

British Guiana.

REGULATIONS MADE BY THE GOVERNOR UNDER THE PROVISIONS OF THE EMERGENCY POWERS (DEFENCE) ACT, 1939, AS EXTENDED TO THE COLONY BY THE EMERGENCY POWERS (COLONIAL DEFENCE) ORDER IN COUNCIL, 1939.

1. These Regulations may be cited as the Defence (Rice Control) Regulations, 1939. **Short title.**

2. In these Regulations, unless the context otherwise requires—
“the Board” means the British Guiana Rice Marketing Board established under section 3 of the Rice (Export Trade) Ordinance, 1935 ; **Interpretation. Ord. 17 of 1935.**

“exporting agent” means any person who immediately prior to the coming into force of these Regulations held a licence under the Rice (Export Trade) Ordinance, 1935, to export rice ;

“manufacturer” means any person who holds a licence under the Rice Factories Ordinance, 1933, to manufacture rice. **Ord. 26 of 1933.**

CONTROL OF PURCHASE, SALE AND DISTRIBUTION OF RICE.

3. The British Guiana Rice Marketing Board shall, subject to the provisions of these Regulations, control the purchase, sale and distribution of all rice manufactured in the Colony. **Board to control purchase, sale and distribution of rice.**

4. (1) Save as in this regulation provided, every manufacturer shall deliver to the Board and the Board shall purchase all rice manufactured by him, whether on his own behalf or otherwise. **Purchase of all rice by the Board.**

(2) The Board shall pay a manufacturer for all rice delivered by him the price fixed by the Board under these Regulations.

(3) Where the whole or any part of the purchase price paid or to be paid by the Board to the manufacturer is in respect of any rice which is not the property of the manufacturer the manufacturer shall pay the amount or the part thereof to the owner after deducting the cost of transportation and any fees, charges and other amounts which but for this regulation the owner would have had to pay before obtaining delivery of his rice.

(4) The Board may by notice in the *Gazette* prescribe the quantity of rice that may be retained for domestic consumption by a manufacturer for himself and for any other owner.

Storage depôts.

5. The Board may establish such depôts for the storage of rice as it shall think fit and may require a manufacturer to deliver any rice manufactured by him to the storage depôt specified by the Board.

Sale of rice by the Board.

6. The Board shall sell rice for consumption in the Colony in any quantity being not less than one bag of one hundred and eighty pounds gross.

Power of Board to fix prices.

7. The Board may from time to time, with the approval of the Governor, determine and fix—

- (a) the minimum price at which padi may be purchased from a grower of padi ;
- (b) the price at which the Board shall purchase rice ; and
- (c) the price at which the Board shall sell rice for consumption in the Colony,

and notification thereof shall be given by publication in the *Gazette*, in one or more newspapers circulating in the Colony and in such other manner as the Board may determine.

EXPORT OF PADI AND RICE AND CONDITIONS GOVERNING THE SAME.

Prohibition of and restriction on export of padi and rice respectively.

8. (1) Except with the permission of the Governor, no person shall export or attempt to export any padi.

(2) No person, other than an exporting agent, shall export or attempt to export any rice.

(3) Any person who contravenes the provisions of this regulation shall be guilty of an offence and shall on summary conviction be liable to a penalty of one thousand dollars or to imprisonment for a term not exceeding six months.

9. The Board shall from time to time—

Powers of the Board with respect to the export of rice.

- (a) after estimating and making provision for the quantities of rice required for local consumption determine the quantities of rice available for export during specified periods either generally or to specified markets ;

- (b) with the approval of the Governor, determine and fix the price at which rice shall be sold to purchasers outside the Colony either generally or in specified markets ;
- (c) allot the proportion of the quantities of rice available for export which may be sold by each exporting agent to purchasers outside the Colony : Provided that in making allotments the Board shall take into consideration the quantities of rice exported by each exporting agent during the nine months ending on the thirtieth day of September, nineteen hundred and thirty-nine ;
- (d) withdraw from an exporting agent the whole or any portion of any allotment which has not been sold by him during any specified period and include the quantity withdrawn in the quantity available for export in the next succeeding period.

