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The following Bills which will be introduced in the National Assembly are published for general information.

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



GUYANA

BILL No. 5 of 1975.

MINERS ASSISTANCE BILL 1975

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A BILL

Intituled

AN ACT to provide for the establishment of a Miners Assistance Fund to aid miners in the orderly and effective extraction of valuable minerals.

A.D. 1975 Enacted by the Parliament of Guyana:—

PART I

SHORT TITLE AND INTERPRETATION

Short title. 1. This Act may be cited as the Miners Assistance Act 1975.

Interpretation 2. In this Act —

“application” means an application for assistance;

“assistance” means miners assistance granted to a miner for the purpose specified in this Act;

“Committee” means the Advisory Committee constituted under section 8;

“equipment” means equipment used or to be used in carrying on the extraction of valuable minerals;

“Fund” means the Miners Assistance Fund established under section 3;

“miner” means a person who prospects for, locates claims for, exploits and processes valuable minerals;

“valuable minerals” means gold and precious stones.

PART II

THE FUND

Establishment of the Fund. 3.(1) There is hereby established a Fund to be known as the Miners Assistance Fund to be applied for the purpose specified in section 5.

(2) At the commencement of this Act, the Permanent Secretary shall transfer to the Fund —

- (a) all sums appropriated by Parliament that are standing or paid to his credit, and
- (b) all sums hereafter accruing to him for the purposes specified in section 5.

4. The Fund shall consist of —

Composition
of the Fund.

- (a) sums transferred to it under section 3;
- (b) sums appropriated to it by Parliament;
- (c) sums received as repayment;
- (d) sums accruing by way of interest on moneys of the Fund deposited or invested under section 6;
- (e) sums arising from the sale of equipment; and
- (f) such other sums that may lawfully accrue to it.

5. The Fund shall be applied for the purposes specified as follows —

Application
of the Fund.

- (a) to subsidise transportation by air to a mining district;
- (b) to assist miners in the purchase of equipment for use in mining operations and of food supplies;
- (c) to establish and maintain a mine;
- (d) to purchase, install, alter or improve equipment for mining operations;
- (e) to construct, excavate, alter, repair or improve works for the purpose of mining;
- (f) to construct, paint, repair, or make any structural alterations or additions to any building on a mine other than a building used or to be used mainly as a dwelling;
- (g) to pay expenses properly incurred in the administration of this Act; and
- (h) such other purposes as the committee thinks fit.

6. The Fund shall be deposited with the Bank of Guyana and any part of the Fund that is not required for early disbursement may be invested in such securities as the Minister responsible for finance may approve.

Deposit and
investment of
the Fund.

Laying of
report before
National
Assembly.

7. The Minister shall, within six months of the end of that year, lay before the National Assembly a report on the transactions of the Fund during the preceding financial year.

PART III

ADVISORY COMMITTEE

Advisory
Committee.

8.(1) There is hereby constituted an Advisory Committee consisting of members appointed by the Minister.

(2) The Committee shall consist of the following members—

- (a) the Permanent Secretary, who shall be the chairman;
- (b) a Principal Assistant Secretary, who shall be the vice-chairman;
- (c) two technical officers of the Department of Geological Surveys and Mines;
- (d) the Chief Interior Development Officer or his representative;
- (e) a Secretary; and
- (f) not more than two persons (hereinafter referred to as appointed member) appointed by the Minister.

(3) Every appointed member shall hold office for two years from the day of his appointment, but is eligible for re-appointment.

(4) Five members present at a meeting shall form a quorum.

(5) The Minister may grant leave of absence to an appointed member.

(6) An appointed member vacates his office —

- (a) if he resigns in writing addressed to the Minister;
- (b) if he departs from Guyana without leave of the Minister or remains out of Guyana after the expiration of his leave; or
- (c) if he fails without reasonable excuse, the sufficiency whereof is determined by the Minister, to attend three consecutive meetings of the Committee.

9. The functions of the Committee are to make recommendations to the Minister in respect of — Functions of the Committee.

- (a) the establishment and operation of a scheme to assist miners;
- (b) the operation of the Fund;
- (c) the granting of assistance to miners;
- (d) the improvement and development of the mining industry and of a mining district.

