

THE OFFICIAL GAZETTE—24TH NOVEMBER, 1984
LEGAL SUPPLEMENT — C

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

84—11—17.

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

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 17 of 1984

RICE (REGULATION OF MANUFACTURING AND MARKETING)
BILL 1984

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A BILL

Intituled

AN ACT to make provisions for the regulation of the manufacture and marketing of rice, for securing the further development of rice industry, for the establishment of the National Padi and Rice

Grading Centre, the Guyana Rice Milling and Marketing Authority
and the Guyana Rice Export Board, and for matters connected
therewith.

A.D. 1984 Enacted by the Parliament of Guyana:—

PART I

PRELIMINARY

Short title
and com-
men-
cement.

1. This Act may be cited as the Rice (Regulation of Manufacturing and Marketing) Act 1984, and shall come into operation on such date as the Minister may appoint by order.

Interpre-
tation.

2. In this Act —

- (a) “accounting year”, in relation to the Centre, the Authority or the Board, means the accounting year referred to in section 38;
- (b) “appointed day” means the date appointed under section 1 for the coming into operation of this Act;
- (c) “Appointments Committee” means the Appointments Committee for the Rice Grading, Marketing and Export Authorities appointed under section 26;
- (d) “authorised wholesaler” means a person appointed by the Authority as an authorised wholesaler of rice under section 58;
- (e) “Authority” means the Guyana Rice Milling and Marketing Authority established by section 8;
- (f) “Board” means the Guyana Rice Export Board established by section 14;
- (g) “Centre” means the National Padi and Rice Grading Centre established by section 3;
- (h) “Executive Committee” means the Executive Committee of the Authority constituted under section 11;
- (i) “landlord” means any person, other than the State or the Authority, for the time being entitled to receive the rent for, or to take possession of, any rice lands and includes a sub-landlord, the executors, administrators, assignees, lessee or trustee in insolvency of a landlord;

- (j) “licensed grader” means a person who is issued a licence by the Centre under section 45 (2) to grade padi or rice or both;
- (k) “manufacturer” means any person who operates a rice factory, but does not include the Authority;
- (l) “region” means any of the regions into which Guyana has been divided under the Local Democratic Organisations Act 1980; No. 12 of 1980
- (m) “Regional Authority” means a Regional Rice Milling and Marketing Authority established under section 12;
- (n) “regional grading office” means a regional padi and rice grading office established under section 6 (2);
- (o) “Rice Board” means the Guyana Rice Board established by section 3 of the Guyana Rice Board Act; Cap 72:01
- (p) “rice factory” means any premises in which padi is manufactured into rice by mechanical power, and includes any place, building, machinery or equipment used in connection with or in relation to such premises for the storage of padi or rice or the manufacture of rice;
- (q) “rice land”, for the purposes of paragraphs (i) and (r), 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 padi, such land being at the time of letting fit for the cultivation of padi according to normal agricultural standards;
- (r) “rice producer” means —
- (i) any landlord of rice land;
 - (ii) any rice farmer who cultivates his own land or any land let or leased to him or which is otherwise lawfully occupied by him;
 - (iii) any manufacturer;
- (s) “aircraft”, “export” and “ship” have the same meaning as in the Customs Act. Cap. 88:01

PART II

AUTHORITIES

National Padi and Rice Grading Centre

Establish-
ment and
constitution
of National
Padi and
Rice Grad-
ing Centre.

3. (1) There is hereby established a body corporate to be known as the National Padi and Rice Grading Centre.

(2) The Centre shall consist of the following members —

- (a) the general manager of the Centre;
- (b) such number of members as may be appointed by the Minister from among persons appearing to him to be qualified as having had experience of, and shown capacity in, matters relating to the grading of padi or rice, production, manufacture, marketing or export of rice, cultivation of padi, co-operative movement, administration or commerce, or as representing local democratic organs;
- (c) a person to be chosen by the employees of the Centre from among themselves in such manner as may be specified by the Minister.

(3) The Minister shall appoint one of the members of the Centre as chairman thereof.

(4) The total number of the members of the Centre shall not exceed nine.

(5) The remuneration or allowance payable to the chairman and each of the other members of the Centre (other than the general manager) and the other terms and conditions of their appointment shall be such as may be determined by the Minister.

(6) The names of the members of the Centre at first constituted and every change in the membership thereof shall be published in the *Gazette*.

Functions
of Centre.

4. (1) The functions of the Centre shall be —

- (a) to grade and certify the grades of all padi received into, or proposed to be delivered to, a rice factory for milling;
- (b) to grade and certify the grades of all rice intended for sale in Guyana;
- (c) to grade and certify the grade of all padi and rice intended for export;

- (d) to collect and make available to the rice industry relevant data relating to grading and quality of padi and rice;
- (e) to train persons to grade padi or rice or both and to certify and license persons who are in the opinion of the Centre qualified to grade padi or rice or both;
- (f) to exercise and perform in relation to rice factories the functions, under the Rice Factories Act, of a Commissioner as defined in that Act; Cap. 95:05
- (g) to determine suitable types of packaging for sale in Guyana, and for exportation, of rice and padi;
- (h) to lay down and maintain technical standards, consistent with international classifications, for grading padi and rice; and
- (i) to exercise and perform such other functions conferred upon it by or under this Act.

(2) The Centre may determine different classifications of grades in respect of rice to be purchased from a manufacturer, to be sold for consumption in Guyana and to be exported out of Guyana.

(3) The grades of padi and rice determined by the Centre, and the standards laid down by the Centre for fixing the grades, shall be notified in the *Gazette*, and in at least one newspaper having circulation in Guyana, and in such other manner, if any, as may be prescribed by the Minister by regulations.

5. (1) The Minister shall be entitled to receive notices of all meetings of the Centre and to attend thereat without the right to vote and he shall be entitled to be furnished by the secretary of the Centre, or such other person authorised in that behalf by the Centre, with copies of the proceedings of the meetings of the Centre showing the matters discussed, and the conclusions reached, by the Centre thereat. Minister entitled to attend meetings of Centre.

(2) Where the Minister attends a meeting of the Centre he may preside at the meeting.

6. (1) The headquarters of the Centre shall be in such place in Guyana as may be determined by the Minister. Headquarters and regional offices of Centre.

(2) The Centre may, with the approval of the Minister, establish for any region a regional padi and rice grading office.

Management
and functions
of regional
grading
offices.

7. (1) The affairs and business of a regional grading office may be managed by the Centre through its officers or a committee appointed by the Centre, and having such name and consisting of such number of members, not exceeding five, as it thinks fit from among persons who are qualified to be appointed as members of the Centre.

(2) A member of the Centre may be appointed as a member of a committee appointed under subsection (1).

(3) The names of the members of any committee as first appointed under subsection (1) and every change in the membership thereof shall be published in the *Gazette*.

(4) The remuneration or allowance payable to the chairman and each of the other members of a committee appointed under subsection (1) and the other terms and conditions of their appointment shall be such as may be determined by the Centre with the approval of the Minister.

(5) Subject to any regulations made by the Minister, the Centre may make rules to regulate the procedure and business of a committee appointed under subsection (1), including the intervals at which its meetings shall be held and the quorum for its meetings, and subject to such rules, the committee may regulate its own procedure and business and may make rules for that purpose.

(6) A regional grading office shall, within the region in which it is established and subject to the supervision and control of the Centre, manage such business of the Centre and may, in the name and on behalf of the Centre, exercise and perform such functions of the Centre under this Act as may be delegated to it in writing by the Centre.

Guyana Rice Milling and Marketing Authority

Establishment and constitution of Guyana Rice Milling and Marketing Authority.

8. (1) There is hereby established a body corporate to be known as the Guyana Rice Milling and Marketing Authority.

(2) The Authority shall consist of the following members —

- (a) the general manager of the Authority;
- (b) such number of members as may be appointed by the Minister from among persons appearing to him to be qualified as having had experience of, and shown capacity in, matters relating to the production,

manufacture, or marketing of rice, cultivation of padi, rice industry, co-operative movement, administration or commerce or as representing local democratic organs;

- (c) a person to be chosen by the employees of the Authority from among themselves in such manner as may be specified by the Minister.

(3) The Minister shall appoint one of the members of the Authority as chairman thereof.

(4) The total number of the members of the Authority shall not exceed eleven.

(5) The remuneration or allowance payable to the chairman and each of the other members of the Authority (other than the general manager) and the other terms and conditions of their appointment shall be such as may be determined by the Minister.

(6) The names of the members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

9. (1) The functions of the Authority shall be —

Functions of
Authority.

- (a) to collaborate with all relevant authorities for the development of rice industry in Guyana;
- (b) to carry on the business of purchase and sale of padi and rice;
- (c) to carry on the business of manufacturing rice;
- (d) to supply the Board with rice, padi and all other products of padi required by the Board for export;
- (e) subject to the provisions of this Act, to exercise general supervision over, and give direction in respect of, —
- (i) the disposal of padi produced in Guyana;
- (ii) the manufacture, purchase, sale and distribution in Guyana of rice and other products of padi manufactured in Guyana;

- (f) to engage in such other commercial, industrial, and agricultural activities which the Authority deems necessary for the purpose of developing the rice industry in Guyana; and
- (g) to exercise and perform such other functions conferred upon it by or under this Act.

(2) In the exercise of its functions under this Act, the Authority may —

- (a) establish and operate in Guyana such number of rice factories, and of such capacity, as it deems fit;
- (b) purchase padi, sell such padi in Guyana or manufacture it, or arrange to have it manufactured by a manufacturer, into rice or any other product of padi;
- (c) purchase or sell rice or any other product of padi in Guyana.

Duty of Authority to sell rice for consumption in Guyana.

10. (1) It shall be the duty of the Authority to sell, or arrange to be sold, rice for consumption in Guyana at the price fixed therefor by the Minister under section 54 or, if the Minister has not fixed the price therefor, at the price fixed by the Authority with the approval of the Minister.

(2) The Authority may fix the limits of rice it may sell to any purchaser.

Constitution and functions of Executive Committee.

11. (1) There shall be an Executive Committee of the Authority which shall consist of —

- (a) the general manager of the Authority, who shall be chairman; and
- (b) four other members of the Authority to be appointed by the Authority.

