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GOVERNMENT NOTICE

LEGISLATURE,
Public Buildings,
Georgetown, Demerara,
7th September, 1953.

The following Bill, which was passed by the House of Assembly on the 4th of September, 1953, and is now being referred to the State Council, is published for general information.

I. CRUM EWING,
Clerk of the Legislature.

A BILL INTITLED

AN ORDINANCE TO AMEND THE RICE FARMERS (SECURITY OF TENURE) ORDINANCE, 1945.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Rice Farmers (Security of Tenure) (Amendment) Ordinance, 1953, and shall be construed and read as one with the Rice Farmers (Security of Tenure) Ordinance, 1945, hereinafter referred to as the Principal Ordinance. Short title.
No. 10 of
1945.
2. Section two of the Principal Ordinance is hereby amended by the insertion therein after the definition of the expression "tenant" of the following new definition—
"the Minister" means the minister charged by the Governor with the responsibility for Agriculture. Amendment of
section 2 of
the Principal
Ordinance.
3. Section seven of the Principal Ordinance is hereby amended— Amendment of
section 7 of
the Principal
Ordinance.
 - (a) by the repeal of paragraph (b);
 - (b) by the substitution for the words "twenty-one days" in paragraph (c) of the words "thirty-days" and
 - (c) by the insertion in paragraph (c) of the words "and removed" between the word and semi-colon "reaped;"
4. Section nine of the Principal Ordinance is hereby amended by the substitution for sub-section (3) of the following sub-sections— Amendment of
section 9 of
the Principal
Ordinance.

"(3) Every such application shall be heard by the District Commissioner, who shall be advised by the Agricultural Superintendent or the agricultural officer stationed in the district, and the District Engineer.

(3A) Upon the hearing of any application, the District Commissioner shall, after giving to the tenant and the landlord an opportunity of being heard, grant or refuse the certificate. Before deciding to grant or refuse the certificate, the District Commissioner shall consider the advice of the Agricultural Superintendent or the agricultural officer and the District Engineer."

Insertion of new sections 9A, 9B, and 9C in Principal Ordinance.

5. The Principal Ordinance is hereby amended by the insertion therein after section nine of the following new sections—

9A. (1) Subject to the provisions of subsection (7) of this section where upon the hearing of any application under the provisions of section nine of this Ordinance, the District Commissioner is satisfied that by reason of the failure to perform and carry out any act, there has been a non-observance by the tenant or the landlord of the rules of good husbandry or of the rules of good estate management as the case may be, he may, by notice in writing require the tenant or the landlord, as the case may be, to perform and carry out such act within such time as may be specified in the notice.

(2) Where the tenant or a landlord fails to comply with the provisions of any notice served on him under the provisions of subsection (1) of this section, the District Commissioner shall subject to the provisions of section nine C of this Ordinance perform and carry out the acts specified in such notice and any expenses incurred by the District Commissioner in performing and carrying out such acts may be recovered from the tenant or the landlord as the case may be in the manner hereinafter provided.

(3) Any expenses incurred by the District Commissioner in the performance of his duties under the provisions of subsection (2) of this section may be recovered by the District Commissioner as a debt due to the Colony from the tenant or the landlord as the case may be by action in a court of competent jurisdiction.

(4) Notwithstanding the provisions of subsection (3) of this section the District Commissioner may alternatively, with the prior approval in writing of the Minister proceed to recover any expenses incurred by him as aforesaid, by process of parate execution.

(5) In any proceedings by the District Commissioner for the recovery of any expenses incurred by him under the provisions of subsection (2) of this section, an account of such expenses certified by the District Commissioner shall be prima facie evidence in all courts that the amount specified therein is due and payable by the tenant or the landlord, as the case may be, to the District Commissioner.

(6) The District Commissioner, his servants or agents may enter upon the land in question or any land adjacent thereto for the purpose of carrying out his duties under the provisions of subsection (2) of this section.

