

GUYANA
ACT No. 15 OF 1994
GUYANA RICE DEVELOPMENT BOARD ACT 1994

I assent.

CHEDDI JAGAN,
President.
10th October, 1994

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**A.D. 1994] GUYANA RICE DEVELOPMENT BOARD [No. 15
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AN ACT to provide for the regulation of the manufacture and marketing of rice, for securing effectively the development of the rice industry through the establishment of the Guyana Rice Development Board, and for matters connected therewith.

Enacted by the Parliament of Guyana:-

A. D. 1994

PART 1

PRELIMINARY

1. This Act may be cited as the Guyana Rice Development Board Act 1994. Short title.

2. In this Act - Interpretation.
 - (a) "accounting year", in relation to the Board, means the accounting year referred to in section 30;
 - (b) "appointed day" means the date on which this Act comes into operation;
 - (c) "Authority" means the Guyana Rice Milling and Marketing Authority established by section 8 of the Rice (Regulation of Manufacturing and Marketing) Act 1985; No. 1 of 1985
 - (d) "Board" means the Guyana Rice Development Board established by section 3;
 - (e) "Centre" means the National Padi and Rice Grading Centre established by section 3 of the Rice (Regulation of Manufacturing and Marketing) Act 1985;
 - (f) "Export Board" means the Guyana Rice Export Board established by section 14 of the Rice (Regulation of Manufacturing and Marketing) Act 1985;
 - (g) "licensed grader" means a person who is issued a licence by the Board under section 37 (2) to grade padi or rice or both;
 - (h) "manufacturer" means any person who operates a rice factory;

No. 12 of 1980

- (i) “region” means any of the regions into which Guyana has been divided under the Local Democratic Organs Act 1980;
- (j) “regional grading and export office” means a regional padi and rice grading and export office established under section 14(2);
- (k) “rice factory” means any premises in which padi is manufactured into rice by mechanical power, and includes any place, building, machinery or equipment used in connection with or in relation to such premises for the storage of padi or rice or the manufacture of rice;
- (l) “rice land”, for the purpose of paragraph (m), means any land, which is let or agreed to be let, the subject of an agreement of tenancy, which is used either wholly or mainly for the cultivation of padi, such land being at the time of letting fit for the cultivation of padi according to normal agricultural standards;
- (m) “rice producer” means -
- (i) any rice farmer who cultivates his own land or any rice land let or leased to him which is otherwise lawfully occupied by him;
- (ii) any manufacturer;
- (n) “ship”, “aircraft” and “export” have same meaning as in the Customs Act.

Cap. 82:01

PART 11

ESTABLISHMENT, MANAGEMENT, POWERS

AND FUNCTIONS OF THE BOARD

Establishment
of Guyana
Rice Develop-
ment Board.

3. (1) There is hereby established a body corporate to be known as the Guyana Rice Development Board.
- (2) The Board shall consist of the following members -

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- (a) the general manager of the Board;
- (b) such number of members as may be appointed by the Minister from among persons appearing to him to be qualified as having had experience of, and shown capacity in, matters relating to export trade, particularly relating to export of rice and other products of padi, the production, manufacture, grading or marketing of rice, cultivation of padi, rice research activities, administration or commerce.

(3) The Minister shall appoint a member of the Board as chairman and the Board shall appoint one of its members (other than the chairman) as deputy chairman.

(4) The total number of the members of the Board shall not exceed thirteen:

Provided that there shall be three members representing the Guyana Rice Producers Association, two members representing the Guyana Rice Millers and Exporters Development Association and one member representing consumers.

(5) The remuneration or allowance payable to the chairman and each of the other members of the Board and the other terms and conditions of their appointment shall be such as may be determined by the Minister.

(6) The names of the members of the Board as first constituted and every change in the membership thereof shall be published in the **Gazette**.

4. (1) The functions of the Board Shall be -

Functions
of Board.

- (a) to develop the rice industry in Guyana and to promote the expansion of the export trade in the said industry;
- (b) to establish facilities for the conduct of research, and to conduct research, relating to rice and extend to rice farmers through an established system the benefits derived from such research;
- (c) to engage in such promotional and develop-

mental activities which the Board deems necessary for the purpose of developing the rice industry.

(2) Without prejudice to the generality of subsection (1), the functions of the Board in relation to padi and rice grading, shall be -

- (a) to grade and certify the grades of all padi received into, or proposed to be delivered to, a rice factory for milling;
- (b) to grade and certify the grades of all rice intended for sale in Guyana;
- (c) to grade and certify the grades of all padi and rice intended for export;
- (d) to collect and make available to the rice industry relevant data relating to grading and quality of padi and rice;
- (e) to train persons to grade padi or rice or both and to certify and license persons who are in the opinion of the Board qualified to grade padi or rice or both;
- (f) to exercise and perform in relation to rice factories the functions, under the Rice Factories Act, of the Centre as defined in that Act;
- (g) to determine suitable types of packaging for sale in Guyana, and for exportation, of rice and padi;
- (h) to lay down and maintain technical standards, consistent with international classifications, for grading padi and rice.

