

CHAPTER 249.

RICE MARKETING.

ARRANGEMENT OF SECTIONS.

SECTION.

- 1. Short title.
- 2. Interpretation.

CONSTITUTION AND ADMINISTRATION.

- 3. Establishment of the British Guiana Rice Marketing Board.
- 4. Constitution of Board.
- 5. Constitution and powers of the Executive Committee.
- 6. Appointment of Manager, Assistant Manager, Secretary, officers and servants.
- 7. Minutes of the Board.
- 8. Information obtained as a member or officer of the Board to be secret and confidential.
- 9. Execution of documents.

GENERAL POWERS AND DUTIES OF THE BOARD.

- 10. General duties of the Board with respect to padi produced and rice manufactured in the Colony.
- 11. (1) Power of the Board to dispose of padi.  
(2) Prohibition on export of padi.
- 12. Manufacturer to deliver to the Board all rice manufactured by him and the Board to purchase all such rice.
- 13. The Board to pay person named as owner in notification for rice delivered under section 12.  
The Board to sell rice for consumption in the Colony.  
Fixing of grades of rice and prices to be paid and received for padi and rice.  
Power of the Board to export rice and prohibition of export of rice by persons other than the Board.

MATTERS RELATING TO FINANCE AND ACCOUNTS.

- 17. Transfer of assets and liabilities of parent Board to the Board and disposal of special funds and reserve funds.
- 18. Power of the Board to acquire, encumber and dispose of property, to draw and negotiate bills of exchange and to make grants to the Association.
- 19. Power of the Board to create a floating charge.
- 20. Profits and losses and accounting period of the Board.
- 21. Books, accounts and report of the Board.

SPECIAL PROVISIONS RELATING TO THE ESTABLISHMENT AND OPERATION OF A COLONIAL RICE DEVELOPMENT COMPANY.

- 22. Special provisions relating to rice development company.

MISCELLANEOUS PROVISIONS.

- 23. Authority to manufacturer to deliver rice for domestic consumption.
- 24. Storage depots.
- 25. Notification to the Board of rice forwarded by manufacturer for delivery.

## SECTION.

26. Power of Board to make deductions from purchase price with consent of owner.
27. Hoarding of padi.
28. Rice infested with insect pests, etc., delivered to the Board.
29. Monthly returns by manufacturer to the Board.
30. Power of officers of Board to enter premises.
31. Power of seizure and detention.
32. Powers of Board to suspend the purchase of rice.
33. Purchase of bags by Board and the resale thereof.
34. Miscellaneous offences.
35. Procedure.
36. Protection of persons acting under this Ordinance.
37. Exemption of the Board from taxation.
38. Regulations.

## SCHEDULE.

FLOATING CHARGE IN FAVOUR OF A BANK.

## CHAPTER 249.

## RICE MARKETING.

5 of 1946.  
25 of 1950.  
39 of 1952.

**An Ordinance to provide for the establishment constitution powers duties and functions of the British Guiana Rice Marketing Board and for purposes connected with the matters aforesaid.**

[1ST APRIL, 1952.]

Short title.

1. This Ordinance may be cited as the Rice Marketing Ordinance.

Interpretation.

2. In this Ordinance—

“the Association” means the British Guiana Rice Producers Association being an association of rice producers to be established by the authority of the Governor for the protection of the interests of rice producers under an enabling Ordinance to be hereafter enacted;

“officer in the public service” means any person appointed to an office in the service of the Crown or the Colony or employed in any capacity under the Government;

“the Manager” means the Manager appointed under this Ordinance;

“manufacturer” means any person who operates a rice factory;

“the parent Board” means the British Guiana Rice Marketing Board established under the (repealed) Rice

(Export Trade) Ordinance, 1935, as modified by the Defence (Rice Control) Regulations, 1940, and the regulations amending the same; 17 of 1935.

“ rice factory ” or “ factory ” means any premises in which padi is manufactured into rice by mechanical power, and includes any place, building, machinery or equipment used in connection with or in relation to such premises for the storage of padi or rice or the manufacture of rice;

“ rice producer ” means—

39 of 1952,  
s. 2.

(a) any landlord of rice land within the meaning of these terms as defined by section 2 of the Rice Farmers (Security of Tenure) Ordinance; Cap. 251.

(b) any rice farmer who cultivates his own land or any land let or leased to him or which is otherwise lawfully occupied by him;

(c) any manufacturer;

“ the Secretary ” means the Secretary appointed under this Ordinance;

“ section ” means a section of this Ordinance.

