

No. 448

Bill No. 31 of 1958.

TRADE BILL, 1958.

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A BILL

Intituled

AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE AND REGULATION OF SUPPLIES AND FOR OTHER MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH. Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Trade Ordinance, 1958, and shall come into operation on such day as the Governor may by proclamation published in the Gazette appoint. Short title and commencement.

2. In this Ordinance unless the context otherwise requires — Interpretation.

“the Competent Authority” means the Competent Authority appointed under section 3 of this Ordinance ;

“export” means to take, or be concerned in taking out of British Guiana or the territorial waters thereof, and “exportation” shall be construed accordingly ;

“goods” includes goods of every description, produce, wares, merchandise, substances, plants, animals and birds ;

“import” means to bring, or be concerned in bringing, into British Guiana or the territorial waters thereof, and “importation” shall be construed accordingly.

3. (1) The Governor may appoint a Competent Authority for the purposes of this Ordinance. Appointment of Competent Authority.

(2) The Competent Authority may, with the approval of the Governor, delegate in writing all or any of his powers, duties or functions under the provisions of this Ordinance either generally, or in any area of British Guiana or during such times, or for such purposes as he may direct, to any public officer, and may at any time with the approval of the Governor revoke or vary any such delegation.

4. Without prejudice to the succeeding provisions of this Ordinance it shall be the function of the Competent Authority to recommend programmes for maintaining, controlling and regulating supplies so as to — General functions of Competent Authority.

(a) secure a sufficiency of those essential to the well-being of the community, their equitable distribution and their availability at fair prices ;

(b) regulate exports and imports in a manner calculated to serve the interest of the community ; and

(c) ensure generally that the resources available to the community are used in a manner calculated to serve the interest of the community,

and for the furtherance of those purposes the Competent Authority may recommend programmes for regulating or prohibiting the importation, exportation, distribution, sale or purchase of goods, or of any class or description of goods and for

controlling the prices at which goods or any class or description of goods may be sold.

Control of imports, exports and prices.

5. (1) The Governor in Council may by order provide —
- (a) for prohibiting absolutely the importation or exportation of goods, or of any class or description of goods, from or to any country ;
 - (b) for prohibiting the importation or exportation of goods, or of any class or description of goods, from or to any country except under the authority of a licence granted by the Competent Authority ;
 - (c) for regulating the purchase or sale of goods or any class or description of goods ;
 - (d) for controlling the prices at which goods, or any class or description of goods, may be sold, whether by wholesale or retail.
- (2) An order made under the provisions of this section may provide —
- (a) for the entering and inspection of premises to which the order relates by any person specified in the order with a view to securing compliance therewith ;
 - (b) that persons carrying on or employed in connection with any trade or business shall produce to the Competent Authority or any person authorised in writing in that behalf by the Competent Authority such books, accounts or other documents relating to their trade or business as the Competent Authority may require, and that such persons shall furnish to the Competent Authority such estimates, returns or information as the Competent Authority may from time to time require ;
 - (c) for such supplementary and incidental matters as may be necessary or expedient for the purpose of the order.
- (3) Any order made under the provisions of this section may be amended, varied or revoked as the Governor in Council sees fit.
- (4) Any person who commits a breach of any order made under this section shall be guilty of an offence, and shall upon summary conviction thereof be liable to a fine not exceeding one thousand dollars, or to a term of imprisonment not exceeding twelve months, or to both such fine and imprisonment.

Forfeiture of prohibited goods.

Cap. 309.

6. Where under any order made under the preceding section the importation of goods or of any class or description of goods, from any country is prohibited except under the authority of a licence granted under the provisions of this Ordinance, any goods imported in breach of such prohibition shall be deemed to be prohibited goods within the meaning of the Customs Ordinance, which have been imported contrary to the prohibition against their importation, and the provisions of section 216 of the said Ordinance shall apply.

Power to authorise purchase, sale, etc., of goods.

7. So far as it appears to the Governor in Council necessary or expedient for the purposes specified in section 4 of this Ordinance, he may by order authorise such person as may be designated in the order to purchase, acquire, sell or otherwise dispose of, on behalf of the Government, such goods as may be specified in the order, and make such provision for such supplementary and incidental matters as may be necessary for the purpose thereof.

Grant of import and export licences.

8. (1) Where any order made by the Governor in Council under the provisions of section 5 of this Ordinance prohibits the importation or exportation of any goods except under the authority of a licence granted by the Competent Authority, the Competent Authority may, subject to the provisions of this section, grant or withhold licences for the importation or, as the case may be, exportation of such goods.

- (2) A licence granted under this section —
- (a) may be either general or limited to a specified person;

- (b) may be absolute or conditional;
- (c) may be limited so as to expire on a specified date unless renewed; and
- (d) may be revoked by the Competent Authority if it is in the public interest so to do.

(3) The Governor in Council may give to the Competent Authority directions of a general character as to the policy to be followed by him in the exercise of the performance of his functions under this section, and the Competent Authority shall act in accordance with such directions and not otherwise.

