

## Bill No. 22 of 1956.

## ARRANGEMENT OF SECTIONS

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FIRST SCHEDULE

SECOND SCHEDULE

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FIFTH SCHEDULE

A BILL  
INTITULED

AN ORDINANCE TO PROVIDE BETTER SECURITY OF  
TENURE FOR TENANT RICE FARMERS; TO LIMIT THE  
RENT PAYABLE FOR THE LETTING OF RICE LANDS;  
AND FOR PURPOSES CONNECTED WITH THE MATTERS  
AFORESAID.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Rice Farmers (Security of Tenure) Ordinance, 1956. Short title.

2. In this Ordinance unless the context otherwise requires — Interpreta-  
tion.

“agent” means a person who lets rice lands on behalf of a landlord or collects rent in respect of rice lands on behalf of the landlord or is authorised in writing so to do;

“agreement of tenancy” or “agreement” means a letting of or agreement for letting rice lands;

“agricultural superintendent” means the officer appointed as such in any area or district of the Colony and includes the assistant agricultural superintendent;

“assessment committee” or “committee” means an assessment committee constituted under the provisions of section 8 of this Ordinance for the area in which the holding in question is situate;

“basic rent” shall have the meaning assigned to it by section 4 of this Ordinance;

“chairman” means the chairman of an assessment committee;

“clay soil” means soil which on a mechanical analysis contains not less than 20 per cent clay;

“district commissioner” means the commissioner appointed in charge of a district declared and established under the District Government Ordinance and includes the assistant district commissioner; Cap. 56.

“estate charges” means any expenses incurred by a landlord, other than those referred to in paragraphs (a) (b) and (c) of section 23 of this Ordinance, in the improvement and maintenance of any holding carried out for the purpose of cultivating paddy;

“holding” means any rice land held by a tenant;

“landlord” means any person for the time being entitled to receive the rent or to take possession of any rice lands and includes a sub-landlord, the executors, administrators, assignees, legatee or trustee in insolvency of a landlord;

“maximum rent” means the sum obtained by the addition to the basic rent of any holding to which this Ordinance applies of the increases permitted or authorised under section 23 of this Ordinance;

“pegasse soil” means soil which contains not less than 2.907 per cent of organic carbon (corresponding to 5.0 per cent of organic matter), and the carbon: nitrogen ratio of the organic matter is not less than 10:1;

“rice land” means any land which is let or agreed to be let the subject of an agreement of tenancy which is used either wholly or mainly for the cultivation of paddy, such land being at the time of letting fit for the cultivation of paddy according to normal agricultural standards but does not include any land forming part of any estate which is being used by the owner (or any person claiming title through the owner) mainly for the cultivation of any crop other than paddy, and is let for the cultivation of paddy at an annual rental of not more than six dollars per acre;

“rules of good estate management” means, so far as is practicable, having regard to the character and position of the rice lands —

- (a) the erection and maintenance of essential structures, and the construction, clearing and maintenance of dams, canals, drains and koker runs; and
- (b) where the lands are within a Drainage or Irrigation area or within any other area affected by a drainage or irrigation scheme established or maintained, by Government, or a local authority, the execution and maintenance of such further works as may be required to ensure that the tenants obtain all the drainage and irrigation which it is reasonably possible for them to obtain; and
- (c) the provision of dams, canals and drains and essential structures for the use of tenants which should be kept clean and in good order to the satisfaction of the assessment committee of the area in which such dams, canals and drains and essential structures are situate, notification of the making of such provision to be given to the tenants; and
- (d) such rules as are generally recognised to be necessary for good estate management;

“rules of good husbandry” means, so far as practicable, having regard to the character and position of the holding —

- (a) the maintenance of the land, parapets, bed-heads and foot of beds, and meres thereon clean and free from bush and other obstacles;
- (b) the planting of seed of a grade approved by the Director of Agriculture;
- (c) the abstention from throwing grass or other obstacles into the trenches abutting the holding;
- (d) such rules as are generally recognised to be necessary for good husbandry;

“tenancy” includes sub-tenancy;

“tenant” includes 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;

“toxic soil” means soil which contains either more than 1,000 parts per million parts of exchangeable aluminium, or more than 2,000 parts per million parts of water soluble sulphate or combination of both;

“a year” means the twelve calendar months commencing on the first day of May; and “annual” shall be construed accordingly.

Security of  
tenure of  
rice lands.

3. Anything in any law or in any agreement in respect of the letting of rice lands to the contrary notwithstanding every agreement of tenancy, whether written or oral, shall be deemed to be an agreement of tenancy from year to year and no such agreement, whether made before or after the commencement of this Ordinance, shall be terminated by the landlord or by the tenant, except as in this Ordinance provided.

Zones.  
Basic rent.  
First  
schedule.

4. (1) For the purposes of this Ordinance there shall be established certain zones numbered in the manner indicated in the first column of the first schedule hereto comprised of the areas of land described in the second column of the said schedule, and the basic rent chargeable in respect of rice lands in those areas shall as from the 1st day of May, 1956, not exceed the appropriate amount set out in the third, fourth and fifth columns of the said schedule:

Provided that where a contract of tenancy has been entered into in respect of land intended to be used for the cultivation of paddy, but not yet cleared for the cultivation of paddy according to normal agricultural standards, the basic rent chargeable in respect of such land shall as from the 1st day of May, 1956, not exceed one dollar per acre for the first six years after the commencement of the tenancy.

(2) The Governor in Council may from time to time by Order vary, add to or delete from any of the matters set out in the first schedule hereto.

Implied  
conditions in  
agreement of  
tenancy.

5. (1) In every agreement of tenancy under this Ordinance the following conditions shall be implied—

- (a) the tenancy shall be a tenancy from year to year commencing from the 1st day of May;

- (b) the rent shall be an annual rent and shall be paid by the tenant not later than the 31st day of December in each year;
- (c) the landlord shall issue to the tenant a receipt in writing for the payment of rent in the form prescribed in the second schedule to this Ordinance;
- (d) the landlord shall not evict a tenant or give him notice to quit or otherwise terminate the tenancy except as in this Ordinance provided;
- (e) the tenant shall not terminate the tenancy except as in this Ordinance provided.

Second  
schedule.

(2) (a) Notwithstanding the provisions of paragraph (b) of subsection (1) of this section, a tenant may, not later than the 31st day of December in any year, lodge with a landlord paddy to the value of the rent due as security for the rent, and such paddy shall be accepted by the landlord.

(b) If the rent is paid not later than the 1st day of March in the year in respect of which it has become due, such paddy shall be returned to the tenant upon the payment of the rent.

(c) If such rent is not paid by the 1st day of March aforesaid, the paddy so lodged shall be appropriated towards payment of the rent due and shall be deemed to be in full settlement thereof.

6. (1) A condition whereby a tenant undertakes or agrees that all or some of the paddy grown upon the holding shall be sold to the landlord or to a person designated by him is hereinafter referred to as "a specified condition":

Specified  
condition.

Provided that a specified condition shall not form part of, or be a condition in, an agreement of tenancy.

(2) On or after the commencement of this Ordinance a specified condition shall be of no force and effect unless—

- (a) it is in writing and signed by both the landlord and the tenant and delivered or transmitted with two copies thereof to the district commissioner of the district in which the holding is situate;
- (b) the undertaking given by the tenant was in consideration of the loan of money made to him at his request by the landlord and is expressed to have been so made for the purpose of assisting him to plant, cultivate or reap his paddy;
- (c) the amount of the loan together with the rate of interest (if any) on the said loan is stated;
- (d) the conditions of repayment of the said loan together with interest (if any) are stated.