#### CONSTITUTION AND ADMINISTRATION.

3. (1) There shall be established a Board under the name and of the British Guiana Rice Marketing Board (hereinafter Ordinance referred to as “ the Board ”). Establishment of the British Guiana Rice Marketing Board.

The Board shall be a body corporate with perpetual session, the power to have and use a common seal and the power to hold lands without the licence of the Governor in Council.

(3) The Board may sue and be sued in the name of the British Guiana Rice Marketing Board.

4. (1) The Board shall consist of sixteen members. Constitution of Board.

(2) Subject to the provisions of subsection (3) of this section the members of the Board shall be appointed by the Governor, and shall be—

(a) four persons who are officers in the public service;

(b) eight persons who are rice producers; and

(c) four other persons (not being officers in the public service or rice producers) of whom two shall be members of the Legislative Council.

(3) The persons to be appointed under paragraph (b) of subsection (2) of this section shall be selected from the members of the council or other governing body of the Association:

Provided that until the Association has been established or where for any reason the Association ceases to function or fails to elect a council or governing body, or there is an insufficient number of members of the council or governing body of the Association, the Governor shall select such rice producers for appointment as in his discretion he considers fit.

(4) The members of the Board shall be appointed for two years, and they shall be eligible for re-appointment.

(5) The Governor shall appoint a member of the Board to be Chairman of the Board and another to be Vice-Chairman.

(6) The Chairman shall preside at all meetings of the Board which he attends, and in his absence the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman from any meeting of the Board the members present may elect one of their number to be Chairman of the meeting.

(7) Eight members present at any meeting of the Board shall constitute a quorum for the transaction of business.

(8) The Board may act notwithstanding any vacancy among the members thereof.

(9) The Chairman, Vice-Chairman, or other member presiding at a meeting of the Board shall have an original and a *concurrent* vote.

(10) A member of the Board shall not take part in or vote on the decision of any matter with respect to any transaction between the Board and himself or between the Board and any person in whose business he is pecuniarily interested whether directly or indirectly.

(11) The Governor may grant leave of absence to any member of the Board.

(12) Where leave has been granted, the Governor may, subject to the provisions of paragraphs (a), (b) and (c) of subsection (2) and of subsection (3) of this section, appoint another person to act in the place of the member of the Board who has been granted such leave.

(13) A member may, by writing under his hand addressed to the Chief Secretary, resign from the Board.

(14) Where a member, without the leave of the Governor, absents himself from three consecutive meetings of the Board, he shall be deemed to have resigned.

(15) The Governor may, at any time, revoke the appointment of a member of the Board.

(16) Where a member of the Board has resigned, or is deemed to have resigned, or where the appointment of a member of the Board is revoked, the Governor may, subject to the provisions of paragraphs (a), (b) and (c) of subsection (2) and of subsection (3) of this section, appoint another person to be a member of the Board during the unexpired portion of his predecessor's term of office.

(17) A meeting of the Board shall be held on a convenient date in every alternate month in each year and at such other times as may be necessary.

(18) The reasonable travelling and subsistence expenses incurred by members of the Board in attending meetings of the Board or of any committee of the Board or while engaged, whether within or outside the Colony, on any business of the Board, shall be paid by the Board.

5. (1) There shall be established an Executive Committee of the Board (hereinafter in this Ordinance referred to as "the Committee").

Constitution  
and powers  
of the  
Executive  
Committee.

(2) The Committee shall consist of six members of the Board who shall be—

(a) the Chairman;

(b) the Vice-Chairman;

(c) one member of the Board appointed by the Governor to be a member of the Committee; and

(d) three other members of the Board appointed by the Board to be members of the Committee.

(3) Subject to the directions and general control of the Board the Committee shall manage the business of the Board under this Ordinance and may, in the name and on behalf of the Board, exercise the powers, duties and functions of the Board under this Ordinance other than the powers, duties and functions of the Board under subsection (1) of section 6, section 15, subsection (1) of section 32 and section 38.

(4) The appointed members of the Committee shall be appointed for two years and they shall be eligible for re-appointment.

(5) The Chairman shall preside at all meetings of the Committee which he attends, and in his absence the Vice-Chairman shall preside.

(6) The Chairman, or the Vice-Chairman, and two other members present at any meeting of the Committee shall constitute a quorum for the transaction of business.

