

Parliament Office,
Public Buildings,
Georgetown,
Guyana.

25th April, 1996

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. 7 of 1996

FOREIGN EXCHANGE (MISCELLANEOUS PROVISIONS) BILL 1996

ARRANGEMENT OF SECTIONS

SECTION

- 1. Short title.
- 2. Interpretation.
- 3. Dealings in gold and foreign currency.
- 4. Lending of money or securities to bodies corporate controlled by persons outside Guyana.
- 5. Offences; penalties.
- 6. Bringing into and taking out of Guyana foreign currency.
- 7. Repeal of the Exchange Control Act.

First Schedule

Second Schedule

2.

A BILL

Intituled

AN ACT to regulate certain dealings in gold, foreign currency money or securities, and the bringing in or taking out of Guyana foreign currency.

A.D. 1996.

Enacted by the Parliament of Guyana:—

Short title:

1. This Act may be cited as the Foreign Exchange (Miscellaneous Provisions) Act 1996.

Interpre-
tation,

2. In this Act —

(a) “authorised dealer” means in relation to gold or any foreign currency, a person for the time being authorised by an order of the Minister to act for the purposes of this Act as an authorised dealer in relation to gold, or as the case may be, that foreign currency;

(b) “foreign currency” does not include any currency or notes issued by the Government or under the law of any part of the scheduled territories but, save as aforesaid, includes any currency other than Guyana dollars and any notes of a class which are or have at any time been legal tender in any territory outside Guyana, and any reference to foreign currency, except so far as the context otherwise requires, includes a reference to any right to receive foreign currency in respect of any credit or balance at a bank;

(c) “gold” means gold coin or gold bullion;

First Sched-
ule.

(d) “the scheduled territories” means the territories specified in the First Schedule, so, however, that the Minister may at any time either by the addition or exclusion of territories or otherwise, and the said expression shall be construed accordingly;

(e) “securities” means shares, stock, bonds, notes (other than promissory notes), debentures, debenture stock, units under a unit trust scheme and shares in an oil royalty.

Dealings in
gold and
foreign
currency.

3.(1) Except with the permission of the Minister, no person, other than an authorised dealer, shall, in Guyana, borrow any gold

or foreign currency from, or lend any gold or foreign currency to, any person other than an authorised dealer.

(2) Except with the permission of the Minister, no person resident in the scheduled territories, other than an authorised dealer, shall, in Guyana, do any act which involves, is in association with or is preparatory to borrowing any gold or foreign currency from, or lending any gold or foreign currency to, any person outside Guyana.

(3) Where a person borrows any gold or foreign currency in Guyana, or being a person resident in the scheduled territories does any act which involves, is in association with or is preparatory to the borrowing of gold or foreign currency outside Guyana, he shall comply with such conditions as to the use to which it may be put or the period for which it may be retained as may from time to time be notified to him by the Minister.

(4) Except with the permission of the Minister no person resident in Guyana, other than an authorised dealer, shall, in Guyana operate a foreign currency account.

4.(1) Except with the permission of the Minister, no person resident in Guyana shall lend any money or securities to any body corporate resident in the scheduled territories which is by any means controlled (whether directly or indirectly) by persons resident outside the scheduled territories:

Lending of money or securities to bodies corporate controlled by persons resident outside Guyana.

Provided that this subsection shall not apply where the lender after making such inquiries as are reasonable in all the circumstances of the case does not know and has no reason to suspect that the body corporate is controlled as aforesaid.

No person resident in the scheduled territories shall in Guyana do any act which involves, is in association with or is preparatory to any such transactions outside Guyana as is referred to in this subsection.

(2) For the purposes of this section persons resident in Guyana or outside the scheduled territories shall be deemed to control a body corporate notwithstanding that other persons are associated with them in the control thereof if they can together override those other persons.

(3) In this section the expression "security" includes a secondary security.

Offences;
penalties.

5.(1) Any person who contravenes any restriction or requirement imposed by or under section 3 or 4 shall be guilty of an offence and shall be liable —

- (a) on summary conviction, to a fine and to imprisonment for three years;
- (b) on conviction on indictment, to a fine and to imprisonment for six years,

and the court may, if it thinks fit so to do, order the foreign currency, money, security or gold in respect of which the offence is concerned, be forfeited.

(2) The maximum fine which may be imposed for an offence punishable under this section shall be —

- (a) on summary conviction one hundred thousand dollars; and
- (b) on conviction on indictment two hundred and fifty thousand dollars:

Provided that a larger fine may be imposed not exceeding the amount or value of the foreign currency, money, security or gold in respect of which the offence is concerned.

Bringing
into and
taking out
of Guyana
foreign
currency.

6.(1) A traveller may bring into Guyana on his person or in his baggage foreign currency amounting to ten thousand United States dollars or its equivalent in any other currency without making any declaration to the Comptroller of Customs.

(2) A traveller may bring into Guyana on his person or in his baggage foreign currency amounting to more than ten thousand United States dollars or its equivalent in any other currency providing he makes a declaration to the Comptroller of Customs in the Form in the Second Schedule.

(3) A traveller may take out of Guyana on his person or in his baggage foreign currency amounting to ten thousand United States dollars or its equivalent in any other currency without making any declaration to the Comptroller of Customs.

(4) A traveller may take out of Guyana on his person or in his baggage foreign currency amounting to more than ten thousand United States dollars or its equivalent in any other currency providing he makes a declaration to the Comptroller of Customs in the Form in the Second Schedule.

(5) A traveller who fails to make a declaration required to be made under this section or who knowingly makes a declaration that is untrue in any material particular shall be guilty of an offence and shall be liable on summary conviction to fine of two hundred and fifty thousand dollars and six months imprisonment and the currency found on the person, or in the baggage, of the traveller in respect of which a declaration was not made as required shall be forfeited by the court.

(6) The Customs Regulations, Schedule B, are hereby amended by the deletion of paragraph 10 from Form 14C.

(7) This section shall be administered by the Comptroller of Customs as though it were part of the Customs Act and the provisions of that Act and the regulations made thereunder, in so far as they relate to this section shall *mutatis mutandis* apply.

7.(1) The Exchange Control Act is hereby repealed.

Repeal of
the Ex-
change Con-
trol Act.
Cap: 86:01

(2) Notwithstanding the repeal of the Exchange Control Act, the orders made under section 2 of that Act shall, subject to the power of the Minister to amend or revoke them, remain in force as if made under section 2(a) of this Act,

FIRST SCHEDULE s. 2

SCHEDULED TERRITORIES

GUYANA

SECOND SCHEDULE s. 6

GUYANA

FORM

Declaration to be made by a traveller under section 5 of the Foreign Exchange (Miscellaneous Provisions) Act 1996.

10. I hereby declare that I am taking* out of Guyana/bringing* into Guyana foreign currency amounting to more than ten thousand United States dollars or its equivalent in any other currency.

Exact amount of currency involved.

Signature of traveller /

*Make appropriate deletion.".

EXPLANATORY MEMORANDUM

Clause 7 of this Bill repeals the Exchange Control Act, Cap. 86:01. Clause 3 retains with modification section 3 of the Exchange Control Act relating to the borrowing or lending of gold or foreign currency. Clause 4 retains with modification part of section 32 of the said Act relating to the lending of money or securities to a body corporate resident in Guyana but controlled by persons resident outside Guyana.

Clause 6 makes it an offence to bring into or take out of Guyana foreign currency in excess of ten thousand United States dollars or its equivalent in any other currency without making a declaration to the Comptroller of Customs.

B. Jagdeo.
Senior Minister of Finance.