(3) Where interest is charged by the landlord in respect of a loan made under the provisions of subsection (2) of this section, the rate of such interest shall not exceed 12 per centum per annum.

(4) The district commissioner shall on receipt of the original document and two copies thereof referred to in paragraph (a) of subsection (2) of this section endorse them in the manner set out in the third schedule to this Ordinance and shall cause the original to be filed in his office and one copy to be given to the landlord and the other to the tenant.

Third  
Schedule

7. (1) It shall be the duty of a landlord to keep a register (hereinafter called the register of tenancies) in the form prescribed in the fourth schedule to this Ordinance, wherein he shall record all agreements of tenancy, transfers, bequests and determination of all agreements of tenancy.

Keeping of  
register of  
tenancies.

Fourth  
Schedule.

(2) A landlord shall make the register of tenancies available for inspection by the district commissioner or by any person authorised in writing in that behalf by the district commissioner.

(3) Where a landlord fails to keep a register of tenancies as is required under this section, or fails to keep such register up to date, or fails to produce the register when requested so to do under this Ordinance, he shall be guilty of a summary offence, and shall be liable upon conviction to a fine not exceeding two hundred and fifty dollars.

(4) Every person who wilfully obstructs a district commissioner or any person authorised under subsection (2) of this section acting under the provisions of this section or any person acting in their aid shall be guilty of a summary offence and upon conviction thereof shall be liable to a fine not exceeding one hundred dollars.

Establishment of assessment committees.

8. (1) The Governor may establish for the purposes of this Ordinance, as many assessment committees as he thinks fit and shall specify in relation to each committee the area in regard to which it may exercise the powers conferred and duties imposed by this Ordinance.

(2) Each committee shall be appointed by the Governor and shall consist of—

- (a) a chairman who shall be a magistrate;
- (b) three persons who are members of the public service of the Colony;
- (c) one person who is a landlord of rice lands in the area in respect of which the committee is appointed;
- (d) one person who is a tenant of rice lands in the area in respect of which the committee is appointed.

(3) Each member of each committee shall, subject to the provisions of subsection (5) of this section, hold office for such period, not exceeding two years, as the Governor may determine, but shall be eligible for re-appointment.

(4) The Governor may appoint any person to act in place of the chairman or any other member of the committee in case of the absence or inability to act of the chairman or other member.

(5) Any member of a committee other than a Government officer may by writing under his hand addressed to the Governor at any time resign his office.

(6) The Governor may grant leave of absence to any member of a committee.

(7) The Governor may at any time revoke the appointment of any member of a committee.

(8) The appointment, removal, death, departure from the Colony or resignation of any member of a committee shall be notified in the Gazette.

Meetings of assessment committees.

9. (1) Each assessment committee shall meet so often, at such time and at such place as the committee may deem expedient.

(2) Three members of a committee, including the chairman or acting chairman shall form a quorum.

(3) A committee may act notwithstanding any vacancy among the members thereof.

(4) All matters and questions shall be decided by a majority of votes. In any case in which the voting is equal the chairman or the acting chairman shall have an original and a casting vote.

(5) A member of an assessment committee shall be disqualified from membership of that committee for the hearing of any matter in which he is personally interested, or in the case of a company so interested, if he is directly or indirectly interested in its affairs, or if he is the servant or agent of any such person or company.

Cap. 15.

(6) For the purpose of securing the attendance of any witness, every committee shall have power to issue summonses in the form 3 in the schedule to the Summary Jurisdiction (Petty Debt) Ordinance, subject to any adaptation necessary, and the provisions of sections 15 of the aforesaid Ordinance shall *mutatis mutandis* apply to any person served with such a summons.

(7) Any person who without lawful excuse fails or neglects to attend any meeting of a committee in obedience to any summons or fails to answer any question material to the subject of the investigation put to him by the committee or any member thereof or to produce any document, production of which is required by the committee, or to supply any information required by the committee shall be guilty of a summary offence and shall, on conviction thereof, be liable to a fine not exceeding fifty dollars.

(8) Any person who wilfully gives a false answer to any question material to the subject of investigation which may be put to him during the course of any proceedings before a committee shall be guilty of a summary offence and shall, on con-

viction thereof, be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine.

(9) The chairman of each committee shall keep or cause to be kept a record of all proceedings brought before the committee and of the evidence taken and of the decision arrived at by the committee and of the names of the members taking part in the proceedings.

(10) Subject to the provisions of this section and of section 12 of this Ordinance, each committee shall have power to regulate its own proceedings.

10. An assessment committee may, with the approval of the Governor, appoint or employ, at such remuneration and on such terms and conditions as the Governor may either generally or specially determine, such officers and servants as may be deemed necessary for the proper carrying out of the provisions of this Ordinance, and may pay to the members of the committee such allowances and expenses as the Governor may generally or specially approve.

Appointment of officers, servants and payment of allowances and expenses to members of assessment committees.

11. Upon the filing of any application under this Ordinance a committee shall have in relation to the area in respect of which it is appointed the following powers and duties:—

Powers and duties of Committees.

- (a) to assess, fix and certify the maximum rent to be paid and received in respect of any holding to which this Ordinance applies;
- (b) if the landlord and the tenant of a holding to which this Ordinance applies are unable to agree as to the amount of compensation to be paid under the provisions of this Ordinance, on the application of either of them, to determine the amount of such compensation to be paid;
- (c) to assess, fix and certify the amount to be paid as damages by a landlord to his tenant for non-observance of any of the conditions of good estate management in respect to any holding to which this Ordinance applies;
- (d) to grant certificates of non-observance of rules of good estate management or of good husbandry;
- (e) to grant leave to landlords to re-allocate their holdings;
- (f) to grant leave to landlords to resume possession of rice lands in order that the land may be used for any purpose other than for the cultivation of paddy;
- (g) to grant leave to landlords to reduce the size of his tenant's holding ;
- (h) to hear and determine an application for the recovery of a holding to which this Ordinance applies;
- (i) to hear applications for the transfer of tenancies;
- (j) to grant leave to a tenant to serve a landlord notice under the provisions of subsection (1) of section 42 of this Ordinance.
- (k) any other power or duty conferred by this Ordinance or under any other Ordinance;
- (l) any power or duty incidental to the carrying out of any such power and duties.

12. (1) Any tenant, or any landlord, of any holding to which this Ordinance applies may make application to the committee for the area in which the holding is situate to have the maximum rent of the holding assessed, fixed and certified.

Application for ascertainment of maximum rent.

(2) When an application is made under subsection (1) of this section, the committee shall cause notice of the date, time and place fixed for the holding of the investigation of the application to be given, by registered post, to the tenant and to the landlord:

Provided that where the application is made by the tenant, the committee may, if it thinks fit direct that the notice required under this subsection to be given to the landlord shall be given to the agent of the landlord.

(3) Where on the day and at the time fixed for the holding of the investigation the tenant and the landlord, or the tenant

and the agent of the landlord, as the case may be, appear, the committee shall proceed to hold the investigation and shall, for such purpose, have the power to direct such adjournments and postponements as it may from time to time think proper.