(7) The Committee may act notwithstanding any vacancy among the members thereof.

(8) The Chairman, or the Vice-Chairman presiding at a meeting of the Committee shall have an original and a casting vote.

(9) A member of the Committee shall not take part in or vote on the decision of any matter with respect to any transaction between the Board and himself or between the Board and any person in whose business he is pecuniarily interested whether directly or indirectly.

(10) Where leave has been granted to any appointed member of the Committee, the Governor or the Board, as the case may be, may appoint another person to act in the place of the member who has been granted such leave.

(11) An appointed member of the Committee may, by writing under his hand addressed to the Chief Secretary or the Chairman, as the case may be, resign from the Committee.

(12) Where an appointed member of the Committee resigned from the Committee or the Board, or is deemed to have resigned from the Board, or where the appointment of a member of the Board who is an appointed member of the Committee is revoked, the Governor or the Board, as the case may be, may appoint another member of the Board to be a member of the Committee during the unexpired period of his predecessor's term of office.

(13) Any two members of the Committee may by a minute in writing under their signatures addressed to the Chairman require the Chairman to submit for the consideration and decision of the Board, any matters relating to the business of the Board under this Ordinance.

6. (1) The Board may, with the approval of the Governor, appoint a Manager, an Assistant Manager and a Secretary at such salaries as are approved by the Governor.

(2) The Manager, the Assistant Manager or the Secretary shall not be dismissed by the Board without the approval of the Governor.

(3) The Governor may, after consultation with the Board, direct the Board to suspend or to dismiss the Manager, the Assistant Manager or the Secretary or to terminate his employment on giving due and appropriate notice. 25 of 1950,  
s. 6 and sch.

(4) Where leave of absence has been granted to the Manager, the Assistant Manager or the Secretary, or where any of them is for any reason temporarily unable to perform his functions, the Board may appoint another person to act in his place. 25 of 1950,  
s. 6 and sch.

(5) The Board may employ such other officers and such servants as the Board may require.

7. The Board and the Committee shall cause to be kept proper minutes of their acts and proceedings. Minutes of  
the Board.

8. (1) Every member of the Board, every Manager, every Assistant Manager, every Secretary, and every officer of the Board— Information  
obtained as a  
member or  
officer of the  
Board to be  
secret and  
confidential.  
25 of 1950,  
s. 6 and sch.

(a) shall regard and deal with as secret and confidential all information, documents and matters which or knowledge of which he may obtain as a member or officer of the Board, as the case may be, which relate to any of the proceedings of the Board with respect to the fixing of grades and prices of padi or rice before public notification is made thereof; and

(b) shall not make use of any documents, matters or information which or knowledge of which he may obtain as a member or officer of the Board, as the case may be, for the benefit of himself or any other person, or otherwise than for the purposes of his duties as a member or officer of the Board;

and shall make and subscribe before a commissioner of oaths or a justice of the peace a statutory declaration to such effect.

(2) No fee or stamp duty shall be payable or chargeable in respect of any declaration made under subsection (1) of this section.

(3) Where any member or officer of the Board contravenes any of the provisions of paragraph (a) or (b) of subsection (1) of this section, he shall be guilty of an offence against this Ordinance, and on conviction thereof shall be liable to a penalty of one thousand dollars or to imprisonment for a term of six months.

Execution of documents.  
25 of 1950,  
s.6 and sch.

9. (1) Any transport, mortgage, lease, assignment, transfer, agreement, or other document requiring to be executed by the Board, shall be deemed to be duly executed—

(a) if signed by the Chairman, the Manager or the Assistant Manager and the Secretary of the Board; or

(b) if signed, whether within or outside the Colony, by a person or persons authorised by resolution of the Board so to sign, provided that in such case an extract of such resolution, certified by the Chairman or the Vice-Chairman and the Secretary, shall be attached to and form part of the document.

(2) Any cheque, bill of exchange or order for the payment of money requiring to be executed by the Board shall be deemed to be duly executed if signed by a person or persons authorised by resolution of the Board so to sign.

#### GENERAL POWERS AND DUTIES OF THE BOARD.

General duties of the Board with respect to padi produced and rice manufactured in the Colony.

10. Subject to the provisions of this Ordinance, it shall be the duty of the Board to exercise general supervision over the disposal of padi produced in the Colony and to control the manufacture, purchase, sale, distribution and export of all rice manufactured in the Colony, and for such purposes the Board may enter into any agreement and make such financial arrangements as the Board may deem necessary.

