

CHAPTER 241.

EXPORT OF TIMBER.

ARRANGEMENT OF SECTIONS.

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CHAPTER 241.

EXPORT OF TIMBER.

An Ordinance to provide for the inspection and marking of British Guiana timber before export. <sup>1 of 1937.</sup>

[15TH JULY, 1937.]

1. This Ordinance may be cited as the Export of Timber Ordinance. <sup>Short title.</sup>

2. In this Ordinance, unless the context otherwise requires— <sup>Interpreta-  
tion.</sup>

“ authorised mark ” means a mark approved by the Conservator under section 7;

“ Conservator ” means the Conservator of Forests;

“ export ” with its grammatical variations and cognate expressions means export from the Colony;

“ export certificate ” means a certificate as prescribed under this Ordinance;

“ inspector ” means an inspector authorised under this Ordinance;

“ marked ” means marked in accordance with the provisions of this Ordinance and any rules made thereunder;

“ prescribed ” means prescribed by rule under this Ordinance;

“ senior officer ” means any Deputy or Assistant Conservator of Forests and includes the Conservator;

“ timber ” means any wood of trees grown in the Colony whether round logs, unsawn, hewn, sawn or machined and shall include boards, planks, scantlings, beams, shooks, slats, boxboards, flooring strips and sleepers.

Application of Ordinance.

3. This Ordinance shall apply only to such timbers as the Governor in Council may by notice in the Gazette declare.

Prohibition of exporting timber under an export certificate.

4. (1) No person shall export or enter for export any timber to which this Ordinance applies except under an export certificate.

(2) Before exporting timber under an export certificate the consignor thereof shall cause an authorised mark to be placed on each piece of timber, or in the case of small dimensioned timber, on each bundle in respect of which the export certificate shall have been issued.

(3) Every export certificate shall expire on the thirtieth day after issue.

(4) No person shall export any timber under an export certificate unless each piece of timber whether within a bundle or not conforms with the provisions of this Ordinance.

Conservator to authorise inspectors.

5. (1) The Conservator may authorise in writing any officer of his Department or of the Department of Lands and Mines, or any person regularly engaged in the export trade in timber to be an inspector for the purpose of carrying out the provisions of this Ordinance.

(2) Every authorisation issued under this section shall be personal to the holder thereof and shall expire on the 31st December of the year in which it has been issued.

(3) Such authorisation may be of a general nature or may be restricted to the inspection of certain kinds or qualities of

timber, or to the inspection of timber for export to specified ports or countries, and in the case of a person other than an Officer of the Forest Department or of the Department of Lands and Mines shall be confined to the inspection of timber of which that person or his firm is the exporter.

(4) The Conservator may refuse to issue or renew any authorisation under this section or may suspend or revoke any such authorisation on the grounds that he is not satisfied with the qualifications or experience of the holder or applicant or with the manner in which the holder has carried out his duties.

(5) Any person aggrieved by any such decision of the Conservator may appeal to the Governor in Council whose decision shall be final.

6. No person other than an inspector shall issue an export certificate and an inspector who has issued an export certificate shall forthwith send to the Conservator the duplicate thereof.

Export certificates to be issued only by inspector.

7. (1) Every person, other than an officer of the Forest Department or of the Department of Lands and Mines who is authorised to be an inspector for the purposes of this Ordinance shall produce and have registered a mark in such form as is approved by the Conservator for use when inspecting timber. Such mark may only be used by the person so authorised and shall not have a crown as part of its design.

Registration of authorised marks.

(2) The marks used by the officers of the Forest Department and Department of Lands and Mines shall be in such form as shall be approved by the Conservator and shall have a crown as part of their design.

(3) The Conservator shall maintain a register of marks authorised under the provisions of this section and shall at least once annually publish in the Gazette a list of the holders of an authorised mark together with a facsimile of the marks authorised.

8. When application for a certificate of export in respect of any timber is made to an inspector who is a member of the Forest Department or Department of Lands and Mines such timber shall be stacked in convenient parcels to admit of inspection piece by piece by the inspector at the owner's mill or loading beach or such other convenient place as shall be agreed upon by the inspector and the owner or consignor, and the owner or consignor shall provide all necessary labour for handling and bear the cost of same.

Labour for inspecting to be provided by owner or consignor.

Power of inspector to call for documents.