(4) Where notice under subsection (2) of this section has been received by the tenant and the landlord, or by the tenant and the agent of the landlord, as the case may be, and the tenant, or the landlord or his agent, fails to appear on the date and at the time fixed for the holding of the investigation, the committee may proceed with the holding of the investigation, or may postpone it as the committee thinks fit.

(5) Where notice under subsection (2) of this section has been received by the tenant, the committee may, notwithstanding that no notice under subsection (2) was received by the landlord or his agent, proceed with the holding of the investigation—

- (a) where delivery of the notice under subsection (2) of this section was refused by the landlord or his agent, as the case may be; or
- (b) where the address in the Colony of the landlord and the address in the Colony of the agent (if any) are not known to the tenant and cannot be ascertained by the committee; or
- (c) where the landlord resides elsewhere than in the Colony.

Evidence on application.

13. (1) The landlord or his agent may give evidence, produce documents and call witnesses, and the tenant shall have the right to cross-examine the landlord or his agent or any such witness.

(2) The tenant may give evidence, produce documents and call witnesses, and the landlord or his agent shall have the right to cross-examine the tenant or any such witness.

(3) The committee may require the landlord, the tenant, or any other person to give evidence for the purpose of ascertaining all the relevant facts, and the landlord or his agent, and the tenant shall have the right to cross-examine any such witness.

Cap. 25.

(4) Subject to the provisions of the Evidence Ordinance, all oral evidence given before a committee on the investigation of an application made under subsection (1) of section 12 of this Ordinance shall be given upon oath, and the chairman or the acting chairman of the committee is hereby authorised to administer such oath.

Hearing of application.

14. (1) The proceedings at every investigation by the committee for the purpose of ascertaining and fixing the maximum rent shall be open to the public.

(2) The landlord and the tenant and any other interested party may be represented before the committee by a barrister or solicitor of the Supreme Court.

(3) The landlord may be represented before the committee by his agent.

(4) The committee may take into consideration any relevant facts which were found to be proved in some investigation under section 12 of this Ordinance, notwithstanding the absence of formal proof of such facts:

Provided that before any such facts are taken into consideration by the committee the party or parties present before the committee shall be informed of the substance of such facts, the committee shall make or cause to be made a note of all such relevant facts, and the party or parties present shall be given an opportunity, if he or they so desired, of adducing evidence in regard thereto.

Inspection of holding.

15. The committee may require any tenant to permit it at any reasonable hour of the day to enter and inspect the holding to which an application under subsection (1) of section 12 of this Ordinance relates, and shall record or cause to be recorded the results of such inspection.

Fixing and certifying maximum rent in the absence of evidence of landlord or his agent.

16. A committee may—

- (a) where the landlord or his agent fails without reasonable cause to attend before the committee on the date and at the time and place fixed in the notice given under subsection (2) of section 12 of this Ordinance and received by the landlord or his agent, or on any date on which the holding of the investigation may be adjourned or postponed, or



- (b) where the landlord or his agent declines to give evidence, or declines to give evidence on any point which in the opinion of the committee is relevant to the investigation, or
- (c) where the landlord or his agent is for any reason unable to prove any fact required to be proved for the purpose of ascertaining or fixing the maximum rent, or
- (d) where the investigation is held under subsection (5) of section 12 of this Ordinance,

assess, fix and certify a maximum rent, in respect of the holding to which an application under sub-section (1) of section 12 relates in accordance with the provisions of this Ordinance.

17. (1) The chairman may direct that out of pocket expenses of any witness shall be paid by such of the parties as he thinks fit:

Witness expenses; Costs.

Provided that no such direction shall be given in the case of a witness called by or on behalf of the tenant where the maximum rent fixed on the application of the tenant is the same as, or greater than the rent actually paid by the tenant before the investigation.

(2) Except as provided in subsection (1) of this section, no costs shall be awarded to any party, and no fee shall be allowed to any witness, to an investigation under this section.

18. (1) Where the committee has ascertained, assessed and fixed the maximum rent of any holding, the chairman shall—

Record of committee's decision; Certificate of maximum rent.

- (a) cause to be recorded, filed and preserved the reasons for the committee's decision;
- (b) cause a certificate of the maximum rent, one for the landlord and one for every tenant who is a party to the application under subsection (1) of section 12 of this Ordinance to be completed in the form prescribed by regulations made under this Ordinance;
- (c) sign such certificate; and
- (d) issue the certificate by causing it to be sent by registered post to the landlord and to each tenant who was a party to the application.

19. Subject to the provisions of section 20 of this Ordinance, a certificate issued under the provisions of section 18 of this Ordinance shall come into force on the date of the certificate or on such date as may be specified in the certificate.

Effective date of certificate.

20. The first certificate issued under the provisions of section 18 of this Ordinance shall come into force on the 1st day of May, 1956, or on such later date as may be specified in the certificate.

Effective date of first certificate.

21. Where a certificate of the maximum rent is issued under the provisions of section 18 of this Ordinance, the committee may, on the application in writing of the landlord or his agent, re-open the investigation, and the maximum rent, if varied on such re-investigation, shall have effect as provided in section 19 of this Ordinance.

Re-opening of investigation.

22. Any certificate issued under the provisions of section 18 of this Ordinance may upon the application of the tenant be cancelled by the committee where the certificate has been obtained by fraud, misrepresentation or collusion.

Cancellation of certificate obtained by fraud, misrepresentation or collusion.

23. (1) Subject to the provisions of this Ordinance, the following amounts may be added to the basic rent per acre payable by a tenant on or after the 1st day of May, 1956:—

Permitted additions to basic rent.

- (a) an amount equivalent to the amount per acre payable by the landlord in respect of the holding by way of rates under any Ordinance providing for local government, plus five per centum of such latter amount;
- (b) an amount equivalent to the amount per acre payable by the landlord in respect of the holding by way of rates under the Drainage and Irrigation Ordinance, plus five per centum of such latter amount;
- (c) an amount equivalent to the amount per acre payable by the landlord in respect of the holding by way of rates under the Water Conservancy Ordinance or the Boerasirie Creek Ordinance, plus five per centum of such latter amount; and

Cap. 192.

Cap. 236.  
Cap. 275.

Fifth  
Schedule.

- (d) an amount in respect of estate charges equivalent to such rate per acre as is fixed by the assessment committee in accordance with the rates prescribed in the fifth schedule to this Ordinance.

Issue of new  
certificate.

(2) The Governor in Council may from time to time vary the rates prescribed in the fifth schedule to this Ordinance.

24. (1) Where the maximum rent payable becomes liable to variation by virtue of the operation of section 23 of this Ordinance an application may be made to the assessment committee by the landlord or the tenant for the issue of a new certificate under section 18 of this Ordinance.

(2) Subject to the provisions of subsection (3) of this section the procedure in the case of an investigation of an application under subsection (1) of this section shall, *mutatis mutandis* be the same as in the case of an application under section 12 of this Ordinance.

(3) In the case of an investigation of an application under subsection (1) of this section, the committee may take into consideration, without further proof any evidence recorded at any previous investigation held under this Ordinance in relation to the same holding.

Effect of  
certificate.

25. (1) A certificate issued by a committee under section 18 or under section 24 of this Ordinance shall, in all courts of law and before every assessment committee —

- (a) be conclusive evidence as between the landlord and the tenant who were parties to the investigation;
- (b) be conclusive evidence notwithstanding any change of landlord, for or against the tenant who was a party to the investigation; and
- (c) be *prima facie* evidence in all other cases,

that the maximum rent of the premises described in the certificate is as stated therein.

