

THE OFFICIAL GAZETTE 28TH AUGUST, 1997  
LEGAL SUPPLEMENT - B

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GUYANA

No. 9 of 1997

REGULATIONS

Made Under

THE FORESTS ACT  
(Cap. 67:01)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 42  
OF THE FORESTS ACT AND AFTER CONSULTATION WITH THE  
COMMISSION, I HEREBY MAKE THE FOLLOWING REGULATIONS:-

1. These Regulations, which amend the Forests Regulations\*, may be cited as the Forests (Exploratory Permits) (Amendment) Regulations 1997.

Citation.

2. Regulation 7 of the Principal Regulations is hereby amended by the insertion immediately after regulation 7A of the following as regulation 7B —

Insertion of  
new regula-  
tion 7B in  
the Princi-  
pal Regula-  
tions.

\*Exploratory  
permits.  
Second  
Schedule B

7B. (1) An exploratory permit granting permission to occupy State forests for the purpose of exploratory operations shall be in the form set out in the Second Schedule B and shall be for a period of three years unless cancelled before the expiration of that period.

\*Cap. 67:01 Subsidiary Legislation

(2) The holder of an exploratory permit shall obtain the written approval of the Commissioner, which may be granted subject to such conditions as he sees fit, before he takes and removes any forest produce from the exploratory area, or constructs any roadway or cart path, bridge, building, other installation or permanent structure, in State forests.

(3) Notwithstanding the provisions of paragraph (2), where the holder of an exploratory permit applies to Commissioner for permission to fell and remove a specified volume of timber or to take and remove a specified quantity of other forest produce, for the purposes of research and investigation, including the investigation of markets therefor, the Commissioner shall grant his approval, subject to such conditions as he sees fit, if he is satisfied that study of existing information related to the proposed research and investigations has shown that such further work is merited.

(4) In addition to royalties payable on such forest produce pursuant to regulation 2(1), any person who takes and removes any forest produce for the purposes of research and investigation under this regulation, shall pay therefor to the Commission, a sum of money equivalent to the market value of the forest produce or, where the market value for the specific kind of forest produce cannot be estimated, a sum to be assessed by the Commissioner.

(5) An application for the grant of an exploratory permit shall be made to the Commission, in the prescribed form in the Second Schedule B and shall state the following particulars —

(a) in respect of the applicant —

- (i) in the case of an individual, his full name, address and nationality; and
- (ii) in the case of a body corporate, its name and place of incorporation, the address of its registered or principal office, the nature of its business, its relationship to

any parent or subsidiary operations; the names, addresses and nationality of the directors or equivalent officers and, if the body corporate has a share capital, the name of any person who is the beneficial owner of more than five per centum of the issued share capital.

- (b) the area in respect of which it is made, as identified by a map or plan or, in the case of an area bounded by creeks or other well-defined limits or the boundaries of which are otherwise well marked a description;
- (c) the applicant's financial status, including capital available for proposed exploratory operations, technical competence, including particulars on any technical experts, consultants or advisors to be engaged by the applicant, and the applicant's experience, including the applicant's record of forest exploration and production operations in Guyana or elsewhere;
- (d) the research carried out by the company in relation to the proposed investment based on available data or published information;
- (e) the programme of work and minimum expenditure proposed to be carried out or expended in respect of the exploratory area for which the exploratory permit is sought;
- (f) the applicant's recruitment, staff management and training policies and specific proposals with respect to the employment and training of citizens of Guyana;
- (g) the applicant's social and environmental policies and policy regarding national development; and



(h) any other matter which the applicant wishes the Commission to consider.

(6) Where the Commission has published a notice in the Gazette pursuant to section 5 (A) (6) of the Act, inviting applications for the grant of an exploratory permit in respect of any area or areas of State forest, the Commission, after examining the applications received, may select therefrom such applications for negotiations which it considers to be in conformity with the best interests of Guyana having due regard to all relevant factors, and may, where such applications are unsatisfactory, reject any or all of the applications.

(7) The Commissioner shall cause to be kept, in such form as he may determine, a register in which shall be recorded —

(a) the name and address of the person to whom an exploratory permit is granted; and

(b) where the holder of the permit is a body corporate, the name of any person having control of the body corporate.

