

LAWS OF GUYANA

STATE LANDS ACT

CHAPTER 62:01

**Act
32 of 1903**
Amended by

11 of 1971
1 of 1972
4 of 1972
9 of 1977
20 of 1989

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1929 Ed.

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STATE LANDS ACT

32 of 1903

**An Act to provide for the proper regulation of the State
Lands, Rivers, and Creeks of the State.**

[26TH SEPTEMBER, 1903]

LAWS OF GUYANA

6

Cap. 62:01

State Lands

Short title.

1. This Act may be cited as the State Lands Act.

Interpretation.
[4 of 1972]

2. In this Act—

“boat” means any vessel or craft, and includes the tackle, apparel, and furniture belonging thereto or used therewith;

“Commissioner” means the Commissioner of Lands, or, in the absence of the Commissioner, the officer of the department next in rank;

“department” means the Lands Department;

c. 65:01

“mineral” means gold, silver, precious stones, and any valuable mineral to which the Mining Act applies;

c. 67:01

“officer” means any officer of the department, and any forest officer under the Forests Act;

“State lands regulations” means any regulations made under the authority of section 17;

“vehicle” means anything used in conveying on land any substance or thing seized or liable to seizure under this Act, and includes any animal attached to or used with the vehicle, together with all harness, tackle, and appurtenances.

GRANTS, LEASES AND LICENCES

Issue of grants,
leases and
licences.
[4 of 1972
9 of 1977]

3. (1) Subject to this Act or the Forests Act, the President may—

- (a) make absolute or provisional grants of any State lands of Guyana, subject to such conditions (if any) as he thinks fit or as are provided by the regulations for the time being in force;

c. 67:01

- (b) grant leases of any State lands of Guyana for such terms, and subject to such conditions (if any) as he thinks fit or as are provided by those regulations, or the Forests Act or any regulations made thereunder;
- (c) subject to paragraphs (e) and (f), authorise the Commissioner to issue licences to occupy any State lands for any of the following purposes, namely, agriculture or taking or obtaining any substance or thing found in those lands, or any other purpose beneficial to the occupier;
- (d) subject to paragraphs (e) and (f), authorise the Commissioner to give permission to occupy any of those lands for any of those purposes, or to take or obtain any substance or thing found therein without giving any exclusive right to occupy any specified part thereof;
- (e) authorise the Conservator of Forests to issue licences to occupy any State Lands for the purpose of cutting wood in the forest thereon, or of taking or obtaining any balata or such other substance or thing found in those lands as the Minister may by order designate for the purposes of this paragraph, or to give permission to occupy any of those lands for any of the purposes mentioned in this paragraph without giving any

exclusive right to occupy any special part thereof; or

- (f) authorise the Commissioner of Geological Surveys and Mines to issue licences to occupy any State Lands for the purpose of quarrying stone, or gravel, or kaolin and other clays, or taking or obtaining any stone or such other substance or thing found in those lands as the Minister may by order designate for the purposes of this paragraph, or to give permission to occupy any of those lands for any of the purposes mentioned in this paragraph without giving any exclusive right to occupy any specified part thereof:

Provided that no grant, licence or permission, shall be issued under this Act authorising anyone to take or obtain from State lands any mineral, but all licences to take or obtain minerals shall be issued under the Mining Act.

c. 65:01

(2) References in this Act to the 'Commissioner' shall, in so far as they relate to any matter for which—

- (i) the Conservator of Forests may be authorised under subsection (1)(e);
(ii) the Commissioner of Geological Surveys and Mines may be authorised under section (1)(f),

shall be construed and have effect as references to the Conservator of Forests and the Commissioner of Geological Surveys and Mines, respectively and any authority conferred upon the Commissioner prior to the coming into operation of

the subsection in respect of the matters referred to in paragraphs (i) and (ii) respectively shall have effect as an authority conferred upon the Conservator of Forests and the Commissioner of Geological Surveys and Mines, as the case may be.

Conversion of
State lands into
Government
lands.
[4 of 1972]

4. Whenever the President deems it expedient that any State lands should be converted into Government lands, the President may issue a grant of those lands, subject to such conditions (if any) as he thinks fit, to the Commissioner and his successors in office for and on behalf of the State as Government lands and thereupon such lands shall be held by the Commissioner and his successors in office as Government lands.

CONDITIONS AND LIMITATIONS

Reservation of
minerals.

5. No grant or sale of any State lands made under this Act shall be deemed to confer any right to any mineral therein, and all minerals notwithstanding the grant or sale, shall be deemed to remain and, shall remain the absolute property of the State.

Where grant or
licence is to be
set up for sale at
auction.

6. (1) The President, in any case in which he deems it expedient to do so, may direct that any grant, licence, or permission shall be exposed to public competition at auction.

(2) Unless the President in any case otherwise directs, when two or more applications are made in respect of the same tract of State land, all being for a grant thereof, or all for a licence of occupancy thereof, for the same purposes, and more than one of the applications are received before notice of any one of them has been published, the grant or licence of occupancy for which application is made shall be exposed to public competition at auction.

(3) When two or more applications are made in respect of the same tract of State land, some being for a grant

and some for a licence of occupancy for a stated purpose, or all being for licences of occupancy but not all for the same purpose, and more than one of the applications are received before notice of any one application has been published, the President shall direct that a grant, or (if it appears to him expedient) a licence of occupancy for any of the said purposes he deems best, shall be exposed to public competition at auction.

(4) In all cases other than those hereinbefore specified, no grant or licence of occupancy for which application is made shall be exposed to public competition at auction unless the President in any case otherwise directs.

Where grant or
licence put up
to auction.

7. Where a grant, licence, or permission, is exposed to public competition, the following regulations shall be observed:

- (a) public notice of the time and place at which the grant, licence or permission will be exposed to public competition shall be given for at least twenty-one days before the day on which it is so exposed to public competition;
- (b) the Commissioner, or any officer of the department authorised by the Commissioner, shall expose to public competition at auction the grant, licence, or permission which the Government has sanctioned being so exposed at auction;
- (c) where application is made under this Act, for any grant, licence, or permission, the land proposed to be comprised in the grant, licence, or permission may be exposed to public

		competition at auction as a whole, or may be divided and separately exposed to public competition, as appears to be most advantageous to the public interest; and
	(d)	the person offering the highest sum at the public competition shall, if a grant, licence, or permission is issued to him, pay the auction duties payable by the purchaser on sales at public auction.
Right of highest bidder.	8.	Where a grant, licence, or permission is exposed to public competition, the person offering the highest sum (if the highest sum is equal to or above any upset price fixed) shall be deemed to have a preferent claim to the grant, licence, or permission if the President deems it expedient to issue it, but nothing herein contained shall be deemed to give anyone a right thereto.
Objection to grant or licence.	9.	Anyone claiming any interest in land proposed to be included in a grant, licence, or permission under this Act or having any reason to oppose the issue of a grant, licence, or permission, may lodge in the office of the Commissioner his reasons for opposition, which must be in writing, and the grant, licence, or permission so opposed shall not be issued until the President has decided on the validity of the opposition.
No right to issue of grant or licence. [4 of 1972]	10.	In no case whatsoever shall it be compulsory on the President to grant, sell, or dispose of any portion of the State lands of Guyana, or to issue any licence or permission under this Act.
Power to resume for public purposes lands	11.	The President may at any time direct that any land specified on a licence or permission shall be taken and used for public purposes, on payment of such

licensed.

compensation as, having regard to all the circumstances of the case, he deems reasonable.

Power of entry
and search.
c. 67:01

12. Any officer of the department and any forest officer under the Forests Act may, with his assistants, if any, at any reasonable time, enter upon any vessel, wharf, or premises, and search for, and if found inspect, any article which he has any reasonable ground to believe has been illegally obtained from the ungranted or unlicensed State lands of Guyana.

Continuance of
conditions of
grant not-
withstanding
sale or
mortgage.

13. Anyone who by any transport, conveyance, or devolution of any kind or description, becomes the owner of any State lands whereof a grant, subject to conditions, has been made, during the period for which those conditions are framed to subsist, shall, notwithstanding any of the regulations for the time being in force authorising the transfer or mortgage of those lands, during the subsistence of the conditions as private lands, and, notwithstanding any Act or law to the contrary, hold those lands subject to the same terms and conditions as if he had been the original grantee thereof.

FORFEITURE AND DETERMINATION OF GRANT, LICENCE, OR PERMISSION

When grants
determine.

14. Where any condition of any grant, licence, or permission is not fulfilled, or where any regulation is not observed, the grant, licence, or permission may be revoked by the President and it shall thereupon cease and determine.

Effect of
determination.

15. Where any grant, licence, or permission in any way determines, all buildings and erections on the land at the time when it determines, shall belong absolutely to the State.

Unpaid rent
may be
recovered by
parate
execution on

16. Where any grant, licence, or permission determines in consequence of non-compliance with any condition or any of the regulations, the unpaid portion of any rent to be paid in respect of the unexpired portion of the term

determination
of grant.
[22 of 1932]

mentioned in the licence or permission shall fall due and become payable and may be recovered by parate execution against the licensee or holder of the permission and his sureties.

GENERAL REGULATIONS

Regulations.
[6 of 1997]

17. (1) Subject to negative resolution of the National Assembly, the Minister may from time to time make regulations for any of the purposes of this Act.

(2) The regulations may prescribe the fees, royalties, and rents payable or chargeable for or in respect of all matters under this Act.

(3) Any regulation may provide that—

(a) anyone not complying therewith shall be liable to a penalty not exceeding forty-eight thousand seven hundred and fifty dollars;

(b) in the event of non-compliance therewith, any grant, licence, or permission shall be revoked in addition to any other penalty;

(c) the holder of any grant, licence, or permission shall be liable for any penalty for a breach thereof committed by any member of his family, or by anyone living with or employed by him.

(4) The regulations shall be published in the *Gazette* and shall have the force of law.

(5) The Minister may make regulations relating to

the use of canals and dams constructed on State lands not held under grant, lease, licence or permission, and may in such regulations prescribe the tolls to be charged, levied and collected for the passage of boats of any kind along any canal and for the privilege to catch fish therein and for the right of passage over or along any dam.

(6) In subsection (5) the expression "canal" includes "trench".

REGULATIONS AS TO RUPUNUNI CATTLE TRAIL

Rupununi
cattle trail.
[36 of 1930]

18. (1) The Minister may prescribe by regulation the payment of tolls for the passage of cattle over the trail or path made through the State savannahs and forests extending from Annai on the Rupununi river by way of Kurupukari on the Essequibo river to terminal points at Takama on the Berbice river, and Hyde Park on the Demerara river, including any extensions or deviations of the path hereafter made.