10. (1) Subject to the provisions of these Regulations and to any law for the time being in force an exporting agent may export rice from the Colony and may enter into contracts for the sale of rice to any person outside the Colony. Conditions governing the export of rice.

(2) All contracts for the sale of rice to a purchaser outside the Colony shall be in a form approved by the Board.

(3) No rice shall be exported from the Colony unless the contract of sale has been registered by the Board.

(4) All bills of lading shall be made out to the order of the Board and shall be delivered to the Board together with any other documents relating to shipment as the Board may require.

11. The Board shall collect and receive the proceeds of all contracts for the sale of rice by exporting agents. Board to receive proceeds of all contracts for export sales.

12. Every exporting agent shall receive from the Board commission at the rate of ten cents for each bag of rice exported by him in pursuance of any contract registered by the Board. Commission payable to exporting agents.

13. Any exporting agent who—

- (a) exports any rice contrary to the provisions of these Regulations,
- (b) offers for sale or sells any rice for export at a price other than that fixed by the Board, or
- (c) enters into any arrangement or bargain whatsoever with a purchaser, either directly or indirectly, whereby the cost to the purchaser of the rice is increased above or reduced below the export price fixed by the Board—

shall be guilty of an offence and shall on summary conviction be liable to a penalty of one thousand dollars or to imprisonment for a term not exceeding six months and he shall cease to be an exporting agent within the meaning of these Regulations. Offences by exporting agents.

HOARDING OF PADI AND RICE.

Hoarding of
rice an
offence.

14. (1) If any manufacturer fails to deliver to the Board any quantity of rice manufactured by him the Board may serve a notice calling upon him to effect a sale thereof to the Board within a period to be specified in the notice.

(2) If, after the service of such notice, the manufacturer refuses or fails within the period specified in the notice to comply with the provisions thereof he shall be guilty of an offence and shall on summary conviction be liable to a penalty of fifty dollars for each day or part of a day in respect of which the default continues.

Hoarding of
padi an
offence.

15. (1) If the Board is of opinion that any person is wilfully hoarding padi in such quantities as to interfere with the effective distribution of rice the Board may serve a notice calling upon him to effect a sale thereof to a manufacturer and, in the case of a manufacturer, calling upon him to mill the padi within a period to be specified in the notice.

(2) If, after the service of such notice, that person refuses or fails within the period specified in the notice to comply with the provisions thereof he shall be guilty of an offence and shall on summary conviction be liable to a penalty of fifty dollars for each day or part of a day in respect of which the default continues.

APPOINTMENT OF OFFICERS.

Appoint-
ment of
Secretary
and Officers.

16.—(1) The Board may with the approval of the Governor appoint a Secretary at such salary as the Governor shall approve.

(2) The Board may employ such other officers and servants as it may require.

MATTERS RELATING TO FINANCE AND ACCOUNTS.

Working
capital.

17. (1) The Board may utilise as working capital for the purposes of its business under these Regulations any unexpended revenue collected by the Board under section 9 of the Rice (Export Trade) Ordinance, 1935.

(2) All expenses of management and charges incurred by the Board for the purposes of its business under these Regulations shall be defrayed from the proceeds of sales of rice by the Board.

Power to
create a
charge on
rice in pos-
session of
the Board
and to draw
and negoti-
ate Bills of
Exchange.

18. (1) The Board may create by instrument in writing in favour of a Bank a floating charge on all or any rice from time to time in the possession or under the control of the Board as security for sums advanced or to be advanced to the Board by such Bank, and any interest, commission and charges that may be due thereon.

