



GUYANA

BILL NO. 14 of 1981

**GUYANA TIMBER EXPORT BOARD (TRANSFER OF
FUNCTIONS) BILL 1981**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Dissolution of Board and transfer of its function to Commission.
4. Transfer of functions of Board conferred on Commission to Demerara Woods Limited or any other corporation.
5. Amendment of section 4 of the Guyana Forestry Commission Act 1979.

A BILL

Intituled

AN ACT to provide for the dissolution of the Guyana Timber Export Board, the transfer of its functions to the Guyana Forestry Commission and for related matters.

A.D. 1981 Enacted by the Parliament of Guyana:—

Short title. 1. This Act may be cited as the Guyana Timber Export Board (Transfer of Functions) Act 1981.

Interpretation. 2. In this Act —

Cap. 67:03 “Board” means the Guyana Timber Export Board established by section 3 of the Guyana Timber Export Board Act;

Act No. 2 of 1979 “Commission” means the Guyana Forestry Commission established by section 3 of the Guyana Forestry Commission Act 1979;

“Principal Act” mean the Guyana Timber Export Board Act;

Cap. 67:03 “Registered producer” has the same meaning as in the Guyana Timber Export Board Act.

Dissolution of Board and transfer of its functions to Commission. 3. (1) The Board is hereby dissolved.

(2) The functions conferred on the Board by the Principal Act shall, with effect from date of the dissolution of the Board (hereafter in this Act referred to as the appointed day), be exercised by the Commission and the provisions of that Act except section 3 and the Schedule shall, with effect from the appointed day, have effect as if references therein to the Board were references to the Commission :

Provided that —

(a) it shall not be necessary for the Commission to have a separate General Manager and Secretary under section 6(1) of the principal Act in respect of the functions of the Board conferred on it;

(b) references in section 11 of the principal Act to the accounts of the Board shall be deemed to be references to the accounts of the Commission, to be maintained separately, in relation to the fund separately maintained, managed and administered by the Commission under subsection (10).

(3) The assets (including rights and interests) of the Board shall, by virtue of this section and without further assurance, be transferred to, and vested in, the Commission on the appointed day.

(4) The liabilities incurred by the Board prior to, and subsisting immediately before, the appointed day shall be discharged by, and be enforceable against, the Commission as if the said liabilities had been incurred by the Commission.

(5) Nothing in subsection (3) or (4) applies to rights or liabilities under any contract of service.

(6) All contracts, deeds, bonds, agreements or other instruments or documents which were subsisting immediately before the appointed day and affected the Board shall, in so far as they relate to the undertaking or the assets of the Board, be of as full force and effect against, or in favour of, the Commission and enforceable as fully and effectually as if instead of the Board the Commission had been named therein or had been a party thereto and where immovable property has, by virtue of this section, vested in the Commission the Registrar of Deeds shall take due notice thereof and shall make such annotations on the records as may be necessary.

(7) Without prejudice to the other provisions of this section, in relation to orders for the purchase of timber for export received by the Board and allocated by it to registered producers before the appointed day, the Commission shall have all the functions that the Board had, including the power to charge and collect or collect the fees or commission or other sums which would have been payable to the Board if this Act had not come into operation.

(8) All proceedings commenced prior to the appointed day for the enforcement of any rights or liabilities which are transferred or attached to the Commission by virtue of this section and pending on that day in any court or before any authority may be continued by or against the Commission, and any such proceedings may be amended accordingly.

(9) Notwithstanding anything contained in any other law or contract to the contrary, the appointment of all the officers and employees employed by the Board immediately before the appointed day shall stand terminated on that day :

Provided that the Commission may, if it is of the opinion that it is necessary to employ additional number of officers and employees for the purpose of carrying out the functions conferred on it by this Act, employ such of the persons employed by the Board immediately before the appointed day, who are in its opinion qualified and otherwise suitable for such employment, on such terms and conditions as may be agreed on between the Commission and him/her and in respect of any person so employed the Commission shall be the successor of the Board with regard to his leave or superannuation rights or benefit, whether accrued, earned, inchoate or contingent.

(10) Without prejudice to the other provisions of this section the fund referred to in section 8 of the principal Act shall, as from the appointed day, be maintained, managed and administered, and accounted for, by the Commission, separately from the other funds and resources of the Commission in the same manner as the Board was required to maintain, manage and administer, and account for, it by the principal Act.

Transfer of functions of Board conferred on Commission to Demerara Woods Limited or any other corporation.

4. (1) The Minister may, after consultation with the Commission and by order, transfer all or any of the functions of the Board conferred on the Commission by this Act to the Demerara Woods Limited or to any other corporation on such terms and conditions as may be agreed to between him and the Demerara Woods Limited or the other corporation, as the case may be, and such order may take such provisions as appear to him to be necessary or expedient to give effect to the transfer of the functions including provisions relating to the modification of any provisions of this Act, transfer of the assets (including rights and interests) and liabilities, vesting of property, the preservation of rights and liabilities existing immediately before the transfer of the functions and continued employment of officers and employees.

(2) Any order made subsection (1) shall be subject to the negative resolution of the National Assembly.

Amendment of section 4 of the Guyana Forestry Commission Act.

5. Section 4 (1) (h) of the Guyana Forestry Commission Act is hereby amended by the deletion of the words "without prejudice to the powers conferred by law on the Guyana Timber Export Board."

EXPLANATORY MEMORANDUM

The Bill seeks to abolish the Guyana Timber Export Board and transfer the functions that are at present being exercised by it under the Guyana Timber Export Board Act, Cap. 67:03, to the Guyana Forestry Commission. Power is also sought to be conferred on the Minister to transfer, on a later date, all or any of these functions to the Demerara Woods Limited or any other corporation. This will be done after consultation with the Commission and on terms and conditions agreed to between the Minister and the Demerara Woods Limited or the other corporation to which the functions are proposed to be transferred.

R. H. O. Corbin,
Minister of National Development.

(Bill No. 14/1981)

(MF 1/1)