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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. 5 OF 1973**

**GUYANA TIMBER EXPORT BOARD BILL 1973**

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A BILL

Intituled

AN ACT to provide for the establishment and functions of the Guyana Timber Export Board, and for matters connected therewith.

A.D. 1973 Enacted by the Parliament of Guyana :—

Short title and commencement. 1. This Act may be cited as the Guyana Timber Export Board Act 1973, and shall come into operation on such date as the Minister may by order appoint.

Interpretation.

“export” with its grammatical variations and cognate ex-

“Board means the Board established by section 3;

“export with its grammatical variations and cognate expressions means export from Guyana;

“forest produce” includes timber and trees;

“producer” means —

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(a) a person licensed under the Forests Ordinance to operate a sawmill;

(b) a person licensed under the Forests Ordinance to carry on the business of purchasing timber for sale;

(c) the holder of a lease of state forest or state lands for woodcutting purposes;

“registered producer” means a producer registered for the purposes of this Act by the Board under section 4;

“timber” includes logs, poles, sawn lumber hewn and sawn squares, and such other wood products as the Minister may prescribe from time to time by notice published in the Gazette.

3. There is hereby established a Board to be known as the Guyana Timber Export Board which shall be a body corporate and the provisions of the schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

Establishment and incorporation of the Guyana Timber Export Board, Schedule.

4. (1) Subject to this Act, it shall be the function of the Board to regulate the export of timber, and without prejudice to the generality of the foregoing provision, that function shall, in particular, include —

Functions of the Board.

- (a) the registration of persons as producers for the purposes of this Act subject to such terms and conditions as the Board may think fit to impose:

Provided that the Board shall not register a producer unless the approval of the Minister has been obtained by the Board.

- (b) the charging of fees for services rendered by the Board to register producers and other persons.

(2) As soon as practicable after the commencement of this Act, a producer may make application to the Board for registration under this Act and the application shall be in such form and shall contain such information as the Board may require.

(3) Without prejudice to subsection (1), it shall be the function of the Board to recommend to producers programmes for maintaining, controlling and regulating supplies of timber so as to regulate exports of timber in a manner calculated to serve the best interests of the economy of Guyana and, for the furtherance of those purposes, the Board may recommend to producers programmes for regulating or prohibiting the exportation of timber or any species thereof and for controlling the prices at which timber may be sold for export.

(4) For the purpose of giving effect to the foregoing provisions of this section and in furtherance of the exercise of its functions under section 7, the Board shall have the exclusive right to receive orders for the purchase of timber for export and to allocate orders among registered producers.

(5) The Board may cancel the registration of a producer for the breach of any term or condition imposed by the Board under subsection (1) or if the Board considers that it is in the public interest to do so.

(6) The registration of a producer or the cancellation thereof shall be notified in the Gazette and shall be officially and judicially noticed.

**Disclosure  
of interest by  
member of  
the Board.**

5. (1) Any member of the Board whose interest is likely to be affected whether directly or indirectly by a decision of the Board on any matter whatsoever, shall disclose the nature of the interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Board, and after the disclosure, the member of the Board making the disclosure shall, unless the Board otherwise directs, not be present, or take part in the deliberation or vote at any meeting during the time when such matter is being decided by the Board.

(3) For the purposes of this section, where the interest of parents, spouse or children of any member of the Board is likely to be affected directly or indirectly by a decision of the Board on any matter, such interest shall be deemed to be the interest of that member.

(4) The Minister may revoke the appointment of any member of the Board who contravenes or fails to comply with the provisions of this section.

**Employment  
of officers  
and other  
employees  
of the  
Board.**

6. (1) The Board may, with the approval of the Minister, appoint a General Manager, a Secretary and such other officers and employees at such remuneration and on such terms and conditions (including the payment of pensions, gratuities or other like benefits by reference to the service of the officers and other employees) as the Board thinks fit.

(2) The Board may, at any time, retain the services of professional persons and may pay such remuneration in respect thereof as the Board, with the approval of the Minister, may determine.

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(3) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions (Consolidation) Ordinance 1957 to an office with the Board, section 6 of that Ordinance shall apply to him as if his service with the Board were public service.

(4) Where a public officer is appointed to an office with the Board, his service with the Board shall be other public service within the meaning of, and for the purposes of such provisions applicable in relation thereto as are contained in, the Pensions (Consolidation) Ordinance 1957 (including the Pensions Regulations 1957).

7. (1) Except with the permission in writing of the Board, no person other than the Board, shall export any timber and such permission may be given subject to such terms and conditions as the Board may deem fit to impose. Prohibition of the exportation of timber.

(2) In the exercise of its functions as the exporter of timber pursuant to this Act, the Board may appoint agents and may enter into arrangements with registered producers for the purpose of facilitating the export of timber.

(3) Every producer applying to the Board for registration under this Act shall submit to the Board with his application all subsisting contracts, orders or other agreements for the export of timber to be fulfilled by him.

(4) The grant by the Board of any permission under subsection (1), including any terms and conditions imposed in relation thereto, shall be subject to the approval of the Minister.

8. (1) The Board shall maintain a fund into which shall be paid all such moneys as may, from time to time, be placed at the disposal of the Board for the purposes of this Act by Parliament, and such other moneys as may lawfully be paid to the Board; and out of the fund shall be paid all expenses incurred by the Board in carrying out its functions under this Act and all other liabilities properly incurred by the Board. Funds of the Board.

(2) The Board shall manage, administer and keep proper accounts of the fund.