Power of the Board to dispose of padi.

11. (1) The Board may purchase any padi, and may sell any padi in the Colony, arrange to have it manufactured into any form by a manufacturer, or export it for sale.

Prohibition on export of padi.

(2) Except with the permission of the Board no person other than the Board shall export or attempt to export any padi.

(3) Any person who contravenes any of the provisions of subsection (2) of this section, shall be guilty of an offence against this Ordinance, and, on conviction thereof, shall be liable to a penalty of five hundred dollars or to imprisonment for a term of six months.

Manufacturer to deliver to the Board all rice manufactured by him and the Board to purchase all such rice.

12. (1) Subject to the provisions of sections 23 and 32 every manufacturer shall deliver to the Board, and the Board shall purchase, all rice manufactured by him, whether on his own behalf or otherwise.

(2) If any manufacturer fails to deliver to the Board any rice manufactured by him (other than rice authorised to be delivered under subsection (1) of section 23 for domestic



consumption) the Board may serve notice on him requiring him to deliver the same to the Board within the time specified in the notice and if such manufacturer fails so to deliver such rice, he shall be guilty of an offence against this Ordinance, and on conviction thereof shall be liable to a penalty of twenty dollars for each day or part of a day in respect of which the default continues.

13. Subject to the provisions of section 26, section 28 and subsection (3) of section 33 the Board shall pay the person named as owner in the covering notification prescribed under subsection (1) of section 25 of this Ordinance for all rice delivered to the Board on his behalf by a manufacturer under section 12 the price fixed under paragraph (b) of subsection (2) of section 15.

The Board to pay person named as owner in notification for rice delivered under section 12. 39 of 1952, s. 3.

14. The Board shall sell rice for consumption in the Colony in any quantity, being not less than one bag of one hundred and eighty pounds gross, at the price fixed under paragraph (c) of subsection (2) of section 15, provided that the Board may in its discretion limit the quantity to be sold at any one time to any individual purchaser.

The Board to sell rice for consumption in the Colony.

15. (1) The Board may from time to time, with the approval of the Director of Agriculture, fix grades of rice, and different prices may be fixed in respect of rice to be purchased from a manufacturer, in respect of rice to be sold for consumption in the Colony, and in respect of rice to be exported.

Fixing of grades of rice and prices to be paid and received for padi and rice. 25 of 1950, s. 2.

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

(a) the minimum price at which padi may be purchased from a rice farmer;

(b) the price at which the Board shall purchase rice; and

(c) the price at which the Board shall sell rice for consumption in the Colony.

(3) The Governor may from time to time fix the price at which rice may be sold by retail for consumption in the Colony.

(4) Different prices may be fixed under paragraphs (b) and (c) of subsection (2) and under subsection (3) of this section in respect of different grades of rice.

(5) Notification of grades and prices fixed under this section shall be given by publication in the Gazette, and in one or more newspapers and in such other manner as the Board, in

the case of grades, and the Governor and the Board, in the case of prices, may determine.

Power of the Board to export rice and prohibition of export of rice by persons other than the Board.

16. (1) The Board shall from time to time, after estimating the quantities of rice required for consumption in the Colony, determine the quantities which are available for export.

(2) The Board may export and sell the quantities of rice available for export and for this purpose may negotiate and enter into contracts with persons outside the Colony, appoint agents and establish depots for the sale of rice at places outside the Colony.

(3) Except with the permission of the Board, no person other than the Board, shall export or attempt to export any rice.

(4) Any person who contravenes any of the provisions of subsection (3) of this section shall be guilty of an offence against this Ordinance and shall, on conviction thereof, be liable to a penalty of five hundred dollars or to imprisonment for a term of six months.

#### MATTERS RELATING TO FINANCE AND ACCOUNTS.

Transfer of assets and liabilities of parent Board to the Board, and disposal of special funds and reserve funds.

17. (1) The Board shall be the successor of the parent Board and, on the commencement of this Ordinance, all the assets and liabilities of the parent Board shall vest in and devolve on the Board.

(2) Subject to the provisions of this section the Board shall utilise such assets for the purposes of this Ordinance.

(3) Any funds which have been allocated and reserved by the parent Board for specific purposes shall be applied to those purposes and shall not be otherwise expended except with the approval of the Governor.