Cap. 95:05

(3) The Board may determine different classifications of grades in respect of rice to be purchased from a manufacturer, to be sold for consumption in Guyana and to be exported out of Guyana.

(4) The grades of padi and rice determined by the Board, and the standards laid down by the Board for fixing the grades, shall be notified in the *Gazette*, and in at least one newspaper having circulation

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in Guyana, and in such other manner, if any, as may be prescribed by the Minister by regulations.

(5) Without prejudice to the generality of subsection (1), the functions of the Board in relation to the export of padi and rice, shall be -

- (a) to promote the expansion of export trade in padi, rice and other products of padi, and products of rice, manufactured or produced in Guyana;
- (b) subject to the provisions of this Act, to facilitate the export of padi and rice and other products of padi produced or manufactured in Guyana;
- (c) to establish mechanisms and systems to assist rice producers to export and for that purpose provide assistance in negotiating and entering into contracts with foreign governments, agencies or persons for the export of padi or rice or other products of rice;
- (d) to license manufacturers or other persons to export padi or rice or any other product of padi;
- (e) to examine and certify as to the quantity or quality or both of padi and rice proposed to be exported by exporters, and to advise such exporters on their suitability for export;
- (f) to engage in marketing research and analysis pertaining to export potential for rice and other products of padi, padi and products of rice, with a view to collect information adequate for strategic planning of their production and export;
- (g) to monitor and guide the development of the rice industry having regard to changes in the export markets for rice and other products of padi, padi and products of rice;
- (h) to advise the Government and the rice industry as regards marketing prospects for the export of rice and other products of padi, padi and products

of rice;

- (i) to engage in such activities which appear to the Board to be necessary for the purpose of increasing the export of rice and other products of padi, padi and products of rice.

Custody
of seal,
etc.

5. (1) The seal of the Board shall be kept in the custody of the chairman or the deputy chairman or the secretary thereof and shall be authenticated by the signature of the chairman, or the deputy chairman, and the secretary of the Board.

(2) Every document purporting to be an instrument duly executed under the seal of the Board shall be received in evidence and deemed, without further proof to be so executed unless the contrary is proved.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of the Board may be signified under the hand of the chairman or the deputy chairman or the secretary of the Board.

Members of
Board not
to parti-
cipate in
certain
decisions.

6. A member of the Board shall not take part in or vote on, the decision of any matter with respect to any transaction between the Board and himself or any person in whose business he is pecuniarily interested whether directly or indirectly, or where as a result of the decision of the matter he is likely to gain any profit or suffer any loss.

Co-option
of persons
at
meetings
of Board.

7. The Board may co-opt one or more persons having special knowledge with respect to any matter relevant to its functions to attend any of its meetings at which it is dealing with the particular matter, for the purpose of assisting or advising it but no such co-opted person shall have any right to vote at meetings.

Power to
appoint
committees.

8. (1) The Board may appoint such committees, as it thinks fit.

(2) A committee appointed by the Board under subsection (1) may consist only of the members of the Board, or may consist of such members and other persons.

(3) Subject to the provisions of this section, the constitution, functions and procedure of a committee appointed under subsection (1) by the Board shall be determined by the Board.

(4) The provisions of this section shall be without prejudice to the other provisions of this Act.

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9. Without prejudice to the other provisions of this Act, the Board may delegate to any of its members or to any committee constituted by it under section 8 (1) the power and authority to carry out on its behalf such of its functions as it may determine.

Power to delegate.

10. (1) Subject to the provisions of this Act, the Minister may make regulations to regulate the procedure and business of the Board, including the intervals at which the meetings of the Board shall be held and the quorum for its meetings.

Regulation of procedure and business of Board.

(2) Subject to the provisions of this Act and regulations made by the Minister, the Board may regulate its own procedure and business and may make rules for that purpose.

11. Any minutes made of a meeting of the Board shall, if duly signed by the chairman thereof or other person presiding at the meeting, without further proof or any other matter or thing, be receivable in all legal proceedings as **prima facie** evidence of the proceedings of the Board, of which the minutes have been made and of the meeting of the Board, in respect of the proceedings of which the minutes have been so made, having been duly convened and held.

Receipt of minutes in evidence.

12. (1) Subject to subsection (2), no action, suit, prosecution or other proceedings shall be brought or instituted personally against a member of the Board or any committee constituted by or under this Act in respect of any act done **bona fide** in pursuance of the execution or intended execution of his duties under this Act.

Protection of members of Board or any committee thereof.

(2) Where a member of the Board or any committee referred to in subsection (1) is exempt from liability by reason only of subsection (1), the Board or the committee as the case may be, shall be liable to the extent that it would be if such member was a servant or agent of the Board, or the committee so, however, that if in any case the Board or the committee, is not liable for any abovementioned act then subsection (1) does not operate to exempt such member as therein stated.

