

**PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.**

9th October 1973.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. NARAIN,
Clerk of the National Assembly.



GUYANA

BILL No. 20 of 1973

GUYANA RICE BOARD (AMENDMENT) BILL 1973.

Arrangement of Sections

Section

1. Short title and commencement.
2. Repeal and re-enactment of section 4 of Chapter 249.
3. Repeal and re-enactment of section 4B of Chapter 249.
4. Repeal and re-enactment of section 10 of Chapter 249.
5. Repeal of certain provisions of the Rice Marketing (Amendment) Act 1969 and revival of certain provisions of Chapter 249.
6. Minor Amendments to Chapter 249.
7. Saving.
8. Transfer of assets and liabilities of the Guyana Rice Corporation.

A BILL

Intituled

An Act to amend the Rice Marketing Ordinance.

A. D. 1973 Enacted by the Parliament of Guyana:—

Short title
and Com-
mencement.
Chapter 249.

1.(1) This Act may be cited as the Guyana Rice Board (Amendment) Act 1973, and amends the Rice Marketing Ordinance hereinafter referred to as the Principal Ordinance.

(2) As from the commencement of this Act, the Principal Ordinance may be cited as the Guyana Rice Board Ordinance and section 1 of the Principal Ordinance shall have effect accordingly.

(3) This Act shall come into operation on such day (hereinafter referred to as "the appointed day") as the Prime Minister may, by order, appoint.

Repeal and
re-enactment
of section 4
of Chapter
249.

2. Section 4 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

"Constitution
of the Board.

4. (1) The Board shall consist of the following persons —

- (a) A Chairman and a Deputy Chairman who shall be appointed by the President of the Guyana State Corporation at such remuneration and on such terms and conditions as may be determined by him;
- (b) the General Manager of the Board;
- (c) such number of heads of departments of the Board as may be designated for the purpose by the General Manager, with the approval of the Guyana State Corporation;
- (d) a representative (other than a person who is a member of the Board by virtue of paragraph (c) selected by persons employed by the Board from among themselves in such manner as may be prescribed by rules made by the Minister assigned responsibility for labour; and
- (e) not more than eight other persons appointed by the President of the Guy-

ana State Corporation from among persons who are members of committees established by the Minister assigned responsibility for agriculture for furthering the promotion of the rice industry or otherwise appearing to him to be qualified for appointment as having had experience in matters relating to the production, manufacture and marketing of rice, or to agriculture, industry, the co-operative movement, local government, administration or commerce generally.

(2) Notwithstanding anything to the contrary in subsection (1), a member appointed under paragraph (e) of that subsection may be appointed as Chairman or Deputy Chairman and where a member is so appointed he shall, without prejudice to subsection (3), vacate the office of Chairman or Deputy Chairman, as the case may be, on the termination of his appointment under that paragraph.

(3) The Chairman and the Deputy Chairman shall be liable to be removed from office at the pleasure of the President of the Guyana State Corporation.

(4) The Chairman or the Deputy Chairman may resign his office by writing under his hand addressed to the President of the Guyana State Corporation, and such resignation shall take effect upon the date of the receipt thereof.

(5) The members of the Board mentioned in paragraph (a) and (e) of subsection (1) shall hold office for any period not exceeding three years but, in the case of —

- (a) the representative who is a member of the Board by virtue of subsection (1) (d), he shall be liable to be removed from office at the pleasure of the persons employed by the Board in accordance with rules prescribed by the Minister assigned responsibility for labour;
- (b) a member of the Board appointed pursuant to subsection (1) (e), he shall be liable to be removed from office at the pleasure of the President of the Guyana State Corporation.

(6) Any member of the Board mentioned in subsection (1) (d) or (1) (e) may, subject to subsection

(4), at any time, resign his office by writing under his hand addressed to the Chairman of the Board and upon the date of the receipt of such communication the member shall cease to be a member of the Board.

(7) The appointment, removal, resignation or death of any member of the Board shall be notified in the Gazette.”.

Repeal and re-enactment of Section 4D of Chapter 249.

3. Section 4B of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Remuneration of members of the Board.

4B. The Board shall pay to each member of the Board appointed pursuant to subsection (1) (e) of section 4 in respect of his office as such, such, if any, remuneration and allowances as the Board, with the approval of the Guyana State Corporation, may determine.”.

Repeal and re-enactment of Section 10 of Chapter 249.

4. Section 10 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Functions of the Board

10. Subject to this Ordinance, it shall be the function of the Board —

- (a) to develop the rice industry in Guyana and to promote the expansion of the export trade in the said industry;
- (b) to exercise general supervision over the disposal of padi produced in Guyana;
- (c) to control the manufacture, purchase, sale, distribution and export of all rice and all by-products of padi manufactured in Guyana;
- (d) to carry on the business of rice and padi merchants;
- (e) to engage in such other commercial, industrial and agricultural activities which the Board deems necessary for the purpose of developing the rice industry.”.

Repeal of certain provisions of the Rice Marketing (Amendment) Act 1969 and revival of certain provisions of Chapter 249 No. 20 of 1969

5.(1) Section 2, sections 4 to 8 (both sections inclusive), and sections 11 to 17 (both sections inclusive), of the Rice Marketing (Amendment) Act 1969 are hereby repealed.