(2) The terms and conditions of appointment of the members of the Executive Committee shall be such as may be determined by the Minister.

(3) Subject to regulations made by the Minister and rules made by the Authority, the Executive Committee may regulate its own procedure and business and may make rules for that purpose.

(4) Subject to the directions and general control of the Authority, the Executive Committee shall manage the business of the

Authority under this Act and may, in the name and on behalf of the Authority, exercise and perform the functions of the Authority under this Act.

12. (1) The Authority may, with the approval of the Minister, **establish** for any region a Regional Rice Milling and Marketing Authority. Establishment of Regional Authorities.

(2) A Regional Authority shall consist of —

- (a) not more than five persons appointed by the Authority, acting with the approval of the Minister, from among persons appearing to the Authority to be qualified for appointment as being *bona fide* rice farmers of the region; and
- (b) not more than five other persons appointed by the Authority, acting with the approval of the Minister, from among persons in the region appearing to the Authority to be qualified as having had experience of and shown capacity in, matter relating to the production, manufacture or marketing of rice, cultivation of padi, rice industry, co-operative movement, administration or commerce, or as representing local democratic organs.

(3) Any member of the Authority, who is qualified under subsection (2) for appointment as a member of a Regional Authority, may be appointed as a member of the Regional Authority under that subsection.

(4) One of the members of a Regional Authority shall be appointed by the Authority, with the approval of the Minister, as chairman of the Regional Authority.

(5) Each Regional Authority shall be assigned such name as the Authority may determine and shall have its headquarters in such place, in the region for which it is established, as the Authority may specify.

(6) The names of the members of a Regional Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

(7) The remuneration or allowance payable to the chairman and each of the other members of a Regional Authority and the other terms and conditions of their appointment shall be such as may be determined by the Authority with the approval of the Minister.

(8) Subject to regulations made by the Minister and rules made by the Authority, a Regional Authority may regulate its own procedure and business and may make rules for that purpose.

Functions of
a Regional
Authority.

13. A Regional Authority shall, within the region for which it is established and subject to the supervision and control of the Authority, manage such business of the Authority and may, in the name and on behalf of the Authority, exercise and perform such functions of the Authority under this Act, as may be delegated to it in writing by the Authority.

Guyana Rice Export Board

Establish-
ment of
Guyana Rice
Export Board.

14. (1) There is hereby established a body corporate to be known as the Guyana Rice Export Board.

(2) The Board shall consist of the following members —

- (a) the general manager of the Board;
- (b) such number of members as may be appointed by the Minister from among persons appearing to him to be qualified as having had experience of, and shown capacity in, matters relating to export trade, particularly relating to export of rice and other products of padi, the production, manufacture or marketing of rice, cultivation of padi, co-operative movement, administration or commerce, or as representing local democratic organs;
- (c) a person to be chosen by the employees of the Board from among themselves in such manner as may be specified by the Minister.

(3) The Minister shall appoint one of the members of the Board as chairman thereof.

(4) The total number of the members of the Board shall not exceed eleven.

(5) The remuneration or allowance payable to the chairman and each of the other members of the Board (other than the general manager) and the other terms and conditions of their appointment shall be such as may be determined by the Minister.

(6) The names of the members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

15. The functions of the Board shall be — Functions of Board.
- (a) to promote the expansion of export trade in padi, rice and other products of padi, and products of rice, manufactured or produced in Guyana;
 - (b) subject to the provisions of this Act, to regulate the export of padi and rice and other products of padi produced or manufactured in Guyana;
 - (c) to export, and for that purpose negotiate and enter into contracts with foreign governments or persons outside Guyana or other external agencies for the export of, padi or rice or other products of padi;
 - (d) to license manufacturers or other persons to export padi or rice or any other product of padi;
 - (e) to examine and certify as to the quantity or quality or both of padi and rice proposed to be exported by exporters other than the Board, and to advise such exporters on all matter relating to export of padi and rice;
 - (f) to engage in marketing research and analysis pertaining to export potential for rice and other products of padi, padi and products of rice, with a view to collect information adequate for strategic planning of their production and export;
 - (g) to monitor and guide the development of the rice industry having regard to changes in the export markets for rice and other products of padi, padi and products of rice;
 - (h) to advise the Government and the rice industry as regards marketing prospects for the export of rice and other products of padi, padi and products of rice;
 - (i) to engage in such other commercial, industrial and other activities which appear to the Board to be necessary for the purpose of increasing the export of rice and other products of padi, padi and products of rice; and
 - (j) to exercise and perform such other functions conferred upon it by or under this Act

General Provisions

Custody of seal, etc.

16. (1) The seal of the Centre, the Authority or the Board shall be kept in the custody of the chairman or the deputy chairman or the secretary thereof and shall be authenticated by the signature of the chairman, or the deputy chairman, and the secretary of the Centre, the Authority or the Board, as the case may be.

(2) Every document purporting to be an instrument duly executed under the seal of the Centre, the Authority or the Board shall be received in evidence and deemed, without further proof, to be so executed unless the contrary is proved.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Centre, the Authority or the Board may be signified under the hand of the chairman, the deputy chairman or the secretary of the Centre, the Authority or the Board, as the case may be.

Members of Centre, Authority or Board not to participate in certain decisions.

17. A member of the Centre, the Authority or the Board shall not take part in, or vote on, the decision of any matter with respect to any transaction between the Centre, the Authority or the Board, as the case may be, and himself or any person in whose business he is pecuniarily interested whether directly or indirectly, or where as a result of the decision of the matter he is likely to gain any profit or suffer any loss.

Co-option of persons at meetings of Centre, Authority or Board.

18. The Centre, the Authority or the Board may co-opt one or more persons having special knowledge with respect to any matter relevant to its functions to attend any of its meetings at which it is dealing with the particular matter, for the purpose of assisting or advising it, but no such co-opted person shall have any right to vote at the meeting.

Power to appoint committees.

19. (1) The Centre, the Authority or the Board may appoint such committees, as it thinks fit.

(2) A committee appointed by the Centre, the Authority or the Board under subsection (1) may consist only of the members of the Centre, the Authority or the Board, as the case may be, or may consist of such members and other persons.

(3) Subject to the provisions of this section, the constitution, functions and procedure of a committee appointed under subsection (1) by the Centre, the Authority or the Board shall be determined by the Centre, the Authority or the Board, as the case may be.

(4) The provisions of this section shall be without prejudice to the other provisions of this Act.

20. Without prejudice to the other provision of this Act, the Centre, the Authority or the Board may delegate to any of its member or to any committee constituted by it under section 19 (1) the power and authority to carry out on its behalf such of its functions as it may determine.

Power to delegate.

21. (1) Subject to the provisions of this Act, the Minister may make regulations to regulate the procedure and business of the Centre, the Authority or the Board, including the intervals at which the meetings of the Centre, the Authority or the Board shall be held and the quorum for its meetings.

Regulation of procedure and business of Centre, Authority and Board.

(2) Subject to the provisions of this Act and any regulations made by the Minister, the Centre, the Authority or the Board may regulate its own procedure and business and may make rule for that purpose.

22. Any minutes made of a meeting of the Centre, the Authority or the Board shall, if duly signed by the chairman thereof or other person presiding at the meeting, without further proof or any other matter or thing, be receivable in all legal proceedings as *prima facie* evidence of the proceeding of the Centre, the Authority or the Board, as the case may be, of which the minutes have been made and of the meeting of the Centre, the Authority or the Board, in respect of the proceeding of which the minutes have been made, having been duly convened and held.

Receipt of minutes in evidence.

23. (1) Subject to subsection (2), no action, suit, prosecution or other proceedings shall be brought or instituted personally against a member of the Centre, the Authority or the Board or any committee constituted by or under this Act or of a Regional Authority in respect of any act done *bona fide* in pursuance of the execution or intended execution of his duties under this Act.

Protection of Members of Centre, Authority or Board or any committee thereof or of Regional Authority.

(2) Where a member of the Centre, the Authority or the Board or any committee referred to in subsection (1) or of a Regional Authority is exempt from liability by reason only of subsection (1), the Centre, the Authority or the Board or the committee or the Regional Authority, as the case may be, shall be liable to the extent that it would be if such member was a servant or agent of the Centre, the Authority or the Board, or the committee or the Regional Authority, so, however, that if in any case the Centre, the Authority, or the Board, or the committee, or the Regional Authority is not liable for any above-mentioned act then subsection (1) does not operate to exempt such member as stated.

Information obtained as member or officer of Centre, Authority or Board, etc., to be secret and confidential.

24. (1) Every member of the Centre, the Authority, the Board, a committee appointed under section 7(1) to manage the affairs and business of a regional grading office, a Regional Authority, the Executive Committee, or any other committee of the Centre, the Authority or the Board and the general manager and other officers and employees of the Centre, the Authority or the Board and the officers and other employees of any committee of the Centre, the Authority and the Board, including a committee appointed under section 7(1), and of a Regional Authority —

- (a) shall regard and deal with as secret and confidential all information, documents and matters which, or knowledge of which, he may obtain as such member or general manager or other officer or employee; and
- (b) shall not make use of any document, matter or information which, or knowledge of which, he may obtain as such member or general manager or other officer or employee, for the benefit of himself or any other person, or otherwise than for the purposes of his duties as such member or general manager or other officer or employee.

and shall make and subscribe before a commissioner of oaths or a justice of the peace a statutory declaration to that effect.

(2) No fee or stamp duty shall be payable or chargeable in respect of any declaration made under subsection (1).

PART III

OFFICERS AND EMPLOYEES

Appointment of general managers and other officers, and employees of Centre, Authority and Board.

25. (1) The Centre, the Authority and the Board shall each have a general manager.

(2) The power to appoint the general managers of the Centre, the Authority and the Board and the power to remove, and to exercise disciplinary control over, any person so appointed shall be vested in the Minister.

(3) Subject to the other provisions of this Act, the Centre, the Authority or the Board may employ a secretary, and such other officers and employees as the Centre, the Authority or the Board may require for the purpose of carrying out its functions under this Act, and the power to remove and to exercise disciplinary control over any

person so employed shall be vested in the Centre, the Authority or the Board, as the case may be.