13. (1) The Minister shall be entitled to receive notices of all meetings of the Board and to attend thereat without the right to vote and he shall be entitled to be furnished by the secretary of the Board or such other person authorised in that behalf by the Board, with copies of the proceedings of the meetings of the Board showing the matters discussed, and the conclusions reached, by the Board thereat.

Minister entitled to attend meetings of the Board.

(2) Where the Minister attends a meeting of the Board he may preside at the meeting.

14. (1) The headquarters of the Board shall be in such place in

read-

quarters
and
regional
offices
of Board.

Guyana as may be determined by the Minister.

(2) The Board may with the approval of the Minister, establish for any region a regional grading and export office.

Management
and functions
of
regional
grading
and
export
office.

15. (1) The affairs and business of a regional grading and export office may be managed by the Board through its officers or a committee appointed by the Board consisting of such number of members, not exceeding six, as it thinks fit from among persons who are qualified to be appointed as members of the Board.

(2) A member of the Board may be appointed as a member of a committee appointed under subsection (1).

(3) The names of the members of any committee as first appointed under subsection (1) and every change in the membership thereof shall be published in the *Gazette*.

(4) The remuneration or allowance payable to the chairman and each of the other members of a committee appointed under subsection (1) and the other terms and conditions of their appointment shall be such as may be determined by the Board with the approval of the Minister.

(5) Subject to any regulations made by the Minister, the Board may make rules to regulate the procedure and business of a committee appointed under subsection (1), including the intervals at which its meetings shall be held and the quorum for its meetings, and subject to such rules, the committee may regulate its own procedure and business and may make rules for that purpose.

(6) A regional grading and export office shall, within the region in which it is established and subject to the supervision and control of the Board, manage such business of the Board and may, in the name and on behalf of the Board, exercise and perform such functions of the Board under this Act as may be delegated to it in writing by the Board.

Information
obtained as
member or
officer of Board
to be secret and
confidential.

16. (1) Every member of the Board, a committee appointed under section 15 (1) to manage the affairs and business of a regional grading and export office, or any committee of the Board and the general manager and other officers and employees of the Board and the officers and other employees of any committee of the Board, including a committee appointed under section 15 (1) -

(a) shall regard and deal with as secret and confidential all information, documents and matters which, or knowledge of which he may obtain as such member or general manager

or other officer or employee; and

- (b) shall not make use of any document, matter or information which, or knowledge of which, he may obtain as such member or general manager or other officer or employee, for the benefit of himself or any other person, or otherwise than for the purposes of his duties as such member or general manager or other officer or employee,

and shall make and subscribe before a commissioner of oaths or a justice of the peace a statutory declaration to that effect.

- (2) No fee or stamp duty shall be payable or chargeable in respect of any declaration made under subsection (1).

PART 111

OFFICERS AND EMPLOYEES

17. (1) The Board shall have a general manager.

Appointment of general manager and other officers and employees of Board.

- (2) The power to appoint the general manager and the power to remove, and to exercise disciplinary control over, any person so appointed shall be vested in the Board subject to the approval of the Minister.

- (3) Subject to the other provisions of this Act, the Board may employ a secretary, and such other officers and employees as the Board may require for the purpose of carrying out its functions under this Act, and the power to remove and to exercise disciplinary control over any person so employed shall be vested in the Board.

- (4) Subject to the other provisions of this Act, the remuneration and other terms and conditions of appointment (including the payment of pension, gratuity or other like benefits by reference to their service) of the general manager, the secretary and other officers and employees employed by the Board shall be such as may be determined by the Board.

- (5) The officers and other employees required by a regional grading and export office shall be provided by the Board from among the officers and other employees employed by it.

18. (1) Any employment, other than that of the general manager, effected pursuant to the proviso to section 58 (6), shall be deemed to be effected under, and subject to, section 17(3).

Application of certain provisions

of section 17 to
employment
under section
58 (6).

(2) Employment of the general manager effected pursuant to the proviso to section 58(6), shall be deemed to be effected under, and subject to, section 17(2).

Services of
professional
persons.

19. The Board may at any time retain the services of professional persons and may pay such remuneration or fees in respect of their services as the Board, may with the approval of the Minister determine.

Superannuation
benefits.

20. (1) Where, with the approval of the appropriate authority, an officer -

Cap. 27:02

(a) is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Board, section 5 of that Act shall apply to him as if his service in the office with the Board were service in a public office;

(b) is transferred from a pensionable office within the meaning of the Pensions Act to a substantive appointment in an office with the Board, his service with the Board shall be other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in the Pensions Act.

Cap. 39:05

(2) Where a teacher who has done qualifying service within the meaning of the Teachers' Pensions Act is, with the approval of the appropriate authority -

No. 9 of 1971

(a) seconded or temporarily transferred from his pensionable office as a teacher to an office with the Board, section 5 of the Pensions Act (as it applies *mutatis mutandis* to a teacher under section 7C of the Teachers' Pensions (Amendment) Act 1971 shall apply to him as it applies in the case of a public officer;

(b) transferred from his pensionable office as a teacher to a substantive appointment in an office with the Board, his service with the Board shall be treated as if it were other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in the Pensions Act as if he were a public officer to whom the Pensions Act applies.