(2) As from the commencement of this Act, the provisions of the Principal Ordinance as amended or repealed by the provisions of the Rice Marketing (Amendment) Act 1969 repealed by

subsection (1), shall have effect as if the provisions repealed by subsection (1) had not been enacted.

6. The Principal Ordinance is hereby amended in the following respects — Minor Amendments to Chapter 249

- (a) by the deletion of the definition of the expression "officer in the public service" from section 2;
- (b) by the deletion of the word "Marketing" from subsections (1) and (3) of section 3;
- (c) by the substitution of the words "Deputy Chairman" for the word "Vice-Chairman" wherever it appears in section 4A, 5 and 9;
- (d) by the substitution of the words "subsection (2) of section 6" for the words "subsection (1) of section 6" in section 5(3);
- (e) by the deletion of the words "or is deemed to have resigned from the Board" from section 5(12);
- (f) by the addition to section 6 of the following subsection —
 - "(3) Section 42 of the Public Corporations Ordinance 1962 shall apply to a public officer who is employed with the Board as it applies to a public officer who is employed with a public corporation and for that purpose every reference in that section to a corporation shall be construed and have effect as a reference to the Board.";
- (g) by the substitution of a reference to the General Manager for the reference to the Manager in sections 6(1), 8(1), 9(1), 23A, 30 and 31;
- (h) by the deletion of every reference to the Assistant Manager from sections 6(2), 8(1), 9(1), 23A, 30 and 31.

7. (1) Notwithstanding the change of name effected in section 3 of the Principal Ordinance by virtue of paragraph (b) of section 6, the alteration in the name of the Board shall not prejudice or affect any rights or obligations of the Board or anything which remains to be done or forborne to be done under or by virtue of its previous name, and the Board may exercise by its new name all existing rights, powers and privileges.

- (2) Any reference to the Board by its previous name in

any law, instrument or document of any kind shall be construed as a reference to the Board by its new name.

Transfer of
assets and
liabilities
of the
Guyana Rice
Corporation.

8. (1) The assets (including rights and interests) of the Guyana Rice Corporation (hereinafter referred to as "the Corporation") shall, without further assurance, be transferred to and vested in the Guyana Rice Board (hereinafter referred to as "the Board").

(2) Liabilities incurred by the Corporation prior to, and subsisting immediately before, the appointed day shall be discharged by, and be enforceable against, the Board as if the said liabilities had been incurred by the Board.

(3) Nothing in subsection (1) or (2) shall apply to rights or liabilities under any contract of service.

(4) As soon as practicable after the appointed day, the Board shall, by way of compensation for any assets vested in the Board by virtue of the provisions of subsection (1), issue to the Guyana State Corporation debentures or debenture stock of such nominal value and bearing such interest rates and repayment dates as may be agreed upon between the Minister responsible for finance, the Guyana State Corporation and the Board.

(5) All deeds, bonds, instruments or other documents which were subsisting immediately before the appointed day and affected the Corporation shall, in so far as they relate to the undertaking of the Corporation, be of as full force and effect against or in favour of the Board, and enforceable as fully and effectually as if, instead of the Corporation, the Board had been named therein or had been a party thereto and where immovable property has, by virtue of this section, vested in the Board the Registrar of Deeds shall take due notice thereof and shall make such annotations on the records as may be necessary.

(6) All proceedings commenced prior to the appointed day for the enforcement of any rights or liabilities which are transferred or attached to the Board by virtue of this section may be continued by or against the Board, and any such proceeding may be amended accordingly.

(7) Subject to subsection (8), the Board may as from the appointed day, continue to employ on such terms and conditions as may be agreed on between the Board and him, any person employed with the Corporation immediately before that day, and in respect of any person so employed the Board shall be the successor of the Corporation with regard to his leave or superannuation rights or benefits whether accrued, earned, inchoate or contingent;

Provided that any person who is so employed by the Board shall be employed on terms and conditions which taken as a whole are no less favourable than those applicable to him immediately before the appointed day.

(8) Where a public officer who is employed with the Corporation immediately before the appointed day is continued in employment by the Board, section 42 of the Public Corporations Ordinance 1962 shall continue to apply to him and for that purpose every reference in that section to a corporation shall include a reference to the Board.

EXPLANATORY MEMORANDUM

The main purpose of this Bill is to amend the Rice Marketing Ordinance (Chapter 249) to make provision consequential upon the proposed dissolution of the Guyana Rice Corporation.

Clause 5 of the Bill seeks to make the necessary provision.

2. *Clause 2* seeks to provide for the reconstitution of the Board in a manner not dissimilar to that in which a public corporation is constituted under section 34 of the Public Corporations Ordinance 1962.

3. *Clause 6 (b)* seeks to change the name of the Board to the Guyana Rice Board since the functions of the Board will not be restricted to the marketing of rice. *Clause 7* is consequential on the change in the name of the Board.

Clause 4 seeks to extend the functions of the Board.

4. *Clause 8* provides for the transfer to the Board of the assets and liabilities of the Guyana Rice Corporation which will be dissolved.

L. F. S. BURNHAM,
Prime Minister.

(G.S.C: 6/1/2).
(Bill No. 20/1973).