(4) Subject to the other provisions of this Act, the remuneration and other terms and conditions of appointment (including the payment of pension, gratuity or other like benefits by reference to their service) of the general manager, the secretary and other officers and employees employed by the Centre, the Authority or the Board shall be such as may be determined by the Minister.

(5) The officers and other employees required by a regional grading office or a Regional Authority shall be provided by the Centre or the Authority, as the case may be, from among the officers and other employees employed by it.

26. (1) The Minister may appoint a committee, to be known as ^{Appoint-}ments ^{Committee.} the Appointments Committee for the Rice Grading, Marketing and Export Authorities, consisting of such number of persons, not exceeding five, as he thinks fit from among the members of the Centre, the Authority and the Board.

(2) The Minister may, by order and subject to such conditions as he may specify therein, delegate to the Appointments Committee all or any of the functions conferred upon him by section 25 (2).

(3) The Minister may, by order, and subject to such conditions and as from such date as he may specify therein, direct that the power to appoint, to remove or to exercise disciplinary control over such classes of officers and other employees of the Centre, the Authority or the Board (including officer and employees provided by the Centre or Authority to a regional grading office or a Regional Authority) as may be specified in the order shall be exercised by the Appointments Committee and thereupon, as from the date so specified, the power to appoint, to remove or to exercise disciplinary control over such classes of officers and other employees shall be exercised by the Appointments Committee to the exclusion of the Centre, the Authority or the Board, as the case may be.

27. The Centre, the Authority or the Board may at any time ^{Services of} retain the services of professional persons and may pay such remuneration ^{Professional} or fees in respect of their services as the Centre, the Authority, or the Board, as the case may be, may, with the approval of the Minister, ^{men.} determine.

28. (1) Where, with the approval of the appropriate authority, an ^{Super-}annuation ^{benefits.} officer —

Cap. 27:02

(a) is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Centre, the Authority or the Board, section 5 of that Act shall apply to him as if his service in the office with the Centre, the Authority or the Board were service in a public office;

(b) is transferred from a pensionable office within the meaning of the Pensions Act to a substantive appointment in an office with the Centre, the Authority or the Board, his service with it shall be other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in the Pensions Act.

Cap. 39:05

(2) Where a teacher who has done qualifying service within the meaning of the Teachers' Pensions Act is, with the approval of the appropriate authority, —

(a) seconded or temporarily transferred from his pensionable office as a teacher to an office with the Centre, the Authority or the Board, section 5 of the Pensions Act (as it applies *mutatis mutandis* to a teacher under section 7C of the Teachers' Pension (Amendment) Act 1971) shall apply to him as it applies in the case of a public officer;

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(b) transferred from his pensionable office as a teacher to a substantive appointment in an office with the Centre, the Authority or the Board, his service with it shall be treated as if it were other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in the Pensions Act as if he were a public officer to whom the Pensions Act applies.

(3) In subsection (1) and (2) "appropriate authority" means the person or authority vested by law with power to appoint the officer to the pensionable office held by him (and to which the Pensions Act applies) or to appoint a teacher to the office held by him as a teacher, as the case may be.

(4) The Centre, the Authority or the Board may, with the approval of the Minister, make such provision as it thinks appropriate for the payment of pension, gratuity or other allowance in respect of the service of its officers and other employees on their retirement therefrom.

PART IV

FINANCIAL PROVISIONS

Regarding the Centre

29. (1) The Centre may, with the approval of the Minister, charge ^{Changing of} fees for the grading by it of padi or rice or for any other service ren- ^{fees by} dered by it. ^{Centre.}

(2) The Minister may make regulations regarding the procedure relating to the levy and collection of such fees.

30. (1) The funds and resources of the Centre shall consist of — ^{Funds and} ^{resources} ^{of} ^{Centre.}

- (a) such assets of the Rice Board as may be transferred to the Centre by or under the provisions of this Act;
- (b) fees payable to the Centre under the provisions of this Act;
- (c) such sums as may be provided to the Centre by or under an appropriation law;
- (d) such sums as may be allocated to the Centre from time to time from loan funds;
- (e) moneys earned or arising from any property or investment of the Centre;
- (f) all other sums or property which may in any manner be received by, or become payable to, or be vested in, the Centre in the performance of its functions or in respect of any matter incidental thereto.

(2) For the purposes of this section, the expression “loan funds” means such sums as may be made available, from time to time, by the Government by way of loan.

31. The Centre may, for the purposes of carrying out its ^{opening and} functions under this Act, open and operate any current, savings bank ^{operation of} or any other type of account or accounts with any bank or banks in ^{accounts by} Guyana. ^{Centre.}

32. The Centre may, with the approval of the Minister, borrow ^{Borrowing} sums required by it for meeting any of its obligations or discharging ^{powers of} any of its functions. ^{Centre.}

Regarding the Authority and the Board

Authorised capital of Authority and Board.

33.(1) The Minister may, by order, prescribe the authorised capital of the Authority or the Board and such authorised capital may in like manner be increased or decreased by the Minister at the request of, or after consultation with, the Authority or the Board, as the case may be.

(2) Any order under subsection (1) shall also prescribe the number and value of the shares into which the authorised capital or increased authorised capital of the Authority or the Board, as the case may be, shall be divided or the manner in which the authorised capital, prescribed from time to time, of the Authority or the Board, as the case may be, shall be decreased.

(3) The whole, or such portion of the authorised capital, prescribed by the Minister by order under subsection (1), of the Authority or the Board, as the case may be, as may be specified by the Minister by the aforesaid order, shall be subscribed by the Government and the remaining portion, if any, of such authorised capital shall be subscribed by such persons, and to such extent, as may be specified by the Minister by the aforesaid order.

(4) The shares of the Authority or the Board shall be registered in the books of the Authority or the Board, as the case may be, and shall be transferable only with the approval of the Authority or the Board, as the case may be, which approval shall not be given if the transfer is likely to result in the contravention of any order made by the Minister under any other provision of this section.

(5) Any order under this section may make such incidental provisions as may be necessary or expedient to give full effect to it, including provisions for the subscription for shares by instalments and the voting rights, of the holders of shares so subscribed, at meetings of the shareholders of the Authority or the Board, as the case may be.

(6) The assets of the Rice Board, being immovable property and cash, transferred to the Authority or the Board by or under the provisions of this Act shall be deemed to be capital subscribed by the Government to the Authority or the Board, as the case may be.

Power of Authority or Board to acquire, encumber and dispose of property etc.

34.(1) The Authority or the Board may, for the purposes of its business under this Act, —

- (a) purchase any property movable or immovable;
- (b) accept mortgages and bills of sale, and assignments or transfers thereof;

- (c) acquire by State grant, transport, execution sale, lease, transfer of lease or otherwise, any property movable or immovable;
- (d) erect, repair and maintain buildings;
- (e) sell, lease, transport, transfer, dispose of, mortgage or otherwise encumber any property of the Authority or the Board, as the case may be;
- (f) open and operate any current, savings bank or any other type of account or accounts with any bank or banks within Guyana;
- (g) with the approval of the Minister assigned responsibility for finance, open and operate any current, savings bank or any other type of account or accounts with any bank or banks outside Guyana.

(2) The Authority may, for the purposes of its business under this Act, purchase agricultural machinery and equipment and sell or hire such agricultural machinery and equipment to rice producers on such terms as the Authority may think fit.

(3) The Board may, for the purposes of its business under this Act, draw and negotiate bills of exchange against shipments of rice or any other product of padi or padi exported or to be exported by the Board.

35. (1) The Authority or the Board may borrow such sums as may be required by it for meeting any of its obligations or discharging any of its functions. Borrowing
power of
Authority
and Board.

(2) The power of the Authority or the Board to borrow shall be exercisable only with the approval of the Minister, as to the amount, the sources of the borrowing and the terms on which the borrowing may be effected and approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) The power of the Authority or the Board to borrow shall include the power to execute in favour of a bank, by instrument in writing, a floating charge on all or any buildings, structures and other erections, padi and rice and other products of padi, agricultural machinery and equipment, packaging materials, office and warehouse equipment and machinery, bags, thread and twine, from time to time in its ownership, as security for sums advanced to it by the bank, and any interest, commission and charges that may be due thereon.

(4) The principal sum secured by a charge under subsection (3) may be either a specific amount, or a fluctuating amount advanced by way of overdraft on current account, the total outstanding amount of which shall not at any time exceed such amount (if any) as may be specified in the charge, and in the latter case the charge shall not be deemed to be redeemed by reason only of the current account having ceased to be in debit.

Schedule

(5) The instrument in writing referred to in subsection (3) and executed by the Authority or the Board may be in the form set out in the Schedule or to the like effect, and shall be deemed to confer in favour of the bank, a first charge on all buildings, structures and other erections, padi and rice and other products of padi, agricultural machinery and equipment, packaging materials, office and warehouse equipment and machinery, bags, thread and twine then or thereafter in the ownership of the Authority or the Board, as the case may be, at the place or places therein mentioned and shall rank prior to all other claims against the Authority or the Board, as the case may be, not secured by mortgage of any specific property of the Authority or the Board:

Provided that any such charge shall not rank prior to claims which the State may have against the Authority or the Board.

**Guarantee
by the
Government
of borrowing
by Authority
or Board.**

Cap. 77:01

36. The Government may guarantee, in such manner and on such conditions as may be agreed to between it and the lender, the payment of any sum borrowed by the Authority or the Board and the interest and other charges payable thereon, and the provisions of the Guarantee of Loans (Public Corporations and Companies) Act shall *mutatis mutandis* apply to, and in relation to, any guarantee given by the Government under this section as if it is a guarantee given under that Act subject to the modification that references in that Act to a Corporation, as defined in that Act, shall be construed as references to the Authority or the Board, as the case may be.

**Profits and
losses of
Authority or
Board.**

37. (1) The Authority and the Board shall each establish a general reserve fund.

(2) The ascertained profits, of the Authority or the Board, of any accounting year in which there is an excess of income over expenditure shall be transferred to the general reserve fund established by the Authority or the Board, as the case may be:

Provided that, if so directed by the Minister, such portion of the ascertained profits of the Authority or the Board, of the aforesaid accounting year, as may be specified by the Minister shall be utilised

for such purposes as may be specified by him, including for payment into the Consolidated Fund.