9. (1) Any person who —

Offences.

- (a) contravenes or fails to comply with any term, condition, or restriction of, or subject to which, any licence is granted by the Competent Authority under section 8 of this Ordinance, or
- (b) in or in connection with any book, account or other document or any estimate, return or information which he is required to produce or furnish to the Competent Authority by virtue of any order made under the provisions of this Ordinance, wilfully or recklessly gives any false or misleading information or makes any false or misleading statement, shall be guilty of an offence, and shall be liable —
 - (i) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; or
 - (ii) on conviction on indictment, to a fine not exceeding two thousand dollars, or to imprisonment for a term of two years, or to both such fine and imprisonment.

(2) Where a body corporate is convicted of an offence under subsection (1) of this section or of a breach of any order made under this Ordinance, every person who at the time of the commission of the offence or breach was a director or officer of the body corporate shall be deemed to be guilty of the offence or breach unless he proves that it was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof.

(3) Where a person has been convicted of any such offence or breach the Court before whom he is convicted may make such order as to the forfeiture or disposal of any goods in relation to which the offence or breach was committed as the Court thinks fit.

(4) Any person who attempts to commit, or conspires with any other person to commit, or does any act preparatory to, or in any way aids and abets the commission of an offence under paragraph (a) of subsection (1) of this section, shall be guilty of an offence punishable in like manner as the said offence and the provisions of subsection (3) of this section shall apply in the case of an offence under this subsection as it applies in the case of an offence under paragraph (a) of subsection (1) of this section.

10. (1) No person who obtains information by virtue of the provisions of this Ordinance or of any order made thereunder shall disclose that information otherwise than in the discharge of his functions under this Ordinance or under any such order, or for the purposes of any criminal proceedings.

Restriction
on disclosure
of informa-
tion.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable —

- (a) on summary conviction, to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
- (b) on conviction on indictment, to a fine not exceeding two thousand dollars, or to imprisonment for a term of two years, or to both such fine and imprisonment.

(3) A prosecution for any offence under this section shall not be instituted except with the sanction of the Attorney General.

Transitional provisions as to existing regulations and instruments.

11. Upon the expiry or revocation of regulation 44 of the Defence Regulations, 1939, after the coming into operation of this Ordinance, all orders, licences, permits or other instruments of whatsoever nature made, issued or granted under or by virtue of the provisions of the said regulation 44 in relation to regulating or prohibiting the importation, exportation, distribution, sale or purchase of goods, or controlling the prices at which goods may be sold shall, if in operation immediately before the expiry or revocation of the said regulation 44 be deemed to have been made, issued or granted under or by virtue of the provisions of this Ordinance relating to the making of orders or the granting of licences, as the case may be, and may accordingly be amended, cancelled or revoked under or by virtue of the said provisions of this Ordinance, but shall continue in force until their expiry, or until they have been revoked or cancelled under or by virtue of the said provisions.

Regulations.

12. The Governor in Council may make regulations generally for giving effect to the provisions of this Ordinance.

Saving.

13. Nothing in this Ordinance shall make it lawful to import or export goods where such importation or exportation is unlawful under any other Ordinance at present in force or which may be enacted hereafter.

Repeal.
Cap. 123.
Cap. 124.

14. The Food Prices Regulation Ordinance and the Sugar (Regulation of Prices) Ordinance are hereby repealed.

OBJECTS AND REASONS

Regulation 44 of the Defence Regulations, 1939, provides for the making of orders for maintaining and regulating supplies and services essential to the life of the community, and for controlling prices at which certain essential articles may be sold. Several orders have been made under this regulation which has been kept in force from year to year by means of an Imperial Act. It is considered desirable that such legislation should be made permanent in British Guiana as has been the case in other Commonwealth territories, and this Bill seeks to provide accordingly.

2. Clauses 3 and 4 of the Bill provide for the appointment of a Competent Authority and his functions which will consist of making recommendations when necessary of programmes for regulating or prohibiting the importation, exportation, distribution, sale or purchase of goods.

3. Clause 5 seeks to enable the Governor in Council to make orders for prohibiting the importation or exportation of goods, regulating the purchase or sale of goods, and controlling prices at which goods may be sold.

4. Clause 6 seeks to provide for the forfeiture of any goods imported in contravention of the provisions of the Ordinance and clause 7 authorises the bulk purchase and sale of goods to ensure an equitable distribution of such goods at fair prices throughout the country.

5. Clause 8 authorises the Competent Authority to grant licences for the importation and exportation of certain goods, and prescribes the conditions that may be attached to such licences.

6. Clause 10 of the Bill seeks to impose a restriction on the disclosure of information gained by virtue of the provisions of the Ordinance. Clause 11 saves all orders, licences, permits and other instruments made, issued or granted under regulation 44 of the Defence Regulations, 1939.

CHEDDI JAGAN.

Minister of Trade and Industry.

(M.P. TI. 121/104).
(Leg. Bill 31/58).