

TIMBER EXPORT ACT

[17TH SEPTEMBER, 1973]

1. This Act may be cited as the Guyana Timber Export Act.

2. In this Act—

“Commission” means the Guyana Forestry Commission established by section 3 of the Guyana Forestry Commission Act;

“export” with its grammatical variations and cognate expressions means export from Guyana;

“forest produce” includes timber and trees;

“producer” means—

(a) a person licensed under the Forests Act to operate a sawmill;

(b) a person licensed under the Forests Act to carry on the business of purchasing timber for sale;

(c) the holder of a lease of State forest or State lands for woodcutting purposes;

“registered producer” means a producer registered for the purposes of this Act by the Commission under section 3;

“timber” includes logs, tiles, poles, sawn lumber hewn and sawn squares, and such other wood products as the Minister may prescribe from time to time by notice published in the Gazette.

3. (1) Subject to this Act, it is the function of the Commission to regulate the export of timber, and without prejudice to the generality of the foregoing, that function in particular, includes—

(a) the registration of persons as producers for the purposes of this Act subject to such terms and conditions as the Commission may think fit to impose except that the Commission shall not register a producer unless the approval of the Minister has been obtained by the Commission.

(b) the charging of fees for services rendered by the Commission to registered producers and other persons.

(2) A producer may make application to the Commission for registration under this Act and the application shall be in such form and shall contain such information as the Commission may require.

(3) Without prejudice to subsection (1), it is the function of the Commission to recommend to producers programmes for maintaining, controlling and regulating supplies of timber so as to regulate exports of timber in a manner calculated to serve the best interests of the economy of Guyana and, for the furtherance of those purposes, the Commission may recommend to producers programmes for regulating or prohibiting the exportation of timber or any species thereof and for controlling the prices at which timber may be sold for export.

(4) For the purpose of giving effect to the foregoing provisions of

this section and in furtherance of the exercise of its functions under section 5, the Commission shall have the exclusive right to receive orders for the purchase of timber for export and to allocate orders among registered producers.

(5) The Commission may cancel the registration of a producer for the breach of any term or condition imposed by the Commission under subsection (1) or if the Commission considers that it is in the public interest to do so.

(6) The registration of a producer or the cancellation thereof shall be notified in the Gazette and shall be officially and judicially noticed.

4. (1) Any member of the Commission whose interest is likely to be affected whether directly or indirectly by a decision of the Commission on any matter whatsoever, shall disclose the nature of the interest at the first meeting of the Commission at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Commission, and after the disclosure, the member of the Commission making the disclosure shall, unless the Commission otherwise directs, not be present, or take part in the deliberation or vote at any meeting during the time when such matter is being decided by the Commission.

(3) For the purposes of this section, where the interest of parents, spouse or children of any member of the Commission is likely to be affected directly or indirectly by a decision of the Commission on any matter, such interest shall be deemed to be the interest of that member.

(4) The Minister may revoke the appointment of any member of the Commission who contravenes or fails to comply with the provisions of this section.

5. (1) Except with the permission in writing of the Commission, no person other than the Commission, shall export timber and such permission may be given subject to such terms and conditions as the Commission may deem fit to impose.

(2) In the exercise of its functions as the exporter of timber pursuant to this Act, the Commission may appoint agents and may enter into arrangements with registered producers for the purpose of facilitating the export of timber.

(3) Every producer applying to the Commission for registration under this Act shall submit to the Commission with his application all subsisting contracts, orders or other agreements for the export of timber to be fulfilled by him.

(4) The grant by the Commission of any permission under subsection (1), including any terms and conditions imposed in relation thereto, shall be subject to the approval of the Minister.

6. (1) The Commission shall maintain a fund into which shall be paid all such moneys as may, from time to time, be placed at the disposal of

the Commission for the purposes of this Act by Parliament, and such other moneys as may lawfully be paid to the Commission; and out of the fund shall be paid all expenses incurred by the Commission in carrying out its functions under this Act and all other liabilities properly incurred by the Commission.

(2) The Commission shall manage, administer and keep proper accounts of the fund.

7. The Commission may, with the approval of the Minister responsible for finance, borrow sums required by the Commission for meeting any of its obligations or discharging any of its functions.

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

9. (1) The accounts of the Commission shall be audited annually by an auditor appointed by the Minister.

(2) The Minister may, at any time, appoint an auditor to examine the accounts of the Commission and to report thereon to him.

(3) The members, officers and other employees of the Commission shall grant to the auditor so appointed access to all books, documents, cash and securities of the Commission and shall give to him on request all such information as may be within their knowledge in relation to the operations of the Commission.

(4) An auditor appointed under this section has power to summon and examine all persons whom he shall think fit to examine for the purpose of obtaining information in connection with the examination and audit of the accounts of the Commission and respecting all other matters and things whatever necessary for the due performance of the functions vested in him; and if any person summoned as aforesaid is not a public officer, or a member or an officer or other employee of the Commission he is entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

(5) Any person summoned under subsection (4) who without reasonable excuse makes default in obeying such summons is liable on summary conviction to a fine of three thousand two hundred and fifty dollars or, in default of payment, to imprisonment for one month.

(6) The Commission may, with the approval of the Minister, write off bad debts.

10. (1) The Commission shall not later than six months after the end of each calendar year submit to the Minister and the Guyana Forestry Commission a report containing—

(a) an account of its transactions throughout the preceding calendar year in such detail as the Minister may direct; and

(b) a statement of the accounts of the Commission audited in accordance with section 9.

(2) A copy of the report together with a copy of the auditor's report shall be printed and laid before the National Assembly.

11. (1) The Minister may, after consultation with the Commission, give to the Commission directions of a general character as to the policy to be followed by the Commission in the performance of its functions as appear to the Minister to be requisite in the public interest, and the Commission shall give effect to any such directions.

(2) The Commission shall afford to the Minister facilities for obtaining information with respect to the property and activities of the Commission and furnish him with returns, accounts and other information with respect thereto, in such manner and at such times as the Minister may require.

12. The Limitation Act does not apply to proceedings instituted by the Commission.

13. Monies due to the Commission may be recovered by parate execution without prejudice to any other right of recovery available to the Commission by virtue of any other law.

14. Any person who—

(a) breaches any term or condition imposed by the Commission pursuant to section 3(1) (a) or 5(1);

(b) is convicted for a contravention of section 5(1), is liable on summary conviction to a fine of one hundred and thirty thousand dollars and to imprisonment for twelve months.

15. The Minister may make regulations generally for the purpose of carrying out the provisions of this Act.