(3) The ascertained losses, of the Authority or the Board, of any accounting year in which there is an excess of expenditure over income shall be met by an appropriation from the general reserve fund established by the Authority or the Board, as the case may be, of such amount as may be necessary to cover such losses.

General

38. The accounting year of the Centre, the Authority and the Board shall be the period of twelve months commencing on the 1st January, or such other date as may be specified by the Minister, in each year.

39. Monies standing to the credit of the Centre, the Authority or the Board may, from time to time, be invested in securities approved either generally or specifically by the Minister, and the Centre, the Authority or the Board may, from time to time, with like approval, sell any or all of such securities.

40. (1) The Centre shall be exempt from payment of income tax under the Income Tax Act, import or export duties of customs under the Customs Act and consumption tax, in respect of goods imported by it into Guyana under the Consumption Tax Act.

Accounting year of Centre, Authority and Board.
Investments by Centre, Authority and Board
Exemption of Centre from tax, duty, etc.
Cap. 81:01
Cap. 82:01
Cap. 80:02

(2) The Minister assigned responsibility for finance may, by order, which shall be subject to negative resolution of the National Assembly exempt the Centre from payment wholly or partly of any tax or duty, not being a tax or duty referred to in subsection (1), or rate, levy or other charge, payable under any law for the time being in force.

41. (1) The Centre, the Authority and the Board shall keep accounts of their transactions to the satisfaction of the Minister and the accounts shall be audited annually by an auditor appointed by the Minister.

Accounts and audit.

(2) The members, officers and other employees of the Centre, the Authority or the Board shall grant to the auditor appointed under subsection (1) access to all books, documents, cash and securities of the Centre, the Authority or the Board, as the case may be, and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Centre, the Authority or the Board.

(3) The Centre, the Authority or the Board may, with the approval of the Minister, write off bad debts.

Regulations
regarding
financial
procedure.

42. The Minister may make regulations relating to the procedure to be followed by the Centre, the Authority or the Board with respect to its financial business and, without prejudice to the generality of the foregoing, such regulations may in particular provide for all or any of the following matters —

- (a) the books and accounts that are to be kept by the Centre, the Authority or the Board and the form in which such books and accounts shall be kept;
- (b) the preparation of balance sheets, financial statement and abstracts of accounts and the forms therefor;
- (c) the procedure in relation to the purchase of stores and equipment; and the custody and issue of stores and equipment;
- (d) the receipt, transmission and safe custody of cash; and
- (e) the procedure in relation to tendering and entering into contracts.

PART V

REGULATION OF RICE FACTORIES AND MANUFACTURING OF RICE

Amendment
of Rice
Factories
Act.
Cap. 95:05
Cap. 19:02

43. On and after the commencement of this Act the functions conferred by the Rice Factories Act upon the district commissioner appointed for a district under the District Government Act shall, subject to the provisions of this section, be exercised and performed by the Centre and accordingly —

- (a) the Rice Factories Act is hereby amended by the substitution, for the word “Commissioner”, wherever it occurs in the provisions of that Act other than section 2 and 10(1), of the word “Centre”;
- (b) section 2 of the Rice Factories Act is hereby amended by the deletion of the definition of the expression “Commissioner” and by the insertion, after the definition of the expression “authority”, of the following definition —

“Centre” means the National Padi and Rice Grading Centre established by section 3 of the Rice (Regulation of Manufacturing and Marketing) Act 1984;;

- (c) section 10(1) of the Rice Factories Act is hereby amended by the substitution, for the words “the Commissioner”, of the words “the general manager of the Centre”.

44. (1) Every manufacturer shall give to every rice farmer, who pays any sum of money for or on account of milling fees, a receipt or acknowledgement for such fees or portion of fees so paid.

Receipts or acknowledgements to be given on payment of milling fees.

(2) Milling fees shall not be claimed, received or recovered by a manufacturer otherwise than in money.

(3) A copy of every receipt or acknowledgement given by a manufacturer under subsection (1) shall be retained by the manufacturer for a minimum period of three years and shall be produced by the manufacturer on request made therefor by the general manager of the Authority, before him or any other officer or other employee of the Authority specified by him.

PART VI

REGULATION OF MARKETING AND EXPORT OF PADI, RICE, ETC.

Grading of Padi and Rice

45. (1) The Centre may train persons to grade padi or rice or both.

Licensing of persons for grading padi and rice.

(2) The Centre may issue a licence to any person who, according to the Centre, is qualified to grade padi or rice or both and such licence shall specify whether the person is licensed to grade padi or rice or both.

(3) A licence issued under subsection (2) shall be in such form and subject to such conditions as may be prescribed by the Minister by regulations.

(4) The Centre may levy such fees as may be prescribed by the Minister by regulations for the issue of a licence under subsection (2).

Grading of
padi and
rice.

46. (1) Every rice producer shall, before selling any quantity of padi or rice, have it graded at any office of the Centre, or the regional grading office established for the region in which the padi was grown or the rice was manufactured.

(2) Notwithstanding anything contained in subsection (1), where a manufacturer has employed a licensed grader, any quantity of padi or rice delivered to, or manufactured by, the manufacturer may be graded by such licensed grader and where the quantity of padi or rice is graded by the licensed grader, it shall not be required to be graded by the Centre:

Provided that any grade given by any such licensed grader shall not be binding on the Centre.

Appeal
against grade
given by
licensed
grader
employed by
manufac-
turer.

47. (1) Where any licensed grader employed by a manufacturer has graded any quantity of padi or rice and the seller of the padi or the purchaser of the rice is aggrieved by the grade given by the licensed grader, he may appeal to the Centre.

(2) The Centre shall inform the appellant and the concerned manufacturer and licensed grader the date of hearing of the appeal and, after hearing such of the aforesaid persons as may appear before it on the date of hearing of the appeal and may desire to be heard, either confirm the grade given by the licensed grader to the quantity of padi or rice or give the quantity of padi a higher grade or the quantity of rice a lower grade; and the decision of the Centre shall be binding on the manufacturer, and the seller or purchaser, as the case may be, of the padi or rice.

(3) Every appeal made to the Centre under subsection (1) shall be heard by the Centre within seven days of the date on which it was made.

(4) Where the Centre is of the opinion that the appeal is frivolous it may direct the appellant to pay the costs of the person or persons contesting the appeal.

(5) An appeal under subsection (1) shall be in such form and shall be made subject to such conditions, including payment of fees, and within such time as may be prescribed by the Minister by regulations.

(6) Where any person disputes any grade given by a licensed grader employed by a manufacturer to any quantity of padi or rice under section 46 (2) and intends to appeal under subsection (1) against the grade given, he shall be entitled to request the manufacturer to take

three samples of the padi or rice, as the case may be, in sealed containers, one of the samples to be kept by the manufacturer, the second sample to be given to the seller of the padi or the purchaser of the rice, as the case may be, and the third sample to be sent by the manufacturer to the Centre and where any such request is made, the manufacturer shall forthwith act accordingly.

48. (1) No manufacturer shall refuse to buy padi from any person, or refuse to sell rice to any person to whom the manufacturer is authorised to sell rice, only on the ground that such person disputes the grade given to the padi or rice by any licensed grader employed by the manufacturer or had on any earlier occasion disputed the grade given by any licensed grader employed by the manufacturer to the padi sold or offered to be sold to the manufacturer by that person or to the rice purchased or offered to be purchased from the manufacturer by that person.

Protection of
seller of padi
or purchaser
of rice
against victi-
misation
manufac-
ture.

(2) Where a manufacturer refuses to buy the whole or part of the padi offered to him for sale by any person or refuses to sell to any person the whole or part of the quantity of rice, and of the quality, the manufacturer is authorised to sell to that person, and that person has disputed the grade given by a licensed grader employed by the manufacturer to padi sold or offered to be sold by him to, or rice purchased or offered to be purchased by him from, the manufacturer on that occasion or at any other time within a period of two years immediately prior to that occasion, the burden of proving that the refusal was for any reason other than such dispute of the grade by that person shall be on the manufacturer.

Sale in Guyana of Rice by Manufacturer and Export of Rice, etc.
by Manufacturer or Other Person

49. (1) A manufacturer may enter into a contract with the Authority or the Board to sell to the Authority or the Board, as the case may be, such quantity of rice as may be agreed between him and the Authority or the Board.

Sale by
manufac-
turer of
rice manu-
factured by
him to
Authority or
Board.

(2) The price to be paid by the Authority or the Board to the manufacturer for the rice sold by him to the Authority or the Board, as the case may be, shall be the price fixed by the Minister under this Act and applicable to that sale or, if no price applicable to that sale of rice has been so fixed, the price that may be agreed to between the manufacturer and the Authority or the Board, as the case may be.

Delivery of
rice by
manufac-
turer to rice
farmer or
to himself.

50. (1) It shall be lawful for a manufacturer —

- (a) to sell to a person, not being a manufacturer, holding a licence granted under section 52 (1) the quantity of rice of specified grade such person is authorised by the Authority under section 53 (3) to buy from the manufacturer;
- (b) subject to the limits specified and the conditions prescribed under section 57 (a) (i) and (ii), to deliver to a rice farmer such quantity of rice of the grade specified under section 57 (a) (i), as he offers to purchase for his own domestic consumption;
- (c) subject to the limits specified under section 57 (a) (iii), to deliver to himself such quantity of rice, of the grade specified under the aforesaid provision, as he requires for his own domestic consumption;
- (d) deliver to a rice farmer such quantity of rice and of such grade as he is specially authorised to deliver to a rice farmer under section 57 (b).

(2) Where a manufacturer delivers any quantity of rice under subsection (1), he shall enter in a book maintained for that purpose, in such form as may be prescribed by the Minister by regulations, the quantity and grade of the rice delivered and the name and address of the person to whom the rice is delivered; and a statement of the total quantity of each grade of rice so delivered by him during any month shall be included in the return relating to that month required to be furnished by him to the Authority under section 65.