(2) The Minister may make regulations—

(a) as to the tolls which may be charged in respect of the passage of cattle over the trail and the collection thereof; and

(b) generally, for carrying into effect the provisions of this section.

(3) Where any person has by contract with the Government undertaken the maintenance of the cattle trail, the Minister may authorise in writing such person to collect and retain all tolls which are payable by virtue of this section.

Collection of
tolls.

(4) Any person so authorised as aforesaid shall without further authority be entitled to take all necessary

proceedings in any competent court to enforce payment of any such tolls.

Penalty where
no special
penalty
imposed.
[6 of 1997]

19. Everyone who commits a breach of any of the regulations for which no special penalty is provided shall be liable to a fine of nine thousand seven hundred and fifty dollars.

OFFENCES

Trespass on
State lands.
[6 of 1997]

20. Everyone who trespasses on or unlawfully occupies any of the State lands shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months:

Provided that—

- (a) no one shall be deemed a trespasser on, or to have unlawfully occupied, any of the State lands under this section who proves, to the satisfaction of the magistrate before whom he is brought—
 - (i) that he was travelling and reasonably occupied or used the lands for the purposes of his journey; or
 - (ii) that he was authorised to occupy or use the lands by the Minister or by any other person having authority under this Act or any other written law; or
 - (iii) that he, or those through whom he claims, occupied the lands under a *bona fide* claim of right; and

- (b) where anyone is convicted for a first time under this section he shall not be liable to imprisonment, whether in default of paying any penalty or otherwise if he thereupon surrenders peaceable possession of all the State lands occupied by him, with all the crops growing thereon, and all buildings and erections thereupon or affixed thereto.

Taking anything from State lands.
[11 of 1971
4 of 1972
6 of 1997]

21. (1) Save as hereinafter excepted, everyone who takes any substance or thing from or off the State lands shall be liable to a fine of one hundred and thirty thousand dollars and to imprisonment for twelve months; and the substance or thing shall be deemed to be forfeited and condemned.

Exceptions.

(2) The following are the exceptions, that is to say, where the person—

- (a) holds a grant of the lands from or off which the substance or thing was taken, and is authorised by the grant to take it;
- (b) holds a licence or permission under this Act to take the substance or thing from or off the lands;
- (c) is the servant or agent of anyone holding the grant, licence, or permission, referred to in the two previous paragraphs, and is acting within the privileges conferred by the grant, licence or permission;
- (d) is travelling, and reasonably takes the substance or thing to enable him to

support life or to continue his journey;

- (e) is lawfully travelling, and takes the substance or thing for any purpose other than the purpose of profit or gain; and
- (f) has applied for a grant, licence or permission, and the Commissioner in pursuance of any regulation made in that behalf, grants permission to take any substance or thing from the land for which application has been made.

Impeding
navigation of
river and creek.
c. 67:01
[6 of 1997]

22. (1) Everyone who wilfully causes any impediment to the free use or navigation of any river or navigable creek, shall be liable to a fine of ninety-seven thousand five hundred dollars, unless he has previously obtained permission under this Act or the Forests Act to cause the impediment.

(2) Everyone who negligently allows anything to fall into a river or navigable creek, whereby the free use or navigation of the river or creek is impeded, or who, by any negligent act or omission, causes the free use or navigation of the river or creek to be impeded, shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

(3) Anyone who blasts any rock in the bed of a river or navigable creek, or who removes any stone or other material therefrom without permission under this Act or the Forests Act, shall be liable to a fine of ninety-seven thousand five hundred dollars.

(4) The Commissioner of Lands or the Conservator of Forests, may sanction the temporary placing of any impediment in a river or creek, for such time as may be expedient and on such conditions as to the Commissioner of

Lands or the Conservator of Forests may seem proper:

Provided that the construction, by anyone authorised to cut wood, or to search or mine for minerals, of a temporary stop-off or obstruction, made for the purpose of raising the water in a creek to facilitate his business, shall not be deemed to be an offence under this section.

Obstruction of
officer.

[6 of 1997]

23. Everyone who obstructs any officer or person acting under this Act shall be liable to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for two months.

Incitement by
holder of
licence to
commit offence.

[6 of 1997]

24. If the holder of a licence or permission issued under this Act unlawfully causes or procures, or incites or aids, anyone to commit trespass on State lands, or to remove anything seized under this Act, he shall be liable to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for two months, and shall in addition forfeit his licence or permission.

SEIZURES

Seizure of thing
illegally taken
from State
lands.

c. 67:01

25. (1) Any officer of the department, forest officer under the Forests Act, district commissioner, member of the police force or rural constable, if that constable is authorised in writing by the Commissioner of Police to make seizures, may seize and take possession of any substance or thing illegally taken from or off the State lands, together with any boat or vehicle used in the removal thereof, and all tools and implements found with or in the possession of the person having the substance or thing, and every article so seized under this Act shall be deemed and taken to be forfeited and condemned.

(2) Before seizing any article under the last preceding subsection the officer, district commissioner, or

constable, may take and detain the article for so long as may be reasonably necessary to make inquiries respecting it.

Notice of
seizure.
[33 of 1930]

26. Where any article is so seized, the magistrate of the district in which the article was seized shall advertise it for four successive Saturdays in the *Gazette*, for sale on a specified day at some convenient place, and, on the day appointed the article shall be sold publicly by, or by order of the magistrate, unless the person claiming it, or someone authorised by him in writing, gives notice in writing to the magistrate on or before the third Saturday that he intends to claim it.

Claim to article
seized.

27. No claim to any article seized under this Act shall be entertained unless the claim is entered in the name of the person who removed the article, or in the name of someone who in the claim states himself to be at the time of making it the person *bona fide* entitled to the article, and unless the sum of twenty-four dollars is deposited with the magistrate in security to pay any costs that may be awarded in the event of judgment being given against the claimant.

Burden of proof
to be on
claimant.

28. The proof of the illegality of any seizure made under this Act shall be on the claimant of the article seized, and the proof of the legality thereof shall not be on the seizing officer; and if, upon any trial or proceeding, a question arises whether anyone acting as a seizing officer under this Act is that officer, evidence of his so acting shall be deemed sufficient, and he shall not be required to produce his commission, warrant, or authority.

Adjudication
on claim.
[33 of 1930]

29. (1) Any claim made under this Act shall be proceeded with before the magistrate at some time to be fixed by him, and the magistrate shall adjudicate upon the claim, and if condemned the article shall be sold publicly by, or by the order of, the magistrate after advertisement of the day of sale for four successive Saturdays in the *Gazette*.

(2) The Minister may, by general regulation or special order, direct that an upset price shall be fixed with respect to sales under section 27 or this section, and if, at any sale where the upset price is fixed a sum less than the upset price is offered for any of the articles so put up for sale, such article shall become the property of the State.

Release of
article seized,
on security
given.

30. Where any article is seized, the Director of Public Prosecutions may authorise the release thereof on sufficient security being given to pay the value thereof if it is condemned, and thereupon the proceedings shall continue in all respects as if the article had not been released, except that on final sentence of condemnation the amount so secured shall become payable and may be recovered by the State, by parate execution.

Protection to
officer where
probable cause
of detention
exists.

[4 of 1972
6 of 1997]

31. (1) If, on the trial of any claim in respect of any detention or seizure made under this Act, the decision is in favour of the claimant and the magistrate in case of there being no appeal, or the judge or court in case of there being an appeal, certifies on the record that there was a probable cause of detention or seizure, the claimant shall not be entitled to any costs; nor shall any action, suit, indictment, or other prosecution in respect of the detention or seizure be thereafter commenced or further carried on against the person who made it.

(2) Where any action, suit, indictment, or other prosecution against anyone in respect of a detention or seizure made under this Act is brought to trial, and judgment or sentence is given against the defendant, and the judge or court before whom or which the trial takes place certifies on the record that there was a probable cause of detention or seizure, the plaintiff in the action or suit, besides the articles detained or seized or the value thereof, shall not be entitled to more damages than five cents or to any costs of suit, and the defendant in the indictment or prosecution shall not be liable to any punishment beyond a fine of sixty-five dollars.

Collusive
seizure or non-
seizure, or
abandonment
of seizure.
[6 of 1997]

32. (1) If any officer authorised by this Act to seize an article makes a collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize, an article liable to forfeiture, or takes a bribe, gratuity, recompense, or reward, for neglect or non-performance of his duty, the officer shall for each offence be liable to a fine of ninety-seven thousand five hundred dollars, and be rendered incapable of serving the State in any office whatever.

Bribing
officers.

(2) Everyone who gives or offers, or procures to be given or offered, any bribe, recompense, or reward to, or makes any collusive agreement with, any officer aforesaid to induce him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of this Act may be evaded, shall be liable to a fine of ninety-seven thousand five hundred dollars.

Illegal removal.
[6 of 1997]

33. Everyone who unlawfully removes or attempts to remove, anything seized or detained by any officer authorised to make a seizure, or wilfully defaces or removes any notice affixed by that officer under this Act, shall be liable to a fine of nineteen thousand five hundred dollars and to imprisonment for six months; and if the person convicted is the holder of a wood-cutting licence or permission, or of a licence or permission of occupancy, he shall in addition forfeit his licence or permission.

Power to
restore article
seized or to
mitigate
penalty or
forfeiture.

34. (1) The Minister may order any article seized or forfeited under or by virtue of this Act to be restored in any manner, and on any terms and conditions he thinks fit to direct, and may also remit or mitigate any fine, penalty, or forfeiture incurred under this Act.

(2) Every fine, penalty, or forfeiture so mitigated shall be appropriated and divided in accordance with the terms of the order of the Minister.

MODE OF DEALING WITH OFFENDERS

Arrest.

[4 of 1972]

35. Every officer of the department and every police officer or constable may arrest anyone wilfully trespassing on, or unlawfully occupying, any of the State lands or any State forests, or who illegally takes therefrom any substance or thing.

Proceeding by
summons.

36. Wherever under this Act a right of arrest is given, it shall be lawful to proceed by way of summons instead of arrest, at the discretion of the complainant or officer.

RIGHT OF ENTRY

Power of entry
given to
certain
officers.
c. 67:01

37. Any officer of the department, any forest officer under the Forests Act, and any district commissioner, by himself or with any servants and assistants he desires may enter on any State lands held under a grant which has been issued subject to any conditions, or held under any licence, and may inspect the lands.

Representa-
tives of trade
unions and
officials of
approved
organisations
may enter State
Lands.
[9 of 1977
6 of 1997]

38. (1) Wherever labour is employed on State Lands which are subject to a lease, licence or permission, any person on producing proof to the holder of the lease, licence or permission, or to his agent, that he is a representative of a trade union registered under the Trade Union Act, or an official of an organisation approved by order of the Minister responsible for labour for the purposes of this section, may enter at any reasonable time any such State Lands for the purpose of—

- (a) holding discussions with persons employed thereon on the conditions of their employment;
- (b) making representations to the employer on behalf of the persons so employed; or

(c) recruiting persons so employed as members of the trade union or organisation, as the case may be.