(2) Payment of the maximum rent stated in such certificate may be enforced notwithstanding an appeal under section 26 of this Ordinance, but where, on such appeal, it is decided that the rent stated in the certificate is less or more than the rent which ought to have been so stated, the tenant or the landlord shall be liable to pay the difference to the landlord or the tenant as the case may be, and such difference may be recovered as a debt due to the landlord or tenant as the case may be.

Appeal from  
assessment  
committees.

26. (1) Any landlord or any tenant who is dissatisfied with a decision of an assessment committee under this Ordinance, other than where such decision is in this Ordinance stated to be final, may appeal therefrom to the Supreme Court in the manner and subject to the conditions hereinafter provided.

(2) An appellant shall, within fourteen days after the date of the receipt by him of the certificate sent to him under section 18 of this Ordinance or within a like period after the judgment or order in any other case —

- (a) pay to the clerk of court for the Judicial District where the holding is situate on account of the Accountant General the sum of two dollars;
- (b) lodge with the chairman of the committee written notice of appeal and the receipt for the sum paid to the clerk of court under paragraph (a) of this subsection;
- (c) send by registered post a copy of such written notice of appeal to the opposite party.

(3) Where the appellant has complied with the requirements of paragraph (b) of subsection (2) of this section within the time therein specified, the chairman of the committee shall, within twenty-one days after the written notice of appeal was lodged with him, transmit to the Registrar of the Supreme Court—

- (a) one copy of the evidence recorded by the chairman of the committee, duly authenticated by his signature;
- (b) two copies of the certificates issued by the chairman duly authenticated by his signature;
- (c) one copy of the reasons for decision duly authenticated by the signature of the chairman;
- (d) the original notice of appeal together with the receipt lodged with him.

(4) The Registrar shall cause notice of the day and hour fixed for the hearing of the appeal to be sent, by registered post, to the appellant and the opposite party.

(5) Every appeal under this section shall be heard by a Judge of the Supreme Court sitting in Chambers who shall have power —

- (a) to order that evidence be adduced before him on a day to be fixed for that purpose;
- (b) to refer the matter to the assessment committee to make a fresh investigation subject to such direction of law, if any, as the Judge thinks fit to give;
- (c) to affirm, increase or decrease the maximum rent;
- (d) to affirm, vary or reverse the order or decision of the assessment committee.

(6) Where upon appeal the maximum rent is either increased or decreased the rent as determined by the Judge shall become effective as from the date on which the certificate of the committee took effect.

(7) The decision of the Judge shall be final.

(8) (a) Such decision shall, in the case of an appeal brought from the decision of a committee under section 18 of this Ordinance, be endorsed on the back of the certificates together with the date of the decision of the Judge and shall be authenticated by the signature of the Registrar.

(b) The Registrar shall transmit to the chairman of the committee one copy of the certificate endorsed and authenticated in accordance with paragraph (b) of this subsection.

(9) It shall not be necessary to draw up or enter a formal order.

(10) Except as provided in paragraph (a) of subsection (2) of this section, no fees shall be charged in respect of an appeal under this section.

(11) In an appeal under this section, the award of costs, if any, and the amount of any such award shall be in the discretion of the Judge hearing the appeal.

27. (1) The landlord of any holding to which this Ordinance applies shall, on being requested in writing by the tenant thereof, supply him with a statement in writing as to what is the basic rent and the maximum rent of such premises.

Statement as to basic rent and maximum rent to be supplied.

(2) Any such landlord who —

- (a) without reasonable excuse fails within fourteen days after such request to supply the statement referred to in subsection (1) of this section; or
- (b) supplies a statement which is false in any material particular,

shall be guilty of a summary offence and shall on conviction thereof, be liable to a fine not exceeding fifty dollars.

28. A tenant may terminate his agreement of tenancy relating to rice land by giving to the landlord not less than six months' notice in writing expiring on the thirtieth day of April in any year.

Termination of tenancy by tenant.

29. (1) A landlord may apply to the assessment committee for the possession of any holding to which this Ordinance applies.

Application for termination of tenancy by landlord.

(2) No order or judgment for the recovery of possession of any holding to which this Ordinance applies, or for the ejection of a tenant therefrom shall, whether in respect of a notice given or proceedings commenced before or after the commencement of this Ordinance, be made or given unless —

- (a) the tenant fails to pay the rent due by him by the time and in the manner it becomes due; or
- (b) the tenant has given notice to quit and in consequence of that notice, the landlord has contracted to sell or let the holding or has taken any other steps as a result of which he would, in the opinion of the committee, be seriously prejudiced if he could not obtain possession; or
- (c) the tenant without any reasonable excuse fails to plant or cultivate any paddy or crop in any year; or

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Cap. 182.

Cap. 181.

- (d) where a landlord has constructed or maintained any dam, canal, drain or koker run, the tenant by any wilful or negligent act or omission causes damage to any such work; or
- (e) the tenant is convicted of any offence involving fraud or dishonesty in respect of any agricultural produce or livestock, or if the tenant is convicted of having caused malicious damage to the property of the landlord, or of other tenants of the landlord in the same zone; or
- (f) the holding or any portions thereof have been compulsorily acquired under the Acquisition of Lands for Public Purposes Ordinance, or the Housing Ordinance or are required for the purposes of an approved scheme under the Housing Ordinance or the Town and Country Planning Ordinance; or
- (g) the holding is required for public purposes; or
- (h) the tenant sublets or assigns the holding without the consent of the landlord previously obtained in writing; or
- (i) the tenant has committed a breach of the rules of good husbandry and the committee has granted the landlord leave to determine his tenancy; or
- (j) the committee has given the landlord leave to re-allocate the scattered holdings of his tenants, and the landlord has duly complied with the provisions of subsections (2), (3) and (4) of section 39 of this Ordinance; or
- (k) the landlord has been granted permission by the committee to resume possession of the land and the landlord has duly complied with the provisions of subsection (2) of section 40 of this Ordinance; or
- (l) the landlord has been granted leave by the committee under section 41 of this Ordinance to reduce the size of his tenant's holding,

and in any such case as aforesaid the committee considers it reasonable to make the order or give the judgment.

Adjournment of hearing of application; Stay of execution of order.

30. (1) Where application is made to the committee under the provisions of subsection (1) of section 29 of this Ordinance, the committee may —

- (a) adjourn the hearing of the application from time to time,
- (b) stay or suspend execution of the order or judgment or postpone the date of possession for such period as it thinks fit, and from time to time grant further stays or suspensions of execution and further postponements of the date of possession.

(2) Any such adjournment, stay, suspension or postponement may be granted subject to such conditions, if any, as the committee thinks fit, and if such conditions are complied with and the order has been made or the judgment given, the committee may discharge or rescind the order or judgment.

Tenant to be granted time to reap crop.

31. In granting an order or giving judgment under the provisions of section 29 of this Ordinance, the committee shall not require the tenant to quit the holding until the crop then growing thereon has been reaped, or until after the date when the crop would normally be reaped in that zone.

Compensation.

32. (1) Where an order has been made on any of the grounds set out in paragraph (k) or paragraph (1) of subsection (2) of section 29 of this Ordinance, the assessment committee may award the tenant and any sub-tenant such compensation as it may consider just in the circumstances.

(2) Where after a landlord has obtained an order or judgment for possession or ejection under the provisions of section 29, it is subsequently made to appear to the committee that the order was obtained by misrepresentation or the concealment of material facts, the committee may order the landlord to pay to any former tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as a result of the order or judgment.