Sale of rice
by manufac-
turer to
authorised
wholesaler.

51. (1) A manufacturer may during any period sell rice of the grade, and not exceeding the quantity, specified by the Authority in relation to that period, to each such authorised wholesaler as may be specified by the Authority with reference to that manufacturer and notified to the manufacturer and the authorised wholesaler.

(2) Where a manufacturer sells any quantity of rice under subsection (1) to an authorised wholesaler, he shall enter in a book maintained for that purpose, the quantity and grade of the rice sold and the name and address of the authorised wholesaler to whom the rice is sold, and a statement of the total quantity of each grade of rice sold by him to authorised wholesalers during any month, with the names and addresses of the authorised wholesalers to whom the sales were made, shall be included in the return required to be furnished by him to the Authority under section 65.

(3) The price at which a manufacturer shall sell any grade of rice to an authorised wholesaler shall be the price fixed for such sale of that grade of rice under section 54 or, if no price has been fixed for such sale of that grade of rice under that section, the price specified by the Authority for that purpose; and the manufacturer shall not in connection with the sale by him of any quantity of rice referred to in this section recover from the authorised wholesaler any other sum of money in excess of the price he is entitled to under this subsection.

52. (1) The Board may, on the payment of such fees as may be prescribed by the Minister by regulations, grant a licence to any manufacturer, or any other person, who proposes to carry on the business of export of padi or rice or any other product of padi, to carry on that business.

(2) The licence shall be in such form and subject to such terms and conditions, as may be prescribed by the Minister by regulations and, subject to such regulations, specified by the Board.

(3) No person other than the Board shall, after the appointed day export padi or rice or any other product of padi unless he is the holder of a licence granted by the Board under this section for carrying on the business of its export:

Provided that the Minister may, by order, exempt from the provisions of this subsection —

- (a) any particular export of padi, rice or other product of padi; or
- (b) export of such quantity of padi, rice or other product of padi as may be specified in the order.

53. (1) Every manufacturer or other person, holding a licence granted under section 52 (1) shall, before he enters into any contract for, or involving, the export of padi or rice or any other product of padi, submit the contract to the Board for approval and he shall make the contract only in accordance with the terms and conditions approved by the Board.

(2) Every manufacturer or other person, holding a licence granted under section 52 (1) may, from the quantity of padi or rice or any other product of padi in his possession, export the quantity of padi or rice or any other product of padi, of the appropriate quality, required to be exported by him in pursuance to a contract made by him in accordance with sub-

section (1) and shall not otherwise export any quantity of padi or rice or any other product of padi.

(3) The Authority shall sell to every person, not being a manufacturer, holding a licence granted under section 52 (1), or authorise him to buy from a manufacturer, such quantity of rice of the appropriate quality as may be required to be exported by him pursuant to a contract made by him in accordance with subsection (1).

Fixing Price of Padi and Rice

Power of the Minister to fix price of padi and rice. 54. (1) The minister may, by order, from time to time, determine and fix —

- (a) the price to be paid by the Authority or a manufacturer for padi purchased by the Authority or the manufacturer;
- (b) the price to be paid by the Authority or the Board or any person authorised to export rice under this Act, for rice purchased by it or him from a manufacturer;
- (c) the price at which rice shall be sold by the Authority for consumption in Guyana;
- (d) the price at which rice shall be sold by a manufacturer to an authorised wholesaler;
- (e) the price at which rice shall be sold by the Authority or an authorised wholesaler to a retailer of rice;
- (f) the price at which rice shall be sold by a retailer of rice for consumption in Guyana.

(2) Different prices may be fixed under subsection (1) in respect of different grades of padi or rice and any price so fixed may be the minimum price or maximum price.

(3) The prices fixed under subsection (1) shall be published in the *Gazette* and in one or more newspapers as determined by the Minister.

Deduction from price of padi or rice in certain cases.

55. Where padi delivered to a manufacturer or padi or rice delivered to the Authority, or removed by or on behalf of the Authority under any provision of this Act, or rice delivered to the Board is found upon inspection by the manufacturer, the Authority or the Board, as the case may be, to be infested with insect pests or fungi in any stage of development or to

possess an objectionable odour or to contain foreign matter or impurities of any description, it shall be lawful, notwithstanding anything contained in any other provision of this Act, for the manufacturer, the Authority or the Board, as the case may be, to make such reasonable deduction from the purchase price thereof as may be determined by the manufacturer, the Authority or the Board, as the case may be.

Regulation of Marketing of Rice in
Guyana and Prevention of Hoarding of
Padi and Rice

56. A manufacturer shall not sell or deliver any quantity of rice to any person in Guyana other than —
- Prohibition
against sale
or delivery
of rice by
manufac-
turer except
to specified
persons.
- (a) the Authority or the Board;
 - (b) to the extent to which it is permitted by or under this Act, to an authorised wholesaler or to a rice farmer or to himself; or
 - (c) to the extent to which such person is authorised by the Authority to buy rice from the manufacturer under section 53 (3), to any person, not being a manufacturer, holding a licence granted under section 52 (1).
57. The Authority may —
- Regulation
of delivery
of rice by
manufac-
turer to rice
farmer or to
himself.
- (a) by notice published in the *Gazette*, —
 - (i) specify the quantity and grade of rice which a manufacturer may, without special authority, deliver from his rice factory during any specified period to a rice farmer to be used by the rice farmer for his own domestic consumption;
 - (ii) prescribe the conditions under which a rice farmer shall be eligible to receive such rice from a manufacturer and under which such rice shall be delivered to him from the rice factory;
 - (iii) specify the quantity and grade of rice which a manufacturer may, without special authority, deliver from his rice factory during any specified period to himself to be used for his own domestic consumption.

- (b) in any particular case specially authorise any manufacturer to deliver from his rice factory to a rice farmer a specified quantity of rice of specified grade to be used by the rice farmer for his own domestic consumption in addition to the quantity which may be delivered to that rice farmer under paragraph (a),

and a manufacturer shall not under this section deliver any quantity of rice to a rice farmer or to himself in excess of the limit so specified or authorised with reference to a specified grade or deliver rice to a rice farmer who is not eligible to receive the same under this section.

Appoint-
ment of
authorised
wholesalers
and sale of
rice to them.

58.(1) The Authority may for the purposes of this Act, by order, appoint such number of suitable persons as it thinks fit as authorised wholesalers of rice and define the area for which each such person is appointed as authorised wholesaler.

(2) Subject to any regulations that may be made by the Minister, an order referred to in subsection (1) shall specify the period for which the person is appointed as authorised wholesaler and the terms and conditions subject to which he is so appointed, including a condition regarding the maintenance of such accounts and other records regarding the purchase and sale of rice by him.

(3) The Authority may sell rice to an authorised wholesaler and subject to the provisions of this Act a manufacturer may sell rice to the authorised wholesaler specified by the Authority with reference to the manufacturer.

(4) The Authority may, by order, specify the quantity of rice of any specified grade which a manufacturer may sell to an authorised wholesaler specified with reference to him during any specified period and where any such order is made the manufacturer shall not, during any period so specified, sell to the authorised wholesaler any quantity of rice in excess of the quantity so specified with reference to a specified grade.

Restriction
on quantity
may be
of rice that
retained by
manufac-
turer in his
possession.

59.(1) The Minister may, by order, specify the maximum quantity of rice of any specific grade that a manufacturer may at any time keep in his possession and different quantities of rice may be specified under this subsection in relation to different classes of manufacturers or different manufacturers.

(2) Where the Minister has specified under subsection (1) the quantity of rice of any specified grade that any manufacturer may keep in his possession at any time, that manufacturer shall not at any time keep in his possession any quantity of rice of that grade in excess of the quantity so specified.

60.(1) If the Authority at any time, after due enquiry considers that any person, not being a manufacturer, is wilfully hoarding padi in such quantities as to interfere with the effective operation of the provisions or purposes of this Act, the Authority may serve notice on such person requiring him to deliver the same to a manufacturer specified in the notice or to the Authority within the time specified in the notice therefor and the person shall comply with the notice within the time so specified.

Prevention of
hoarding of
padi.

(2) If the Authority at any time, after due enquiry, considers that a manufacturer is wilfully and without reasonable cause refraining from manufacturing into rice the padi in his possession, the Authority may serve a notice on the manufacturer requiring him —

- (a) to manufacture into rice all or any portion of the padi in his possession (whether the padi is or is not owned by him) and to deliver to the Authority the rice manufactured therefrom within the time specified in the notice; or
- (b) to deliver to the Authority all or any portion of the padi in his possession within the time specified in the notice, and the manufacturer shall comply with the notice.

(3) The general manager of the Authority, the secretary of the Authority or any other person authorised in writing by the general manager of the Authority to do so, may remove or cause to be removed, the quantity of padi specified in a notice under subsection (1), or rice manufactured from padi, or padi, specified in a notice under subsection (2), from the person having possession of it and the quantity of padi or rice so removed shall be delivered forthwith to the Authority by the person removing it or causing it to be removed.

61. A manufacturer or the Authority shall pay to the person delivering padi to him or it under section 60(1) and the Authority shall pay to the manufacturer delivering rice to it under section 60(2) and, in the case of padi or rice removed under section 60(3), to the person who establishes claim to the padi or rice, a price equivalent to the price the manufacturer

Price payable by manufacturer or Authority for padi or rice delivered or removed under section 60.

or the Authority would be required to pay under this Act if the manufacturer or the Authority had purchased that quantity of padi from a rice farmer or rice from a manufacturer.

Storage depot.

62. (1) The Authority may establish such number of depots for the storage of padi or rice or both as it thinks fit.

(2) The Authority may require a manufacturer, who is required to deliver rice to it in pursuance of any contract made by the manufacturer with the Authority or by or under any provision of this Act, to deliver to any storage depot specified by the Authority the whole or part of the quantity of rice required to be so delivered.

(3) The Authority may establish depots at such convenient places as it thinks fit for the sale of rice by the Authority for consumption in Guyana

Regulation of storage facilities of manufacturers.

63. (1) A manufacturer shall notify the Authority of the premises proposed to be used by him for the storage of padi or rice or both and he shall not store padi or rice in any place other than the premises notified to the Authority under this subsection as premises proposed to be used for that purpose.