(3) in subsections (1) and (2) "appropriate authority" means the person or authority vested by law with power to appoint the officer

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to the pensionable office held by him (and to which the Pensions Act applies) or to appoint a teacher to the office held by him as a teacher, as the case may be.

(4) The Board may, with the approval of the Minister, make such provision as it thinks appropriate for the payment of pension, gratuity or other allowance in respect of the service of its officers and other employees on their retirement therefrom.

**PART IV
FINANCIAL PROVISIONS**

21. (1) The Board may, with the approval of the Minister, charge fees for the grading by it of padi or rice or for any other service rendered by it. Charging
of fees
by Board.

(2) The Minister may make regulations regarding the procedure relating to the levy and collection of such fees.

22. (1) The funds and resources of the Board shall consist of - Funds and
resources
of Board.

- (a) such assets of the Centre and Export Board as may be transferred to the Board by or under the provisions of this Act;
- (b) fees payable to the Board under the provisions of this Act;
- (c) such sums as may be provided to the Board by or under an appropriation law;
- (d) such sums as may be allocated to the Board from time to time from loan funds;
- (e) monies earned or arising from any property or investment of the Board;
- (f) all other sums or property which may in any manner be received by or become payable to, or be vested in, the Board in the performance of its functions or in respect of any matter incidental thereto.

(2) For the purposes of this section, the expression "loan funds" means such sums as may be made available, from time to time, by the Government by way of loan.

Opening and
operation
of accounts
by Board.

23. The Board may, for the purposes of carrying out its functions under this Act, open and operate any current, savings bank or any other type of account or accounts with any bank or banks in Guyana.

Copies of
agreement,
etc. to be
laid before
Minister.

24. As soon as practicable after the execution of any agreement, instrument, deed or mortgage under section 27, the general manager of the Board shall cause a copy thereof to be laid before the Minister.

Authorised
capital
of Board.

25. (1) The Minister may, by order, prescribe the authorised capital of the Board and such authorised capital may in like manner be increased or decreased by the Minister at the request of, or after consultation with the Board.

(2) Any order under subsection (1) shall also prescribe the number and value of the shares into which the authorised capital or increased authorised capital of the Board, shall be divided or the manner in which the authorised capital, prescribed from time to time, of the Board shall be decreased.

(3) The whole, or such portion of the authorised capital prescribed by the Minister by order under subsection (1), of the Board as may be specified by the Minister by the aforesaid order, shall be subscribed by the Government and the remaining portion, if any of such authorised capital shall be subscribed by such persons, and to such extent, as may be specified by the Minister by the aforesaid order.

(4) The shares of the Board shall be registered in the books of the Board, and shall be transferable only with the approval of the Board, which approval shall not be given if the transfer is likely to result in the contravention of any order made by the Minister under any other provision of this section.

(5) Any order under this section may make such incidental provision as may be necessary or expedient to give full effect to it including provisions for the subscription for shares by instalments and the voting rights, of the holders of shares so subscribed, at meetings of the shareholders of the Board.

(6) The assets of the Centre and Export Board being immovable property and cash, transferred to the Board by or under the provisions of this Act shall be deemed to be capital subscribed by the Government to the Board.

Power of
Board to

26. (1) The Board may, for the purposes of its business under this Act -

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- (a) purchase any property movable or immovable;
- (b) accept mortgages and bills of sale, and assignments or transfers thereof;
- (c) acquire by State grant, transport, execution sale, lease, transfer of lease or otherwise, any property movable or immovable;
- (d) erect, repair and maintain buildings;
- (e) sell, lease, transport, transfer, dispose of, mortgage or otherwise encumber any property of the Board;
- (f) open and operate any current, savings bank or any other type of account or accounts with any bank or banks within Guyana;
- (g) with the approval of the Minister assigned responsibility for finance, open and operate any current, savings bank or any other type of account or accounts with any bank or banks outside Guyana.

acquire,
encumber
and dispose
of property,
etc.

(2) The Board may, for the purposes of its business under this Act, purchase agricultural machinery, equipment and supply, and sell or hire such agricultural machinery, equipment and supply, to rice producers on such terms as the Board may think fit.

27. (1) The Board may borrow such sums as may be required by it for meeting any of its obligations or discharging any of its functions.

Borrowing
power of
Board.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Minister, as to the amount, the sources of the borrowing and other terms in which the borrowing may be effected and approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(3) The power of the Board to borrow shall include the power to execute in favour of a bank, by instrument in writing, a floating charge on all or any buildings, structures and other erections, padi and rice and other products of padi, agricultural machinery and equipment, packaging materials, office and warehouse equipment and machinery, bags, thread and twine, from time to time in its ownership, as security for sums advanced to it

by the bank, and any interest, commission and charges that may be due thereon.

(4) The principal sum secured by a charge under subsection (3) may be either a specific 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.