(2) The requirement to permit an entry authorised by subsection (1) shall be deemed a condition of every lease, licence or permission to which that subsection applies and a breach of that condition on more than one occasion shall render the lease, licence or permission liable to be terminated in accordance with section 14.

(3) Any person who hinders or obstructs a representative or an official referred to in subsection (1) in the exercise of his powers of entry under that subsection or in the carrying out of the purposes thereof shall be liable on summary conviction to a fine of eight thousand two hundred and fifty dollars and to imprisonment for three months.

(4) Any person who falsely holds himself out as a person authorised to enter upon State Lands by virtue of this section (the burden of proof that he is so authorised being upon him) shall be liable on summary conviction to a fine of twenty-seven thousand five hundred dollars and to imprisonment for six months.

(5) The provisions of subsections (1) to (4) inclusive shall in so far as they apply to a representative of a trade union or an official apply *mutatis mutandis* to a Member of the National Assembly for the purposes of the exercise by him of the privileges and powers conferred by subsection 1(a) upon such a representative or official.

Commissioner
may authorise
public officer to
exercise
powers.

39. The Commissioner may authorise in writing any public officer to exercise all or any of the powers conferred on an officer of the department under sections 12, 25, 35 and 37 or any of the regulations.

SAVINGS

Monetary dues
to be paid to
Accountant
General.
[O. 34/1962]

40. All rent, fees or other moneys payable under this Act shall be paid to the Accountant General.

Reservation of
rights of the
State.
[O. 34/1962
4 of 1972]

41. Nothing in this Act shall extend to or abridge or affect the prerogative of the State in relation to the State lands of Guyana.

Protection of
rights of
Amerindians.
[4 of 1972]

42. Nothing in this Act shall be construed to prejudice, alter, or affect any right or privilege heretofore legally possessed, exercised, or enjoyed by any Amerindian in Guyana:

Provided that the Minister may, from time to time, by publication in the *Gazette*, make any regulations to him seeming meet defining the privileges and rights to be enjoyed by Amerindians, in relation to the State lands and the rivers and creeks of Guyana.

Appointment
of government
stations.

43. The Minister may appoint government stations in any places he thinks fit for the purpose of this Act, and of the regulations, and each appointment shall be notified in the *Gazette*.

PROCEDURE

Prosecutions of
offences.

44. (1) Any offence created or penalty imposed by this Act or by the regulations may be prosecuted or recovered under the Summary Jurisdiction Acts.

(2) A complaint for an offence against this Act or the regulations shall be made within twelve calendar months from the time when the matter of the complaint arose, and when the offence has been committed within the

jurisdiction of one magistrate, and the Commissioner certifies in writing that in his opinion the complaint for it can be more conveniently or fairly heard before the magistrate of any other district in Guyana, the last-mentioned magistrate may, and he is hereby required to hear and determine the complaint as if the offence had been committed within his jurisdiction:

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Forms.

45. The Minister may direct what forms shall be used in any proceedings under this Act, and those forms when published in the *Gazette* may be used for and in respect of the several matters therein mentioned.

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officer acting
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made under section 17

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- Citation. 1. These Regulations may be cited as the State Lands Regulations.

PART I
APPLICATION FOR GRANTS, LEASES, LICENCES OR
PERMISSIONS

Making and particulars of application for grant, lease, licence or permission.

[Reg. 17/1968]

2. (1) Every application for a grant or lease of State land or for a licence or permission in respect of or over any State land, shall be in writing signed by the applicant, and shall be addressed to the Commissioner.

(2) The application shall state distinctly the name of the person for whose benefit the grant, lease, licence, permission is sought to be obtained, whether such person is the actual applicant or not, and the purpose and term of years for which the lease, licence or permission is desired.

(3) The application shall contain a description of the land to which it relates, setting forth as far as possible its situation, extent and boundaries, and the applicant shall also, if called on to do so, furnish such further information, if any, as may be required by the Commissioner for the purpose of determining whether there are any valid reasons why a grant, lease, licence, or permission should not be issued.

(4) Each applicant for a grant, lease, licence or permission shall deposit with the application the prescribed fee on such application, and when a survey of the tract is required at least one-fifth part of the survey fee shall also be deposited at the same time.

(5) Where part of the survey fee is deposited in accordance with paragraph (4), the balance of the said fee shall be paid in four equal annual instalments commencing one year from the date of the application.

Notice of application, and making of opposition thereto.

3. (1) The Commissioner may, where he deems it expedient, publish a notice of the application in the *Gazette* for three consecutive Saturdays.

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(2) Any person who desires to oppose the issue of a grant, lease, licence, or permission shall give notice of opposition in writing, with the grounds thereof to the Commissioner within seven days after date of the third advertisement.

(3) The Commissioner shall report to the President the particulars of any opposition of which notice has been given, and the grounds thereof, and the President may make such order thereon as to him shall seem just.

Refund.

4. When any applicant for State land dies after his application is received and the purchase money or other fees have been deposited with the Commissioner, the deposit may at the option of his legal representative be refunded less any costs that may have been incurred to such legal representative of the applicant, or the application may be proceeded with and the grant, lease, licence, or permission may be issued to such legal representative.

Plurality of applications for the same land.

5. (1) If more applications than one have been made for a grant, lease, licence, or permission in respect of the same tract of State land (whether other State lands are or are not included therewith in any or all of the said applications) each application shall in all respects be treated as a separate application.

(2) If the preferent claim to such grant, lease, licence, or permission is to be set up for sale at public auction, a notice shall be published in the *Gazette* for three consecutive Saturdays, but every applicant shall deposit the fee payable on the application.

Failure of applicant to proceed with application.

6. If any applicant for a lease or licence after the completion of the survey of the land applied for fails for two months after the demand made by the Commissioner, to pay the rent due, his application may be cancelled when all

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Granting of
permission to
occupy in case
of approval of
application.

previous deposits shall be forfeited and any other application may be proceeded with as if such first-mentioned application had never been made.

7. (1) Where the Commissioner has reason to believe that the rights of any other person will not be affected by any application for a grant, lease, licence or permission, he may grant leave to the applicant to take possession at once and for work to commence on the land applied for, and for the removal of any substance or thing therefrom, on his giving such security (if any) as the Commissioner may deem necessary to insure the Government against loss in the event of no grant, lease, licence, or permission being issued.

(2) Any leave so granted shall be at the risk of the applicant where, as a result of opposition or for any other reason, no grant, lease, licence, or permission is issued.

(3) The grant, lease, licence, or permission if issued, shall be deemed to have commenced from the date of the granting of the leave.

(4) Any person may in the event of the Commissioner refusing to grant leave as aforesaid or if dissatisfied with the security required by him, appeal to the President against such refusal or in respect of such security, and the President may either grant or withhold such leave, or may alter the nature of such security.

RENEWAL OF LEASES, LICENCES OR PERMISSIONS

Application for
renewals.

8. An application for a renewal of a lease, licence or permission under these Regulations shall be dealt with as an original application.

Extension of
expired
licences.

9. (1) After the expiration of any licence or permission, the Commissioner may, on application from time to time, before the expiration of the licence or permission, if lie is

First Schedule.

satisfied that all its conditions have been faithfully observed, and that the quantity of land not worked, or trees uncut or unbled (as the case may be) is not sufficient to warrant the applicant going to the expense of applying for a new licence or permission, and upon payment of the fee prescribed in the First Schedule, renew or extend the licence or permission with all its conditions for a further term not exceeding one year.

(2) Any person may, in the event of the Commissioner refusing to grant such extension or renewal for a further term, appeal to the President against such refusal.

REVERSION OF GRANTS, LEASES, LICENCES AND PERMISSIONS

Grants, licences or permissions to descend to heirs.

Power to transfer or mortgage land granted.

10. Every grant, lease, licence or permission shall descend to the heirs and assigns of the holders for an unexpired term thereof after the death of such holder.

11. (1) A grantee may, subject to the provisions of any Act relating to State lands for the time being in force, transfer, lease, or mortgage the land comprised in his grant, or any part thereof as if such land was private land:

Provided always that until such grant has been made absolute no such transfer, lease or mortgage shall be made until the Registrar, on payment of the prescribed fee, has obtained from the Commissioner a certificate to the effect that such grant is in force.

(2) No lease of such land, or of any part thereof, shall in any way relieve the grantee from the obligation of complying with the conditions to which his grant is subject, or in any way interfere with or prevent the forfeiture thereof, if any such condition is not complied with, and

every lease of the said land or any part thereof, for any term exceeding one year shall be recorded in the office of the Department.

(3) The Registrar shall make a weekly return to the Commissioner of Lands of all transports, mortgages or leases passed under any Act of land held under title from the State.

TRANSFERS AND MORTGAGES OF LEASES, LICENCES AND PERMISSIONS

Application for
transfer of
lease, etc.

12. Every application for a transfer of a lease, licence or permission shall be in writing and shall state the particulars specified in, and comply with the requirements of regulation 2, and the applicant shall pay the fee prescribed in the First Schedule for filing the same, and when necessary the survey fee, and thereupon the Commissioner shall publish, a notice of the application in the *Gazette* for three consecutive Saturdays.

Retirement at
the full rate of
pension.

13. Any person may oppose any transfer on the ground that he has any right, title or interest in the lease, licence or permission or that he is a creditor for a liquidated sum of the person applying for such transfer to be made, and if such person give notice of opposition in writing to the Commissioner within seven days after the last publication of the notice, such transfer shall not be approved until the opposer has withdrawn his opposition or his claim has been rejected by a court of law:

Provided always that if within seven days after notice of opposition has been given legal proceedings to enforce such claim are not commenced and notice of them given in writing to the Commissioner, such opposition shall be no bar to the transfer. On production to the Commissioner of a certificate from the Registrar or the clerk of the magistrate's court as the case may be that such claim has been satisfied

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or dismissed, the application shall be proceeded with as if no notice of opposition had been given.

Opposition to transfer.

14. If any notice of opposition has been given, or if there appears to the Commissioner any reason why the transfer should not be made, the Commissioner shall report the opposition or, his reasons why the transfer should not be made, to the President, who shall make such order as to the transfer as he may think fit, but no transfer of a lease, licence or permission shall be completed by the Commissioner unless the rent, if any, due for the current year has been paid, as required by the conditions attached to such licence or permission.

Transfer to be made when no opposition.

15. If no notice of opposition is given, and if no reason to the contrary appears to the President, the transfer shall be executed.