(4) The reserve fund created and accumulated by the parent Board (hereinafter referred to as "the general reserve fund") augmented by the transfer of other funds as hereinafter in this section provided shall, subject to the provisions of section 20, be retained as such and utilised as working capital by the Board.

(5) The unexpended revenue collected by the parent Board under section 9 of the (repealed) Rice (Export Trade) Ordinance, 1935, and utilised by the parent Board as working capital shall be transferred to the general reserve fund.

(6) The surplus balance being the excess of income over expenditure of the parent Board shall be transferred to the general reserve fund.

18. (1) The Board may, for the purpose of its business under this Ordinance—

Power of the Board to acquire, encumber and dispose of property, to draw and negotiate bills of exchange and to make grants to the Association.  
25 of 1950, s. 3.

(a) purchase any property movable or immovable;

(b) accept mortgages and bills of sale, and assignments or transfers thereof;

(c) acquire, by Crown grant, transport, execution sale, lease, transfer of lease or otherwise, any property movable or immovable;

(d) erect, repair and maintain buildings;

(e) sell, lease, transport, transfer, dispose of, mortgage or otherwise encumber any property of the Board;

(f) draw and negotiate bills of exchange against shipments of rice or padi exported or to be exported by the Board;

(g) open and operate any current or savings bank account or accounts with any bank or banks within or outside the Colony;

(h) purchase agricultural machinery and equipment, and sell or hire such agricultural machinery and equipment to rice producers on such terms as the Board may think fit.

(2) The Board may, with the approval of the Governor, from the funds of the Board, make an annual grant to the Association for the purpose of assisting in defraying the expenses of the Association.

25 of 1950, s. 3.

19. (1) The Board may, by instrument in writing, execute in favour of a bank a floating charge on all or any buildings, structures or other erections, padi, rice, agricultural machinery and equipment, packaging materials, office and warehouse equipment and machinery, bags, thread or twine from time to time in the ownership of the Board, or agricultural machinery and equipment held by anyone under an agreement of hire-purchase with the Board as security for sums advanced to the Board by such bank, and any interest, commission and charges that may be due thereon.

Power of the Board to create a floating charge.  
39 of 1952, s. 4.

(2) The principal sum secured by a charge may be either a specified amount, or a fluctuating amount advanced by way of overdraft on current account the total outstanding amount of which shall not at any time exceed such amount (if any) as may be specified in the charge, and in the latter case the charge shall not be deemed to be redeemed by reason only of the current account having ceased to be in debit.

39 of 1952,  
s. 4.  
Schedule.

(3) The instrument in writing referred to in this section may be in the form set out in the schedule hereto or to the like effect, and shall be deemed to confer in favour of the bank, a first charge on all buildings, structures or other erections, padi, rice, agricultural machinery and equipment, packaging materials, office and warehouse equipment and machinery, bags, thread or twine then or thereafter in the ownership of the Board, or agricultural machinery and equipment held by anyone under an agreement of hire-purchase with the Board as the case may be at the place or places therein mentioned and shall rank prior to all other claims against the Board not secured by mortgage of any specific property of the Board.

Profits and  
losses and  
accounting  
period of  
the Board.

20. (1) The ascertained profits of any accounting period in which there is an excess of income over expenditure shall be transferred to the general reserve fund.

(2) The ascertained loss of any accounting period in which there is an excess of expenditure over income shall be met by an appropriation from the general reserve fund of such amount as may be necessary to cover such loss.

(3) The accounting period shall be the period of twelve months commencing on the 1st October in each year and ending on the 30th September in the year following.

Books,  
accounts and  
report of the  
Board.

21. (1) The Board shall keep such books and accounts as are necessary for the purpose of its business under this Ordinance.

(2) The Board shall on or before the 31st December in each year transmit to the Chief Secretary and to the Association a report of its transactions to the 30th September next preceding, together with a balance sheet and a full statement of income and expenditure audited by an auditor duly qualified under subsection (8) of section 109 of the Companies Ordinance.

Cap. 328.

(3) The report shall be laid before the Legislative Council and shall be published in the Gazette.

#### SPECIAL PROVISIONS RELATING TO THE ESTABLISHMENT AND OPERATION OF A COLONIAL RICE DEVELOPMENT COMPANY.

Special  
provisions  
relating to  
rice develop-  
ment  
company.  
25 of 1950,  
s. 5.

