

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

1989—01—05.

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. 2 of 1989

MISCELLANEOUS ENACTMENTS (AMENDMENT) BILL 1989

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of certain enactments.

SCHEDULE

A BILL

Intituled

AN ACT to amend certain enactments

A.D. 1989 Enacted by the Parliament of Guyana .—

Short title, 1. This Act may be cited as the **Miscellaneous Enactments (Amendment) Act 1989.**

Amendment of certain enactments, 2. The enactments specified in the first column of the Schedule are hereby amended in the manner specified in the corresponding entry in the second column of that Schedule.

SCHEDULE

Section 2

Enactments	Amendments
Summary Jurisdiction (Appeals) Act, Cap. 3:04	
Section 9(1)	After "severe" insert "or unduly lenient".
Summary Jurisdiction (Procedure) Act, Cap. 10:02	
Section 37	After "exceeding" insert "seven thousand".
Section 38	For the words beginning with "where the sum" and ending with "six months" substitute — <div style="text-align: right; margin-right: 20px;"> "where the sum of money adjudged to be paid by an order exceeds \$100.00 but does not the period shall not exceed — does not exceed \$100.00 ten days; twenty-one days; exceed \$150.00 twenty-one days; </div>

Enactments

Amendments

exceeds \$150.00 but does not
exceed \$750.00
six weeks,

exceeds \$750.00 but does not
exceed \$4000.00
three months,

exceeds \$4000.00 but does not
exceed \$7500.00
five months,

exceed \$7500.00
nine months.”

Section 61 (1)

The Proviso

For “three years” substitute “five years” and for
“four thousand” substitute “fifteen thousand”

Exchange Control Act,
Cap. 86:01
FIFTH SCHEDULE
PART II

Paragraph 1
Subparagraph 3 (a)

For “and to imprisonment for two years” substitute
“together with imprisonment for three years”.

Subparagraph 3 (b)

For “and to imprisonment for four year ” substitute
“together with imprisonment for six years”.

Paragraph 2
Subparagraph 5

After subparagraph (4) insert the following sub-
paragraph as subparagraph (5) —

“(5) In any proceedings for an offence
punishable under this Act or the
Cap. 82:01 Customs Act where the offence
is concerned with any gold,
foreign currency, cheque or
security it shall be presumed,
until the contrary is proved,
that —

(a) the said gold —

(i) where it is a coin, is
genuine legal tender

Enactments	Amendments
	<p>validly issued in the country of issue by the duly authorised person or authority appearing on the face thereof;</p> <p>(ii) where it is bullion, is genuine;</p> <p>(b) the said currency is genuine legal tender validly issued in the country of issue by the duly authorised person or authority appearing on the face thereof;</p> <p>(c) the said cheque or security is valid."</p>
<p>Medical Service Ordinance, Cap. 134 of 1953 ed.</p>	
<p>Section 16(1) Paragraph (c)</p>	<p>For "three" substitute "five".</p>
<p>Section 20</p>	<p>For "three" substitute "four".</p>
<p>Public Health Ordinance, Cap. 145 of 1953 ed.</p>	
<p>Section 22(1) Paragraph (b)</p>	<p>For the full stop at the end substitute a colon and insert the following proviso —</p> <p>"Provided that where the suspected infectious disease is the disease Acquired Immune Deficiency Syndrome (AIDS), any notice or certificate mentioned in paragraph (a) or (b) shall be sent to the Minister and to no other person."</p> <p>For "a penalty not exceeding ten dollars" substitute —</p>
<p>Section 22(2)</p>	<p>"(i) where the infectious disease is the disease Acquired Immune Deficiency</p>

Enactments

AMENDMENTS

Syndrome (AIDS), a fine not exceeding five thousand dollars and imprisonment for not more than three years;

- (ii) where the infectious disease is a disease other than Acquired Immune Deficiency Syndrome (AIDS), a fine not exceeding five thousand dollars or imprisonment for not more than three years'.

Maritime Boundaries
Act,
Act No. 10 of 1977

Section 24(A)

Insert after section 24 the following section as section 24A —

^{“Prohibition of sale or purchase of fish at sea,} 24A. (1) An owner or person in charge of, or any other person on, a fishing boat engaged in fishing in the fishery zone or in the territorial sea shall not sell or otherwise transfer possession of the whole or part of the catch of fish of such boat before the boat moors at a wharf, fishing dock or landing place —

- (a) in any river or creek in Guyana flowing into the Atlantic or in any river or creek flowing into a river or creek flowing into the Atlantic;
- (b) on the Atlantic coast of Guyana; or
- (c) on the coast on any island forming part of Guyana.

- (2) Any person who contravenes the provisions of subsection

(1) shall be liable on summary conviction to a

Enactments**Amendments**

fine of two hundred thousand dollars and to imprisonment for five years, and the court, on convicting any person under this subsection, shall order the forfeiture of the fishing boat in relation to which the offence was committed, together with all fishing gear, net, line, stake, instrument, appliance and fish on the aforesaid fishing boat.

