

BILL No. 4 OF 1982 *SATURDAY, 10TH APRIL, 1982*

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

1982—04—07.

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. 4 of 1982

FORESTS (MISCELLANEOUS PROVISIONS) BILL 1982

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of the Guyana Forestry Commission Act.
3. Change of title.
4. Amendment of the Forests Act.

A BILL

Intituled

AN ACT to amend the Guyana Forestry Commission Act, the Forests Act and to provide for matters connected therewith.

A.D. 1982 Enacted by the Parliament of Guyana:—

Short title.

1. This Act may be cited as the Forests (Miscellaneous Provisions) Act 1982.

Amendment
of the
Guyana
Forestry
Commission
Act,
Act No. 2
of 1979

2. The Guyana Forestry Commission Act is hereby amended as follows —

- (a) by the deletion of the definition of “Conservator” in section 2;
- (b) by the insertion of the following redefinition after the definition of “Commission” in section 2 —
“‘Commissioner’ means the Commissioner of Forests’;
- (c) by the substitution for the words “Conservator of Forests” in section 5 (1) of the words “Commissioner of Forests”;
- (d) by the substitution for the word “Conservator”, wherever it occurs, of the word “Commissioner”; and
- (e) by the substitution for the word “Board” in section 5 (3) of the word “Commission”.

Change of
title.

3. The titles Commissioner of Forests and Assistant Commissioner of Forests are hereby substituted for the titles of the offices hitherto known as Conservator of Forests and Assistant Conservator of Forests respectively and any reference to the Conservator of Forests, Conservator, Assistant Conservator of Forests or Assistant Conservator in any written law, instrument or document of any kind subsisting or in force at the commencement of this Act, shall, after the commencement of this Act, be construed and have effect as a reference to the Commissioner of Forests, Commissioner, Assistant Commissioner of Forests or Assistant Commissioner respectively.

Amendment
of the
Forests Act
Cap. 87:01

4. The Forests Act is hereby amended as follows —

- (a) by the substitution for the definition of “Commissioner” in section 2 of the following definition —

‘“Commissioner” means the person holding the office of Commissioner of Forests’;

- (b) by the deletion of the definition of “Conservator” in section 2;
- (c) by the substitution for the words “section 7” in section 5 (1) (b) of the words “sections 7 or 7A”;
- (d) by the substitution for the word “LEASES” in the heading before section 6 of the words “LEASES, TIMBER SALES AGREEMENTS”;
- (e) by the insertion after section 7 of the following new section as section 7A —

“Timber sales agreements.

7A (1) The President or any forest officer authorised by the President may grant timber sales agreements giving to the grantees thereof the right to obtain forest produce or any specified kind of forest produce from State forests. Such agreements may be for the grant of exclusive rights to the grantees thereof.

(2) Such agreements shall be granted subject to such general conditions as may be prescribed and to such special conditions as the President may deem necessary in particular cases.”;

- (f) by the substitution for the word “lease” in section 8 of the words “lease, grant timber sales agreements in respect of”;
- (g) by the substitution for the words “lease in writing” in section 9 of the words “lease or timber sales agreement in writing”;
- (h) by the repeal of section 11 and the substitution therefor of the following section —

“Suspension and cancellation of leases and timber sales agreements.

11. (1) Where any condition of any lease made under section 7 or timber sales agreement granted under section 7A is not fulfilled, or where any regulation is not observed, the Minister may by notice to the lessee or grantee of the agreement suspend the lease or agreement whereupon it shall cease to be lawful for the said lessee or grantee of the agreement to carry out any operations on the land subject to the lease or agreement.

(2) Upon taking such action under subsection (1), the Minister shall forthwith make a full report to the President of the circumstances of the suspension of the lease or the timber sales agreement, as the case may be, whereupon the President may order —

- (a) the cancellation of the lease or agreement;
- (b) the suspension of the lease or agreement for such time as he may determine; or
- (c) the withdrawal of the notice of suspension given by the Minister:

Provided that no order under paragraph (a) or (b) shall be made without affording any person whose rights under the lease or agreement may thereby be affected an opportunity of stating his case.

(3) In the exercise of his powers under this section, the Minister shall consult with the Commission.”;

- (i) by the substitution for the words “Mining Act” in section 19 of the words “Mining Act or a timber sales agreement granted under this Act”;
- (j) by the substitution in section 20 —
 - (i) for the word “lease”, wherever it occurs, of the words “lease or timber sales agreement”; and
 - (ii) for the words “Lessee of State forest” of the words “lessee of State forest or a grantee of a timber sales agreement”;
- (k) by the substitution for the word “lease” in section 22 (b) of the words “lease or timber sales agreement”;
- (l) by the substitution for the word “lease” in section 40A, wherever it occurs, the words “lease, timber sales agreement”; and
- (m) by the substitution for the word “issued” in section 42 (h) of the words “issued or any timber sales agreement may be granted”.

EXPLANATORY MEMORANDUM

This Bill seeks to change the title of the offices hitherto known as Conservator of Forests and Assistant Conservator of Forests to that of Commissioner of Forests and Assistant Commissioner of Forests respectively, as the new titles suitably reflect the functions conferred upon the holders of these offices under the Guyana Forestry Commission Act.

This Bill also seeks to empower the President or any forest officer authorised by the President to grant timber sales agreements to cut and remove forest produce from State forests by seeking to insert a new section 7A in the Forests Act. Consequential amendments are sought to be made to other sections of the Forests Act to enforce the terms and conditions of those agreements.

R. H. O. Corbin,
Minister of National Development.

(Bill No. 4/1982)

(MF: 2/26)