (2), (3), (4) and (5) respectively — “(2) Wherever labour is employed on Government lands which are subject to a lease or permission, any person on producing proof to the holder of the lease, licence or permission, or to his agent, that he is a representative of a trade union registered under the Trade Union Act, or an official of an organisation approved by order of the Minister responsible for labour for the purposes of this section, may enter at any reasonable time any such Government lands for the purpose of — (a) holding discussions with persons employed thereon on the conditions of their employment; ”

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Enactment

Amendment

(b) making representations to the employer on behalf of the persons so employed; or

(c) recruiting persons so employed as members of the trade union or organisation, as the case may be.

(3) The requirement to permit an entry authorised by subsection (2) shall be deemed a condition of every lease, licence or permission to which that subsection applies and a breach of that condition on more than one occasion shall render the lease, licence or permission liable to be cancelled or revoked, as the case may be.

(4) Any person who hinders or obstructs a representative or official referred to in subsection (2) in the exercise of his powers of entry under that subsection or in the carrying out of the purposes thereof shall be liable on summary conviction to a fine of one hundred and fifty dollars and to imprisonment for three months.

(5) Any person who falsely holds himself out as a person authorised to enter upon Government lands by virtue of this section (the burden of proof that he is so authorised being upon him) shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.”

(a) In paragraph (c) thereof —

State Lands
Act Chapter
62:01 sec-
tion 3.

(i) Insert the words “subject to paragraphs (e) and (f),” immediately before the word “authorise”;

(ii) delete the words “cutting wood in the forest thereon”; and

(iii) delete the word “or” appearing at the end of the paragraph.

- (b) In paragraph (d) thereof —
- (i) insert the words “subject to paragraphs (e) and (f)” immediately before the word “authorise”; and
 - (ii) substitute a semicolon for the colon appearing at the end of the paragraph;
- (c) Immediately after the said paragraph (d) insert the following paragraphs as paragraphs (e) and (f) respectively —
- “(e) authorise the Conservator of Forests to issue licences to occupy any State Lands for the purpose of cutting wood in the forest thereon, or of taking or obtaining any balata or such other substance or thing found in those lands as the Minister may by order designate for the purposes of this paragraph, or to give permission to occupy any of those lands for any of the purposes mentioned in this paragraph without giving any exclusive right to occupy any specified part thereof; or
 - (f) authorise the Commissioner of Geological Surveys and Mines to issue licences to occupy any State Lands for the purpose of quarrying stone, or gravel, or kaolin and other clays, or taking or obtaining any stone or such other substance or thing found in those lands as the Minister may by order designate for the purposes of this paragraph, or to give permission to occupy any of those lands for any of the purposes mentioned in this paragraph without giving any exclusive right to occupy any specified part thereof.”;
- (d) Renumber the section as section 3(1) and insert the following subsection as subsection (2) —
- “(2) References in this Act to the ‘Commissioner’ shall, in so far as they relate to any matter for which —
- (i) the Conservator of Forests may be authorised under subsection (1)(e);
 - (ii) the Commissioner of Geological Surveys and Mines may be authorised under section (1)(f),
- shall be construed and have effect as references to the Conservator of Forests and the Commissioner of

Geological Surveys and Mines, respectively and any authority conferred upon the Commissioner prior to the coming into operation of the subsection in respect of the matters referred to in paragraphs (i) and (ii) respectively shall have effect as an authority conferred upon the Conservator of Forests and the Commissioner of Geological Surveys and Mines, as the case may be.”.

Insert immediately after section 37, the following section as ^{The Principal Act.} section 37A —

37A. (1) Wherever labour is employed on State Lands which are subject to a lease, licence or permission, any person on producing proof to the holder of the lease, licence or permission, or to his agent, that he is a representative of a trade union registered under the Trade Union Act, or an official of an organisation approved by order of the Minister responsible for labour for the purposes of this section, may enter at any reasonable time any such State Lands for the purpose of —

- (a) holding discussions with persons employed thereon on the conditions of their employment;
- (b) making representations to the employer on behalf of the persons so employed; or
- (c) recruiting persons so employed as members of the trade union or organisation, as the case may be.