33. (1) Notwithstanding an order or judgment under the provisions of section 29 of this Ordinance, a sub-tenant shall be entitled to remain in possession of his holding in terms of his sub-tenancy as from the date of the order or judgment as aforesaid.

Sub-tenancy to continue notwithstanding order, etc., for possession.

(2) Where a sub-tenant remains in possession of a holding in accordance with the provisions of subsection (1) of this section, the provisions of this Ordinance shall apply as if he were the tenant of the landlord in whose favour the order or judgment was given:

Provided that the provisions of subsection (1) of this section shall not apply in the case of an order or judgment made on any of the grounds set out in paragraphs (f), (g), (h), (i), (j), (k) or (l) of subsection (2) of section 29.

34. Nothing in this Ordinance shall prevent a landlord and a tenant from terminating an agreement of tenancy by mutual consent.

Termination of tenancy by mutual consent.

35. (1) A tenant of a holding shall not sub-let the holding without the consent of the landlord previously obtained in writing.

Sub-letting of holding.

(2) Such consent shall not be unreasonably withheld by the landlord.

(3) Every tenant who desires to sub-let any such holding shall, if required so to do by the landlord —

(a) disclose to the landlord the terms upon which he proposes to sub-let the holding; and

(b) render it a term of any sub-tenancy of the holding created by him that the sub-tenant shall pay to the landlord the full amount of the rent payable by the tenant in respect of such holding.

(4) Where a tenant claims that the landlord has unreasonably withheld his consent to the sub-tenancy of any such holding, he may make application in writing to the assessment committee of the district in which the holding is situate for his consent and the assessment committee shall, if it considers that the consent of the landlord has unreasonably been withheld, give its consent to the sub-letting, and the consent of the assessment committee shall have effect as if it were the consent of the landlord previously obtained in writing.

36. (1) A tenant of a holding may at any time, with the consent of his landlord, transfer his agreement of tenancy.

Transfer of agreement of tenancy.

(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 shall send or give to his landlord written notice of his desire to transfer his agreement of tenancy and he shall at the same time send or give a copy of the notice to the assessment committee of the district in which the holding is situate.

(3) At any time after the receipt of the copy of the notice aforesaid the assessment committee may require the landlord or the tenant to furnish within a specified time the answers to such particulars of information as it may reasonably require.

(4) On receipt of the answer to the particulars aforesaid or after the time within which such answers may be furnished has expired the assessment committee shall inquire into the matter and if it is considered that the landlord is withholding his consent unreasonably the committee may declare that the tenant shall be entitled to transfer his agreement of tenancy on a day specified without the consent of the landlord.

(5) A transfer of an agreement of tenancy by virtue of the declaration of the committee under the preceding subsection shall operate in all respects as if the transfer had been made with the consent of the landlord.

(6) Anything in any law to the contrary notwithstanding, on the transfer of an agreement of tenancy under this section, all the interest, rights, obligations and liabilities of the tenant shall vest in and be imposed upon the transferee absolutely.

37. Where a tenant of any holding, by will or other testamentary writing, bequeaths his interest in any agreement of tenancy to any person (in this section referred to as the legatee), such bequest shall be subject to the following provisions —

Bequest of agreement of tenancy.

(a) the legatee or the executor shall notify the landlord of the testamentary bequest within twenty-one days after the death of the tenant, unless they are prevented by some unavoidable

cause from notifying him within that time, and in that event they shall notify him as soon as possible thereafter;

- (b) the transfer to give effect to the bequest shall be subject to the consent of the landlord which said consent shall not be unreasonably refused;
- (c) if under this section a landlord refuses to grant his consent he shall, in writing, so inform the legatee and shall state the reasons for his refusal of consent;
- (d) any legatee who is aggrieved by any refusal of consent by a landlord under this section may appeal to the assessment committee of the district in which the holding is situate and the decision of the said committee shall be final.

Certificate of non-observance of rules of good estate management or of good husbandry.

38. (1) If any question or difference arises with respect to the non-observance by a landlord of any holding of the rules of good estate management or by a tenant thereof of the rules of good husbandry, the tenant or the landlord as the case may be may apply to the assessment committee of the area in which his holding is situate for a certificate that the landlord or the tenant is not observing the rules of good estate management or the rules of good husbandry as the case may be.

(2) On any such application being made, the assessment committee after giving the landlord and the tenant an opportunity of being heard, shall, if it thinks fit, either grant or refuse the certificate.

(3) A certificate granted under this section to a landlord shall entitle him to determine the tenancy by notice to the tenant to quit the holding given in accordance with the terms of the certificate and the time within which such notice is to be given and the period of notice to be given shall be stated in the certificate which shall be signed by the chairman of the committee.

(4) Where land has been broken in for the cultivation of paddy by, or at the expense of, the tenant and the landlord has been granted a certificate under this section, the landlord shall pay to the tenant such sum as may be assessed by the committee which sum shall be specified in the certificate granted to the landlord. In assessing such sum to be paid, the committee shall take into account any improvement in the value of the land resulting from such breaking in of the land.

(5) A certificate granted under this section to a tenant shall specify the amount assessed and fixed by the assessment committee as damages to be paid by the landlord to the tenant for non-observance by the landlord of the rules of good estate management.

Re-allocation of lands by landlord.

39. (1) A landlord who desires to re-allocate the holdings of his tenants into single blocks may make application in writing to the assessment committee of the area in which the holdings are situate for leave to give his tenant notice of his intention to re-allocate the holdings. The assessment committee, subject to the provisions of this section, and after giving any other tenant of the said landlord an opportunity of making any representations he may desire to make, may, if it is satisfied that the application is made in good faith and that, having regard to the scattered nature of the holdings and any other consideration which the assessment committee considers relevant, it ought to be granted, give leave to the landlord to re-allocate the holdings aforesaid.

(2) No such leave shall be given unless —

- (a) the re-allocation applies to land already under paddy cultivation, or in a fit state according to normal agricultural standards, for such cultivation; and
- (b) the landlord has made available for the tenant other lands suitable according to normal agricultural standards for paddy cultivation.

(3) No notice given pursuant to the provisions of subsection (1) of this section shall be valid unless such notice is for six months ending the 30th of April.

(4) An application under subsection (1) of this section shall be accompanied by a plan drawn to scale by a sworn land surveyor and approved by the Commissioner of Lands and Mines and the Registrar of Deeds showing the existing lots of the cultivation and the lots of the proposed re-allocation.

40. (1) A landlord who desires to resume possession of any rice land in order that the land may be used for any purpose other than for the cultivation of paddy may make application in writing to the assessment committee of the area in which such land is situate for leave to give his tenant notice to quit such land, and the committee, subject to the conditions in this section provided and after giving to the tenant an opportunity of making any representations he desires to make, may, if it is satisfied that the application is made in good faith and that it ought to be granted, give leave to the landlord to determine the tenancy.

Resumption of lands by landlord.

(2) A notice to quit given under the preceding subsection shall not be of any effect unless the landlord gives at least six months' notice in writing ending on the thirtieth day of April.

(3) The procedure in the case of an investigation of an application under subsection (1) of this section shall, *mutatis mutandis* be the same as in the case of an application under subsection (1) of section 12 of this Ordinance.