- (3) An owner or person in charge of, or any other person on, a boat (whether or not it is a fishing boat) shall not buy, or otherwise obtain possession of the whole or part of the catch of fish of a fishing boat where the sale or otherwise transferring possession, of such fish shall constitute a contravention of subsection (1).
- (4) Any person who buys or, otherwise acquires possession of, any fish in contravention of subsection (3) shall be liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for five years and the court, on convicting any person under this subsection, shall order the forfeiture of the boat in which any quantity of fish was found as a consequence of buying, or otherwise obtaining posses-

Enactments

Amendments

sion of, such fish in contravention of subsection (3), together with all fishing gear, net, line, stake; instrument, appliance and fish on the aforesaid boat.

(5) In a case where the owner or person in charge of a boat is charged with an offence against subsections (3) and (4), and it is proved that any quantity of fish was found on the boat while it was in the territorial sea or fishery zone, the burden of proving that the fish on the boat was lawfully acquired shall be on the owner or person in charge of the boat.

(6) In this section —

(a) “boat” includes —

(i) any vessel or ship; or

(ii) any other craft used, or which can be used, for transporting men, animals or goods on the sea, river or any other water course;

(b) “wharf” means a wharf, a fishing dock or landing place appointed by the Minister by

notice in the *Gazette* as a place where fish, being the catch of any boat, may be discharged.”.

Section 27 (4)

For “net” substitute “fishing gear, net”.

Section 27 (7)

For “net” wherever it occurs substitute “fishing gear, net” and in paragraph (a) for the words “disposed of in such manner as the court may think fit” substitute “forfeited to the State”.

Section 28A

Insert after section 28 the following section as section 28A —

“Chief Fisheries Officer may restore anything seized,

28A. Subject to the approval of the President (which approval may be signified by general directions to the Chief Fisheries Officer) and notwithstanding any-

Enactments**Amendments**

thing contained in this Part, the Chief Fisheries Officer may restore anything seized under this Act at any time prior to the commencement of proceedings in any court against any person for an offence under this Act”.

Acquisition of
Lands (Not
Beneficially Occupied)
Act 1984

Act No. 2 of 1984
Section 2

In the definition of “land” after “includes” Insert
“all buildings thereon and”.

EXPLANATORY MEMORANDUM

Section 9(1) of the Summary Jurisdiction (Appeals) Act, Cap. 3:04, is sought to be amended to allow an appeal to be brought in a case where the sentence was unduly lenient.

Section 37 of the Summary Jurisdiction (Procedure) Act, Cap. 10:02, is sought to be amended to increase from five hundred dollars to seven thousand five hundred dollars the fine which a court may impose in lieu of imprisonment. Section 38 sets out the scale of imprisonment which a person must serve for non payment of a fine. For instance when the sum of money adjudged to be paid by an order does not exceed \$10.00 the period of imprisonment shall not exceed seven days. Because of the increased penalties to be effected by the Summary Jurisdiction (Offences) (Amendment) Bill the present scale contained in section 38 aforesaid is incongruous. It is therefore sought to substitute in section 38 a new scale of fines and imprisonment that is in harmony with the aforesaid increased penalties. Section 61(1) is sought to be amended to increase from three years to five years the term of imprisonment, and from four thousand to fifteen thousand dollars the fine which a court may impose where there is a summary trial of an indictable offence.

Paragraph 1 of Part II of the Fifth Schedule to the Exchange Control Act, Cap 86:01, is sought to be amended to increase the punishment for offences, including those in relation to gold, foreign currency; cheques and securities. It is also sought to insert a new subparagraph in paragraph 2 of the said Part to provide that in proceedings concerned with gold, foreign currency, cheques and securities, the said gold; foreign currency; cheques and securities shall be presumed to be genuine, until the contrary is proved.

Section 16 of the Medical Service Ordinance, Cap. 134, 1953 ed., is sought to be amended to increase the membership of the Medical Board from five to seven in an attempt to render the Board more effective. A consequential amendment is sought to be made to section 20 the said Act.

Section 22 of the Public Health Ordinance, Cap. 145, 1953, ed., is sought to be amended to provide for the notification of the disease AIDS to the Minister and to provide for heavy penalties for failure to so notify this disease or any other infectious disease.

The Maritime Boundaries Act 1977 (No. 10 of 1977) is sought to be amended by the insertion of two new sections in, and by the amendment of section 27 of the Act. The new section 24A creates the specific offence of transferring possession at sea of the catch of a fishing boat or the taking by anyone of possession of the catch of the fishing boat before such boat reaches a wharf, fish dock or landing place in Guyana, as designated by the Minister. Section 27 of the Act is sought to be amended to put it beyond doubt that where any boat, fishing gear, net, line, stake, instrument or appliance is suspected to have been used in the commission of any offence under the Act, a court convicting any person therefor may order such boat, fishing gear, net, line, stake, instrument or appliance to be forfeited to the State. The new section 28A empowers the Chief Fisheries Officer to restore, before the commencement of proceedings in any court, anything seized in respect of offences under the Act.

Section 2 of the Acquisition of Lands (Not Beneficially Occupied) Act 1984 (No. 2 of 1984) is sought to be amended to extend the definition of the term "land" to include all buildings thereon.

K. S. Massiah,
Attorney General,
and Minister of Legal Affairs.

(Bill No. 2/1989)