Schedule

(5) The instrument in writing referred to in subsection (3) and executed by the Board may be in the form set out in the Schedule or to the like effect, and shall be deemed to confer in favour of the bank, a first charge on all buildings, structures and other erections, padi and rice and other products of padi, agricultural machinery and equipment, packaging materials, office and warehouse equipment and machinery, bags, thread and twine then or thereafter in the ownership of the Board, at the place or places therein mentioned and shall rank prior to all other claims against the Board, not secured by mortgage of any specific property of the Board.

Guarantee by
the
Government of
borrowing by
Board.

Cap. 77:01

28. The Government may guarantee, in such manner and on such conditions as may be agreed to between it and the lender, the payment of any sum borrowed by the Board and the interest and other charges payable thereon, and the provisions of the Guarantee of Loans (Public Corporations and Companies) Act shall *mutatis mutandis* apply to, and in relation to, any guarantee given by the Government under this section as if it is a guarantee given under that Act subject to the modification that references in that Act to a corporation, as defined in that Act, shall be construed as references to the Board.

Profits and
losses of
Board.

29. (1) The Board shall establish a general reserve fund.

(2) The ascertained profits of the Board, of any accounting year in which there is an excess of income over expenditure shall be transferred to the general reserve fund established by the Board:

Provided that if so advised by the Minister, such portion of the ascertained profits of the Board, of the aforesaid accounting year, shall be utilised for such purposes as may be determined by the Board in consultation with the Minister.

(3) The ascertained loss, of the Board, of any accounting year in which there is an excess of expenditure over income shall be met by an appropriation from the general reserve fund established by the Board, of such amount as may be necessary to cover such loss.

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30. The accounting year of the Board shall be the period of twelve months commencing on the 1st January, or such other date as may be specified by the Minister, each year.

Accounting
year of
Board.

31. Monies standing to the credit of the Board may, from time to time, be invested in securities approved either generally or specifically by the Minister, and the Board may, from time to time, with like approval sell any or all of such securities.

Investments
by Board.

32. (1) The Board shall be exempt from payment of income tax under the Income Tax Act, import or export duties of customs under the Customs Act and consumption tax, in respect of goods imported by it into Guyana, under the Consumption Tax Act.

Exemptions
of Board
from tax,
duty etc.

Cap. 81:01
Cap. 82:01
Cap. 80:02

(2) The Minister assigned responsibility for finance may, by order, which shall be subject to negative resolution of the National Assembly exempt the Board from payment wholly or partly of any tax or duty, not being a tax or duty referred to in subsection (1), or rate, levy or other charge, payable under any law for the time being in force.

33. (1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and the accounts shall be audited annually by the Auditor General.

Accounts
and
audit.

(2) The members, officers and other employees of the Board shall grant to the Auditor General access to all books, documents, cash and securities of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Board.

(3) The Board may, with the approval of the Minister write off bad debts.

34. The Minister may make regulations relating to the procedure to be followed by the Board with respect to its financial business and, without prejudice to the generality of the foregoing, such regulations may in particular provide for all or any of the following matters -

Regulations
regarding
financial
procedure.

- (a) the books and accounts that are to be kept by the Board and the form in which such books and accounts shall be kept;
- (b) the preparation of balance sheets, financial statements and abstracts of accounts and the forms therefor;
- (c) the procedure in relation to the purchase of

stores and equipment; and the custody and issue of stores and equipment;

- (d) the receipt, transmission and safe custody of cash; and
- (e) the procedure in relation to tendering and entering into contracts.

PART V

REGULATION OF RICE FACTORIES AND

MANUFACTURING OF RICE

Amend-
ment
of Rice
Factories
Act.
Cap. 95:05

35. On and after the commencement of this Act the functions conferred by the Rice Factories Act upon the Centre shall, subject to the provisions of this section, be exercised and performed by the Board and accordingly -

- (a) the Rice Factories Act is hereby amended by the substitution, for the word "Centre" wherever it occurs in the provisions of that Act, other than section 2, of the word "Board".
- (b) section 2 of the Rice Factories Act is hereby amended by the substitution for the definition of "Centre", of the following definition -

"Board" means the Guyana Rice Development Board established by section 3 of the Guyana Rice Development Board Act 1994;

Receipts or
acknowledge-
ments to be
given on pay-
ment of
milling fees.

36. (1) Every manufacturer shall give to every rice farmer, who pays any sum of money for or on account of milling fees, a receipt or acknowledgement for such fees or portion of fees so paid.

(2) Milling fees shall not be claimed, received or recovered by a manufacturer otherwise than in money.

(3) A copy of every receipt or acknowledgement given by a manufacturer under subsection (1) shall be retained by the manufacturer for a minimum period of three years and shall be produced by the manufacturer on request made therefor by the general manager of the Board, before him or any other officer or other employee of the Board specified by him.

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PART VI

**REGULATION OF MARKETING AND EXPORT OF PADI,
RICE, ETC.**

37. (1) The Board may train persons to grade padi or rice or both.