Procedure on sale at execution of grant, lease, licence or permission.

16. On the sale at execution of the holder's rights under a grant, lease, licence or permission, the purchaser shall on production to the Commissioner of a copy of the conditions of sale signed by the Registrar with a certificate that the purchase money has been paid, be entitled on payment of the prescribed fee for a transfer to have an entry made in the register of grants, leases, licences and permissions kept by the Commissioner of such sale and purchase and also to have endorsed on the face of the title that a transfer of the same has been made to such purchaser as aforesaid:

Provided the Commissioner shall have power to oppose any levy or sale at execution in respect of leases, licences or permissions on which any rent or other payment due to the Government under the conditions of such lease, licence or permission is in arrears.

Power to mortgage right, title

17. (1) The holder of a lease, licence or permission from the State may subject to the provisions of any Act

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and interest in land held under lease, licence or permission.

relating to State lands for the time being in force, mortgage his right, title and interest in and to the land comprised in his lease, licence or permission:

Provided always that no such mortgage shall be made until the Registrar has obtained on payment of the prescribed fee from the Commissioner a certificate to the effect that such lease, licence or permission is in force, and in the case of a lease for agricultural purposes for an area not exceeding 10 acres, in addition, that he, the Commissioner, approves of such mortgage, and provided further that no such mortgage shall be valid or of any effect for any purpose whatever, until notice of the execution thereof has been filed in the office of the Department by the mortgagee.

Procedure for passing mortgage on small agricultural leases.

Second Schedule.

(2) The holder of a lease for agricultural purposes for an area not exceeding 10 acres may if he so desires avail himself of the on following procedure for passing mortgage:

- (a) He shall apply to the Commissioner in Form 1 in the Second Schedule for his approval of the proposed loan and the terms and conditions of the proposed mortgage.
- (b) On obtaining the Commissioner's approval in writing the holder of such lease may enter into the mortgage in Form 2 in the Second Schedule before the Commissioner, an officer of the Department, magistrate, district commissioner or superintendent of police.

On the execution of such form of mortgage the mortgagee shall forthwith cause the same to be presented at the office of the Department in Georgetown and on payment of the prescribed fee duly registered and recorded by the

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Commissioner in the book to be kept by him for such purpose:

Provided that—

- (a) no such mortgage shall be valid or of any effect for any purpose whatsoever until it has been so presented at the office of the Department by or on behalf of the mortgagee for the purpose of being duly registered and recorded on the duplicate lease by the Commissioner;
- (b) on the satisfaction of the mortgage debt the Commissioner shall at the request of the mortgagee and on payment of the prescribed fee record on the duplicate lease that the debt has been satisfied which shall have the effect of the cancellation of the mortgage.

PART II SURVEYS

Cases in which survey required.

First Schedule.

18. (1) Subject to regulation 19, no grant or lease shall be made for any tract of State land, and no transfer of a lease or licence in respect of part only of the land to which it relates shall be made, unless the tract to be granted, leased, licensed or transferred has been surveyed by a surveyor of the Department or, with the approval of the Commissioner, by some other duly qualified surveyor, in which latter case the Commissioner shall refund to the applicant the survey fee prescribed in the First Schedule.

(2) Subject as aforesaid, if the preferent claim to any grant, First or lease is to be set up for sale at public auction, the tract of land to which it relates shall be

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surveyed by or under the direction of a surveyor of the Department.

(3) If any land is surveyed by a surveyor other than a surveyor of the Department, the original diagram of such land in the form required by the Land Surveyors Act shall be delivered by him to the Commissioner together with the duplicate he is required to deliver by the said Act.

(4) The Commissioner in any case of a survey to be made by a survey of the Department may permit any applicant to supply all labour, materials and appliances needed for the survey, and in such case the Commissioner shall on the completion of the survey refund to the applicant the actual cost of supplying labour, materials, and appliances required for cutting lines and for aiding the surveyor in making the survey.

Cases where no survey required.

19. (1) No survey of any land in respect of which an application is made shall be necessary if such land has been previously surveyed and the diagram of the tract, is on record in the office of the Department, and the Commissioner is satisfied that the boundary lines are open and well-defined and in such case the applicant shall pay the prescribed fee for a certified copy of the diagram on record.

(2) The Commissioner may waive survey or direct that only a partial survey shall be made where the application is for a licence in respect of a tract of land bounded by creeks or other well-defined limits or the boundaries of which are otherwise well-marked, or for the renewal of a licence of a tract which has been already surveyed, or for a licence to collect rubber, balata or other gums or plants; unless the Commissioner considers in any of such cases that a survey is necessary.

Mode of laying out tract.

20. (1) Whenever practicable, a tract to be granted or

leased shall be in the figure of a rectangular parallelogram, and also whenever practicable the facade shall be either on a river, creek, road or public canal.

(2) A tract to be licensed under Parts VIII, IX, or X shall, if surveyed, be laid out in such a manner as will best enclose the trees or the stone, gravel, or similar substance required.

(3) Whenever practicable a space of sixty-six feet in width for Government roads or channels, by the entire depth, shall be reserved by the State within a distance of not more than 800 yards in facade, and a space of 66 feet from high water mark shall be reserved across the facade of each tract.

Placing of paals.

21. The surveyor shall place branded hardwood, iron, stone or concrete paals at each extremity of the facade and of the depth of the tract surveyed, and shall cause a path, at least six feet wide, to be cleared on each side of the same. One at least of the paals used for defining the boundaries of tracts to be granted, leased, or licensed for a longer period than five years must be iron, stone or concrete.

PART III
SALE OF PREFERENT CLAIM IN CASE OF PLURALITY
OF APPLICATIONS

Procedure on sale of preferment claim.

22. (1) In every case in which, under any enactment relating to State lands for the time being in force, any grant, lease, licence or permission in respect of any land is to be set up for sale at public claim, auction, the Commissioner shall publish a notice in the *Gazette* setting forth the particulars relating to the intended grant, lease, licence or permission, and stating the place and time (being not less than twenty-one days after the publication of the notice), at which the grant, lease, licence or permission referred to therein will be sold:

Provided that—

- (a) where by these Regulations a survey of the land to which such grant, lease, licence or permission relates is necessary before the issue thereof, the Commissioner may in his discretion require such survey to be made before such notice is published;
- (b) the name of any applicant for such grant, lease, licence or permission shall not be stated in such notice.

(2) At the place and time mentioned in the notice, the grant, lease, licence or permission referred to therein shall be exposed to public competition at auction, and sections 7 and 8 of the Act shall apply:

Provided, however, that the Minister in his discretion may in any case direct that the competition for the purchase of the preferment claim to obtain a grant, lease, licence or permission shall be confined to the applicants instead of being exposed to public auction.

(3) The Commissioner may, for sufficient cause, adjourn any such auction after it has been commenced to such other place and time as he may think fit, and shall openly declare such place and time when such adjournment is made.

Proceedings
after close of
sale.

23. (1) After the close of any such sale the Commissioner shall return to every unsuccessful applicant the sum deposited by him.

(2) (a) If the highest bidder was not an applicant he shall forthwith after the close of such sale pay to the Commissioner in the case of a grant,

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the prescribed proportion of the purchase money and the cost of survey payable by an applicant at the time of filing his application and in the case of a lease, licence or permission, the deposit required under regulation 2 (4) together with the first year's rent, and the sum bid for the preferent claim to obtain the grant, lease, licence or permission.

- (b) If the highest bidder was an applicant, he shall forthwith after the close of such sale pay to the Commissioner the purchase money or balance of fees and the first year's rent as the case may be, and the sum bid for the preferent claim to obtain the grant, lease, licence, or permission.

If payment is not so made the next highest bidder shall be declared the purchaser or the grant, lease, licence or permission shall after notice in the *Gazette* be again set up for sale, as the Commissioner shall determine.

PART IV GRANTS TO SMALL CULTIVATORS

Conditional Purchases

Reservation of
forest land.

24. Land having trees thereon suitable for wood-cutting purposes or for the collection of rubber or balata shall not ordinarily be sold but shall be reserved for the purpose of being dealt with under Part VIII and Part IX:

Provided always that all timber on land granted, and all rubber, balata or other gums obtained from trees thereon,

and every substance or thing (other than gold, silver or other metals, minerals, ores including bauxite, gems or precious stones, rock, coal or mineral oil), obtained therefrom shall be the property of the grantee of such land, and may be sold or otherwise disposed of by him without payment of royalty under these Regulations.

Price.

25. Land for agricultural purposes may be disposed of by sale to small cultivators at such price as may from time to time be fixed by the Minister and published by the Commissioner in the *Gazette*. Such price shall be exclusive of the prescribed cost of survey.

Area.

26. The area to be granted to one person at one time shall ordinarily not exceed ten acres.

Mode of paying purchase money.

27. One-fifth of the total purchase money along with the prescribed fee for survey shall be deposited in cash with the application and the balance of the purchase money shall be payable in four equal annual instalments payable yearly in advance on the dates specified in the grant:

Provided that nothing shall prevent the balance of the purchase money being paid at an earlier date should the purchaser so desire but no absolute grant shall be issued until the Commissioner is satisfied that the conditions attached to the provisional grant have been fulfilled.

Condition as to be beneficial occupation.

28. Grants shall ordinarily be issued subject to the following conditions but the President may in any particular case vary these conditions to suit special circumstances or may in like manner annex such further conditions as he may think fit:

- (a) the grantee shall be bound within a period of two years from the date of the grant to cultivate or beneficially occupy at least one-fifth of the area granted and thereafter to increase the

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cultivated or beneficially occupied area until at the end of five years he shall have one-half of the area included in the grant cultivated or beneficially occupied; such beneficial occupation to consist of the area occupied by buildings, pens, corrals or runs and or by stock in the proportion of three cows, horses, mules or donkeys to two acres; or three sheep or five hogs to one acre;

Lines to be kept open and notice boards erected.

(b) the grantee shall be bound for a period of five years from the date of the grant to keep the boundary lines of the tract clear and open and to place and maintain on the front of the tract at or near to each boundary paal a board on which shall be painted in plain legible letters and figures the name of the grantee and the number and date of the grant.

Conditions precedent to obtaining absolute grant.

29. At the expiration of five years from the date of the grant provided that the conditions have been complied with within the prescribed times and also that the full purchase money has been paid the grantee shall be entitled to have his grant made absolute and free from the conditions therein contained.

Forfeiture on failure to pay purchase money or to comply with conditions.

30. In default of payment of any one or more of the instalments of purchase money within three months after the same becomes due purchase or if the conditions attached to the have not been complied with within the prescribed times the land shall be absolutely forfeited with all purchase money that may have been paid.