(7) No notice issued under the provisions of this section in respect of any land within a drainage and irrigation area shall have effect unless it has received the prior approval of the Drainage and Irrigation Board.

9B. (1) Notwithstanding the provisions of section nine A of this Ordinance, the Minister may, in his discretion, permit any tenant or any landlord who has become liable under the provisions of section nine A of this Ordinance for the payment of any expenses incurred by the District Commissioner, to pay such expenses within such time and on such terms and conditions as the Minister may think fit.

(2) In the exercise of his powers under the provisions of this section, the Minister may require a tenant or a landlord as the case may be, to pay interest on any monies due and payable by him at a rate not exceeding six per centum per annum.

9C. Any funds required by the District Commissioner for carrying out his duties under the provisions of section nine A of this Ordinance shall be met out of

Power of Minister to allow time for payment of monies due under section 9A.

Financial provisions.

such monies as may be provided from time to time by the Legislature for that purpose."

6. The Principal Ordinance is hereby amended by the insertion therein after section twelve of the following new section—

"Penalty for false declarations by landlord.

12A. (1) Where any landlord who has resumed possession of any rice land under the provisions of section twelve of this Ordinance fails within twelve months to use such lands for the purposes specified in his application for leave to determine the tenancy under the provisions of section twelve of this Ordinance, he shall be deemed, until the contrary be proved, to have made false declaration.

(2) Any landlord who, by himself or his agent, makes any false declaration to the District Commissioner for the purpose of resuming possession of any land under the provisions of section twelve of this Ordinance shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding one thousand dollars."

7. Subsection (2) of section thirteen of the Principal Ordinance is hereby amended by the insertion therein after the words "made by the landlord" of the words "or the tenant".

Insertion of new section 12A in the Principal Ordinance.

Amendment of section 13 (2) of the Principal Ordinance.

8. Section twenty-one of the Principal Ordinance is hereby amended by the substitution for the words "the Governor" and "the Colonial Secretary", wherever they occur of the words "the Minister".

Amendment of section 21 of the Principal Ordinance.

Read three times and passed by the House of Assembly this fourth day of September, nineteen hundred and fifty-three.

I. CRUM EWING,
Clerk of the Legislature.

OBJECTS AND REASONS.

This Bill seeks to amend the Rice Farmers (Security of Tenure) Ordinance, 1945 (No. 10) by the introduction of certain provisions which are considered necessary in the interests of the rice industry.

2. Clause 2 is self-explanatory.

3. Clause 3 seeks to revoke paragraph (b) of section 7 of the Ordinance, which enables a landlord to give his tenant notice to quit where he removes his padi from the land rented to him without the permission of his landlord without having previously paid his rent, and to extend the period of grace allowed to a tenant, where the padi is reserved as rent from twenty-one days to thirty days after it is reaped.

4. Clause 4 seeks to provide that application for a certificate that the tenant has not observed the rules of good husbandry or that the landlord has not observed the rules of good estate management shall be heard by the District Commissioner who shall be advised by the Agricultural Superintendent or the agricultural officer and the District Engineer. At present such applications are heard by the District Commissioner alone.

5. Clause 5 seeks to insert three new sections in the Principal Ordinance to enable the District Commissioner where the tenant or the landlord fails to carry out any work which is necessary for the observance of the rules of good husbandry or the rules of good estate management, to carry out that work himself and recover the cost thereof from the tenant or the landlord as the case may be, by action in a court of competent jurisdiction, or with the approval of the Minister by parate execution. Provision is also made whereby the Minister may permit a tenant or a landlord who has become liable for the payment of any expenses incurred by the District Commissioner to pay such expenses on such terms (including the payment of interest) as the Minister may think fit.

6. Clause 6 seeks to provide for a penalty to be incurred by a landlord who resumes possession of rice lands by making a declaration to the District Commissioner which is subsequently found to be false.

7. Clauses 7 and 8 are self-explanatory.

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