Licensing
of persons
for grading
padi and rice.

(2) The Board may issue a licence to any person who, according to the Board is qualified to grade padi or rice or both and such licence shall specify whether the person is licensed to grade padi or rice or both.

(3) A licence issued under subsection (2) shall be in such form and subject to such conditions as may be prescribed by the Minister by regulations.

(4) The Board may levy such fees as may be prescribed by the Minister by regulations for the issue of a licence under subsection (2).

38. (1) Every rice producer shall, before selling any quantity of padi or rice, have it graded at any office of the Board or the regional grading and export office established for the region in which the padi was grown or the rice was manufactured.

Grading of
padi
and rice.

(2) Notwithstanding anything contained in subsection (1), where a manufacturer has employed a licensed grader, any quantity of padi or rice delivered to, or manufactured by, the manufacturer may be graded by such licensed grader, and where the manufacturer is purchasing padi, the seller of such padi may, if he so desires, request and obtain the presence of a representative for the Guyana Rice Producers Association at the grading of such padi, and where the quantity of padi or rice is graded by the licensed grader, it shall not be required to be graded by the Board:

Provided that any grade given by any such licensed grader shall not be binding on the Board.

39. (1) Where any licensed grader employed by a manufacturer has graded any quantity of padi or rice and the seller of the padi or the purchaser of the rice is aggrieved by the grade given by the licensed grader, he may appeal to the Board.

Appeal against
grade given
by licensed
grader
employed by
manufacturer.

(2) The Board shall inform the appellant and the concerned manufacturer and licensed grader of the date of hearing of the appeal and, after hearing such of the aforesaid persons or their legal or other representative as may appear before it on the date of hearing of the appeal as

may desire to be heard, either confirm the grade given by the licensed grader to the quantity of padi or rice or give the quantity of padi a higher grade or the quantity of rice a lower grade; and the decision of the Board shall be binding on the manufacturer, and the seller or purchaser, as the case may be, of the padi or rice.

(3) Every appeal made to the Board under subsection (1) shall be heard by the Board within forty-eight hours of the date on which it was made.

(4) Where the Board is of the opinion that the appeal is frivolous it may direct the appellant to pay the costs of the person or persons contesting the appeal.

(5) An appeal under subsection (1) shall be in such form and shall be made subject to such conditions, including payment of fees, and within such time as may be prescribed by the Minister by regulations.

Samples of
padi or
rice for
appeal.

40. Where any person disputes any grade given by a licensed grader employed by a manufacturer to any quantity of padi or rice under section 38 (2) and intends to appeal under section 39 (1) against the grade given, he shall be entitled to request the manufacturer to take three samples of the padi or rice, as the case may be, in sealed containers, one of the samples to be kept by the manufacturer, the second sample to be given to the seller of the padi or the purchaser of the rice, as the case may be, and the third sample to be sent by the manufacturer to the Board and where any such request is made, the manufacturer shall forthwith act accordingly.

Sale by
rice
producer
of rice
or padi.

41. (1) It shall be lawful for a rice producer, not being a manufacturer, to -

- (a) sell padi to a manufacturer; or
- (b) enter into a contract with a manufacturer to mill padi, delivered by him to the manufacturer, into rice and for the manufacturer or the rice producer to sell the said rice.

(2) A rice producer may sell or deliver quantities of rice to persons in Guyana for the purposes of -

- (a) their own domestic consumption;
- (b) resale to the general public, in the case of licensed shopkeepers; and

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(c) export, under sections 42 and 43 of this Act.

(3) Every rice producer shall keep a proper record of all sales of rice and padi which shall be made available for inspection by the Board at all reasonable times.

42. (1) The Board may, on the payment of such fees as may be prescribed by the Minister by regulations, grant a licence to any manufacturer, or any other person, who proposes to carry on the business of export of padi or rice or any other product of padi, to carry on that business.

Licence for export of padi or rice or other product of padi.

(2) The licence shall be in such form and subject to such terms and conditions, as may be prescribed by the Minister by regulations.

(3) No person shall after the appointed day export padi or rice or any other product of padi unless he is the holder of a licence granted by the Board under this section for carrying on the business of its export.

43. (1) Every manufacturer or other person, holding a licence granted under section 42 (1) shall, before he enters into any contract for, or involving, the export of padi or rice or any other product of padi, submit the contract to the Board for approval and he shall make the contract only in accordance with the terms and conditions approved by the Board.

Approval of contracts for export of padi or rice or other product of padi.

(2) Every manufacturer or other person, holding a licence granted under section 42 (1) may, from the quantity of padi or rice or any other product of padi in his possession, export the quantity of padi or rice or any other product of padi, of the appropriate quality, required to be exported by him in pursuance of a contract made by him in accordance with subsection (1) and shall not otherwise export any quantity of padi or rice or any other product of padi.

44. (1) The Board may for the purposes of carrying out its functions establish depots, in such of the regions as it thinks fit, for storage of rice or any other product of padi or padi to facilitate the storage of padi, rice and by products for export.