(2) No person, being the owner of any premises or being in possession thereof, shall store or permit any other person to store padi or rice therein, in excess of the quantity specified in that behalf by the Authority by notice in the *Gazette*, unless he or the other person storing the padi or rice has notified the Authority of the intention to use the premises for that purpose.

(3) Notwithstanding anything contained in subsections (1) and (2), until the expiry of three months after the commencement of this Act, padi or rice may be stored in premises not notified to the Authority under the aforesaid subsection.

(4) A manufacturer shall store padi or rice in his possession in hygienic conditions and shall ensure that they are stored in such a way that the quality of the padi or rice will be preserved and it is not infested with insect pests or fungi, and the Authority shall have power to give directions to the manufacturer in this regard and any such direction shall be complied with by the manufacturer.

Procedure regarding delivery or carriage of rice.

64. (1) Every manufacturer shall, on the day on which any quantity of rice is forwarded by him for delivery to the Authority or the Board, or to any other person to whom he is authorised by or under this Act to sell rice, notify the Authority,

the Board or the other person, as the case may be, of that fact in the form prescribed by regulations made by the Minister.

(2) No manufacturer shall forward, and no other person shall remove from the rice factory of a manufacturer, any quantity of rice for delivery to the Authority or the Board, or to any other person to whom he is authorised by or under this Act to sell rice unless it is accompanied by a copy of the notification under subsection (1), together with a statement of expenses specified by, and set out in the form prescribed by, regulations made by the Minister.

(3) Where a person named as owner on the covering notification prescribed under subsection (1) is indebted to the manufacturer, the Authority or the Board, as the case may be, may deduct from the purchase price payable by it to such owner, and pay to the manufacturer, the amount of such indebtedness or any other amount, if so authorised in writing by such owner.

(4) No person shall carry any quantity of rice, in excess of the quantity specified for the purposes of this subsection by the Minister by notification in the *Gazette*, unless he has in his possession —

- (a) in the case of rice forwarded by a manufacturer to the Authority or the Board, or to any other person to whom the manufacturer is authorised by or under this Act to sell rice, a copy of the notification under subsection (1); and
- (b) in any other case, document or documents showing the person to whom the rice belongs, the name and address of the person who has forwarded it and the name and address of the person to whom it is forwarded.

65. Every manufacturer shall, within seven days after the expiration of each month, make and furnish to the Authority, in such forms as may be prescribed by the Minister by regulations, a true and correct return of the quantities and grades of padi received into his factory, and the quantities and grades of rice, and the quantities of other products of padi, manufactured and delivered or sold by him or, where he is the holder of a licence granted under section 52(1), exported by him during the preceding month.

Monthly returns by manufacturer to Authority.

Export of Padi, Rice and Other
Products of Padi

Export by
the Board of
rice and
other pro-
ducts of padi
and padi.

66. (1) The Board shall from time to time, after estimating the quantities of rice required for consumption in Guyana, determine the quantities which are available for export.

(2) The Board may export and sell outside Guyana the quantities of rice available for export and any other product of padi or padi, and for that purpose may negotiate and enter into contracts with foreign governments, persons outside Guyana or other external agencies and appoint agents and establish depots for the sale of rice or other products of padi or padi at places outside Guyana.

(3) It shall be the duty of the Authority to sell, or arrange for sale, to the Board such quantities of rice of the appropriate quality as may be required by it for export.

(4) Without prejudice to the provisions of subsection (3) the Board may purchase rice from any manufacturer for the purposes of export.

Provision of
export
storage
facilities.

67. (1) The Board may for the purposes of carrying out its functions establish depots, in such of the regions as it thinks fit, for storage of rice or any other product of padi or padi and may require a manufacturer, who is required to deliver to it rice or any other product of padi or padi in pursuance of any contract made with the Board or by or under any provision of this Act, to deliver to any storage depot specified by the Board the whole or part of the quantity of rice or other product of padi or padi so required to be delivered.

(2) The Board may permit any person, other than the Board, engaged in the export of padi or rice or any other product of padi to make use of the storage facilities of the Board on payment to the Board of such storage fees and other fees as may be determined by the Board.

(3) Where any exporter, other than the Board, uses his own storage facility for the storage of padi or rice or any other product of padi proposed to be exported by him, —

- (a) the Board shall have general supervision and control over the storage facility; and
- (b) without prejudice to the generality of the provision contained in paragraph (a), the Board shall have power to give to the exporter general or special directions in respect of matters relating to the management, organisation, accommodation and sanitary condition of the storage facility so as to ensure that the quality of the padi or rice or any other product

of padi will be preserved and it is not infested with insect pests or fungi and any such direction shall be complied with by the exporter.

68. (1) The Minister may by order direct that no quantity of rice shall be exported by any person, other than the Board, unless its quality or quantity or both is or are certified by the Board.

Certification of quality or quantity of rice proposed to be exported.

(2) Where the Minister has made any order under subsection (1) the Board shall certify the quality or quantity or both, as the case may be, of the quantity of rice proposed to be exported, and no quantity of rice shall be exported by such person unless it is so certified by the Board.

(3) The Board may, with the approval of the Minister, charge fees for certifying the quality, quantity or both of any quantity of rice under subsection (2).

Packaging

69. (1) The Centre may determine the types of packaging suitable for the export of padi or rice or any other product of padi and notify the same in the *Gazette*.

Packing of rice for export.

(2) Where the Centre has determined the types of packaging suitable for the export of padi or rice or any other product of padi, the padi or rice or any other product of padi, as the case may be, to be exported shall be packed accordingly.

Provided that the Centre may for adequate reasons exempt the Board or any other exporter of padi or rice or any other product of padi from the provisions of the notification under subsection (1) for any specified period.

70. (1) The Authority may purchase and sell bags or other containers for the purposes of this Act.

Purchase of bags or other containers by Authority and re-sale thereof.

(2) The Authority may sell bags or other containers to rice producers for the purpose of bagging or packing rice or padi and any such sale shall be on such terms and conditions and on such security as the Authority deems fit.

(3) Where the Authority has sold any bags or other containers to a manufacturer, the Authority may deduct from any amount payable by the Authority to the manufacturer by way of the price of rice delivered or removed under any provision of this Act, any sums due to the Authority in respect of bags or other containers sold to him by the Authority.

(4) If so required by regulations made by the Minister, a rice producer shall keep such books and other documents and furnish such returns and at such intervals, as may be there-by prescribed, in respect of bags or other containers purchased by him from the Authority or any other person or imported by him and make any such book or other document available for inspection by the general manager of the Authority or any other employee of the Authority authorised in writing by the general manager of the Authority for the purposes of this sub-section.

PART VII

OFFENCES, PENALTIES AND PROCEDURE

Contra-
vention of
section 24
by members
and employ-
ees of
Centre,
Authority,
etc.,

71. Any member of the Centre, the Authority or the Board, or of a committee appointed under section 7(1), a Regional Authority or the Executive Committee, or of any other committee of the Centre, the Authority or the Board, the general manager or any other officer or employee of the Centre, the Authority or the Board, or any officer or other employee of any committee of the Centre, the Authority or the Board (including a committee appointed under section 7(1), or of a Regional Authority, who contravenes the provisions of section 24(1) shall be liable to a fine of five thousand dollars and to imprisonment for six months.

Contra-
vention of
section 44.

72. Any manufacturer, who contravenes any provision contained in section 44, shall be liable to a fine of two thousand five hundred dollars and to imprisonment for six months.

Selling of
padi or rice,
which is not
graded
under this
Act.

73. Any rice producer, who sells any quantity of padi or rice which is not graded in accordance with the provisions of this Act, shall be liable to a fine of five thousand dollars and to imprisonment for one year.

Sale by
manufac-
ture of
rice to and
purchase of
rice from
manufac-
turer by un-
authorised
persons.

74.(1) Any manufacturer, who sells or delivers rice to any person to whom he is not authorised to sell or deliver rice by or under this Act, or sells or delivers rice to any person to whom he is authorised to sell or deliver rice by or under this Act but in excess of the quantity, or of a quality different from the quality, he is so authorised to sell to that person or in contra-vention of any provision of this Act, shall be liable to a fine of twenty-five thousand dollars and to imprisonment for two years.

(2) Any person not authorised by or under this Act to buy rice from a manufacturer buys rice from the manufacturer, or being authorised to buy rice from a manufacturer by or under this Act buys rice from the manufacturer in excess of the quantity, or of a quality different from the quality, of the rice he is so authorised to buy from the manufacturer, shall be liable to a fine of twenty-five thousand dollars and to imprisonment for two years.

75. Any person, who, —

- (a) not being the holder of a licence granted therefor by the Board under section 52 (1), exports, or makes a contract for the export of, padi or rice or any other product of padi;
- (b) being the holder of a licence granted under section 52 (1) makes a contract for, or involving, the export of padi or rice or any other product of padi —
 - (i) without obtaining the approval of the Board for the contract; or
 - (ii) not in accordance with the terms and conditions approved by the Board;
- (c) being the holder of a licence granted under section 52 (1), exports padi or rice or any other product of padi otherwise than in pursuance of a contract made in accordance with section 53,

Export of padi or rice or other products of padi by unauthorised persons.

shall be liable to a fine of twenty-five thousand dollars and to imprisonment for two years and the padi or rice, or other product of padi in respect of which the offences is committed shall be forfeited.

76. Any person —

- (a) who purchases padi or rice at a price lower than the minimum price fixed for that grade of padi or rice under section 54 (1) (a) or (b) except where it is justified under section 55; or
- (b) sells rice for consumption in Guyana or to an authorised wholesaler or a retailer of rice at a price in excess of the maximum price fixed under section 54 (1) (c), (d), (e) or (f), as the case may be,

Contravention of order under section 54.

shall be liable to a fine of five thousand dollars together with imprisonment for two years.

Contraven-
tion of
provisions
relating to
hoarding of
padi or rice.

77. (1) Any manufacturer, who retains at any time in his possession, without reasonable excuse, rice in excess of the quantity specified by the Minister under section 59(1) shall be liable to a fine of ten thousand dollars together with imprisonment for two years and the rice in the possession of the manufacturer shall be forfeited.