10. The Committee shall meet at least once in every three months on such date as may be fixed by the Committee. Meetings of the Committee.

PART IV APPLICATION

11.(1) An application shall be made to the Permanent Secretary who shall forward it to the Committee. Application.

(2) The application shall —

- (a) be in writing;
- (b) contain information as to the purposes for which the proceeds for assistance are to be expended and as to the cost or estimated cost of carrying out such purposes; and
- (c) disclose any principal amount that the applicant owes in respect of assistance previously granted to him.

12. The Minister, upon application by a miner, may, on the recommendation of the Committee, grant assistance to the miner out of the Fund for the purposes specified in section 5 subject to such terms and conditions as the Minister may determine and to such security pursuant to section 16. Minister may grant assistance.

13. The principal amount granted on any such application together with any amount disclosed therein as required by section 11(2)(c) shall not be more than five thousand dollars. Amount of assistance.

14. The principal amount of assistance is repayable within a period not exceeding one year after the granting thereof. Repayment of assistance.

Use of assistance. 15. The miner shall not use the assistance other than for any of the purposes specified in section 5.

PART V

GUARANTEE

Security. 16. A miner shall not receive a grant out of the Fund unless he has given security which the Minister in his discretion thinks fit.

Assistance cancelled or modified. 17. At any time after the approval of the granting of assistance and before its actual payment, the approval may be cancelled or modified without a reason being furnished therefor.

Recipient to pay legal expenses. 18. Every security in respect of assistance shall be prepared by the Ministry and the miner shall pay the legal expenses in connection therewith and shall also pay all necessary disbursements.

Refusal to advance assistance. 19. Where approval is given to grant assistance by instalments and a part of the assistance has not yet been advanced the Minister may, without prejudice to any other remedy, refuse to advance a portion of the assistance if —

- (a) the miner keeps unpaid any sum of money, whether principal or interest due in respect of assistance granted;
- (b) the miner, in the opinion of the Minister —
 - (i) has not applied within a reasonable time any assistance previously granted to him by the Ministry for the purposes for which it was granted; or
 - (ii) has not carefully or economically expended the assistance;
- (c) the miner becomes insolvent or is sentenced to a term of imprisonment without the option of the payment of a fine or assigns his estate for the benefit of his creditors; or
- (d) the miner fails to comply with or to observe any condition that is attached to the grant of the assistance.

20. It is a condition in every agreement for assistance that is granted for the purposes specified in section 5 that on failure of the miner to repay the assistance within the period mentioned in section 14 the Permanent Secretary or any other officer of the Ministry authorised in writing by him, may seize and detain any valuable minerals owned by the miner or any equipment or other article relating to the mining operation for which assistance was granted and may dispose of it by sale to recover the assistance.

Condition in agreement for assistance.

PART VI REGULATIONS

21. The Minister may make regulations generally, for carrying into effect the purposes and provisions of this Act.

Regulations

PART VII OFFENCE AND PENALTY

22. Every person who —

Offence and penalty.

- (a) knowingly makes any false statement or misrepresentation in an application or document or wilfully furnishes any false or misleading information in a application or document; or
- (b) being a miner, uses the proceeds of the assistance for a purpose other than that stated in his application,

is liable on summary conviction to a fine of five hundred dollars or to imprisonment for twelve months.

EXPLANATORY MEMORANDUM

This Bill is designed to established a Miners Assistance Fund out of which assistance may be granted to miners to enable them to buy equipment to be used for the effective extraction of valuable minerals. Accordingly —

Part II provides for the establishment of the Fund, its composition, application, deposit and investment;

Part III deals with the constitution of an Advisory Committee, its functions and its meetings;

Part IV sets out the procedure for applying for assistance. It makes provisions for the amount of assistance to be granted and for its repayment and use;

Part V enables assistance to be granted out of the Fund and makes provisions for the conditions under which it is granted;

Part VI empowers the Minister to make regulations; and

Part VII provides for offences and penalty. It is an offence knowingly to make any false statement or misrepresentation in an application for assistance or other document; to wilfully furnish any false or misleading information in an application or document; to use the proceeds of the assistance for a purpose other than that stated in an application.

H. O. Jack,
Minister of Energy and
Natural Resources.

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