

THE OFFICIAL GAZETTE -- 12TH OCTOBER, 1985
LEGAL SUPPLEMENT -- B

GUYANA

No. 59 of 1985

ORDER

Made Under

THE TRADE ACT

(Cap. 91:01)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION
5 OF THE TRADE ACT, I HEREBY MAKE THE FOLLOWING
ORDER :—

1. This Order may be cited as the Trade (Regulation of ^{Citation.}
Sale of Essential Goods) Order 1985.

2. In this Order —

**Interpreta-
tion.**

- (i) "essential goods" means the goods specified in the First Schedule, and includes any other goods that the Minister may, by order, include in the said Schedule;
- (ii) "huckster" has the same meaning as in the ^{Cap. 91:06} Hucksters Licensing and Control Act;
- (iii) "retail" means the sale or disposal, other than by wholesale, of any essential goods;
- (iv) "retailer" means any person who, either on his own behalf or on behalf of a principal, sells, offers to sell, exposes for sale or assists in the sale or disposal of, any essential goods by retail to the public for use or consumption, and includes a wholesaler who is permitted to sell any quantities of essential goods by retail also, but does not include a huckster;
- (v) "wholesale" means the sale of any essential goods to —
 - (a) any person whose premises are licensed or on which any licence duty is due and payable under the Tax Act for the sale of articles ^{C. 80:01} including essential goods to the public; or
 - (b) any person who sells any of the essential goods in a market licensed under the provisions of the Tax Act;

(vi) "wholesaler" means any person who, either on his own behalf or on behalf of a principal sells, offers to sell, exposes for sale or assists in the sale, of, any essential goods by wholesale, and includes an authorised wholesaler as defined in the Rice (Regulation of Manufacturing and Marketing) Act 1985.

Act No. 1 of 1985

Sale of essential goods by wholesalers.

3. After the expiry of thirty days from the commencement of this Order, no wholesaler shall sell any essential goods to any person other than a retailer who is authorised under this Order by the Competent Authority (hereinafter referred to as the "authorised retailer") to purchase and sell the essential goods.

Authorisation required for sale or purchase of essential goods by retailers.

4. (1) No authorised retailer to whom a wholesaler has sold any essential goods shall sell, use or otherwise dispose of the essential goods unless he has been authorised to do so in writing by the Competent Authority :

Provided that nothing in this paragraph shall prevent any authorised retailer from selling or otherwise disposing of any such essential goods to a wholesaler, who has been permitted by the Competent Authority to so purchase;

Provided further that no authorised retailer shall use the essential goods for his personal consumption in quantities exceeding his reasonable household requirements.

(2) No retailer shall purchase any essential goods unless at the time of such purchase he is an authorised retailer.

(3) Except as provided in this Order, no huckster or any person, other than an authorised retailer, shall sell any essential goods in or nearby any municipal, regional or other market.

Issue of authorisation.

5. (1) For purposes of clauses 3 and 4, the Competent Authority may in his discretion issue authorisation which shall be in Form No. 1 set out in the Second Schedule, to any retailer, who may make an application for the authorisation in Form No. 2 set out in the said Schedule.

Cap. 89:01

(2) Every retailer who makes an application under paragraph (1), shall possess the licence required by the Tax Act, or any other law.

Authorised retailer's refusal to sell restricted.

6. (1) No authorised retailer of any essential goods shall, without reasonable cause, refuse to sell for cash to any customer for use or consumption any such essential goods which form part of the stock of the business.

(2) For the purpose of this Order, the owner of any retail business, his agent, clerk or other person in charge of that business or in attendance on customers, shall be deemed to be an authorised retailer.

(3) Where an authorised retailer sells any essential goods, he shall give to the purchaser a receipt in respect of the essential goods sold, retaining in his possession a duplicate thereof; and every such receipt and the duplicate thereof shall be signed by the authorised retailer and the purchaser.

(4) Whenever the Competent Authority is satisfied that any essential goods are in short supply, he may by order in writing require such authorised retailer or retailers as may be named in the order, to sell the essential goods in his or their possession in such quantities and for such periods as may be specified therein, and the said authorised retailer or retailers shall sell essential goods only in such quantities and for such periods in accordance with the order. The Competent Authority may, for the purpose of effective enforcement of any order under this paragraph, issue identity cards to the customers in such manner as he deems fit, showing the following particulars —

- (a) Name of head of the household
- (b) Number of adults in the household
- (c) Number of children in the household
- (d) Address of household
- (e) Place of employment of Working members in the household
- (f) Date, description and quantity of essential goods issued

(5) Every authorised retailer shall display a board at any conspicuous place of his licensed premises indicating, or otherwise showing, the essential goods for which he is the authorised retailer and their prices.

7. Every wholesaler and every authorised retailer, who in the course of their business sell any of the essential goods to which this Order applies, shall — Record to be kept.

- (a) keep a book in which he shall record, on each occasion, the particulars of sales of essential goods in Form No. 3 set out in the Second Schedule; and

- (b) in respect of an authorised retailer, also record in the said book, on each occasion, the particulars of purchases of essential goods in Form No. 4 set out in the Second Schedule,

and every entry in any such book shall be deemed, unless the contrary is shown, to have been made by or with the authority of that person to whom the book belongs.