(2) Any person who fails or refuses to comply with a notice under section 60(1) within the time specified therefor shall be liable to a fine of ten thousand dollars together with imprisonment for two years and the padi in his possession shall be forfeited.

(3) Any manufacturer who fails or refuses to comply with a notice under section 60(2) within the time specified therefor shall be liable to a fine of ten thousand dollars together with imprisonment for two years and the padi and rice in his possession shall be forfeited.

(4) Any person who obstructs the general manager of the Authority, the secretary of the Authority or any other person authorised in writing by the general manager of the Authority to do so, from removing or causing to be removed under section 60(3) from the person having possession of it any quantity of padi or rice shall be liable to a fine of ten thousand dollars together with imprisonment for two years.

Carriage of
rice in
contraven-
tion of
section
64 (4).

78. Any person who carries any quantity of rice in excess of the quantity specified by the Minister under section 64(4) without having in his possession the document or documents referred to in that provision or using, as any such document, a document which is false or containing false entries shall be liable to a fine of twenty-five thousand dollars together with imprisonment for two years and the quantity of rice so carried and any aircraft, ship or carriage, together with any animal and thing, made use of in the carriage of such quantity of rice shall be forfeited.

Failure to
keep books
of account or
other docu-
ments, or to
submit
returns.

79. (1) Any person, who is required by or under this Act to keep any books of account or other books or documents, fails or refuses to keep any such books or documents or fails or refuses to keep them in the form in which he is so required to keep them or fails or refuses to make any entry therein as required by or under this Act or makes any false entry therein, shall be liable to a fine of twenty-five thousand dollars and to imprisonment for two years.

(2) Any person, who is required by or under this Act to furnish any return, fails or refuses to furnish the same within the time prescribed therefor or makes any false statement

therein, shall be liable to a fine of five thousand dollars and to imprisonment for one year and to a further fine of one hundred dollars for each day during which the failure or refusal to furnish the return continues after the expiry of the time prescribed therefor.

80. Every one who is guilty of the contravention of any provision of this Act for which no penalty is otherwise expressly provided by this Act or the Customs Act shall be liable to a fine of five thousand dollars and to imprisonment for one year.

General
penalty

Cap. 82:01

81. (1) Any quantity of padi or rice or any aircraft, ship, carriage, animal or thing liable to be forfeited under any provision of this Act or the Customs Act may be seized by the general manager of the Authority, the secretary of the Authority, any person authorised in writing by the general manager of the Authority for the purposes of this section or any person duly employed for the prevention of smuggling.

Seizure of
padi, rice,
aircraft, etc.
and power to
enter and
examine.
Cap. 82:01

(2) The general manager of the Authority, the secretary of the Authority, any person authorised in writing by the general manager of the Authority for the purposes of this section or any person duly employed for the prevention of smuggling may, for the purpose of ascertaining whether any contravention of any provision of this Act has taken place or is taking place, at all reasonable times —

- (a) enter and search any premises, not being a rice factory, where padi or rice is stored and examine and ascertain the quantity of padi and rice found therein;
- (b) enter any rice factory and examine and ascertain the quantities of padi and rice found therein and inspect the books and any other documents, relating to the business of the manufacturer operating the rice factory, found therein and make copies of any entries in such books or other documents; or
- (c) stop and search any aircraft, ship, carriage, animal or thing,

and it shall be lawful for any of the aforesaid persons, in case of resistance, to break open any door and to force and remove any other impediment or obstruction to the entry or search.

(3) The provisions of this section shall be without prejudice to the provisions of the **Customs Act**.

Report of seizure to magistrate.

82. (1) A report shall be made in writing of every seizure under section 81, stating the reasons therefor, to the nearest magistrate by the person making the seizure within forty-eight hours of the seizure.

(2) The magistrate shall direct in whose custody the padi, rice, aircraft, ship, carriage, animal or thing seized shall be kept and such direction shall be complied with by the person making the seizure.

(3) Without prejudice to the provisions of subsection (2), the magistrate may direct that the padi or rice seized may be sold forthwith to the Authority or by public auction, and the proceeds of such sale shall be retained to abide by the result of any claim which may be lawfully made to the padi or rice.

Notice of seizure and condemnation of seized padi, rice, aircraft, etc.

83. (1) Where any quantity of padi or rice or any aircraft, ship, carriage, animal or thing is seized under section 81, notice of the seizure shall be given by the person seizing the same as soon as possible to the owner thereof and to the person from whose possession it is seized, if such person is not the owner.

(2) A notice under subsection (1) shall be given to the person or each of the persons entitled to receive the same by delivering it personally to such person or sending it by registered post to his usual place of abode or business premises or, if the usual place of abode or business premises of such person is not known or if the person refuses to receive the notice, by publishing the notice in one newspaper having circulation in Guyana.

(3) Any person who claims any quantity of padi or rice, or any aircraft, ship, carriage, animal or thing, seized under this Act as its owner or any other person duly authorised by the owner may give notice to the Minister or any person authorised in writing by the Minister in that behalf, that he claims the same, within fifteen days from the date on which the notice of seizure under subsection (1) was given to him or, if no notice was given to him, the date on which he otherwise came to know of the seizure.

(4) Any quantity of padi or rice, or any aircraft, ship, carriage, animal or thing, seized under section 81 and in respect of which no notice of claim was given under this section before the expiry of two months from the date of its seizure may be sold by the Minister, or any other person authorised in writing by him in that behalf, in such manner as may be specified by the Minister.

(5) Any forfeiture imposed by this Act may be sued for and recovered summarily before a magistrate on the complaint of any person authorised in writing by the Minister in that behalf.

(6) The forfeiture of any aircraft, ship, carriage, animal or thing shall be deemed to include the tackle, apparel and furniture thereof, and the forfeiture of any goods shall be deemed to include the package in which the same are found and all the contents thereof.

(7) The practice and procedure of the magistrate's court in its civil jurisdiction shall apply to, and in relation to, any complaint under subsection (5).

(8) All seizures whatsoever which have been made and condemned under this Act shall be disposed of in such manner as may be prescribed by the Minister by regulations.

84. Any offence created or penalty imposed by this Act may be prosecuted or recovered under the Summary Jurisdiction Acts. ^{Prosecution of offences.}

85. Where in any prosecution of a manufacturer for an offence punishable under section 74(1) it is proved to the satisfaction of the court that the quantity of padi or rice in the rice factory of the manufacturer on the date on which the offence is alleged to have been committed is less than the quantity which, according to any return, account or stock-taking, ought to be therein, the burden of proving that the quantity of padi or rice found missing was sold, delivered or otherwise disposed of, in accordance with the provisions of this Act, shall be on the accused. ^{Burden of proof.}

PART VIII

MISCELLANEOUS

86. (1) The Minister may give to the Centre, the Authority or the Board directions of a general character as to the policy to be followed by it in the exercise and performance of its functions and the Centre, the Authority or the Board, as the case may be, shall give effect to any such directions. ^{Power of the Minister to give directions.}

(2) The Centre, the Authority or the Board shall provide such facilities to the Minister as will enable him to verify any information furnished by it in pursuance of this section.

(3) The power of the Minister to give directions to the Centre, the Authority or the Board extends to the giving to it of specific directions as to the disposal of capital assets or as to the application of the proceeds of such disposals.

Limitation provisions excluded.

87. No statute of limitation shall apply to any action or suit brought by the Centre, the Authority or the Board or in respect of any property owned by it.

Protection of officers, etc., of Centre, Authority or Board.

88. Any officer or other employee of the Centre, the Authority or the Board, any person acting under the direction or authority of any such officer or other employee, or any other person, not being a member of the Centre, the Authority or the Board or any committee constituted by or under this Act or a Regional Authority, exercising or purporting to exercise any function conferred by or under this Act, shall be entitled to the protection afforded by the Justices Protection Act.

Cap. 5:07

Annual report.

89.(1) The Centre, the Authority or the Board shall, not later than six months after the expiry of each accounting year, submit to the Minister a report containing —

- (a) an account of its functioning throughout the preceding accounting year in such detail as the Minister may direct;
- (b) a statement of the accounts of the Centre, the Authority or the Board, as the case may be, audited in accordance with section 41.

(2) A copy of the report mentioned in subsection (1) relating to the Centre, the Authority or the Board, together with a copy of the report of the auditor relating to it, shall be laid before the National Assembly not later than nine months after the expiry of the accounting year to which it relates.

Power to make regulations.

90.(1) The Minister may make regulations for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, and in particular, the regulations may provide for all or any of the following matters —

- (a) the manner of publication under section 4(3) of the grades of padi and rice and the standards for fixing the grades;
- (b) the procedure and business of the Centre, the Authority or the Board, or of any committee

constituted by or under any provision of this Act or of a Regional Authority, including the intervals at which its meetings shall be held and the quorum for its meetings;

- (c) the procedure relating to the levy and collection of fees by the Centre under section 29 and by the Board under section 68;
- (d) the form in which and the conditions subject to which a licence may be issued under section 45 (2), and the fees payable for the issue of the licence;
- (e) the form in which and the conditions, including the payment of fees, subject to which an appeal may be made under section 47 (1) and **the time within which the appeal may be made;**
- (f) the form in which and the condition subject **to which a licence may be granted** under section 54, and the fees payable for the grant of the licence;
- (g) the form in which the forwarding of rice to the Authority, the Board or any other person shall be notified under section 64 (1);
- (h) the expenses for the purposes of section 64 (2) and the form in which it shall be specified;
- (i) the books of account and other books and other documents to be maintained by a manufacturer and the form in which they shall be maintained; and the form of the return required to be furnished to the Authority by a manufacturer under section 65;
- (j) the books and other documents to be maintained by a rice producer, and the returns to be furnished by him and the intervals at which the returns shall be furnished, in respect of bags or other containers purchased by him from the Authority or any other person or imported by him;
- (k) manner of disposal of condemned seizures under section 83 (8);
- (l) any other matter which is required to be, or which may be prescribed by the Minister by regulations made under this Act.

(3) The provisions of this section shall be without prejudice to the provisions of section 42.

Power of
Centre, Auth-
ority or
Board to
make rules.

