

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

1994—01—12.

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

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



GUYANA

BILL No. 2 of 1994

GUYANA GOLD BOARD (AMENDMENT) BILL 1994

SECTION	ARRANGEMENT OF SECTIONS
1.	Short title.
2.	Amendment of section 2 of the Principal Act.
3.	Repeal and re-enactment of section 6 of the Principal Act.
4.	Amendment of section 7 of the Principal Act.
5.	Amendment of section 9 of the Principal Act.
6.	Insertion of new section 9A in the Principal Act.
7.	Amendment of section 20 of the Principal Act.
8.	Amendment of section 21 of the Principal Act.
9.	Insertion of new section 21A in the Principal Act.
10.	Insertion of new Third Schedule in the Principal Act.

A BILL

Intituled

AN ACT to amend the Guyana Gold Board Act 1981.

A. D. 1994 Enacted by the Parliament of Guyana:—

Short title.
Act No. 12
of 1981

1. This Act, which amends the Guyana Gold Board Act 1981, may be cited as the Guyana Gold Board (Amendment) Act 1994.

Amendment
of section
2 of the
Principal
Act:

2. Section 2 of the Principal Act is hereby amended by the substitution for the definition of the word "claim" together with the marginal note thereto of the following definition and marginal note —

"Act No.
20 of 1989

'claim' has the meaning assigned to it by the Mining Act 1989;"

Repeal and
re-enact-
ment
of section
6 of the
Principal
Act:

3. Section 6 of the Principal Act is hereby repealed and the following section substituted therefor —

"Producers
to sell
gold to the
Board.

6. (1) Every producer who possesses gold, won or obtained during operations as a producer, before the date of coming into operation of the Guyana Gold Board (Amendment) Act 1994, shall sell such gold to the Board or to any agent authorised in writing by the Board in that behalf within twenty-eight days of the said date.

(2) Every producer who wins or obtains gold during operations as a producer shall, within twenty-eight days after his winning or obtaining such gold and within twenty-four hours of conveying such gold to Georgetown or any other place determined by the Minister by notice in the Gazette, or such longer period as the Board may allow, sell such gold to the Board or to any agent authorised in writing by the Board in that behalf:

Provided that if the office of the Board is closed when the producer

brings such gold to Georgetown or other place, the producer shall sell such gold to the Board on the first day following when the office of the Board is open:

Provided further that where an application is made to the Board by a producer in the manner determined by the Board, the Board may authorise that producer to retain such quantity of gold at it deems fit for his personal use and not for trade."

4. Section 7 of the Principal Act is hereby amended as follows —

Amendment of section 7 of the Principal Act.

- (a) by renumbering the opening part as subsection (1) thereof and by substituting for the colon at the end, a full stop;
- (b) by inserting after the subsection as so renumbered the following subsections as subsections (2) and (3) thereof —

"(2) It shall be unlawful for any person, not being a producer, to have any quantity of gold in his possession.

(3) Every person, not being a producer, who has any quantity of gold in his possession on the date of the coming into operation of the Guyana Gold Board (Amendment) Act 1994 shall, within twenty-eight days of the said date, sell such gold to the Board or to any agent authorised in writing by the Board in that behalf:"

5. Section 9 of the Principal Act is hereby amended by the substitution in the margin in subsection (2) for the words "Cap. 65:01" of the words "No. 20 of 1989" and by the insertion after the words "Mining Act" of the words "1989".

Amendment of section 9 of the Principal Act.

6. The Principal Act is hereby amended by the insertion, after section 9, of the following section as section 9A —

Insertion of new section 9A in the Principal Act.

"Authority to purchase gold.

Cap: 80:01

9A. (1) Notwithstanding the provisions of sections 7 and 8 any person who is duly authorised under the Tax Act to sell, barter or expose for sale goods at any place in a mining district (hereinafter in this section referred to as 'licensee') is hereby authorised by the Board to purchase gold:

Provided that —

(a) within fourteen days of the purchase of such gold the licensee shall inform the Board of such purchase; and

(b) on demand sell all gold in his possession to the Board at the price fixed under section 5.

(2) Every transaction mentioned in subsection (1) shall be recorded by the licensee in a book kept by him for that purpose stating the amount of gold purchased or sold by him.