9. The Board may, with the approval of the Minister responsible for finance, borrow sums required by the Board for meeting any of its obligations or discharging any of its functions. Borrowing powers of the Board.

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

11. (1) The accounts of the Board shall be audited annually by an auditor appointed by the Minister. Audit of the accounts of the Board.

(2) The Minister may, at any time, appoint an auditor to examine the accounts of the Board and to report thereon to him.

(3) The members, officers and other employees of the Board shall grant to the auditor so appointed access to all books, documents, cash and securities of the Board and shall give to him on request all

such information as may be within their knowledge in relation to the operations of the Board.

(4) An auditor appointed under this section shall have power to summon and examine all persons whom he shall think fit to examine for the purpose of obtaining information in connection with the examination and audit of the accounts of the Board and respecting all other matters and things whatever necessary for the due performance of the functions vested in him; and if any person summoned as aforesaid is not a public officer, or a member or an officer or other employee of the Board he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

(5) Any person summoned under subsection (4) who without reasonable excuse makes default in obeying such summons shall be liable on summary conviction to a fine of fifty dollars or, in default of payment, to imprisonment for one month.

(6) The Board may, with the approval of the Minister, write off bad debts.

Annual  
Report.

12. (1) The Board shall not later than six months after the end of each calendar year submit to the Minister a report containing —

- (a) an account of its transactions throughout the preceding calendar year in such detail as the Minister may direct; and
- (b) a statement of the accounts of the Board audited in accordance with the provisions of section II.

(2) A copy of the report together with a copy of the auditor's report shall be printed and laid before the National Assembly.

Power of the  
Minister to  
give direc-  
tions to the  
Board.

13. (1) The Minister may, after consultation with the Board, give to the Board such directions of a general character as to the policy to be followed by the Board in the performance of its functions as appear to the Minister to be requisite in the public interest, and the Board shall give effect to any such directions.

(2) The Board shall afford to the Minister facilities for obtaining information with respect to the property and activities of the Board and furnish him with returns, accounts and other information with respect thereto, in such manner and at such times as he may require.

14. The Limitation Ordinance shall not apply to proceedings instituted by the Board. Exclusion of the application of the Limitation Ordinance. Cap. 28.
15. Monies due to the Board may be recovered by parate execution without prejudice to any other right of recovery available to the Board by virtue of any other law. Recovery of monies due to the Board.
16. Any person who — Offences and penalties.
- (a) breaches any term or condition imposed by the Board pursuant to section 4 (1) (a);
- (b) is convicted for a contravention of section 7 (1),
- shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.
17. The Minister may make regulations generally for the purpose of carrying out the provisions of this Act. Power to make regulations.

#### SCHEDULE

1. The Board shall consist of not more than twenty persons appointed by the Minister from among persons appearing to him to be qualified for appointment by reason of their experience of, and shown capacity in, matters relating to industry, trade, commerce and marketing. Constitution of the Board.
2. The names of all members of the Board at first constituted and every change in the membership thereof shall be published in the Gazette. Gazetting of appointments.
3. (1) The seal of the Board shall be kept in the custody of the Chairman of the Board (hereinafter referred to as "the Chairman") or the Secretary and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairman, or the Deputy Chairman, or the General Manager, and the Secretary. Seal of the Board
- (2) The Seal of the Board shall be authenticated by the signatures of the Chairman, or the Deputy Chairman, or the General Manager, and the Secretary, and shall be officially and judicially noticed.
- (3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman, or the Deputy Chairman, or the General Manager, or the Secretary.
4. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Board may determine. Meetings of the Board and the procedure thereat.

(2) The Chairman may, at any time, summon a special meeting of the Board and shall summon a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any five members of the Board.

(3) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Board; in the absence of the Chairman and the Deputy Chairman at a meeting of the Board the General Manager shall act as Chairman at the meeting.

(4) Five members of the Board shall constitute a quorum.

(5) Minutes in proper form of every meeting of the Board shall be kept by the secretary and shall be confirmed by the Chairman, or the Deputy Chairman, or General Manager, as the case may be, as soon as practicable thereafter at a subsequent meeting.

(6) The Board may co-opt any one or more persons to attend any particular meeting of the Board at which the Board is dealing with a particular matter, for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote at the meeting.

(7) Subject to this schedule, the Board may regulate its own proceedings.

Committees  
and powers  
of delega-  
tion.

5. (1) The Board may appoint committees as it may think fit and may delegate to any such committee or a member of the Board authority to perform on its behalf such functions as the Board may determine.

(2) Any committee so appointed shall consist of at least two members of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

Protection of  
members.

6. (1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Board shall be liable to the extent that it would be if the member were a servant or agent of the Board.

Remunera-  
tion of  
members of  
the Board.

7. The Board shall pay to each member of the Board in respect of his office as such, such, if any remuneration and allowances as the Minister may determine, and to the Chairman and to the Deputy Chairman, in respect of his office as such, such, if any, remuneration and allowances (in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member) as may be so determined.



*EXPLANATORY MEMORANDUM*

It is considered essential to establish a Timber Export Board responsible for the export of timber from Guyana as a result of the expansion of the timber industry to meet the needs of the export trade in timber and its substantial contribution to the country's economy.

The Bill makes provision in clause 3 for the establishment and constitution of the Guyana Timber Export Board and clause 4 specifies the functions of the Board. It is envisaged that there will be a system whereby producers of timber will be registered by the Board and will be allocated orders for the supply of timber for export by the Board which will be the sole exporter of timber.

**H. O. JACK,**  
Minister of Mines and Forests.

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(CMF: 6/25/1)