Provision of export storage facilities.

(2) The Board may permit any person, engaged in the export of padi and rice or any other product of padi to make use of the storage facilities of the Board on payment to the Board of such storage fees and other fees as may be determined by the Board.

(3) Where any exporter, uses his own storage facility for the storage of padi or rice or any other product of padi proposed to be exported by him, the Board shall advise the exporter in respect of matters relating to the management, organisation, accommodation and sanitary condition of the storage facility so as to ensure that the quality of the padi or rice or any other

product of padi will be preserved and it is not infested with insect pests or fungi and any such direction shall be complied with by the exporter.

Certificate of quality or quantity of rice proposed to be exported.

45. (1) The Minister may by order direct that no quantity of rice shall be exported by any person, unless its quality or quantity or both is or are certified by the Board or a licensed grader.

(2) The Board may, with the approval of the Minister, charge fees for certifying the quality, quantity or both of any quantity of rice under subsection (1).

PART VII

OFFENCES, PENALTIES AND PROCEDURE

Contravention of section 16 by members and employees of Board, etc.

46. Any member of the Board, or a committee appointed under section 15 (1), or of any committee of the Board, the general manager or any other officer or employee of the Board, or any officer or other employee of any committee of the Board (including a committee appointed under section 15 (1), who contravenes the provisions of section 16(1) shall be liable to a fine of ten thousand dollars and to imprisonment for six months.

Contravention of section 36.

47. Any manufacturer, who contravenes any provision contained in section 36, shall be liable to a fine of five thousand dollars and to imprisonment for six months.

Selling of padi or rice which is not graded under this Act.

48. Any rice producer, who sells any quantity of padi or rice which is not graded in accordance with the provisions of this Act, shall be liable to fine of ten thousand dollars and to imprisonment for one year.

Export of padi or rice or other products of padi by unauthorised persons.

49. Any person, who,-

- (a) not being the holder of a licence granted therefor by the Board under section 42 (1), exports, or makes a contract for the export of padi or rice or any other product of padi;
- (b) being the holder of a licence granted under section 42 (1) makes a contract for, or involving the export of padi or rice or any other product of padi -
 - (i) without obtaining the approval of the Board for the contract; or

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- (ii) not in accordance with the terms and conditions approved by the Board;
- (c) being the holder of a licence granted under section 42(1), exports padi or rice or any other product of padi otherwise than in pursuance of a contract made in accordance with section 43,

shall be liable to a fine of twenty-five thousand dollars and to imprisonment for two years and the padi or rice, or other product of padi in respect of which the offence is committed shall be forfeited.

50. Everyone who is guilty of the contravention of any provision of this Act for which no penalty is otherwise expressly provided by this Act or the Customs Act shall be liable to a fine of five thousand dollars or to imprisonment for one year.

General
penalty.
Cap. 82:01

51. Any offence created or penalty imposed by this Act may be prosecuted or recovered under the Summary Jurisdiction Acts.

Prosecution
of offences.

PART VIII

MISCELLANEOUS

52. (1) The Minister may give to the Board directions of a general character as to the policy to be followed by it in the exercise and performance of its functions and the Board shall give effect to any such directions.

Power of
Minister
to give
directions.

(2) The Board shall provide such facilities to the Minister as will enable him to verify any information furnished by it in pursuance of this section.

(3) The power of the Minister to give directions to the Board extends to the giving to it of specific directions as to the disposal of capital assets or as to the application of the proceeds of such disposals.

53. No statute of limitation shall apply to any action or suit brought by the Board or in respect of any property owned by it.

Limitation
provisions
excluded.

54. Any officer or other employee of the Board, any person acting under the direction or authority of any such officer or other employee, or any other person, not being a member of the Board or any committee constituted by or under this Act exercising or purporting to exercise any function conferred by or under this Act, shall be entitled to the protection

Protection
of officers
etc. of
Board.

Cap. 5:07

afforded by the Justices Protection Act.

Annual
Report.

55. (1) The Board shall, not later than six months after the expiry of each accounting year, submit to the Minister a report containing -

- (a) an account of its functioning throughout the preceding accounting year in such detail as the Minister may direct;
- (b) a statement of the accounts of the Board, audited in accordance with section 33.

(2) A copy of the report mentioned in subsection (1) relating to the Board, together with a copy of the report of the Auditor General relating to it, shall be laid before the National Assembly not later than nine months after the expiry of the accounting year to which it relates.

Power to
make
regulations.

56. (1) The Minister may make regulations for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing and in particular, the regulations may provide for all or any of the following matters -

- (a) the manner of publication under section 4 (4) of the grades of padi and rice and the standards for fixing the grades;
- (b) the procedure and business of the Board, or of any committee constituted by or under any provision of this Act including the intervals at which its meetings shall be held and the quorum for its meetings;
- (c) the procedure relating to the levy and collection of fees by the Board under sections 21 and 45;
- (d) the form in which and the conditions subject to which a licence may be issued under section 37 (2), and the fees payable for the issue of the licence;
- (e) the form in which and the conditions, including the payment of fees, subject to which an appeal may be made under section 39 (1) and the time

be discharged by, and be enforceable against, the Board as if the said liabilities had been incurred by the Board.