(8) Subject to these regulations the holder of an exploratory permit shall keep at an address in Guyana notified to the Commission, accurate maps and plans of the exploratory area and full and accurate records containing particulars of the data, information and samples acquired in the course of the exploration under the permission, and full and accurate accounts containing particulars of all trees felled, or forest produce taken, and removed from State forests and of the royalties, fees and charges paid in respect thereof, which shall be open to inspection at all reasonable times during working hours to any forest officer or constable, who may take possession of any such map, data, information or samples for the purpose of investigating any breach of the terms and conditions of the permission or any offence against these regulations.

(9) The holder of the exploratory permit shall furnish to the Commission monthly reports detailing the progress of the exploratory operations carried out under his permit.”

3. Regulations 38A of the Principal Regulations is hereby amended by the substitution for the words "grantee of a timber sales agreement" of the words "grantee of a timber sales agreement or holder of an exploratory permit".

Amendment of regulation 38A of the Principal Regulations.

4. The Principal Regulations are hereby amended by the insertion immediately after the Second Schedule of the following as Second Schedule B—

Insertion of Second Schedule B to the Principal Regulations.

"SECOND SCHEDULE B Regulation 7B(1)

STATE FOREST EXPLORATORY PERMIT

No. SFEP

PERMISSION IS HEREBY GRANTED to.....

of.....

under Regulation 7B of the Forest Regulations made under the Forests Act, Cap. 67:01, to occupy and commence exploratory operations within the area of State Forests shown on the plan annexed hereto, more particularly described as falling within the following boundaries: .....

.....  
.....  
.....

and having an estimated area of.....  
applied for on the day of under  
Application No.....for a period of three years from the  
date hereof, subject to the following terms and conditions—

1. This permit conveys only the right to carry out the exploratory operations specified in Application No.....(and no other rights whatsoever), in accordance with internationally accepted standards and practices for such operations and the Commission's Code of Practice for Forest Operations, as revised from time to time, on payment of the prescribed fees and charges.

2. The permittee may, for good cause amend the details of the programme of work and expenditure set out in his application, where the amendment does not reduce the minimum requirements of the overall programme of work and expenditure; with the prior written consent of the Commission.



3. The permittee may not fell any tree or remove any forest produce, construct any roadway or cart path, bridge, building, other installation or permanent structure, without the prior written consent of the Commissioner.

4. The permittee may apply to the Commissioner for permission to fell and remove a specified volume of timber or to take and remove a specified quantity of other forest produce, for the purposes of research and investigation, including the investigation of markets therefor, which shall be granted if the Commissioner is satisfied that the permittee has carried out an adequate study of existing information related to the proposed research and investigations and has shown that further research and investigations are necessary.

5. The rights and privileges granted by this permit are not exclusive and the Commission reserves the right to allow more than one holder of an exploratory permit to occupy the same area.

6. The exercise of the rights and privileges granted by this permit shall not interfere with or hinder the lawful operations of any other person within or outside of the exploratory area occupied hereunder.

7. The permit issued is hereby not transferable and, where the holder of the permit is a body corporate, if there is any change in control of the corporation, the Commission reserves the right to revoke or re-negotiate the terms of the permit.

8. This permit is issued without any obligation on the Commission to grant a wood cutting permission, license or lease, a timber sales agreement or any other concession for forest operations in respect of the exploratory area or any other area of State forests or State lands.

9. This permit may be suspended or withdrawn, if any of the laws of Guyana, or any of the terms and conditions herein, are breached by the holder of the permit, provided the holder is given an opportunity to state his case.

10. The bond entered into by the holder as a precondition for the issue of this permit will be released by by the Commission upon expiry of the permit, provided that the Commission is satisfied that the holder has settled any claim that may lawfully be made under the Act.

Issued this                      day of                      199.

Commissioner of Forests.”

5. The Ninth Schedule to the Principal Regulations is hereby amended as follows —

Amendment  
of the Ninth  
Schedule  
to the  
Principal  
Regulations.

	Present Rate G\$	Proposed Rates US\$ or Equivalent in Guyana dollars
(a) by the insertion after paragraph 1 (j) of the following as subparagraph (k)— “(k) Exploratory Permit		20,000”; *
(b) by the insertion after paragraph 2 of the following as paragraph 2A  “2A. For issue of an Exploratory Permit		1,000”; *89
(c) by the insertion after paragraph 6(v) of the following as subparagraph (vi)— “(vi) Exploratory Permit		20c. per acre. ’.

Made this 28th day of August, 1997.

SAMUEL A. HINDS,  
President.