9. When an inspector who is an officer of the Forest Department or of the Department of Lands and Mines examines any timber for the purpose of issuing an export certificate he shall be entitled to call for and shall be shown by the consignor all documents relating to that timber which give any information regarding the specification, quality or measurements required and he shall before issuing an export certificate as prescribed satisfy himself that the timber inspected fulfils the requirements of the specification as to quality or measurements to a sufficiently reasonable extent as not to harm the reputation of the Colony in respect of the export trade in timber.

If no information regarding specification, quality or measurements is available he shall, after duly considering all the circumstances, satisfy himself before issuing an export certificate as prescribed that the timber is of fair average quality.

Conservator of Forests to charge a fee on timber found unfit for export.

10. (1) No fee shall ordinarily be charged for the issue of an export certificate by an inspector who is an officer of the Forest Department or of the Department of Lands and Mines but a fee not exceeding twenty dollars may at the discretion of the Conservator be charged for any inspection carried out at the request of the consignor or owner on a Sunday, Public Holiday, or on any other day if less than twenty-four hours' notice has been given.

(2) A fee of four cents per piece or two cents per cubic foot, whichever is less, may be charged at the discretion of the Conservator on each piece of timber which is tendered to an inspector who is an officer of the Forest Department or Department of Lands and Mines for inspection, but is not passed for inclusion in the certificate of export.

Power for senior officer to inspect at any time.

11. Any inspector who is a senior officer of the Forest Department can at any time inspect any timber to which this Ordinance applies which has been inspected or is capable of inspection within the meaning of this Ordinance by an inspector who is a person regularly engaged in the export trade in timber, and may call for and shall be shown any documents containing the order or specification for such timber.

Right of arbitration when timber is rejected.

12. Any person aggrieved by a decision of an inspector who is an officer of the Forest Department or Department of Lands and Mines may apply to the Conservator for an arbitration to be arranged, when an agreed sample of not more than twenty *per centum* in volume of the timber rejected may be exported without an export certificate at the owner's risk and expense,

to be examined and reported upon by an arbitrator agreed upon between the Conservator and the person aggrieved. The result of any such arbitration shall be accepted as final and the Conservator shall, if the decision of the arbitrator be in favour of the person aggrieved, cause an export certificate to be issued in respect of the consignment forming the subject matter of the arbitration, but the Conservator shall not be liable for any loss or damage sustained by the person aggrieved by reason of any delay in the exportation of the timber rejected.

13. (1) No person shall export any timber in respect of which a certificate of export has been issued if between the issue of the certificate and the time of shipment it has suffered any deterioration in regard to specification, quality or measurement.

Timber passed for export not to be exported in altered state.

(2) When the owner of a piece of marked timber desires to resaw it or otherwise alter its state, he shall before doing so effectively obliterate the mark so that it cannot be mistaken for an authorised mark.

14. (1) No person other than an inspector shall mark any timber whether such timber be timber to which this Ordinance applies or not, with a mark which is the same as any authorised mark registered under this Ordinance.

Timber not to be marked except by inspectors or with imitation marks.

(2) No person shall mark any timber, whether such timber is timber to which this Ordinance applies or not, with a mark so similar to any authorised mark that it may be or can be mistaken therefor.

15. No person shall sign, issue or use in respect of any timber whether such timber is timber to which this Ordinance applies or not, any document being or purporting to be an export certificate under this Ordinance knowing and having reason to believe that the same is false either wholly or in any material particular.

Prohibition of false export certificates.

16. (1) All contraventions of this Ordinance or any rule made thereunder shall be prosecuted under the Summary Jurisdiction Ordinances.

Prosecutions and penalties for offences.

(2) Any person convicted for a contravention of section 4 of this Ordinance shall be liable to imprisonment for a period not exceeding six months or a fine not exceeding four hundred dollars or to both such imprisonment and fine and in addition the court may order the timber in respect of which the contravention was committed to be forfeited to the Government or where the person convicted is not the owner thereof, an addi-

tional fine equal to its value at the time of exportation or entering for exportation as the case may be.

(3) Any person convicted for a contravention of sections 13, 14 or 15 of this Ordinance shall be liable to imprisonment for a period not exceeding three months or to a fine not exceeding two hundred dollars or to both such imprisonment and fine.

Certificate of export does not convey any guarantee.

17. No certificate of export shall be deemed to be a guarantee that any timber is of an exact specification, quality or measurement or shall be used as such in any transaction between buyer and seller, nor shall it constitute a guarantee against deterioration or damage which may occur during transit from the port of shipment to the port of destination.

Governor in Council may make rules.

18. The Governor in Council may make rules in respect of anything to be prescribed under this Ordinance and generally for the carrying into effect of its provisions.

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