(3) The book required to be kept by the licensee pursuant to subsection (2) shall be produced for inspection to any officer of the Board or to any other person authorised by the Board in that behalf.

(4) Every officer of the Board or any other person authorised for the purposes of subsection (3) shall, if required to do so by the licensee, produce evidence of his appointment or authority before exercising the powers conferred by subsection (3)."

7. Section 20 of the Principal Act is hereby amended by the substitution —

(a) in subsection (1), for the words "section 6, 7, 8 or 9" of the words "section 6, 7, 8, 9 or 9A";

(b) for subsection (4), of the following subsection as subsection (4) —

"(4) In this section "officer" means every justice of the peace, customs

Amendment of section 20 of the Principal Act.

officer, officer of the Department of the Geology and Mines Commission, every member of the Police Force, every mines officer under the Mining Act 1989 and every person employed by the Board and authorised in writing for the purpose of this section by the General Manager of the Board.”.

No. 20 of
1989

8. Section 21 of the Principal Act is hereby amended by the substitution —

Amendments
of section
21 of the
Principal
Act.

- (a) in paragraph (a), for the words “section 6, 7, 8, or 9” of the words “section 6, 7, 8, 9 or 9A”; and
- (b) for the words beginning with the words “shall be liable” and ending with the words “was committed”, of the following words —

“shall be liable on summary conviction —

- (i) to a fine of twenty-five thousand dollars for the first conviction;
- (ii) to a fine of twenty-five thousand dollars and to imprisonment for five years, on the second or any subsequent conviction:

Provided that the Court may for any special reasons to be recorded in writing impose any lesser sentence,

and to forfeiture of the gold in respect of which the offence was committed.”.

9. The Principal Act is hereby amended by the insertion, after section 21, of the following section as section 21A —

Insertion
of new
section 21A
in the
Principal
Act.

“Power to
accept
compensation for
offence.

21A. Notwithstanding any other provision of this Act, the Minister may, in any case he deems proper and in substitution for any proceedings in a court, accept on behalf of the Board a sum of

money by way of compensation from any person reasonably suspected of a contravention of this Act or any regulation made thereunder:

Provided that such compensation shall be accepted only where the person reasonably suspected of such contravention has expressed his willingness in a duly completed form in the Third Schedule that the contravention as aforesaid shall be so dealt with."

Third Schedule

Insertion of new Third Schedule in the Principal Act.

10. The Principal Act is hereby amended by the insertion of the following Schedule as the Third Schedule thereto —

"THIRD SCHEDULE

s. 21 A

GUYANA

FORM REQUIRED TO BE COMPLETED IN ACCORDANCE WITH SECTION 21A OF THE GUYANA GOLD BOARD ACT (No. 12 of 1981)

I, (Name)

of (Address)

being (Occupation)

hereby agree to pay to the Minister the sum of of

as compensation, in substitution for proceedings against me in a court of summary jurisdiction for the offence of

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

Dated this day of 19

at

.....
Signature of Person reasonably
suspected"

EXPLANATORY MEMORANDUM

Clause 3 of the Bill seeks to amend section 6 of the Guyana Gold Board Act (Act. 12 of 1981) to require a producer who won gold before the coming into operation of the said Act to sell such gold to the Board within twenty-eight days after the coming into operation of this amendment Act. It also seeks to provide that when a producer has brought to Georgetown gold, won during operations he shall within twenty-four hours thereof sell such gold to the Board.

Clause 4 seeks to amend section 7 of the Act to make it an offence for any person, not being a producer, to have gold in his possession and to require every person who has gold in his possession to sell such gold to the Board within twenty-eight days after coming into possession of such gold.

Clause 6 seeks to insert a new section 9A in the Act to empower a shop-keeper to buy gold subject to strict accountability by him.

Clause 7 seeks to amend section 20 of the Act to include a wider category of persons within the meaning of "officer".

Clause 8 seeks to amend section 21 of the Act to increase the penalties for contravening the provisions of the Act.

Clause 9 seeks to insert a new section 21A in the Act to empower the Minister to accept on behalf of the State compensation from any person reasonably suspected of contravention of the Act or any regulation made thereunder in substitution for proceedings in a court.

Clause 10 seeks to insert a new Third Schedule to the Act wherein is set out the form to be utilised under clause 9 in accepting compensation for a contravention of the Act.

Samuel Hinds;
Prime Minister.