22. (1) Subject to the provisions of this section, the Governor may, with the approval of the Legislative Council, direct the establishment of a colonial rice development company (hereinafter referred to as "the company") for the development of the rice industry and the extension of the export trade in the said industry in accordance with an agreement to be entered into

between the Government and the company (hereinafter referred to as "the agreement") and, notwithstanding the provisions of this Ordinance, the provisions of the agreement shall govern the operations of the company.

(2) The capital required for the establishment and the operations of the company shall be met—

25 of 1950,  
s. 5.

(a) with the approval of the Legislative Council from funds of the Colony and by the transfer as part of such capital of any assets owned by the Colony; and

(b) from funds provided by any person or body of persons who, on the invitation of the Governor, shall have agreed to participate in the establishment and operations of the company and whose participation therein shall have been approved by the Legislative Council.

(3) The agreement shall be subject to the prior approval of the Legislative Council and shall include such provisions as may be necessary for the purpose of—

25 of 1950,  
s. 5.

(a) ensuring the promotion and advancement of the rice industry and the protection of the interests of rice producers in the Colony generally; and

(b) arranging the marketing for domestic consumption and export of padi and rice produced in the Colony and the fixing of grades and prices in relation thereto in collaboration between the company and the Board.

(4) The provisions of the agreement shall not be varied without the approval of the Legislative Council.

#### MISCELLANEOUS PROVISIONS.

23. (1) The Board may—

(a) by notice published in the Gazette, fix the quantity of rice which a manufacturer may, without special authority, deliver from his factory during any specified period to a rice farmer and to himself to be used for their own domestic consumption; and

Authority to  
manufacturer  
to deliver rice  
for domestic  
consump-  
tion.

(b) by notice published in the Gazette, prescribe the conditions under which a rice farmer shall be eligible to receive such rice from a manufacturer and under which such rice shall be delivered from the factory; and

(c) in any particular case specially authorise any manufacturer to deliver from his factory to a rice farmer a specified quantity of rice to be used for his own domestic consumption in addition to the quantity which may be delivered under paragraph (a) of this subsection.

(2) Where a manufacturer delivers any rice under subsection (1) of this section, he shall enter in a book the quantities of rice delivered and the names of the persons to whom the rice has been delivered; and a statement of the total quantity of rice so delivered by him shall be included in the return to be sent under section 29.

(3) Any person who delivers or removes from a factory any rice for domestic consumption in contravention of any conditions prescribed under paragraph (b) of subsection (1) of this section, shall be guilty of an offence against this Ordinance.

(4) Any person who, knowing that any rice was, in pursuance of subsection (1) of this section, delivered for domestic consumption, exposes for sale, sells, or purchases any such rice or portion thereof, shall be guilty of an offence against this Ordinance.

Storage  
depots.

**24.** (1) The Board may establish such depots for the storage of padi or rice as it shall think fit and may require a manufacturer to deliver to the storage depot specified by the Board any rice which is to be delivered by such manufacturer under section 12 or subsection (2) of section 27.

(2) The Board may establish depots at such convenient places as it may think fit for the sale of rice by the Board for consumption in the Colony.

Notification  
to the Board  
of rice for-  
warded by  
manufacturer  
for delivery.

**25.** (1) Every manufacturer shall, on the day on which any rice is forwarded by him for delivery to the Board, notify the Board thereof in the form prescribed by the Board.

(2) No manufacturer shall forward, and no other person shall remove from the factory of a manufacturer, any rice for delivery to the Board unless it is accompanied by a copy of the notification under subsection (1) of this section.

(3) Any manufacturer who makes a false statement in any notification to the Board under subsection (1) of this section shall be guilty of an offence against this Ordinance.

Power of  
Board to  
make  
deductions  
from pur-  
chase price  
with consent  
of owner.  
39 of 1952,  
s. 5.

**26.** Where a person named as owner on the covering notification prescribed under subsection (1) of section 25 of this Ordinance is indebted to the manufacturer, the Board may deduct from the purchase price payable to such owner and pay to the manufacturer the amount of such indebtedness or such other amount, if so authorised in writing by such owner.

27. (1) If the Board is of opinion that any person is wilfully hoarding padi in such quantities as to interfere with the effective operation of the provisions of this Ordinance, the Board may serve notice on such person requiring him to deliver the same to a manufacturer within the time specified in the notice.

Hoarding  
of padi.

