

**THE OFFICIAL GAZETTE 21<sup>ST</sup> DECEMBER, 2006**  
**LEGAL SUPPLEMENT — C**

**BILL No. 27 of 2006**

*Thursday 21<sup>st</sup> December, 2006*

PARLIAMENT OFFICE  
Public Buildings,  
Georgetown,  
Guyana.

21<sup>st</sup> December, 2006.

The following Bill which will be introduced in the National Assembly is published for general information.

*S. E. Isaacs,*  
Clerk of the National Assembly.



**GUYANA**

**BILL No. 27 of 2006**

**OLD METAL DEALERS (AMENDMENT) BILL 2006**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Amendment of section 2 of Principal Act.
3. Amendment of section 4 of Principal Act.
4. Amendment of section 6 of Principal Act.

5. Amendment of section 6B of Principal Act.
6. Amendment of section 7 of Principal Act.
7. Amendment of section 11 of Principal Act.
8. Insertion of new sections 11B and 11C in Principal Act.
  - 11B. Minister may suspend export of old metal.
  - 11C. Offence to export in breach of sections 11A or 11B.
9. Amendment of section 12 of Principal Act.
10. Insertion of new section 14 in Principal Act.
14. Regulations.

**A BILL**

**Intituled**

AN ACT to amend the Old Metal Dealers Act (Cap. 91:08).

A.D. 2006. Enacted by the Parliament of Guyana:-

Short title.  
Cap. 91:08

1. This Act, which amends the Old Metal Dealers Act, may be cited as the Old Metal Dealers (Amendment) Act 2006.

Amendment  
of section 2  
of Principal  
Act.

2. Section 2 of the Principal Act is amended by substituting, for the definition of "old metal", the following definition -

"old metal" -

- (a) means articles referred to in the definition of "dealer" in this section; and
- (b) includes any kind or description of metal declared by regulation to be old metal."

Amendment  
of section 4  
of Principal  
Act.

3. Section 4 (2) of the Principal Act is amended by substituting, for the words "twenty-five" and "fifteen hundred", the words "one hundred" and "six thousand" respectively.

Amendment  
of section 6  
of Principal  
Act.

4. Section 6 of the Principal Act is amended by substituting, for the word "twenty-four", the words "one hundred".

Amendment  
of section  
6B of  
Principal  
Act.

5. Section 6B (2) of the Principal Act is amended by substituting, for the word "ten", the word "forty".

Amendment  
of section 7  
of Principal  
Act.

6. Section 7 of the Principal Act is amended by substituting, for the words "seven thousand five hundred" and "one", the words "thirty thousand" and "four" respectively.

Amendment  
of section 11  
of Principal  
Act.

7. Section 11 (2) of the Principal Act is amended by substituting, for the words "five", "twenty-five", "twenty-five", and "three hundred", the words "twenty", "one hundred", "one hundred", and "one million two hundred" respectively.

Insert of new  
sections 11B  
and 11C in  
Principal  
Act.

8. The Principal Act is amended by inserting, immediately after section 11A, the following sections -

"Minister may  
suspend export  
of old metal.

11B. (1) The Minister may by order prohibit all old metal, or any specified kind or description of old metal, from being shipped or otherwise exported from Guyana for a specified period of time not exceeding one year, if the Minister

considers it necessary or expedient in the interests of preventing or curbing any illegal activity.

(2) An order under subsection (1) has effect notwithstanding -

(a) any licence, permit, approval, permission, or other kind of consent or authorisation issued or granted under any written law;

(b) anything to the contrary in section 11(1) (f) or 11A or any other provision of this Act.

(3) No person shall ship or otherwise export from Guyana any old metal in contravention of an order under subsection (1).

Offence to export in breach of sections 11A or 11B.

11C. Every person who contravenes or fails to comply with sections 11A(1) or 11B(3) commits an offence and shall on summary conviction be liable -

(a) for a first offence, to -

(i) a fine of not less than twenty thousand dollars and not exceeding one hundred thousand dollars; and

(ii) imprisonment for a term not exceeding 3 months;

(b) for every subsequent offence to -

(i) a fine of not less than one hundred thousand dollars and not exceeding one million two hundred thousand dollars; and

(ii) imprisonment for a term not exceeding 1 year."

Amendment of section 12 of Principal Act.

9. Section 12 of the Principal Act is amended by substituting, for the word "twenty-five", the words "one hundred".

Insertion of new section 14 in Principal Act.

10. The Principal Act is amended by inserting, after section 13, the following section -

Regulations.

14. The Minister may make regulations for all or any of the following purposes -

- (a) declaring any kind or description of metal to be old metal for the purposes of paragraph (b) of the definition of “old metal” in section 2;
- (b) increasing or reducing the annual registration fee specified in section 6;
- (c) amending any Schedule to this Act;
- (d) providing for any other matters necessary for giving full effect to the provisions of this Act and for the due administration of these provisions.”

**EXPLANATORY MEMORANDUM**

This Bill seeks to amend the Old Metal Dealers Act (Cap. 91:08) (“the Principal Act”).

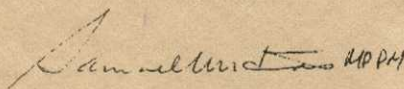
**Clause 1** sets out the short title.

**Clause 2** amends the definition of “old metal” in section 2 of the Principal Act to allow the Minister to prescribe any kind of metal to be “old metal” for the purposes of the Principal Act.

**Clauses 3 to 7, and 9**, amend various sections of the Principal Act to increase the annual registration fees for old metal dealers, and increase the penalties provided for offences, to levels more appropriate to the present. The new fees and penalties were derived by multiplying the current fees and penalties (that were inserted by the Old Metal Dealers (Amendment) Act 1991) approximately by four.

**Clause 8** inserts a new section 11B in the Principal Act to allow the Minister to suspend the export of all old metal, or selected kinds of old metal, for a period of up to one year. The Minister may impose this suspension when the Minister considers it necessary or expedient in the interests of curbing illegal activity.

**Clause 10** inserts a new section 14 in the Principal Act to allow regulations to be made to change the annual registration fee payable by dealers, amend the Schedules to the Act, and for any other purpose necessary to give effect to the Act.

A handwritten signature in dark ink, appearing to read "Samuel M. Doe" followed by "MD PM". The signature is written in a cursive style.

**Prime Minister**