41. (1) A landlord who desires to reduce the size of the holding of a tenant whose holding is larger than he can efficiently cultivate may make application in writing to the assessment committee for leave to give his tenant notice to give up possession of a portion of the holding and the assessment committee after giving to the tenant an opportunity of making any representations he desires to make, may grant the landlord leave to reduce the holding to such size as may be stated in the order or judgment, if it is satisfied that having regard to all the circumstances of the case no substantial hardship would be caused by granting such leave, and that leave ought to be granted for the purposes of increased production.

Reduction of size of holding by landlord.

(2) The landlord shall forthwith make available by way of sale or letting for the purposes of paddy cultivation any land of which a tenant is deprived of possession in pursuance of an order or judgment of the assessment committee made under subsection (1) of this section. If the committee is of opinion that the landlord has failed to make the land available as aforesaid, the committee may as agent of the landlord let the said land to any person it considers suitable and who desires to cultivate paddy on the said land and who is either not cultivating rice land or is not cultivating rice land of a sufficient size for his needs.

(3) The procedure in the case of an investigation of an application under subsection (1) of this section, shall *mutatis mutandis* be the same as in the case of an application under subsection (1) of section 12 of this Ordinance.

42. (1) Any tenant who desires to secure additional land for the cultivation of paddy may apply to the assessment committee in writing for leave to give his landlord notice to make available to him as rice land any land or any portion of such land which forms part of the landlord's estate and which is not then used or likely to be used for any purpose. The committee after giving the landlord an opportunity of making any representation he desires to make may, if it is satisfied that such additional land would be beneficially occupied by the tenant, and after considering any claims that may be made by any other tenant of the same landlord, grant the tenant leave to give the landlord notice to make such land or such portion of land available to him for the cultivation of paddy within such time as the committee shall specify. Such time shall be stated in a notice given by the tenant to the landlord.

Tenant desiring to secure additional land for cultivation of paddy.

(2) The procedure in the case of an investigation of an application under subsection (1) of this section shall, *mutatis mutandis* be the same as in the case of an application under subsection (1) of section 12 of this Ordinance.

(3) Any landlord who refuses or neglects to make such land or portion of such land available to the tenant within the time stated in the notice referred to in subsection (1) of this section shall be guilty of a summary offence and shall, on conviction thereof, be liable to a penalty not exceeding five hundred dollars and to a penalty of ten dollars for each day in respect of which the offence continues.

43. (1) Whenever a landlord has obtained an order or judgment for possession of any holding on any ground specified in section 39 or 40 of this Ordinance and the order or judgment is executed or the tenant voluntarily gives up his tenancy in con-

Orders obtained under section 39 or 40.

sequence of that order or judgment, the landlord shall be guilty of a summary offence against this Ordinance —

- (a) if without first obtaining the permission of the assessment committee he at any time uses or permits to be used or lets the holding for any purpose other than the purpose which constituted the ground on which the order was made or the judgment was given;
- (b) if he does not within a reasonable time after obtaining possession of the holding use the said holding for the purpose for which he resumed possession; or
- (c) if having obtained permission as aforesaid, he fails to comply with any of the terms or conditions which the assessment committee may have attached to that permission—

and shall, on conviction thereof, be liable to a fine not exceeding two hundred and fifty dollars.

(2) The procedure in the case of an investigation of an application by a landlord for permission to use or let such holding for any other purpose shall, *mutatis mutandis* be the same as in the case of an application under subsection (1) of section 12 of this Ordinance.

(3) On the determination of any such application the chairman of the assessment committee shall cause to be sent by registered post, to the landlord and the tenant a copy of his order thereon.

(4) The grant or refusal, or the grant subject to terms or conditions, of any such application, shall be a decision within the meaning of subsection (1) of section 26 of this Ordinance, and the provisions of that section shall apply to an appeal from such a decision:

Provided that—

- (a) the acts required by subsection (2) of section 26 of this Ordinance to be performed by the appellant shall be so performed by him within fourteen days after he receives from the chairman of the assessment committee a notification of the committee's decision;
- (b) paragraph (b) of subsection (3), and subsections (6) and (8) of section 26 of this Ordinance shall not apply to any appeal under this section; and
- (c) the Registrar shall transmit to the chairman of the assessment committee a copy of the decision of the Judge, duly authenticated by the signature of the Registrar.

(5) For the purposes of the provisions of this section in regard to offences against this Ordinance the expression "landlord" shall include the agent of the landlord.

Service of notices.

44. (1) Service of a notice to quit under this Ordinance by a landlord on any of his tenants may, where the tenant's whereabouts are unknown to the landlord, be effected by serving the chairman of the assessment committee of the district in which the holding lies with a copy of the notice and sending the notice by registered post to the tenant at his last known place of abode, and the service of the copy of the notice served on the chairman of the assessment committee shall be deemed to be service on the tenant.

(2) Subject to the provisions of subsection (1) of this section, where notice is required by this Ordinance to be given, and provision has not been made for the giving of such notice, such notice shall be given by registered post.

Irrigation water supplied by landlord by mechanical means to be subject to separate contract

45. As from the commencement of this Ordinance, in any area where a landlord is able and willing to provide a tenant's rice land with water by mechanical means and the tenant desires such service, the landlord shall inform such tenant in writing of the charge and conditions for this service, and if the tenant agrees with such terms and so informs the landlord in writing, such agreement shall notwithstanding the provisions of this Ordinance, constitute a valid and lawful contract.



46. Anything which by or under this Ordinance is required or authorised to be done to, by, or in respect of the landlord of a holding may be done to, by, or, in respect of any agent of the landlord duly authorised in that behalf.

Agents of landlords.

47. Without prejudice to any proceedings which may be taken under any Ordinance imposing stamp duties on the execution of instruments, it shall be no objection to any agreement, transfer or authorisation which may be made under this Ordinance by reason only that the agreement, transfer or authorisation is not stamped or is not sufficiently stamped or, in the case of an agreement (other than an agreement containing a specified condition), that the agreement or some memorandum or note thereof is not in writing and signed by the party to be charged.

Validity of agreements, etc.

48. Any provision in any agreement between a landlord and a tenant whereby the tenant purports to contract himself out of the provisions of this Ordinance shall be null and void.

Contracting out of Ordinance.

49. Notwithstanding any provision in an agreement of tenancy making either the landlord or the tenant liable to pay any liquidated damages or any penalty in the event of any breach or non-fulfilment of any of the terms or conditions in the agreement, neither party shall be entitled to recover any sum in consequence of any such breach or non-fulfilment in excess of the damage actually suffered by him in consequence of the breach or non-fulfilment of any of the terms or conditions in the agreement.

Extent of damages and penalties recoverable.

50. (1) No person shall, as a condition of the grant, renewal or continuance of a tenancy or sub-tenancy of any holding to which this Ordinance applies, require the payment of any fine, premium, or other like sum, or the giving of any consideration, in addition to the rent.

Restriction on premiums.

(2) Where subsequent to the commencement of this Ordinance any such payment or consideration has been made or given the amount or value thereof shall be recoverable by the person by whom it was made or given.

(3) A person requiring any payment or the giving of any consideration in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars and the court by which he is convicted may order the amount paid or the value of the consideration to be repaid to the person by whom it was made or given, but such order shall be in lieu of any other method of recovery prescribed by this Ordinance.

51. (1) Subject to the provisions of subsection (3) of section 3 of the Summary Jurisdiction (Petty Debt) Ordinance, any claim or other proceedings (not being proceedings under the Summary Jurisdiction Ordinances or proceedings before the assessment committee as such) arising out of this Ordinance shall be made or instituted in the Magistrate's Court.