Transfer of

31. A grantee shall not transfer, lease or mortgage the land comprised in his grant or any part thereof save in

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Grants.

accordance with the provisions of these Regulations relating to transfers, leases and mortgages of grants.

Preferment
claim to second
depth reserved
to grantee.

32. The grantee of any land granted under this Part, shall, for the term of five years from date of the grant, have the preferent claim to purchase the second depth of the land granted to him, on such conditions as may from time to time be in force with respect to grants to purchasers, and no land which forms the second depth of any tract of land so granted to any person under this Part shall be granted to any person other than the grantee of such first-mentioned land until after the expiration of five years from the date of his grant:

Provided that where the land comprising such second depth has thereon trees suitable for wood-cutting purposes such land may first be licensed for such purposes to any person.

Reservation in
favour of the
State of metals,
minerals etc.

33. No grant shall confer on the holder the right to any gold, silver or other metals, minerals, ores, bauxite, gems or precious stones, rock, coal or mineral oil in and under the said land, and any agents, servants or workmen of the Government thereto specially authorised shall be entitled to enter upon the land granted and therein to search and mine for and to carry away therefrom any such metals or minerals or other substance or thing, as aforesaid.

PART V

LEASES

SECTION A—LEASES FOR AGRICULTURAL PURPOSES

(1)—*Special Leases*

President may
grant special
leases.

34. Leases for agricultural purposes for large areas or for the cultivation on a large scale of permanent products such as rubber, coconuts, limes, etc., may be granted for any term not exceeding ninety-nine years, and subject to such

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special terms and conditions as may be agreed upon and as the President may in any case approve.

(2) – Ordinary Leases

Area under ordinary leases.

35. The maximum area to be allowed under a lease for agricultural purposes in the case of small cultivators shall ordinarily not exceed ten acres at one time but in other cases may be such larger area as the President may in any particular case approve.

Term.

36. A lease may be granted for any term not exceeding ninety-nine years with the right of renewal subject to revision of the rental based on the value of the land apart from any improvements effected by the lessee.

Rate of rental.
Gaz.23/4/1960.
Nt. 413A*

37. A lease shall ordinarily be subject to the following terms and conditions but the President may in any particular case in which he may deem it expedient vary these conditions to suit special circumstances or may in like manner annex such further conditions as he may think fit:

(a) there shall be payable by the lessee on the dates Rate of specified in the lease an annual rental at the following rate—

For each acre to one hundred acres at twenty cents Nt. 413A1 per acre *per annum* with a minimum charge of one dollar *per annum*;

For each acre over one hundred and up to five hundred at fifteen cents per acre *per annum*;

For each acre over five hundred acres at ten cents per acre *per annum*.

The President may however from time to time by notice in the *Gazette* direct that such

* See Notice dated 23rd April, 1960, below.

other rate of rental as he may think fit shall be payable in respect of leases applied for after the date of any such notice;

Condition as to cultivation or beneficial occupation.

(b) the lessee shall within two years from the date of the commencement of the lease, cultivate or beneficially occupy at least one-fifth part of the area of the land leased and thereafter increase the cultivated or beneficially occupied area until at the end of three years he shall have not less than one-fourth part of the area leased, cultivated or beneficially occupied, and shall be bound at all times during the continuance of the lease to maintain the said cultivation in good order and in a husband like manner to the reasonable satisfaction of the Commissioner or of such officer as may be from time to time deputed by the Commissioner to inspect the said cultivation:

Provided that where the Commissioner is satisfied from the situation of the land or the composition of the soil or from other cause that the cultivation of any portion of the land leased is impracticable or would be out of proportion to the probable returns such portion may with the approval of the Commissioner be deducted in calculating the area which the lessee is required to cultivate.

Power to take portions of lease for public purposes without compensation.

(c) the President shall have full power and authority at all times during the term of the lease, to resume and enter upon possession of any part or parts of the land leased which he may deem necessary to resume for any town site, village, railway, tramway, canals,

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telegraph line, roads, wireless Or radio stations, or power transmission or for any other public work or purpose of public use, utility or convenience; or to sell, lease, licence or otherwise dispose of to any person or persons any part or parts of the said land for any purpose as aforesaid, without making to the lessee any compensation in respect of any part so resumed or sold, leased, licensed or otherwise disposed of as herein provided:

Provided that—

Limit of area to
be resumed
without
compensation.

- (i) the lands to be so resumed or disposed of under this regulation shall not exceed one-twentieth part of the whole of the land leased and that no such resumption or disposition be made without compensation of any part of the said lands upon which any buildings have been erected or which may be enclosed and in use for the more convenient occupation of such buildings;
- (ii) where any part or parts of the lands comprised in the lease is or are disposed of as herein provided the lease shall immediately determine over such part or parts and the rental reserved by the lease shall be proportionately reduced.
- (d) the agents, servants or workmen of the Government thereto authorised shall have the right at all times to enter upon the land leased for the purpose of felling or removing any timber or of digging and quarrying and carrying away any rock, soil, sand, clay or other material required for any public purpose without payment of compensation

Government
may take
timber,
rock, soil, etc.,
for public
work.

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to the lessee.

Reservation in
favour of State
metals,
minerals etc.

(e) a lease shall not confer on the holder the right to any gold, silver or other metals, minerals, ores, bauxite, rock, gems or precious stones, coal or mineral oil in or under the land leased which shall be saved and reserved to the lessor with the right to enter upon any part or parts of the land leased to search and mine therefor subject, however, to the right of the lessee to receive compensation for any loss or damage to growing crops occasioned by such mining, the amount of any such compensation to be assessed by the Commissioner.

SECTION B.—LEASES FOR GRAZING PURPOSES

(1)—Leases for Grazing Areas on the Coastlands

Definition of
Coastlands.

38. For the purposes of the regulations, Coastlands shall mean all the lands North of 5° North Latitude on the East of the Essequibo River and West of the Essequibo River all the lands North of the Cuyuni River.

39. Leases for grazing purposes for areas on the Coastlands may ordinarily be granted subject to the following terms and conditions but the President may in any particular case in which he may deem it expedient vary these conditions to suit special circumstances or may in like manner annex such further conditions as he may think fit:

Area.

(a) The area to be granted under a lease shall ordinarily not, exceed five thousand acres but may be in any special case such larger area as the President may approve;

Term.

(b) A lease may be granted for any term not exceeding, ninety-nine years with the right

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of renewal subject to revision of the rental based on the value of the land apart from any improvements effected by the lessee;

- Rental.

(c) There shall be payable by the lessee at the times specified in the lease an annual rental at the rate of ten cents per acre of the land leased. The President may, however, from time to time by notice in the *Gazette* direct that such other rate of rental as he may think fit shall be payable in respect of leases applied for after the date of any such notice;

Survey.

(d) The area to be granted under a lease shall be surveyed at the expense of the applicant in accordance with the prescribed charge for survey;

Stocking requirements.

(e) The lessee shall at the expiration of five years from the stocking date of commencement of the lease have in his possession on the land leased not less than two head of large stock (which term shall be held to mean cattle, horses, mules and donkeys) for each five acres of grazing land comprised in the land leased and shall thereafter be bound to maintain this number of stock during the continuance of his lease;

Fencing.

(f) the lessee shall within two years from the date of commencement of his lease fence at least one-fourth of the area contained therein and within five years from the said date shall enclose the whole area with a fence of the prescribed description. Such fence shall be erected either jointly with an adjoining Government lessee or at the sole expense of the lessee as the Commissioner may decide:

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Provided that the Commissioner may grant an exemption from fencing any part of the land which has frontage to a river or creek or other natural feature considered by him sufficient to serve the purpose of a fence;

Power to take portions of lease for public purposes and reservation of right to enter and search for metals, minerals etc., without compensation.

(g) the President shall have full power and authority at all times during the term of the lease to resume and enter upon possession of any part or parts of the land leased which he may deem necessary to resume for any town site, village, railway, tramway, canals, telegraph line, roads, wireless or radio stations, or power transmission and generally for any works or purposes of public use, utility or convenience; or to sell, lease, licence or otherwise dispose of to any person or persons with a right of immediate entry any part or parts of the said land for any purpose as aforesaid; also to resume possession of any part or parts of the land leased for the purpose of exercising the power to search and mine for and carry away any gold, silver or other metals, minerals, bauxite, ore, gems, precious stones, rock, coal and mineral oil without making to the lessee any compensation in respect of any land so resumed or sold, leased, licensed or otherwise disposed of as herein provided:

Limit of area to be taken without compensation.

Provided however, that the lands to be so resumed or disposed of under this regulation shall not exceed one-twentieth part in the whole of the land leased and that no such resumption or disposition be made without compensation of any part of the

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said lands upon which any buildings have been erected or which may be enclosed and in use for the more convenient occupation of such buildings;

Where, as herein provided, any part or parts of the lands comprised in a lease is or are resumed possession of or sold, leased, licensed or otherwise disposed of, the lease shall immediately determine over such part or parts and the rental reserved by the lease shall be proportionately reduced;

Power to dispose of portions of lease for cultivation, timber cutting, and mining, subject to payment of compensation to grazing lessee for improvements.

(h) (i) the President shall have full power and authority at all times during the term of the lease subject to any Acts or regulations for the time being in force relating to the disposal of State lands, to sell, lease, licence or otherwise dispose of to any person or persons any part or parts of the land leased, for cultivation purposes or for the purpose of cutting timber or for the purpose of searching and mining for gold, silver or other metals, minerals, bauxite, ore, gems, precious stones, rock, coal and mineral oil, reserving to the lessee however the right to receive from such person or persons the fair value of any improvements then existing upon the land leased, the amount of compensation payable in respect of such improvements to be assessed in the manner hereinafter prescribed in regulation 43

Provided that before any part of the land leased is disposed of for cultivation purposes as herein

- provided the grazing lessee shall have the option of taking out a lease for such purpose on the usual terms;
- | | |
|---|--|
| Portions of lease to be disposed of to others may be disposed of subject to the rights of the grazing lessee. | (ii) a grant, concession, lease or licence granted as herein provided to any person or persons other than the lessee for any part or parts of the land leased may be to others granted subject to the right of the grazing lessee to continue to exercise over such part or parts the rights and privileges subject to reserved to him under his lease so nevertheless that the said rights and privileges shall not be exercised so as to hinder lessee, or interfere with the rights and privileges reserved to such other person or persons under his or their grant, concession, lease or licence; |
| Lease to determine over portion disposed of and rent to be reduced. | (iii) where, except as in subparagraph (ii) provided, any part or parts of the lands comprised in a lease is or are resumed possession of or sold, leased, licensed or otherwise disposed of as herein provided, the lease shall immediately determine over such part or parts and the rental reserved by the lease shall be proportionately reduced; |
| Government may take timber, rock, soil, etc., for public work | (i) the agents, servants or workmen of the Government thereto authorised shall have the right at all times to enter upon the land leased and to fell and remove any timber or to dig for or quarry and carry away any rock, soil, sand, clay or other material |

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Rights of way over grazing leases and power to enter and search for strays.