91. (1) The Centre may, subject to this Act and any regulations made thereunder, make rules to provide for all or any of the following matters —

- (a) the procedure and business of a committee appointed under section 7(1), including the intervals at which its meetings shall be held and the quorum for its meetings;
- (b) the procedure and business of the Centre.

(2) The Authority may, subject to this Act and any regulations made thereunder, make rules to provide for all or any of the following matters —

- (a) the procedure and business of the Executive Committee or a Regional Authority;
- (b) the procedure and business of the Authority.

(3) The Board may, subject to this Act and any regulations made thereunder, make rules to provide for the procedure and business of the Board.

PART IX

TRANSITIONAL PROVISIONS

Dissolution
of Rice
Board.

92. (1) On and from the appointed day the Rice Board shall stand dissolved.

(2) The Minister shall before the appointed day specify by order that such of the assets (including rights and interests) of the Rice Board as may be specified therein with reference to the Centre, the Board or any other body corporate, not being the Authority, shall be transferred to and vested in the Centre, the Board or the other body corporate and the assets (including rights and interests) of the Rice Board so specified shall, with effect from the appointed day, by virtue of this section and without further assurance, stand transferred to and vested in the Centre or the Board or the other body corporate specified in the order, as the case may be.

(3) All the assets (including rights and interests) of the Rice Board, other than the assets specified by the Minister

by order under subsection (2), shall, with effect from the appointed day, by virtue of this section and without further assurance, stand transferred to and vested in the Authority.

(4) Such of the liabilities incurred by the Rice Board prior to, and subsisting immediately before, the appointed day as may be specified by the Minister by order shall be discharged by, and be enforceable against, the Government as if the said liabilities had been incurred by the Government and the other liabilities incurred by the Rice Board prior to, and subsisting immediately before, the appointed day shall be discharged by, and be enforceable against, the Authority as if the said liabilities had been incurred by the Authority.

(5) Nothing in subsection (2), (3) or (4) shall apply to rights or liabilities under any contract of service.

(6) Such of the contracts, deeds, bonds, overdrafts, guarantees, agreements or other instruments or other documents, which were subsisting immediately before the appointed day and affected the Rice Board, as may be specified by the Minister by order with reference to the Centre or the Board, shall, in so far as they relate to the undertaking or the assets of the Rice Board, be of as full force and effect against, or in favour of, the Centre or the Board, as the case may be, and be enforceable as fully and effectually as if, instead of the Rice Board, the Centre or the Board, as the case may be, had been named therein or had been a party thereto.

(7) All contracts, deeds, bonds, overdrafts, guarantees, agreements or other instruments or other documents, other than those specified by the Minister with reference to the Centre or the Board by any order under subsection (6), which were subsisting immediately before the appointed day and affected the Rice Board, shall, in so far as they relate to the undertaking or the assets of the Rice Board, be as full force and effect against, or in favour of, the Authority and be enforceable as fully and effectually as if, instead of the Rice Board, the Authority had been named therein or had been a party thereto.

(8) Where immovable property has, by virtue of this section, vested in the Centre, the Authority, the Board or any other body corporate, the Registrar of Deeds shall take due notice thereof and shall make such annotations on the records as may be necessary.

(9) Any proceedings commenced by or against the Rice Board prior to the appointed day for the enforcement of any

right or liability which is transferred or attached to the Centre, the Authority, the Board or any other body corporate or the Government by virtue of this section and pending immediately before that day in any court or before any authority, may be continued by or against the Centre, the Authority, the Board or other body corporate or the Government, as the case may be, to whom such right or liability is so transferred.

(10) Notwithstanding anything contained in this Act or any other written law or contract to the contrary, the appointments of all the officers and employees employed by the Rice Board immediately before the appointed day shall stand terminated with effect from that day:

Provided that the Centre, the Authority or the Board may if it is of the opinion that it is necessary for the purpose of carry out the functions conferred upon it by this Act, employ any of the persons, whose appointment is so terminated, as is in its opinion qualified and otherwise suitable for such employment, on such terms and conditions as may be agreed upon between the Centre, the Authority or the Board, as the case may be, and the person so employed, and in respect of any person so employed the Centre, the Authority or the Board, as the case may be, shall be the successor of the Rice Board with regard to his leave or superannuation rights or benefits, whether accrued, earned, inchoate or contingent.

(11) In this section the expression "Rice Board" includes the Regional Rice Boards established under section 24A of the

Cap. 72:01

Repeal.
Cap. 72:01

93. The Guyana Board Act shall stand repealed with effect from the appointed day.

Construction
of reference
to Rice Board
in any other
written law.

94. A reference in any other written law to the Rice Board shall be construed as a reference to the Authority unless the Minister, having regard to the context in which the reference is made, directs by order that the reference shall be construed as a reference to the Centre or the Board, and if the Minister so directs the reference shall be construed as a reference to the Centre or the Board, as the may be.

Power to
remove
difficulties.

95. The Minister may, for the purpose of removing any difficulty in giving effect to the provisions of this Act, particularly in relation to the transition from the provisions of the Guyana Rice Board Act to the provisions of this Act, make

such order or give such direction, not inconsistent with the provisions of this Act, as appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order or direction shall be made or given after the expiry of one year from the commencement of this Act.

SCHEDULE

S. 35

FLOATING CHARGE IN FAVOUR OF A BANK

In consideration of advances to be made from time to time by

..... (hereinafter called "the Bank")
to the *Guyana Rice Milling and Marketing Authority/Guyana Rice
Export Board (hereinafter called *"the Authority"/"the Board") to an
amount not exceeding \$.....

.....or (by way of overdraft on a current account with
the Bank in such amounts as *the Authority/the Board may require,
provided that the total outstanding amount of such overdraft shall not
at any time exceed \$.....) *the Authority/the

Board, under and by virtue of section 35 of the Rice (Regulation of
Manufacturing and Marketing) Act 1984, hereby assigns to and in favour
of the Bank all buildings, structures or other erections, padi and rice and
other products of padi, agricultural and other machinery and equipment,
bags, thread or twine now or which may hereafter be in the ownership

of *the Authority/the Board at
in the County of
in Guyana.

Dated this day of , 19 .

*Strike out the inapplicable words.

EXPLANATORY MEMORANDUM

This Bill seeks to replace the Guyana Rice Board Act, Cap. 72:01, so as to restructure the rice industry in Guyana with a view to secure its further development. The main provisions of the Bill, particularly having regard to the changes proposed, are dealt with in the following paragraphs.

2. A new authority, independent of the rice milling and marketing and export authorities, is proposed to be set up for the purpose of grading padi and rice. The authority is proposed to be named as the National Padi and Rice Grading Centre and will be financed, in addition to the sums it is empowered to collect by way of fees for the grading of padi or rice or other services rendered by it, mainly by funds made available by the Government either by way of grant or by way of loan.

3. The Centre is proposed to be authorised to establish, with the approval of the Minister, a regional rice grading office for any region if there is need for it.

4. The Centre is also proposed to be authorised to train and licence persons qualified to grade padi or rice or both. A mandatory provision is proposed to be made by clause 46 of the Bill requiring every rice producer, before selling any quantity of padi or rice to have it graded in accordance with the provisions of the Bill. The grading will be done at an office of the Centre. But where a manufacturer has employed any person licensed by the Centre to grade padi or rice, that person, as proposed, will be entitled to grade padi or rice delivered to, or manufactured by, the manufacturer. However any person aggrieved by the grading given by the person employed by the manufacturer will be entitled to appeal to the Centre.

5. The export functions in relation to rice are proposed to be conferred on a corporate body to be called the Guyana Rice Export Board, and the Guyana Rice Milling and Marketing Authority proposed to be set up by the Bill will be mainly engaged in the regulation of manufacture of rice and marketing of rice in Guyana. The capital required by the Board and the Authority will be subscribed by the Government or such other persons as may be determined by the Minister.

6. The Rice Factories Act, Cap. 95:05, which regulates rice factories and manufacturing of rice will continue to be in force, but the functions conferred on a district commissioner by that Act is proposed to be transferred to the Centre.

7. A manufacturer of rice will be entitled, as proposed in the Bill, to negotiate contracts for the sale of rice to the Authority or the Board.

Besides, he will be entitled, as proposed in the Bill, subject to its provisions —

- (a) to sell rice to authorised wholesalers proposed to be appointed under the Bill;
- (b) to deliver rice to rice farmers or to himself for domestic consumption.

A manufacturer or other person, licensed under the provisions of the Bill, may export padi or rice or other products of padi subject to the provisions of the Bill.

8. However it will, as proposed in the Bill, primarily be the function of the Authority to sell, or arrange to be sold, rice for consumption in Guyana as well as for export by the Board. Regulatory provisions are therefore proposed to be made to enable the Authority to discharge these functions effectively and to prevent the hoarding of padi or rice. The provisions are mainly contained in Part VI of the Bill.

9. Provisions are also proposed to be made to ensure proper storage in hygienic conditions of rice intended for consumption in Guyana or for export. (Clauses 62 and 67)

10. Provisions for certification of the quantity and quality of rice intended for export and for suitable packaging of such rice are also proposed to be made. (Clauses 68 and 69)

11. Provision enabling the Authority to make available to rice producers bags or other containers is also proposed to be made. (Clause 70)

12. Power is proposed to be given to the Minister to enable him to fix the prices to be paid or charged for padi or rice. (Clause 54)

13. Penalties for the contravention of the provisions of the Bill are proposed to be provided by Part VII thereof.

14. The Guyana Rice Board is being dissolved and its assets are proposed to be distributed among the Centre, the Authority and the Board and the National Agricultural Research Institute of Guyana proposed to be set up. The liabilities of the Guyana Rice Board are proposed to be distributed between the Government and the Authority. As a consequence of the dissolution of the Guyana Rice Board, the appointments of the officers and employees of the Rice Board are proposed to be terminated; however, the Centre, the Authority or the Board proposed to be set up by the Bill may re-employ these persons and where they are re-employed their leave and superannuation rights are proposed to be protected. The Guyana Rice ~~Board Act, Cap. 72:01~~ is proposed to be repealed.

H. D. Hoyte
Prime Minister.