Procedure. Cap. 18.

(2) A Committee shall have full powers to rehear any application and to revise any decision in any case in which, in its opinion, altered circumstances make it just that it should exercise such powers.

(3) The law and practice of the magistrate's court shall, subject to the necessary modifications, apply to any claim or other proceedings (not being proceedings under the Summary Jurisdiction Ordinances made or instituted under this Ordinance).

Cap. 185.

(4) Anything contained in the Landlord and Tenant Ordinance to the contrary notwithstanding, the jurisdiction of a magistrate under this Ordinance, shall extend to all holdings irrespective of the amount of the rent.

52. A complaint in respect of an offence under the provisions of this Ordinance shall be made within twelve months from the time when the matter of the complaint arose.

Limitation of prosecutions.

53. Every member, officer or servant of a committee acting under the provisions of this Ordinance or of any Regulations made hereunder shall be entitled to the protection of the Justices Protection Ordinance.

Protection of persons acting under this Ordinance.

54. The Governor in Council may make Regulations —

Cap. 18. Regulations.

- (a) prescribing the manner and the form in which applications may be made to the assessment committee under this Ordinance;
- (b) prescribing forms for the purposes of this Ordinance;
- (c) generally, for carrying out the provisions of this Ordinance.

Right of tenant to keep oxen on his holding.

General savings of rights.

Repeal. Cap. 251. Commencement.

55. A tenant shall be entitled to keep free of charge for the purpose of the cultivation of paddy two oxen in respect of every 5 acres or part thereof of his holding

56. Except as in this Ordinance expressly provided, nothing in this Ordinance shall prejudicially affect any power, right or remedy of a landlord, or tenant, or other person, vested in or exercisable by him by virtue of any other Ordinance or law, or under any custom of the country, or otherwise, in respect of any agreement of tenancy or other contract, or of any fixtures, tax, rate, rent or other thing.

57. The Rice Farmers (Security of Tenure) Ordinance is hereby repealed.

58. This Ordinance shall come into operation on such day as the Governor shall, by proclamation published in the Gazette, appoint.

## FIRST SCHEDULE

Section 4.

ZONE	AREA	BASIC RENTAL PER ACRE		
		Clay Soil	Pegasse Soil	Toxic Soil
I	The islands of Wakenaam and Leguan in the estuary of the Essequibo River.	\$12.00	—	—
II	The Essequibo Coast from the Northern boundary of Walton Hall to the left bank Supenaam River, Tiger Island and the islands in the Essequibo River as far as the southern tip of Hog Island with the exception of Leguan and Wakenaam Islands.	\$10.00	\$6.60	—
III	The Essequibo Coast from the Pomeroun Rivér to the northern boundary of Walton Hall, and both banks of the Pomeroun River.	\$ 7.50	\$5.00	—
IV	The West Bank Demerara, between the southern boundary of Versailles on the north and the Hubabu Creek and the Polder Canal on the south, and including the Nos. 1 and 2 Canal Polder area.	\$ 7.50	\$5.00	\$2.50
V	The East Coast Demerara, up to the left bank Mahaica River, the left bank Mahaica River up to the northern boundary of Mary's Hope, the East Bank Demerara River up to the United States Air Base (Atkinson Field), the West Bank Demerara River north of the southern boundary of Plantation Versailles, the West Coast Demerara and the right bank Essequibo River up to the mouth of the Bonasika River.	\$10.00	\$6.60	\$2.50
VI	The East Coast Demerara from the right bank Mahaica River eastwards, the West Coast Berbice to the southern boundary of Willemstad, the Mahaica River from its mouth on the right bank and from the northern boundary of Mary's Hope on the left bank, and the Mahaicony and Abary Rivers.	\$ 7.50	\$5.00	\$2.50
VII	The Courantyne River up to Moleson Creek, the Courantyne Coast, the East Coast of Berbice, the Canje River up to Calabash Creek, the Berbice River up to Plegt Anker on the right bank and to a point opposite Plegt Anker on the left bank, on the West Coast Berbice to the southern boundary of Willemstad.	\$10.00	\$6.60	—

SECOND SCHEDULE

Section 5(c).

Form of Receipt.

(Date)

Received from ..... the sum of \$..... for rent in respect of ..... acres of rice land situate at ..... for the period..... to..... the said amount being comprised as follows:—

Basic rent .. .. .	\$
Local Authority rates .. .. .	\$
Drainage and Irrigation rates .. .. .	\$
Conservancy rates .. .. .	\$
Estate charges .. .. .	\$
Total	\$

Signature of landlord (or his agent).

THIRD SCHEDULE

Section 6.

1. The original document containing the specified condition shall be endorsed as follows:—

“Filed in the office of the district commissioner at ..... the..... day of ....., 19....

(Signed) ..... District Commissioner.

2. The copies of the original document aforesaid shall be endorsed as follows:—

“The original of which this is a true copy was filed in the office of the district commissioner at ..... on the..... day of....., 19....

(Signed) ..... District Commissioner.



FIFTH SCHEDULE

Section 23 (d)

Rates of Estate Charges.

Type of estate	Rental per acre
(a) Highly maintained, but not within an area declared under the Drainage and Irrigation Ordinance	\$10.00
(b) Highly maintained in an area declared under the Drainage and Irrigation Ordinance	\$ 7.50
(c) Partly maintained, but not within an area declared under the Drainage and Irrigation Ordinance	\$ 5.00
(d) Partly maintained, in an area declared under the Drainage and Irrigation Ordinance	\$ 2.50

OBJECTS AND REASONS.

This bill seeks to implement certain of the recommendations made by a committee appointed on the instructions of His Excellency the Officer Administering the Government, *inter alia*, to examine the problem of fixing rents of rice lands and to recommend an appropriate new basis on which standard rents may be prescribed in various rice growing areas for various categories of land (with permitted variations where necessary), and in addition to prepare and submit a new draft Rice Farmers (Security of Tenure) Bill.

2. Clause 3 of the bill seeks to provide for the security of tenure of rice lands.

3. Clause 4 of the bill seeks to provide for the establishment of certain zones which are comprised of those areas of land described in the first schedule, and also seeks to fix the basic rents in respect of those lands according to the zones in which they fall and also according to the type of soil.

4. Clause 5 seeks to provide for the implied conditions in an agreement of tenancy, while clause 6 seeks to provide that a "specified condition" shall not form part of an agreement of tenancy and also seeks to prescribe the conditions to be observed to render a specified condition enforceable.

5. Clause 7 seeks to provide for the keeping of a register of tenancies by a landlord, that the landlord shall make the register available for inspection and failure to do so or to keep the register up to date shall constitute a summary offence.

6. Clause 8 seeks to provide for the establishment of assessment committees and for the personnel of such committees.

7. Clause 9 seeks to make provision for the meetings of assessment committees.

8. Clause 10 seeks to provide for the appointment of officers and servants of assessment committees and for the payment of allowances and expenses to such officers and servants and also to members of the committees.

9. Clause 11 seeks to provide for the powers and duties of the assessment committees.

10. Clause 12 seeks to make provision for the application to the committee to have the maximum rent of holdings assessed, while clause 13 seeks to provide for the giving of evidence and the production of documents before the committee.

11. Clause 14 seeks to make provision for the public hearing of an application to have the maximum rent fixed, while clause 15 seeks to give the committee the power to inspect a holding which is the subject of an application.