(j) every lease shall be subject to the right of any person or Rights of persons to enter, pass over, through and out of any un-gazing* enclosed or enclosed but otherwise unimproved portions of leases and the land leased while passing from one part of the country and to another with or without horses, stock, teams or other search for conveyances on all necessary occasions; also to the right or the Government to depasture any horses or cattle in the employ of the Government while working on or passing over the land; also to the right of any holder of a grazing lease or permission or his stockman to enter on any part of the land leased to search for strays:

Provided however that no person entitled as herein provided to pass over or through the land as aforesaid or to search for strays thereon shall enter upon such land without first notifying the occupier thereof of his intention to do so, and no stray or strays shall be removed therefrom before they have been driven into the nearest corral of the occupier of the land on which they are found for his inspection;

Protection of rights of Amerindians.

(k) the Amerindians shall have the right at all times to enter upon any unenclosed or enclosed but otherwise unimproved part of the land leased for the purpose of seeking their subsistence therefrom in their accustomed manner without molestation but shall not have the right to disturb the lessee in the peaceable occupation and

enjoyment of the land comprised in his lease;

Reservation in favour of State timber, metals, minerals etc.

(l) a lease shall not confer on the holder the right to the soil nor to the timber except to such timber as may be required for domestic purposes, for the construction of buildings, fences, stockyards or other improvements on the land, nor the right to any gold, silver or other metals or minerals, ores, bauxite, rock, gems or precious stones, coal or mineral oil in or under the land leased, nor the right to collect balata nor the right to quarry for stone, sand, clay or other material.

(2)—*Leases for Grazing Areas on the pasture lands of the interior.*

40. Leases for grazing purposes for areas in the interior of Guyana shall ordinarily be issued subject to the following terms and conditions but the President may in any particular case in which he may deem it expedient vary these conditions to suit any special circumstances or may in like manner annex such further conditions as he may think it.

Minimum and maximum areas.

(a) the minimum area to be granted under a lease shall be fifty square miles and the maximum such larger area as the amount of capital to be invested shall in the opinion of the President warrant;

Term.

(b) a lease may be granted for any term not exceeding ninety-nine years with a right of renewal subject to revision of the rental based on the value of the land apart from the improvements effected by the lessee;

Rental.

(c) the rental payable shall be at the rate of two

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dollars per square mile *per annum* provided, however, that such rate shall be subject to revision at any time during the term of the lease in the event of railway communication being established between the coastlands and a point within seventy miles of the area leased up to but not exceeding five dollars per square mile should the President decide that such revision is necessary. And provided further that the President may from time to time by notice in the *Gazette* direct that such other rate of rental as he may think fit shall be payable in respect of leases applied for after the date of any such notice;

Survey.

(d) the applicant for a lease shall when called upon pay Survey, the actual cost of surveying the land which cost shall include the subsistence allowance payable to the surveyor and where such survey is made subsequent to the issue of the lease the lessee shall be bound by such survey and the diagram shall be recorded in the Lands Department and shall be deemed to form part of the lease;

Stocking requirements.

(e) a lessee shall within one year from the date of recommencement of his lease have in his possession on the land leased not less than ten head of large stock (which term shall be held to mean cattle, horses, mules and donkeys) for every square mile of grazing land comprised in his lease, a corral of not less than 2,500 square yards in area and a habitable house with a resident stockman, and shall in each succeeding year thereafter increase the number of stock in the

proportion of two additional head for every one square mile leased until at the end of the sixth year he shall possess stock at the rate of not less than twenty head to every square mile of grazing land comprised in his lease and shall thereafter during the continuance of his lease continue to have and maintain stock at the rate of not less than twenty head for every square mile of grazing land comprised in his lease, a corral and a house as aforesaid;

Double rent to be paid when stocking requirements are not complied with.

(f) a lessee who at the expiration of six years from the date of commencement of his lease has failed to increase his stock in the proportion of twenty head for every one square mile leased as provided in the last preceding regulation shall unless such failure is due to a cause which in the opinion of plied with, the Commissioner is beyond the control of the lessee pay double the usual rent until such time as he shall have complied with the foregoing requirements, provided that in lieu of payment of double rent the Commissioner may reduce the area comprised in the lease;

Power to take portions of lease for public purposes without compensation.

(g) the President shall have full power and authority at all Power to times during the term of the lease to resume possession of all or of such part or parts of the land leased as may be required for the purpose of any town site, village, railway, tramway, telegraph line, wireless or radio station, roads, canals, power station, roads, canals, power transmission, or any other works or purposes of public use, utility and convenience whatsoever, or to sell, lease,

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State may
search or min
for metals,
minerals etc.

licence or otherwise dispose of to any person or persons with a right of immediate entry any part or parts of the said land for any public purpose as aforesaid. Also full power to reserve or resume possession of any part or parts of the area leased for the purpose of exercising the right of searching or mining or quarrying for and carrying away any gold, silver or other metals, minerals, ores, bauxite, gems, precious stones, rock, coal or mineral oil, all without abatement of the rental and without paying to the lessee any compensation in respect of the part or parts of the land so taken, and the lease shall immediately determine over such part or parts of the land so reserved, resumed or otherwise disposed of as herein provided;

- (h) (i) the President shall have full power and authority at all times during the term of the lease to sell, lease, license or otherwise dispose of to any person or persons, subject to the provisions of any Acts or regulations for the time being in force governing the disposal of State lands, any part or parts of the land leased for the purpose of cultivation or of cutting timber or of collecting balata or for the purpose of searching and mining or quarrying for and carrying away any gold, silver or other metals or minerals, or bauxite or gems or precious stones or coal or mineral oil:

Power to
dispose of
portions of
lease for

Provided however that –

- (i) before any part or parts of the land leased is disposed of for cultivation or

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cultivation,
timber, cutting
balata
collecting or
mining.

Grazing lease
to receive
compensation
for improve-
ments where
portions of
lease are
disposed of to
others for
cultivation.

Portions of
lease may be
disposed of to
others subject
to rights of
grazing lease.

Lease to
determine over
portions
disposed of to

mining purposes as aforesaid the grazing lessee shall be entitled to receive from the applicant therefor the fair value of any improvements then existing upon the land leased, the amount of compensation payable in respect of such improvements to be determined in the manner hereinafter prescribed in regulation 43;

- (ii) before any part of the land leased shall be disposed of for agricultural purposes as hereinbefore provided the grazing lessee shall have the option of taking out a lease for such purpose on the usual terms;
- (iii) a grant, concession, lease or licence granted as herein provided to any person or persons other than the grazing lessee for mining purposes over any part or parts of the land leased may be granted subject to the right of the grazing lessee to continue to exercise over such part or parts the rights and privileges reserved to him under his lease so nevertheless that the said rights and privileges shall not be exercised so as to hinder or interfere with the rights and privileges reserved to such other person or persons under his or their lease or licence;
- (iv) where, except as in the preceding sub-regulation Lease to de- provided, any part or parts of the lands comprised in a lease is or are resumed possession of or sold, leased, posed of to licensed or

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others and rent
to be reduced.

otherwise disposed of as hereinbefore
provided, the lease shall immediately
determine over such part or reduced,
parts;

Government
may take
timber,
rock, soil, etc.,
for public
work.

(i) the agents, servants or workmen of the Government thereto authorised shall have the right at all times to enter upon the land leased and to fell and remove any timber or soil, etc., for to dig for or quarry and carry away any rock, soil, sand, clay or other material required for any public purpose without payment of compensation to the lessee;

Rights of way
over grazing
leases
and power to
enter and
search for
strays.

(j) every lease shall be subject to the right of any person Rights of or persons to enter, pass over, through, and out of any unenclosed or enclosed but otherwise unimproved portions leases and of the land leased while passing from one part of the country to another with or without horses, stock, teams or other search for conveyances on all necessary occasions; also to the right of strays, the Government to depasture any horses or cattle in the employ of the Government while working on or passing over the land; also to the right of any holder of a grazing lease or permission or his stockman to enter on any part of the land leased to search for strays:

Provided, however, that no person entitled as herein provided to enter upon any land as aforesaid or to search for strays hereon shall enter upon such land without first notifying the occupier thereof of his intention to do so, and no stray or strays shall be removed

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Protection of
rights of
Amerindians.

(k) therefrom before they have been driven into the nearest corral of the occupier of the land on which they are found for his inspection;

Reservation in
favour of State
of timber,
metals,
minerals, etc.

(l) the Amerindians shall have the right at all times to Protection of enter upon any unenclosed or enclosed but otherwise unimproved part of the land leased for the purpose of seeking their subsistence therefrom in their accustomed manner without molestation but shall not have the right to disturb the lessee in the peaceable occupation and enjoyment of the land comprised in his lease;

The Minister
may grant
yearly
permission for

PART VI

PERMISSIONS FOR GRAZING AREAS ON THE PASTURE LANDS OF THE INTERIOR

41. The Commissioner with the approval of the Minister may issue yearly permissions for grazing purposes on the pasture lands of the interior for areas not exceeding fifty square miles in any case at a fixed annual charge of \$15, and renewable annually where in the opinion of the Commissioner the land is being beneficially occupied for the

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grazing.

purpose for which the permission is granted. Such permission shall ordinarily be issued on the following terms and conditions:

Protection of rights of Amerindians.

(a) the holder of the permission shall not erect or permit to be erected any corral or cattle-pen on land held under the permission within a radius of three miles of any Amerindian village or settlement;

Area comprised in permission may be resumed for Amerindian Reservation.

(b) the holder of the permission will be responsible for and shall make good all damage done to any cultivation, village or settlement by any cattle grazing on land within the area held under the permission;

Holder of permission entitled to lease at end of 5 years on complying with conditions.

(c) if at any time after the granting of the permission an Amerindian reserve be created in the district any portion of the area comprised in the permission may be resumed for the purposes of the reserve;

(d) if within five years from the date of the issue of the permission, the holder thereof shall have on the land herein described —

(i) a corral of not less than 2,500 square yards in area;

(ii) a habitable house with a resident stockman; and

(iii) five hundred head of cattle,

he shall be entitled to obtain a lease of the land covered by this permission for a term of ninety-nine years on the terms and conditions on which leases

are then being issued for cattle grazing on the pasture lands of the interior of Guyana, on payment of the fees payable therefor.

Permission
may be
cancelled for
failure to stock.

