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BRITISH GUIANA

ORDER

MADE UNDER

THE PUBLIC CORPORATIONS ORDINANCE, 1962,

(No. 23 of 1962).

UNDER SECTION 34 OF THE PUBLIC CORPORATIONS ORDINANCE, 1962, THE FOLLOWING ORDER HAS BEEN MADE BY THE COUNCIL OF MINISTERS:—

1. This Order may be cited as the Guyana Marketing Corporation Order, 1963.

2. In this Order unless the context otherwise requires —

“Co-operative Society” means a society registered under the Co-operatives Society Ordinance*;

“fish” includes all or any of the varieties of marine, estuarine or fresh water fishes, crustacea, whales, porpoises, manatees, mollusca or other marine or fresh water animal life;

“Minister” means the member of the Council of Ministers for the time being charged with responsibility for the subject of trade;

“person who catches fishes” means a person who catches fishes in British Guiana and also includes a person who catches fishes outside of British Guiana if he is resident in British Guiana and operates from British Guiana and normally brings his catch to British Guiana;

“produce” means any fruit, vegetable, ground provision or any other foodstuff whatsoever cultivated above or beneath the soil, milk, honey, livestock, poultry, or fish, whether in their natural state or not, and includes any article of food or drink or any other product whatsoever manufactured or derived wholly or partly from any one or more of the aforementioned produce or from any plant, but does not include the rice plant or the sugar cane plant or any product manufactured or derived wholly or mainly from any such plant or any by-product manufactured or derived wholly or mainly from any such product or any such plant;

“producer” means any person who grows, cultivates, breeds, rears, produces or manufactures any produce in British Guiana and includes any person who catches fishes and also includes any person who has the right to dispose of any of the aforesaid produce or fish, such right having been acquired other than by purchase of the produce or fish.

3. There shall be established a public corporation to be known as “The Guyana Marketing Corporation” (hereinafter referred to as the “Corporation”).

*Cap. 326.

4.(1) The Corporation may, on such date as it may by notice in the Gazette appoint, take over the assets and liabilities existing at that date of all the units now comprising the Marketing Division of the Ministry of Trade and Industry and which are more specifically described in the first schedule hereto.

(2) The Corporation shall endeavour, by such means as it shall from time to time determine, to carry on and develop the trade and business activities of the units they take over in accordance with their powers.

(3) Subject to the provisions of paragraph (4) of this article, the Corporation may continue to employ any person employed at any of the aforesaid units they take over on such terms and conditions as may be agreed upon between that person and the Corporation.

(4) All liabilities incurred by or on behalf of Government in respect of leave and superannuation rights (whether inchoate or accrued) of any such person employed by the Corporation and subsisting immediately before the employment by the Corporation, shall, as from the commencement of the employment by the Corporation have effect as if they had been incurred by or on behalf of the Corporation.

5. The Corporation shall, in the interest of producers, assist and improve the marketing and processing of their produce, and in particular, assist cooperative societies to dispose of their produce to their best advantage.

6. The Corporation may —

- (a) trade or deal in any produce, feeding stuffs for livestock, and in any other commodity which in the discretion of the Corporation may facilitate the operation of producers;
- (b) engage in the activities of a producer;
- (c) produce or manufacture from anything purchased or obtained by them in the exercise of their powers any other thing whatsoever;
- (d) sell, pack, store, adapt for sale, insure, advertise and transport any produce, feedingstuffs, commodity or other thing, purchased, obtained, produced or manufactured by them as aforesaid;
- (e) let for hire to any producer any commodity whatsoever which in the discretion of the Corporation may facilitate the operation of that producer;
- (f) encourage, promote or conduct cooperation among producers as well as research and education in connection with the production or manufacture in British Guiana of any produce;
- (g) set up offices, centres, depots, agencies and any other establishment which they consider necessary for the discharge of their functions or the execution of their duties;
- (h) act as commission agent for the purchase of supplies for any producer;
- (i) act as commission agent for the disposal of the produce of any producer;
- (j) do all things necessary for the development, preservation and maintenance of all land, buildings or other property which may be vested in, acquired, or obtained by the Corporation.

7.(1) Notwithstanding any other provision of this Order, the Corporation may by notice published in the Gazette and in at least one newspaper circulating in British Guiana exercise general supervision over the disposal of the produce of producers and may by like notice control the purchase, sale, distribution, processing and export of such produce.

(2) Any supervision or control as provided for in the preceding paragraph may be exercised by the Corporation in respect of all or any of the aforesaid produce or in respect of any quantity or any grade of any such produce and in respect of the whole of British Guiana or any area therein.