(2) The principal sum secured by a charge may be either a specified amount, or a fluctuating amount advanced by way of overdraft on current account the total outstanding amount of which

shall not at any time exceed such amount (if any) as may be specified in the charge, and in the latter case the charge shall not be deemed to be redeemed by reason only of the current account having ceased to be in debit.

(3) The instrument in writing referred to in this Regulation may be in the form set out in the Schedule hereto or to the like effect and shall be deemed to confer in favour of the Bank a first charge on all rice then or thereafter in the possession or under the control of the Board at the place or places therein mentioned and shall rank prior to all other claims against the Board.

(4) The Board may draw and negotiate bills of exchange against shipments of rice exported or to be exported under contracts registered by the Board.

19. (1) The Board shall out of the ascertained profits of each accounting period of six months duration create and accumulate a reserve fund into which there shall be transferred thirty-three and one third per centum of the profits. No part of the reserve fund shall be used for any purpose except with the sanction of the Governor.

Utilisation of profits.

(2) The profit remaining after the deduction of the percentage specified in the preceding paragraph of this regulation may be utilised for the purpose of increasing the price at which rice shall be purchased by the Board during the next succeeding accounting period and whenever that price has been increased the Board may fix such an increase in the minimum price of padi as will ensure a corresponding benefit to the growers of padi.

20. (1) The Board shall keep such books and accounts as are necessary for the purposes of its business under these Regulations.

Books to be kept and returns to be made by the Board to be laid before the Legislative Council.

(2) The Board shall in the months of April and October in each year transmit to the Colonial Secretary a report of its transactions to the thirty-first day of March and the thirtieth day of September next preceding, together with a balance sheet and a full statement of income and expenditure audited by a duly qualified auditor approved by the Governor. The report shall be laid before the Legislative Council and published in the *Gazette*.

MISCELLANEOUS.

21. (1) Every manufacturer shall within seven days after the expiration of each month make and send a true and correct return to the Board of the matters entered in the books and counterfoils of the receipt books required to be kept by him under section 11 of the Rice Factories Ordinance, 1933.

Manufacturers to keep books and make returns.

Ord. 26 of 1933.

(2) Any manufacturer who omits to make the return required by this regulation or makes a false return shall be guilty of an offence.

Power to enter and inspect stocks and books in rice factory.

22. The secretary or any person authorised in writing by the Board, may at all reasonable times enter the factory or premises of any manufacturer and may inspect and examine the stocks and books of any manufacturer and may make copies of any entries in the books or of any other documents relating to the business of the manufacturer found in the factory or premises.

Execution of documents.

23. All documents required to be executed by the Board shall be deemed to be duly executed if signed by the Chairman and secretary of the Board.

Other offences.

24. (1) Any manufacturer who sells or, subject to the provisions of paragraph (4) of regulation 4, in any way transfers or disposes of any rice manufactured by him to any person other than the Board shall be guilty of an offence.

(2) Any person, other than the Board, who buys any rice from a manufacturer shall be guilty of an offence.

(3) Any person who buys any padi from the grower thereof at less than the minimum price fixed by the Board shall be guilty of an offence.

General penalty.

25. Any person who contravenes or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and save where expressly provided, a person guilty of an offence against any of these Regulations shall on summary conviction be liable to a penalty not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

Returns and purchase of stocks on hand.

26. (1) On the coming into force of these Regulations—

(a) every manufacturer who owns or has in his custody or possession or under his control any rice or padi whatsoever, and

(b) every person, other than a manufacturer, who owns or has in his custody or possession or under his control any quantity of rice exceeding fifty bags of one hundred and eighty pounds gross weight each,

shall forthwith make a return to the Board stating the names of the owners thereof and the respective quantities belonging to each owner.

(2) Any manufacturer or other person who is required to make a return under this regulation who—

(a) fails to make a return within the space of three days or makes a false return ; or

(b) sells or otherwise disposes of any rice in his custody or possession or under his control to any person other than the Board,

shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding five hundred dollars or to