- (e) if the holder of the permission fails to have the ranch stocked as hereinbefore stipulated within the period of five years herein set out, then the permission shall be liable to be cancelled or the area held thereunder may be reduced without compensation of any kind whatsoever in either case.

GENERAL PROVISIONS APPLICABLE TO LEASES AND PERMISSIONS UNDER PARTS V AND VI

42. The following provisions shall be applicable to all leases and permissions issued under Parts V and VI:

Transfer,
mortgage and
sub-letting
of leases.

- (a) A lessee or holder of a permission shall not be entitled to transfer or mortgage his interest in the lands comprised in his lease or permission, as the case may be, or any part of letting of them save in accordance with the provisions of these regulations relating to transfers and mortgages and to oppositions to transfers, and shall not sublet such lands or any part of them except with the permission in writing of the Commissioner under regulation 86.

Lines to be kept
open and
notice boards
to be
maintained.

- (b) Every lessee or holder of a permission shall be bound during the continuance of his lease or permission to keep the boundary lines of his tract clear and open and to place and boards on the front of the tract at or near to each boundary paal a board on which shall be painted in legible letters and figures the name of the holder and the number and date

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Right of entry
to inspecting
officer.

of his lease, or permission, as the case may be.

Warning to be given to lessee and mortgagee where lessee is in default of compliance with conditions.

- (c) It shall be lawful for any officer of the Government of authorised in that behalf by the Commissioner to enter upon the land held under any lease or permission at such times as officer, may be reasonable to inspect the cultivation or stock and the boundary lines, notice boards and paals placed thereon and to do all things necessary to ascertain whether the conditions under which such lease or permission is held are being complied with.
- (d) Where a lessee fails or neglects to comply with or fulfil any of the prescribed conditions of his lease or where any lessee and^o instalment of rent payable thereunder is three months or more mortgagee overdue, such lessee and in the event of the lease having been mortgaged and notice of the execution thereof having been filed in the office of the Department by the mortgagee or the mortgage recorded in the office of the Department in terms of regulation 17 such mortgagee shall also be given a warning by or on behalf of the Commissioner to carry out within six months the obligations in respect of which the lessee is in default or to pay within three months the arrears of rent as the case may be and where such lessee or mortgagee as aforesaid fails to comply with such warning within the time specified the lease and the lands comprised therein and all improvements thereon may be forfeited:

Provided, however, that where either such lessee or mortgagee before the expiration of

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the time specified in such warning complies with the conditions in respect of which the lessee was in default and pays all rent due the lessee shall continue to hold the land leased as if no breach had been committed.

Buildings and erections on land on expiry of lease to belong to the State.

(e) Where any lease for grazing purposes or any lease for agricultural purposes expires by effluxion of time and such lease is not renewed by the previous holder all buildings or erections and all improvements on the land shall belong absolutely to the State:

Provided, however, that where in the case of any lease for grazing purposes or any lease for agricultural purposes exceeding one hundred acres such lease is renewed to a succeeding lessee within twelve months of the date of expiry as aforesaid the previous lessee shall be entitled to receive from the succeeding lessee the full value of all lawful improvements existing on the land as computed at the date of such renewal, the amount of compensation payable in respect of such improvements to be determined as far as possible in the manner hereinafter prescribed in regulation 43.

ASSESSMENT OF COMPENSATION FOR IMPROVEMENTS

Payment for improvements.

43. (1) No payment or valuation shall be made pursuant to these Regulations in respect of any improvements unless the Commissioner is satisfied that the same were made *bona fide* for the purpose of improving the land or for increasing the carrying capacity thereof and unless the same shall consist of cultivation, clearing, draining, wells of fresh water, reservoirs, fences, dwellings,

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buildings or sheds erected for farm or station purposes or any improvement for maintaining and improving the agricultural or pastoral capabilities of the land.

Definition of improvements.

(2) The value of improvements in respect of which compensation shall be payable shall include the value of any improvements on the land to be taken or which being outside such land but comprised in the lease held by the person to be compensated have become valueless or lessened in value by reason of such person being deprived of the land to be so taken.

Value of improvements to be determined by arbitration.

(3) The value of such improvements shall be ascertained by one competent person appointed by the applicant for the land to be taken and one by the lessee, any difference between such valuers to be determined by an officer of the Department specially deputed thereto by the Commissioner, acting as Umpire.

PART VII LICENCES OF OCCUPANCY

President may grant licence of occupancy on same condition as leases.

44. Where in any case for any reason in the opinion of the Commissioner it is considered inconvenient or impracticable to grant by way of lease the right to occupy any State land for any purpose for occupancy which it is provided State lands may be leased under these Regulations, the Commissioner with the approval of the President may leases, issue a licence of occupancy for such term of years as the President may approve or during the pleasure of the President and every such licence of occupancy shall be issued at the same rate of rental and shall be subject to the same terms and conditions as are prescribed in the case of leases for the same purpose and the provisions of the regulations applicable to leases for the said purposes shall, *mutatis mutandis*, apply.

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LEASES AND LICENCES TO CUT WOOD

President may grant leases and licence to cut wood.

45. The Commissioner with the approval of the President may grant leases or licences giving the holder the exclusive right subject to these regulations to fell, cut, split, and remove any timber growing licences to on State lands for logs, sleepers, shingles, firewood, posts, spars, cut wood, wattles or sticks and to burn charcoal, at the rental and on the conditions hereinafter prescribed.

Area to be granted under leases.

46. Leases may be granted for tracts exceeding 5,000 acres in area to be for such term of years and at such rental and subject to such special terms and conditions as may be agreed upon and as the President may in every such case approve.

Area to be granted under licences

47. The area to be granted under a licence shall ordinarily not exceed 2,000 acres, but may be such larger area not exceeding 5,000 acres as the President may in any particular case approve.

Term of licence.
[O. 12/1954]

48. A licence may be granted for a period of two years and may be renewed with the approval of the Commissioner for any further period not exceeding two years at any one time.

Survey and inspection of tracts.
[Reg. 1/1947]

49. Unless the Commissioner in any particular case otherwise decides no survey of the land to be leased or licensed shall be necessary but the applicant shall in lieu of a survey cut lines to enclose the area applied for and pay the cost of inspection by prismatic compass and chain of the tract and the making of a diagram thereof by an officer thereto deputed by the Commissioner. The fee payable for such inspection (including diagram) shall be—

For inspection of an area up to 100 acres ...	\$25.00
For inspection of an area over 100 acres and up to 500 acres	... \$30.00
For inspection of an area over 500 acres	

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and up to 1,000 acres	... \$60.00
For inspection of every additional 500 acres or part thereof over 1,000 acres	... \$20.00

Provided that the Minister may at any time by notice in the *Gazette* direct that such other fee as he may think fit shall be payable in respect of the inspection of tracts applied for after the date of any such notice.

Rent.
[O. 12/1954]

50. The rent payable on a licence or lease shall be at the rate of one cent for each period in respect of which the licence or lease has been granted or renewed as the case may be.

Conditions.

51. A licence shall ordinarily be issued subject to the following conditions but the President may in any particular case vary these conditions to suit special circumstances or may in like manner annex such further conditions as he may think fit:

Licensee must work tract.

(a) The licensee shall in each year during the continuance of the licence work the tract to the satisfaction of the Commissioner.

Transfers and mortgages.

(b) The licensee shall not transfer or mortgage his interest in the licence or sublet the tract save in accordance with the provisions of these Regulations relating to transfers and mortgages and to subletting.

Notice boards to be erected and boundary lines to be kept open.

(c) The licensee shall place and maintain on the front of the tract at or near each boundary paal or at some conspicuous place a board on which shall be painted in plain legible letters and figures the name of the licensee and the number and date of his licence; and he shall also keep the boundary lines of the tract clear and open at all times to the satisfaction of any officer of the Department.

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Licensee to sell
Government
timber at
current market
rates.

(d) The licensee shall, when required by the Minister, be bound to sell to any Government Department at current market rates, at the place of production or at such current market rates with reasonable transport charges added, the same in case of disagreement to be calculated on the average prices of the preceding three months, timber or other articles obtained by him from the tract licensed, to an amount not exceeding twenty-five per cent of the total output of such tract.

Security to be
given by
applicant.

52. (1) Before any lease or licence for wood-cutting is issued the Security to applicant shall if required by the Commissioner give security to his satisfaction in a sum not exceeding three thousand dollars that the forests for which the lease or licence is applied for shall not during the continuance of the lease or licence suffer any injury and that the royalty on all articles taken therefrom and the rents due and payable thereon shall be duly paid.

(2) If such security is not given within two months from the date of the notification by the Commissioner that it is required, the application may be cancelled and all fees deposited forfeited.

Continued
security.

(3) Any person to whom more than one lease or licence is granted, may in lieu of giving separate security in respect of each tract, give security in a sum not exceeding five thousand dollars in respect of all such tracts and such security shall be renewed only when from the death or bankruptcy of sureties or from their ceasing to reside in Guyana or from its being reduced, or estreated, it is necessary to renew it.

Size of trees to
be cut.
[Reg.
6.12/1933.]

53. (1) No tree shall be cut that will square less than ten inches, except wallaba or other hardwood trees of a like nature, cut for the purpose of making paling posts, beams or

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spars, or except such other trees as the Commissioner may by notice in the *Gazette* declare may be cut of such smaller size as may be stated in such notice.

(2) No tree which produces rubber shall be cut without the special permission, in writing, of the Commissioner.

(3) Any tree cut in contravention of this regulation shall be liable to forfeiture:

Provided always that, when necessary, hardwood trees, other than greenheart or trees which produce rubber may be cut for any of the following purposes, namely—

- (a) making tramway or railway routes or timber or cart paths;
- (b) building huts;
- (c) for facilitating the working of the tract or the transporting of wood or other articles there from.

(4) No tree shall be felled for the purpose of making use only of its limbs for firewood or for any other purpose. Every lessee or licensee who contravenes this regulation shall, in addition to the penalty prescribed for a breach of these Regulations, be liable to pay royalty on the unused portion of the tree.

Permission required to collect balata from felled trees.

First Schedule.

(5) The lessee or licensee, on providing himself with a special permission for the purpose, to be obtained from the Commissioner on payment of the fee prescribed in the First Schedule for the same, shall be at liberty to collect balata from trees felled on the tract for the purpose of being squared, and from no others, and shall keep a record of the balata so collected and duly pay the royalty payable thereon.

Provisions as to removal and conveyance of timber, etc.

54. (1) No timber, staves, posts, beams, sticks, firewood, shingles, charcoal, or other article whatsoever which may under this part be taken off the State lands shall be removed from a leased or licensed tract, or shall be conveyed in any manner, without a permit in that behalf signed by the lessee or licensee or his agent or representative on the tract, unless otherwise permitted by the Commissioner.