12. Clause 16 seeks to provide for the fixing and certifying of the maximum rent of a holding in respect of which an application has been made, in the absence of the landlord or his agent.

13. Clause 17 seeks to make provision for the payment of witness expenses and costs.

14. Clause 18 seeks to make provision for the recording of the maximum rent after it has been ascertained, assessed and fixed, and for the preparation, certification and despatch of a certificate of the maximum rent, while clause 19 seeks to provide for the effective date of such certificate.

15. Clause 20 seeks to make provision for the re-opening of an investigation, while clause 22 seeks to provide for the cancellation of a certificate obtained by fraud, misrepresentation or collusion.

16. Clause 23 seeks to provide for the additions that may be made to the basic rent to arrive at the maximum rent, and clause 24 seeks to provide for the issue of a new certificate where the maximum rent has become liable to variation by virtue of the fact that the permitted additions have themselves been varied.

17. Clause 25 seeks to provide for the effect of a certificate of the maximum rent. Clause 26 seeks to make provision for appeals from the decisions of assessment committees to the Supreme Court.

18. Clause 27 seeks to provide for a statement with respect to the basic and maximum rents to be supplied by the landlord to the tenant.

19. Clause 28 seeks to make provision for the termination of a tenancy by a tenant.

20. Clause 29 seeks to make provision for the application of the landlord for the termination of the tenancy, and the grounds upon which an order for such termination may be made.

21. Clause 30 seeks to provide for the adjournment of an application made under clause 29, and for a stay of the execution of an order made under the same clause.

22. Clause 31 seeks to provide that notwithstanding an order for the termination of a tenancy, the tenant shall not be required to quit the holding until he has reaped his crop. Clause 32 seeks to provide for the payment of compensation to the tenant.

23. Clause 33 seeks to make provision for the continuance of the sub-tenancy notwithstanding that an order for possession against the tenant has been made. Clause 34 seeks to make provision for the termination of a tenancy by mutual consent.

24. Clause 35 seeks to make provision for the sub-letting of a holding with the consent of the landlord, and also for an application to be made to the assessment committee in the event of the landlord withholding his consent unreasonably.

25. Clause 36 seeks to provide for the transfer of an agreement of tenancy, while clause 37 seeks to make provision for the bequest of such an agreement.

26. Clause 38 seeks to make provision for the grant by the committee of a certificate of non-observance of the rules of good estate management or of good husbandry.

27. Clause 39 seeks to provide for the re-allocation of holdings with the leave of the assessment committee. Clause 40 seeks to provide for the resumption of holdings by the landlord, while clause 41 seeks to provide for the reduction of the size of a holding, both with the leave of the committee.

28. Clause 42 seeks to make provision for the application of a tenant to the committee to secure additional land for the cultivation of paddy.

29. Clause 43 seeks to make it an offence where the landlord does not comply with any conditions stipulated in an order obtained under the provisions of section 39 or section 40.

30. Clause 44 seeks to make provision for the service of notices.

31. Clause 45 seeks to exempt from the provisions of the Ordinance any contract relating to the irrigation of a holding by mechanical means.

32. Clause 46, 47, 48, 49, 50, 51, 52, 53 and 54 are self-explanatory.

33. Clause 55 seeks to give a tenant the right to keep oxen on his holding.

34. Clauses 56, 57 and 58 are self-explanatory.

E. F. McDAVID,  
Member for Agriculture, Forests,  
Lands and Mines.

30th April, 1956.  
(Leg. Bill No. 22/1956)

## THE RICE FARMERS (SECURITY OF TENURE) BILL, 1956.

## Comparative Table of Provisions

## KEY

Cap. 5	—	The Interpretation Ordinance.
Cap. 16	—	The Summary Jurisdiction (Petty Debt) Ordinance.
Cap. 56	—	The District Government Ordinance.
Cap. 186	—	The Rent Restriction Ordinance.
Cap. 251	—	The Rice Farmers (Security of Tenure) Ordinance.

Clause	Source	Remarks
2 Definition of:	New	—
“agent”	—	—
“agreement of tenancy”	Sec. 2 of Cap. 251	Adapted.
“agricultural superintendent”	New	—
“assessment committee”	New	—
“basic rent”	New	Compare sec. 13 of Cap. 251.
“chairman”	New	—
“clay soil”	New	—
“district commissioner”	—	Compare definition in Cap. 56.
“estate charges”	New	—
“holding”	Sec. 2 of Cap. 251	Adapted.
“landlord”	Sec. 2 of Cap. 251	Adapted.
“maximum rent”	New	Compare sec. 14 of Cap. 251.
“pegasse soil”	New	—
“rice land”	Sec. 2 of Cap. 251	Modified.
“rules of good estate management”	Sec. 2 of Cap. 251	Modified.
“rules of good husbandry”	Sec. 2 of Cap. 251	Modified.
“tenancy”	New	—
“tenant”	Sec. 2 of Cap. 251	Modified.
“toxic soil”	New	—
“a year”	Sec. 2 of Cap. 251	Adapted.
3	Sec. 3 of Cap. 251	Adapted.
4	New	—
5	Sec. 4 of Cap. 251	Modified.
6	Sec. 5 of Cap. 251	Modified.
7	New	—
8	New	—
9	New	—
10	New	—
11	New	—
12	New	Compare sec. 13 of Cap. 251.
13	New	Compare sec. 21 of Cap. 16.
14	New	Compare sec. 18 of Cap. 16.
15	Sec. 7(15) of Cap. 186	Modified.
16	Sec. 7(16) of Cap. 186	Modified.
17	Sec. 7(26) of Cap. 186	Adapted.
18	Sec. 7(24) of Cap. 186	Modified.
19	Sec. 7(25) of Cap. 186	Adapted.
20	New	—
21	New	—
22	Sec. 7(28) of Cap. 186	Modified.
23	New	Compare sec. 14 of Cap. 251
24	New	Compare sec. 9 of Cap. 186.
25	Sec. 10(1) of Cap. 186	Adapted.
26	Sec. 11 of Cap. 186	Adapted.
27	Sec. 12 of Cap. 186	Adapted.
28	Sec. 6 of Cap. 251	Modified.
29	Sec. 7 of Cap. 251	Modified.
30	Sec. 16(2) of Cap. 186	Adapted.

Clause	Source	Remarks
31	Proviso to sec. 7 of Cap. 251	Modified.
32	New	—
33	New	—
34	New	—
35	New	Compare sec. 32 of Cap. 186.
36	Sec. 10 of Cap. 251	Adapted.
37	Sec. 11 of Cap. 251	Modified.
38	Sec. 9 of Cap. 251	Modified.
39	New	—
40	Sec. 12 of Cap. 251	Modified.
41	New	—
42	New	—
43	Sec. 17 of Cap. 186	Modified.
44	New	Compare sec. 9 of Cap. 5.
45	Sec. 15 of Cap. 251	Adapted.
46	Sec. 17 of Cap. 251	Adapted.
47	Sec. 18 of Cap. 251	Adapted.
48	Sec. 19 of Cap. 251	Adapted.
49	Sec. 20 of Cap. 251	Adapted.
50	Sec. 20 of Cap. 186	Modified.
51	Sec. 26 of Cap. 186	Modified.
52	Sec. 25 of Cap. 186	Modified.
53	New	—
54	—	—
55	New	—
56	Sec. 23 of Cap. 251	Adapted.
57	—	—
58	—	—