Entry and inspection of premises, etc.

8. For the purpose of securing compliance with this Order —

- (a) the Competent Authority, or any person authorised by him in writing, or any police constable, may enter and inspect any place or premises, or any cart, carriage, vehicle, boat or other carrier, in which he has reasonable cause to believe that there may be any of the essential goods to which this Order applies, intended for sale or which have been purchased, contrary, to the provisions of this Order;
- (b) any person carrying on any trade or business including the sale of any of the essential goods to which this Order applies shall produce to the Competent Authority or any person authorised by him in writing in that behalf, such books, accounts, or other documents relating to his trade or business as the Competent Authority or such person may require, and shall furnish the Competent Authority with such returns or information as the Competent Authority may, from time to time, require,

Permit required for transport of essential goods.

9. (1) No person shall transport or cause to be transported any essential goods exceeding such quantity as the Competent Authority may, from time to time, notify in the Gazette except on a permit granted by the Competent Authority.

(2) The permit shall state the quantity, source and description of the essential goods, the address to which, the direct route through which, and the period during which, the essential goods are to be transported and such other particulars as are deemed necessary or expedient in that regard.

(3) If the Competent Authority, or any person authorised by him in writing, or any police constable, suspects or has reasonable cause to believe that any person has transported or is transporting any essential goods in contravention of paragraph (1), he may cause any cart, carriage, animal, vehicle, boat

or other carrier used in connection with such transport, to be stopped and detained for the purpose of inspection.

(4) Where, upon such inspection, the detaining authority is satisfied that any essential goods have been or are being transported in contravention of paragraph (1), he shall, as soon as may be, produce the cart, carriage, animal, vehicle, boat or other carrier so detained together with the essential goods before the nearest magistrate for such orders as the magistrate may think fit to make thereon, as to the care and custody of the essential goods and that carrier thereof, pending institution of prosecution against the person for an offence under this clause :

Provided that the magistrate may order that animals or perishable goods may be sold forthwith by public auction and the proceeds of such sale retained to abide the result of any claim which may be lawfully made.

(5) Nothing in this clause shall apply to the transport of rice to which the provisions of section 64 of the Rice (Regulation of Manufacturing and Marketing) Act 1985 shall apply. Act No. 1 of 1985

10. This Order shall not apply to the sale or purchase of essential goods by or on behalf of the Government. Exemption

11. The Trade (Control of Sale of Essential Goods) Order 1979 is hereby revoked. Revocation Order No. 78 of 1979.

FIRST SCHEDULE

Clause 2(i)

List of Essential Goods

1. Edible oil.
2. Full cream milk powder.
3. Laundry soap.
4. Margarine.
5. Matches.
6. Powdered detergents.
7. Rice.
8. Salt.
9. Sugar.
10. Toilet paper.
11. Toilet soap.
12. Tooth paste.
13. Cigarettes.

SECOND SCHEDULE

FORM No. 1

Trade (Regulation of Sale of Essential Goods) Order 1985

AUTHORISATION

(1) of (2)
is hereby authorised to purchase (3)
from the wholesaler (4) and to sell the
essential goods to the public for use or consumption.

Ordered this day of 19

Competent Authority.

1. Name of retailer.
2. Place of business or abode of the retailer.
3. Description of essential goods.
4. Name and Address of the wholesaler.

FORM No. 2

Application for authorisation by a retailer

1. Applicant's full name
2. Applicant's full address
3. Description of essential goods desiring to sell
4. Quantity of essential goods desiring to sell
5. Name and address of the wholesaler from whom to purchase the essential goods
6. Quantity of essential goods in applicant's possession, if any, on the date of making the application

.....
Date of application.

.....
Signature of applicant.

FORM No. 3

Trade (Regulation of Sale of Essential Goods) Order 1985

Entry of sale of essential goods by wholesaler/authorised retailer

Name of authorised retailer/ person to whom essential goods are sold	Address of authorised retailer/person to whom essential goods are sold	Description and quantity of essential goods sold	Date of Sale

FORM No. 4

Trade (Regulation of Sale of Essential Goods) Order 1985

Entry of purchase of essential goods by authorised retailer from wholesaler

Name of wholesaler from whom essential goods are purchased	Place of business or abode of whole- saler from whom essential goods are purchased	Description and quantity of essential goods purchased	Date and time of purchase

Made this 12th day of October, 1985.

W. A. L. H. Parris,
Deputy Prime Minister (Planning)
(performing the functions of the
Minister of Finance).

EXPLANATORY MEMORANDUM

(THIS NOTE IS NOT PART OF THE ORDER)

This Order is made under Section 5 of the Trade Act, Cap. 91:01 for regulating the sale of certain essential goods specified in the First Schedule. One of the main objectives of the Order is to prevent hucksters from dealing in essential goods. This Order replaces the existing Trade (Control of Sale of Essential Goods Order 1979 which provides for the Control of Sale of Certain essential goods and transportation of essential goods in excess of the quantities specified therein by issue of delivery certificates