(2) If the Board at any time, after due inquiry, considers that a manufacturer is wilfully and without reasonable cause refraining from manufacturing into rice the padi in his factory, the Board may serve a notice on a manufacturer requiring him to manufacture into rice all or any portion of the padi in his factory (whether the padi is or is not owned by him) and to deliver to the Board the rice manufactured therefrom within the time specified in the notice.

(3) Any person who fails to comply with the terms of a notice under subsection (1) of this section shall be guilty of an offence against this Ordinance.

(4) Any manufacturer who, after the service on him of a notice under this section fails, without reasonable cause or excuse (the proof whereof shall lie upon him) to comply with the terms of the notice within the time specified therein, shall be guilty of an offence against this Ordinance, and on conviction thereof shall be liable to a penalty of twenty dollars for each day or part of a day in respect of which the default continues.

28. Notwithstanding the provisions of section 13, where rice delivered under section 12 or subsection (2) of section 27 is found upon inspection by the Board to be infested with insect pests or fungi in any stage of development or to possess an objectionable odour it shall be lawful for the Board to make such deduction from the purchase price thereof as may be determined by the Board.

Rice infested  
with insect  
pests, etc.,  
delivered to  
the Board.

29. (1) Every manufacturer shall, within seven days after the expiration of each month, make and send to the Board a true and correct return of the quantities of padi received into his factory and the quantities of rice manufactured and delivered by him during the preceding month.

Monthly  
returns by  
manufac-  
turer to the  
Board.

(2) Any manufacturer who—

(a) fails to make any such return within the time specified in subsection (1) of this section; or

(b) in any such return makes a false statement of any of the matters required by subsection (1) of this section to be stated in the return;

shall be guilty of an offence against this Ordinance.

Power of officers of Board to enter premises.  
25 of 1950,  
s. 6 and sch.

**30.** The Manager, the Assistant Manager, the Secretary, or any person authorised in writing by the Board for the purpose of this section, may, at all reasonable times—

(a) enter any premises in which padi is stored and examine and ascertain the quantity therein; or

(b) enter the factory of any manufacturer, examine and ascertain the quantities of padi and rice therein, and for such purpose inspect his books, and any other documents relating to the business of the manufacturer found in the factory and make copies of any entries in such books or documents.

Power of seizure and detention.  
25 of 1950,  
s. 4.

**31.** The Manager, the Assistant Manager, the Secretary, or any person authorised in writing by the Board so to do, may seize and detain any padi, rice or bags which will afford evidence of the commission of an offence against this Ordinance or of any regulations made hereunder.

Powers of Board to suspend the purchase of rice.

**32.** (1) Notwithstanding the provisions of section 12, where the Board has reason to believe that the quantities of rice which are or which may come into the possession of the Board exceed or will exceed for the time being the quantities which will be required for consumption in the Colony and for export, the Board may, with the approval of the Governor, and upon giving notice as hereinafter in this section provided, suspend, subject to the provisions of subsection (4) of this section, during the period specified in the notice, purchases of rice by the Board under this Ordinance.

(2) Notice under subsection (1) of this section shall be published in the Gazette not less than seven days before the date on which the suspension of purchases will commence.

(3) Where purchases of rice by the Board are suspended under this section, the Board may, by notice published in the Gazette, direct, subject to the provisions of subsection (4) of this section, that no rice shall be manufactured either generally, or in any area specified in the notice, during the period specified in the notice aforesaid.

(4) The period specified in a notice under subsection (1) or (3) of this section shall not exceed thirty days, and where there is more than one such notice in relation to any calendar year the aggregate of the periods specified in the notices under subsection (1) or (3), as the case may be, of this section shall not exceed ninety days in such year.

(5) Any manufacturer who contravenes any of the provisions of any notice under subsection (3) of this section shall be guilty of an offence against this Ordinance.



Purchase of  
bags by  
Board and  
the re-sale  
thereof.

39 of 1952,  
s. 6.

Miscellaneous  
offences.

33. (1) The Board may purchase and sell bags for the purposes of this section.

(2) The Board shall sell such bags to rice producers for the purpose of bagging rice or padi. Any such sale shall be on such terms and conditions and on such security as the Board deems fit.

(3) Where the Board has sold any such bags to a manufacturer, the Board may deduct from any amount payable to the manufacturer in respect of the purchase by the Board of rice delivered by him to the Board under section 12 or subsection (2) of section 27, any sums due to the Board in respect of bags sold to him under this section.