(4) All contracts, deeds, bonds, overdrafts, guarantees, agreements or other instruments or other documents, which were subsisting immediately before the appointed day and relating to the assets and liabilities of the Export Board and Centre, shall be of full force and effect against or in favour of the Board, and be enforceable as fully and effectually as if, instead of the Export Board and the Centre, the Board had been named therein or had been a party thereto.

(5) All actions or other proceedings commenced before the appointed day, for the enforcement of any right relating to any asset or liability which is transferred to the Board by this Act, and to which the Centre or the Export Board is a party, may be continued by or against the Board, and such actions or other proceedings may be amended accordingly.

(6) Notwithstanding anything contained in this Act or any other written law or contract, the appointments of all the officers and employees employed by the Export Board and the Centre immediately before the appointed day shall stand terminated with effect from that day:

Provided that the Board may if it is of the opinion that it is necessary for the purpose of carrying out the functions conferred upon it by this Act, employ from the appointed day, any of the persons, whose appointment is so terminated, as in its opinion are qualified and otherwise suitable for such employment, on terms and conditions as may be agreed upon between the Board and the person so employed, and, which taken as a whole are no less favourable than those applicable to him immediately before that date and shall in respect of any person so employed be the successor of the Centre and Export Board with regard to his leave or superannuation rights or benefits whether accrued, earned, inchoate or contingent.

Repeal
and
savings.
No. 1 of 1985

59. (1) The provisions of the Rice (Regulation of Manufacturing and Marketing) Act 1985 in so far as they relate to the National Padi and Rice Grading Centre and the Guyana Rice Export Board are hereby repealed.

(2) Notwithstanding the repeal of the provisions of the Rice (Regulation of Manufacturing and Marketing) Act 1985 mentioned

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in subsection (1)-

- (a) all orders and regulations made under the repealed provisions of the said Act, to the extent to which they could be made under this Act, shall, subject to the power of the Minister to amend or revoke them, continue in force as if they were made under this Act;
- (b) certain acts and things done under the repealed provisions of the said Act, including
 - (i) rules made or licences issued, unless amended or revoked;
 - (ii) regional offices established;
 - (iii) committees appointed, unless such appointments are amended or revoked;
 - (iv) exemptions granted, unless revoked,

to the extent to which such rules could be made or licences issued, such offices established, such committees appointed, or such exemptions granted under this Act, shall continue in force as if they were made, issued, established, appointed or granted under this Act.

(3) The Minister may by order, dissolve the Authority and transfer its assets and liabilities to a corporation incorporated under the Public Corporations Act 1988 or to any other corporate body, including a company incorporated under the Companies Act, in which the controlling interest is vested in the State or in any agency on behalf of the State, and such order may contain such provisions relating to monetary arrangements, the preservation of rights and liabilities existing immediately before the dissolution as well as such other provisions as the Minister considers necessary or expedient to give full effect to the dissolution, and upon the coming into force of such an order, the Authority shall stand dissolved and the provisions of the Rice (Regulations of Manufacturing and Marketing) Act 1985 in so far as they relate to the Authority, repealed.

(4) Where immovable property has been transferred under subsection (3), the Registrar of Deeds shall take due notice thereof and shall make such annotations on the records as may be necessary.

60. A reference in any other written law to the Centre or the Export Board shall be construed as a reference to the Board.

No. 21 of
1988
Cap. 89:01

Construction
of reference to
Centre or

Export Board
in any other
written law.

Power to
remove
difficulties.
No. 1 of 1985

61. The Minister may, for the purpose of removing any difficulty in giving effect to the provisions of this Act, particularly in relation to the transition from the provisions of the Rice (Regulation of Manufacturing and Marketing) Act 1985 to the provisions of this Act, make such order or give such direction, not inconsistent with the provisions of this Act, as appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order or direction shall be made or given after the expiry of one year from the commencement of this Act.

SCHEDULE

s. 27(5)

FLOATING CHARGE IN FAVOUR OF A BANK

In consideration of advances to be made from time to time by(hereinafter called "the Bank") to the Guyana Rice Development Board (hereinafter called "the Board") to an amount not exceeding \$.....
.....
or (by way of overdraft on current account with the Bank in such amounts as the Board may require, provided that the total outstanding amount of such overdraft shall not at any time exceed \$.....)
the Board, under and by virtue of section 27 of the Guyana Rice Development Board Act 1994, hereby assigns to and in favour of the Bank all buildings, structures or other erections, padi and rice and other products of padi, agricultural and other machinery and equipment, bags, thread or twine now or which may hereafter be in the ownership of the Board at.....in the County ofin Guyana.

Dated this day of ,19

Passed by the National Assembly on 4th August, 1994.

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

(BILL No. 12/1994)