(2) The requirement to permit an entry authorised by subsection (1) shall be deemed a condition of every lease, licence or permission to which that subsection applies and a breach of that condition on more than one occasion shall render the lease, licence or permission liable to be terminated in accordance with section 14.

(3) Any person who hinders or obstructs a representative or an official referred to in subsection (1) in the exercise of his powers of entry under that subsection or in the carrying out of the purposes there-

“Representatives of trade unions and officials of approved organisations may enter State Lands.

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of shall be liable on summary conviction to a fine of one hundred and fifty dollars and to imprisonment for three months.

(4) Any person who falsely holds himself out as a person authorised to enter upon State Lands by virtue of this section (the burden of proof that he is so authorised being upon him) shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.”.

Forests Act Chapter 67:01 Insert immediately after section 40, the following section as section 40A —

The Principal Act. Cap. 98:03
 Representatives of trade unions and officials of approved organisations may enter State Forests.
 40A. (1) Wherever labour is employed on State forests which are subject to a lease, licence or permission, any person on producing proof to the holder of the lease, licence or permission, or to his agent, that he is a representative of a trade union registered under the Trade Union Act, or an official of an organisation approved by order of the Minister responsible for labour for the purpose of this section, may enter at any reasonable time any such State forests for the purpose of —

- (a) holding discussions with persons employed thereon on the conditions of their employment;
- (b) making representations to the employer on behalf of the persons so employed; or
- (c) recruiting persons so employed as members of the trade union or organisation, as the case may be.

(2) The requirement to permit an entry authorised by subsection (1) shall be deemed a condition of every lease, licence or permission to which that subsection applies and a breach of that condition on more than one occasion shall render the lease, licence or permission liable to be suspended, cancelled or revoked, as the case may be, in like manner as provided for breaches of other conditions under this Act.

(3) Any person who hinders or obstructs a representative or official referred to in subsection (1) in the exercise of his powers of entry under that subsection or in the carrying out of the purposes thereof shall be liable on summary conviction to a fine of one hundred and fifty dollars and to imprisonment for three months.

(4) Any person who falsely holds himself out as a person authorised to enter upon State forests by virtue of this section (the burden of proof that he is so authorised being upon him) shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.”.

Substitute for the words “officer of the Department of Lands”, appearing in the definition of the expression “officer”, the words “forest officer under the Forests Act”.

Balata Act
Chapter
20:07.
section 2.

EXPLANATORY MEMORANDUM

Clause 2 of this Bill seeks to amend section 20A(3) of the Amerindian Act (as inserted by the Amerindian (Amendment) Act 1976) for the purpose of affording the Minister responsible for Amerindian Affairs an extension of time to enable him to carry out a proper examination of the representations made by persons who are affected by the exercise of the powers conferred upon the Minister by that section.

The miscellany of amendments set out in the Schedule to this Bill affect the Lands Department Act, the State Lands Act, the Forests Act and the Balata Act.

Common to the Lands Department Act, the State Lands Act and the Forests Act is an amendment conferring upon trade union representatives and such officials of organisations as have been designated by the Minister responsible for labour the authority to enter upon those Government lands, State lands and Forests areas which are held under leases, licences or permissions, for the purpose of communicating with persons employed thereon or of observing their conditions of employment.

By an amendment to the State Lands Act provision is being made to restrict to the Conservator of Forests the authority to issue licences, leases or permissions for woodcutting and the taking or obtaining of balata in State Lands. Consequent upon that amendment the Bill seeks to amend the Balata Act.

The Bill further seeks to amend the State Lands Act to restrict to the Commissioner of Geological Surveys and Mines the authority to issue licences, leases or permissions for quarrying stone, or gravel or kaolin and other clays and the taking or obtaining of any stone or such other designated substance or thing found in State Lands.

H. O. Jack,
Minister of Energy and Natural Resources.

(Bill No. 9/1977)