(4) Any person who is for the time being in possession of any bags which have been sold by the Board under this section and who, without the permission of the Board, and knowing that the bags were so sold—

(a) sells or delivers out of his possession such bags, or any of them, to any other person not being a rice producer, or the Board; or

(b) uses such bags, or any of them, for bagging any substance or produce other than rice or padi;

shall be guilty of an offence against this Ordinance.

(5) Any person who effects, under this section, a purchase from the Board of any bags by falsely pretending that the bags are to be used for the bagging of rice, or the bagging of padi, shall be guilty of an offence against this Ordinance.

34. (1) (a) Any person who, without lawful authority or excuse (the proof whereof shall lie on him) or without the permission of the Board, removes or causes to be removed any padi from a factory shall be guilty of an offence against this Ordinance.

(b) It shall be *prima facie* evidence of the commission of an offence by a manufacturer under this subsection if it is proved to the satisfaction of the court that the quantity of padi in the factory on the date on which the offence is alleged to have been committed is less than the quantity which, according to any return, account or stock-taking, ought to be therein.

(2) Any manufacturer who sells or in any way transfers or disposes of any rice manufactured by him (other than rice delivered under subsection (1) of section 23 for domestic consumption) to any person other than the Board shall be guilty of an offence against this Ordinance.

(3) Any person, not being the Board, who purchases any rice from a manufacturer, shall be guilty of an offence against this Ordinance.

(4) Any person who—

(a) purchases any padi from the grower thereof at a price which is less than the minimum price fixed under paragraph (a) of subsection (2) of section 15; or

(b) delivers or removes any rice from a factory otherwise than in accordance with the provisions of this Ordinance; or

(c) being entrusted by a manufacturer with any rice for the purpose of delivery of the same to the Board, fails, without reasonable cause or excuse (the proof whereof shall lie on him) to deliver the same to the Board; or

(d) obstructs any officer or servant of the Board, or any other person, in the execution of any duty under this Ordinance; or

(e) contravenes, or fails to comply with, any of the provisions of this Ordinance;

shall be guilty of an offence against this Ordinance.

(5) Except where otherwise expressly provided, a person guilty of an offence against this Ordinance shall, on conviction thereof, be liable to a penalty of two hundred and fifty dollars or to imprisonment for a term of six months.

**Procedure.**

**35.** All prosecutions and proceedings for offences against this Ordinance shall be instituted under the Summary Jurisdiction Ordinances, and may be instituted by any person authorized in that behalf in writing by the Board.

**Protection of persons acting under this Ordinance, Cap. 18.**

**36.** Any person acting under the provisions of this Ordinance or of any regulations made hereunder shall be entitled to the protection afforded by the Justices Protection Ordinance.

**Exemption of the Board from taxation. Cap. 298. Cap. 299. No. 1 of 1941.**

**37.** The Board shall be exempt from the payment of—

(a) licence fees under section 16 of the Tax Ordinance;

(b) income tax under the Income Tax Ordinance;

(c) excess profits tax under the Excess Profits Tax Ordinance, 1941.

**Regulations.**

**38.** The Board may, with the approval of the Governor in Council, make regulations—

(a) prescribing the records and accounts which are to be kept by a manufacturer;

(b) fixing grades of padi and prescribing the fees which may be charged by a manufacturer for the milling of padi into rice, where in the opinion of the Board it is considered desirable and practicable so to do; and

(c) generally for the purposes of this Ordinance.

---

SCHEDULE.

(As amended by 39 of 1952.)

s. 19.

FLOATING CHARGE IN FAVOUR OF A BANK.

In consideration of advances to be made from time to time by ..... (hereinafter called "the Bank") to the British Guiana Rice Marketing Board (hereinafter called "the Board") to an amount not exceeding \$..... or (by way of overdraft on a current account with the Bank in such amounts as the Board may require provided that the total outstanding amount of such overdraft shall not at any time exceed \$.....) the Board, under and by virtue of the provisions of section 19 of the Rice Marketing Ordinance, hereby assigns to and in favour of the Bank all buildings, structures or other erections, padi, rice, agricultural machinery and equipment, packaging materials, office and warehouse equipment and machinery, bags, thread or twine now or which may hereafter be in the ownership of the Board, or agricultural machinery and equipment held by anyone under an agreement of hire-purchase with the Board at..... in the County of..... the Colony of British Guiana.

Dated this..... day of..... 19.....

---