

THE OFFICIAL GAZETTE — 22ND MARCH, 1975
LEGAL SUPPLEMENT — C

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.
21st March, 1975. *

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

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

GUYANA

BILL No. 13 of 1975

TRADE (AMENDMENT) BILL 1975

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amednment of section 5 of the Principal Act.

A BILL

Intituled

AN ACT to amend the Trade Act.

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

Short title. 1. This Act, which amends the Trade Act, may be cited as
Cap. 91:01. the Trade (Amendment) Act 1975.

Amendment of section 5 of the Principal Act. 2. Section 5 of the Principal Act is hereby amended by the addition thereto of the following subsections —

“(5) Where a court convicts a licensee of premises licensed for the carrying on of business under section 20 or 22 of the Tax Act, or his agent, or his employee, for the offence of refusing in the course of carrying on that business to see goods in breach of an order made under this section or of selling goods at a price in excess of the maximum price prescribed therefor by such an order and on a previous occasion subsequent to the coming into operation of this subsection a conviction for one of those offences arose out of the carrying on of a business in which that licensee was involved, then notwithstanding anything to the contrary in any other law, and without prejudice to any other penalty which may be imposed by the court —

- Cap. 80:01
- (a) the licence in respect of the said premises shall be deemed to be void and of no effect;
- Cap. 80:01
- (b) no licence under the aforementioned sections of the Tax Act shall be issued during the period of disqualification mentioned in paragraph (c) in respect of the said premises, if such premises are owned by the licensee or his agent, or his employee, unless the written approval of the Minister responsible for trade is first obtained, which approval shall not be given prior to the expiration of two years from the date the disqualification commenced where the premises are situated in

Georgetown, New Amsterdam or in any other town established under the Municipal and District Councils Act; and

Cap. 28:01

- (c) the licensee, and his agent or employee if he is a member of the household of the licensee, shall thereupon be deemed to be disqualified from holding a licence under the Act and from engaging in a business of a like nature for a period of five years:

Cap. 80:01

Provided that the licensee or his agent or his employee who by virtue of a conviction under this Act is disqualified as aforesaid may, at any time after the expiration of two years from the date of that conviction, and from time to time, apply in writing to the Minister responsible for trade for the removal of the disqualification and on any application the Minister may inform the Licence Revenue Officer of his decision on the application.

- (6) A licensee who, after the coming into operation of this subsection, is convicted for an offence referred to in subsection (5), or whose agent or employee is convicted therefor, shall at the time of that conviction, or within three days thereafter, submit to the clerk of the court by which he or his agent or his employee was convicted —

- (a) the licence mentioned in subsection 5 (a);
 (b) written particulars of the ownership of the premises mentioned in the licence; and
 (c) the names of those persons employed by him in the carry on of his business on those premises, or who act as his agents therein, and information as to any of them being part of his household,

and upon that submission if the disqualification under subsection (5) applies, the clerk shall forward the licence and statement to the authority by which the licence was issued.

Cap 80:01 (7) The provisions of subsection (5) (other than paragraphs (a) and (b) thereof) and of subsection (6) shall *mutatis mutandis* apply to a person carrying on, or assisting in the carrying on of, or employed in, a business on premises which would, but for section 21 of the Tax Act, be required to be licensed under section 20 or 22 of that Act subject to the following modifications, that is to say, —

- (a) the reference to the licence in subsection 5 (a) shall be construed as a reference to the licence under which premises situated in a public market are occupied;
- (b) the requirement of the clerk of court to forward a licence and statement shall be construed as a requirement to inform the Clerk of Markets or other competent authority of the conviction and determination of the licence of occupancy,

and upon the determination of any such licence the licensee shall vacate the premises within one month of the determination.

Cap. 3:04 (8) Notwithstanding anything to the contrary in the Summary Jurisdiction (Appeals) Act, the provisions of paragraphs (a), (b) and (c) of subsection (5) shall operate pending any appeal brought by a person against his conviction for an offence as mentioned in that subsection.

- (9) Any person who —
- (a) uses premises in breach of a disqualification imposed under subsection (5); or
 - (b) while subject to a disqualification imposed under subsection (5) or (6) does any act which involves, or is preparatory to, a breach of that disqualification; or
 - (c) fails to comply with any of the requirements of subsection (6) or (7), or makes any false statement for the purposes thereof,

shall be liable on summary conviction to a like penalty as is provided for by subsection (4).”

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Trade Act to impose upon a person who carries on a business on premises licensed under section 20 or 22 of the Tax Act, or in a public market, and any of his agents or employees, who are members of his household, a disqualification for a period of five years from holding a licence under those provisions or engaging in such a business in a market. The disqualification arises by reason of the conviction of that person, or his agent or employee, for refusing to sell price controlled articles or for selling such articles in excess of the maximum prices prescribed by law subsequent to a previous conviction against that person, or his agent or employee for like offences in relation to a business in which that person was engaged.

Provision is further made for prohibiting such a licence being issued during the period of disqualification in respect of those premises if they are owned by the licensee, his agent or employee unless the Minister responsible for trade otherwise determines upon application made to him but where the premises are situated in Georgetown, New Amsterdam or any other town established under the Municipal and District Councils Act, an application may only be made after the expiration of two years.

Where the business premises are in a public market, the occupier is prohibited from continuing in occupation of the premises.

Geo. A. King,
Minister of Trade and Consumer Protection.

(Bill No. 13/1975)

(T: 18/0/2)