8.(1) The Corporation may from time to time, with the approval of the Minister, fix grades of produce, and different grades may be fixed in respect of produce to be purchased from a producer, in respect of produce to be sold for consumption in British Guiana, and in respect of produce to be exported.

(2) The Corporation may from time to time, with the approval of the Minister, determine and fix —

- (a) the minimum price at which the Corporation shall purchase produce; and
- (b) the price at which the Corporation shall sell produce in British Guiana.

(3) Different prices may be fixed under (a) and (b) of paragraph (2) of this article in respect of different grades of produce.

(4) Notification of grades and prices fixed under this article shall be given by publication in the Gazette and in at least one newspaper circulating in British Guiana.

9.(1) There shall be established a Grading Appeals Committee of the Corporation which shall consist of at least two members of the Corporation together with such persons, whether members of the Corporation or not, whose assistance or advice the Corporation may desire, who shall be appointed by the Corporation.

(2) The Grading Appeals Committee shall determine all appeals against the grading of produce fixed by the Corporation, and the award of the Grading Appeals Committee shall be final.

10. Subject to the provisions of section 17 of the Public Corporations Ordinance, 1962, the revenues of the Corporation for any financial year shall be applied in defraying the following charges —

- (a) the remuneration, fees and allowances of the members of the Corporation;
- (b) the salaries, fees, and remuneration, and any pensions, superannuation allowances and gratuities of the officers, servants, agents and technical or other advisers, of the Corporation;
- (c) the working and establishment expenses and expenditure on, or provision for, the maintenance and renewal of any property of the Corporation, and the discharge of the functions of the Corporation properly chargeable to revenue account;
- (d) interest on any loan raised by the Corporation;
- (e) such sums required by the Council of Ministers to be transferred to a sinking fund, or otherwise set aside for the purpose of making provision for the repayment of moneys borrowed by the Corporation;

- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation of the property of the Corporation having regard to the amount set aside out of revenue under the preceding paragraph;
- (g) any other expenditure authorised by the Corporation and properly chargeable to revenue account.

11.(1) Subject to the provisions of paragraph (3) of this article, the movable and immovable properties specified in the second schedule hereto, which are the properties of the Government and have been used by, or been available, to the Marketing Division of the Ministry of Trade and Industry prior to the commencement of this article, are hereby vested in the Corporation.

(2) As soon as practicable after the commencement of paragraph (1) of this article, the Corporation shall, by way of compensation for any property vested in the Corporation by virtue of the provisions of paragraph (1) of this article, issue to the Government debentures or debenture stock of such nominal value and bearing such interest rates and repayment dates as may be agreed upon between the Minister responsible for finance and the Corporation.

(3) The provisions of paragraph (1) of this article shall come into force on such date as the Council of Ministers may by notice in the Gazette appoint.

FIRST SCHEDULE

The Central Produce Depot The Ham and Bacon Factory The Fish Marketing Centre	}	at Lombard and Sussex Streets, Georgetown.
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The Processing Factory at the Public Works Compound, Kingston, Georgetown.

The Milk Pasteurisation Plant at Cowan and Fort Streets, Kingston, Georgetown.

The New Amsterdam Produce Depot at Strand, New Amsterdam.

SECOND SCHEDULE

1. The piece of land known as mud lot or water lot number 1 (one) situate in Charlestown District in the City of Georgetown, and more specifically described in Transport No. 1085 of the 15th day of August, 1951, with all buildings and erections thereon.
2. The piece of land known as lots 1 and 2 Kingston, bounded on the north by lot 3, Kingston, on the east by Fort Street, on the south by Cowan Street and on the west by Water Street, Georgetown, with all buildings and erections thereon save and except the building on the western side of the aforesaid lots at present occupied by the Ministry of Education.
3. All machinery, equipment and plant whether affixed to the ground or not and every other article and item of movable property belonging to the Government of British Guiana used at and forming part of the establishments mentioned in the first schedule hereto, together with all rights enjoyed in connection with the aforesaid establishments.

Made in Council this 11th day of December, 1963.

D. H. WESTMAAS,
Acting Secretary to the Council of Ministers.

EXPLANATORY NOTE

(This is not part of the Order, but is intended to indicate its general purport).

This Order establishes the Guiana Marketing Corporation. The purpose of the Corporation is to take over and run the various units now comprising the Marketing Division of the Ministry of Trade and Industry and generally to improve the marketing and processing of produce.