(2) The permit shall be in such form, and shall contain such particulars, as the Commissioner may direct, and no permit shall be used by a lessee or licensee or his agent or representative for any other purpose than in connection with the conveyance of articles from the specific tract of State land for which such permit was approved by the Commissioner. Any licensee or his agent or person in charge who refuses or neglects to insert the full particulars required on permits issued for the removal of substances from State land as aforesaid, or who falsifies, alters, or wilfully defaces such permit in a manner calculated to cause a loss of revenue shall be guilty of an offence under these Regulations.

(3) The person in charge of every such article in course of conveyance from a leased or licensed tract shall take the same to the nearest Government Station and exhibit his permit to the officer in charge of such station, who shall, if he is satisfied that the article mentioned in such permit has been legally obtained from State land leased or licensed for the purpose, endorse his name with the date thereon.

(4) No such article as aforesaid shall be conveyed beyond such Government Station without such endorsement on the permit relating to the same.

(5) The person in charge of every such article in course of conveyance from a leased or licensed tract shall also, on arriving at the place of destination of such article, within twenty-four hours after deliver his permit to an

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officer at the Government Station nearest to such place, and the officer shall satisfy himself that the particulars contained in the permit are true.

(6) Any officer of the Department whilst travelling on duty may, if he is satisfied that the particulars contained in any such permit handed to him are true, endorse his name, with the date thereon, and the place where the permit is so endorsed shall, for the time being, be deemed to be a Government Station; and in any such case the provisions of paragraphs (3) and (4) shall not apply.

(7) Permission in writing may be granted by the Commissioner to the lessee or licensee of any tract to convey timber therefrom to any depot, flat or beach without a permit to convey such timber being made out in respect of each load:

Provided that the lessee or licensee shall furnish a monthly statement showing the kind and quantity of all timber so conveyed, together with such other information as the Commissioner may require, and pay royalty thereon during the first week in each calendar month.

(8) Permission in writing may be granted by the Commissioner, or any officer of the Department duly authorised by the Commissioner, to the lessee or licensee of any tract to convey any article taken off his tract to any place, without the same being first taken to a Government Station, and in any such case the provisions of paragraphs (3) and (4) of this regulation shall not apply.

(9) Permission in writing may be granted by the Commissioner to the lessee or licensee of any tract who desires to export any articles mentioned in this part to convey such article direct to the place where the vessel in which the same is to be exported is loading, without the same being first taken to a Government Station.

(10) The lessee or licensee shall be bound, after the vessel has been loaded, and before entry is passed at the Customs, to deliver to an officer of the Lands Department a declaration made by himself or his agent, or by a timber measurer holding a certificate as such from the Commissioner, declaring the quantity of each article with which the vessel is loaded, as well as the quantity, if any, transported from the tract for the purpose but rejected by the shippers, and shall pay the royalty on the whole.

(11) Any timber, staves, posts, beams, sticks, firewood, shingles, charcoal or other article whatsoever from a leased or licensed tract of State land, removed or otherwise dealt with except in accordance with the foregoing paragraphs, shall be liable to seizure and forfeiture, as though illegally cut on the ungranted State lands.

Royalty.

55. (1) The lessee or licensee shall forthwith, after having delivered the permit as required by regulation 54 (5), pay the royalty payable on the articles specified therein at the office of the Department or to an officer of the Department appointed for the purpose.

[Reg. 33/1948]

(2) In the case of timber and other forest products cut and removed, or cut or removed from State lands and sold in accordance with regulation 10 of the State Lands (Amerindian) Regulations, the purchaser shall forthwith pay the royalty payable on the articles purchased at the office of the Department, or to an officer of the Department, appointed by the Commissioner for that purpose.

Prohibition of
selling or
purchasing
timber, etc.,
without permit.

56. No person shall purchase from a lessee or licensee, and no lessee or licensee shall sell to any person, any of the articles mentioned in regulation 54, unless a permit for the removal of the same has been obtained as required by the said regulation and the lessee or licensee produces a receipt showing that the royalty payable thereon has been duly paid.

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Power to grant certain transport privileges to licensee.

Permission to occupy land as depot for storing timber and for cultivation.

Transport facilities and land depot may be granted over adjoining land licensed to others.

Survey of land granted for depot not necessary.

57. (1) Permission may be granted by the Commissioner to any lessee or licensee to construct and use such railways and tramways and timber and cart paths on State lands outside the limits of the tract leased or licensed to him as may facilitate the transportation of the timber or other articles taken from the tract.

(2) Permission may also be granted by the Commissioner to any lessee or licensee to occupy, at or near the entrance of any creek, timber, or cart path, any State land not exceeding five acres in extent, for the purpose of erecting houses, for storing his goods, dropping his timber, and depositing his shingles or any other article which he is authorised to procure from his tract, and also to cultivate any portion of such land for the support of himself and his labourers, so long as he continues to hold such lease or licence.

(3) Permission may also be granted by the Commissioner to a lessee or licensee of a woodcutting tract to construct and use any railway, tramway, or cart or timber path through or across State lands adjoining or in proximity to his tract which are leased or licensed to any person for woodcutting, collecting balata, or for grazing purposes, where it is shown to his satisfaction that such permission is necessary to enable such lessee or licensee to remove his timber or other articles, and to occupy as a depot any portion of such State lands not exceeding five acres in extent for the purpose of erecting buildings for storing his goods or for the purpose of dropping his timber or other articles.

(4) No survey shall be required and, with the exception of the fee payable for the permission and rental, no other charge shall be made in respect of any such permission:

Provided, however, that if the lessee or licensee is at any time found to be occupying more than five acres of land

under any such permission, the permission may be at once rescinded by the Commissioner and the lessee or licensee may be required to take out a lease for the occupied area and to pay the fees required under these Regulations

Reservation in favour of State metals, minerals, etc., and of right to enter and mine therefor.

58. A lease or licence shall not confer on the holder any right to the land in respect of which the lease or licence is granted nor any right to any gold, silver or other metals, minerals, ores, bauxite, metals, gems or precious stones, rock, coal or mineral oil in or under the land comprised in such lease or license and all agents, servants or of right workmen of the Government thereto specially authorised shall be to enter and there-in entitled to enter upon the land granted and therein to search and for mine for and carry away therefrom any metal or mineral or other substance or thing as aforesaid and also any stone, sand, clay or other materials which may be required for making or keeping in repair any roads, tramways, railways, drainage or irrigation works or for the construction of any works or purposes of public use

Power to take portions of lease or licence for public purposes or to grant portions for mining purposes or to resume portions denuded of valuable timber for cultivation purposes

59.(1) The President shall have full power and authority at all times during the term of the lease or licence to resume possession of any part or parts of the land comprised in a lease or licence which may be required for any works or purposes of public use, utility or convenience, or may sell, lease, license or otherwise dispose of any part or parts of the said land to any person or persons for any such purpose, or may, subject to the provisions of any Acts and regulations for the time being in force relating to mining on State lands grant to any person or persons a concession, lease, licence or permission in respect of any part or parts of the said land; or may resume possession of any portion of the said land which in his opinion has been denuded of valuable timber or which he considers ought to be resumed for cultivation, without making any compensation to the lessee or licensee in respect thereof other than a proportionate reduction of rent in respect of any land

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without compensation.

resumed or disposed of as aforesaid on which marketable timber is growing or standing:

Provided, however, that no such resumption or disposition shall be made of any land within five hundred yards of a saw-mill site, or within five hundred feet of any building or within one hundred feet of any railway or tramway constructed for the purpose of hauling timber unless compensation be paid for the same.

Land for roads, railways, etc., to be reserved for lessee or licensee over portions resumed or disposed of to others.

(2) Where any land comprised in a lease or licence is resumed or disposed of as hereinbefore provided the Commissioner shall reserve therefrom such land as may be necessary for roads or railway or tramway routes likely to be required by the lessee or licensee for present or future requirements and in every title issued in respect of any land resumed or disposed of as aforesaid power shall be reserved to the President to resume any portion of such as may be required for roads or railway or tramway routes by the lessee or licensee without payment of compensation.

Balata or quarrying rights may be granted to others.

60. A licence to collect balata or a licence for quarrying may be granted over any land held under a woodcutting lease or licence and a woodcutting lease or licence may be granted over any land held under a licence to collect balata or under a lease for grazing purposes.

Right of entry to inspecting officer.

61. It shall be lawful for any officer of the Government authorised in that behalf by the Commissioner to enter upon any land held under lease or licence for woodcutting purposes at such times as may be reasonable to inspect the operations of the lessee or licensee in so far as may be necessary to ascertain whether such lessee or licensee is complying with the conditions of his lease or licence.

Penalty for non-observance of conditions of licence.

62. The Commissioner may at any time revoke any licence in the event of non-observance by the licensee of any of the conditions of his licence or of the provisions of the

regulations relating to licences for woodcutting

PART IX

LICENCES TO COLLECT BALATA, GUM, ETC.

Issue of
licences for
obtaining
balata, etc.

63. Licences for a term of years or during the pleasure of the President (as the case may be) for the purpose of obtaining rubber, balata or substances of a like nature from the forests on State lands by the Commissioner subject to the following conditions :

Rental.

(a) The licensee shall pay to the Commissioner on the date specified in the licence an annual rental of forty dollars, and in default of payment of such rental on the day on which the same becomes due, the licensee shall in addition, pay interest thereon at the rate of six per cent *per annum* for each day of such default.

Royalty.

(b) The licensee shall forthwith after the delivery of the permit as required by regulation 68 (5) pay royalty at the Department as specified in the First Schedule unless the Commissioner otherwise directs.

First Schedule.

Transfer and
Mortgage.

(c) The licensee shall not transfer or mortgage his interest in accordance with the regulations relating to transfers and mortgages, and shall not sub-let his interest in the licence or any part thereof.

Erection of
notice boards.

(d) The licensee shall place and keep on either side of the tract licensed to him a board on which shall be painted in plain legible letters and figures the name of the licensee, the extent of the tract, and the date of the licence

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under which he holds it, and he shall keep such board with such inscription in good repair during the continuance of the licence:

Provided that when two or more contiguous tracts are licensed to the same person notice boards at the extreme limits of the whole facade only shall be necessary.

Licensee must work tract to satisfaction of Commissioner.

(e) The licensee shall in each year during the continuance of the licence do work on the tract licensed to the satisfaction of the Commissioner:

Provided always that the Commissioner may give the licensee permission in writing to cease work on the tract for such time as the Commissioner may think fit.

Licensee prohibited from holding balata licences on frontier of neighbouring country.

(f) The licensee shall not at any time during the period for which the licence is granted accept a licence to collect rubber licences on or balata from a Government on the frontiers of Guyana.

Power to grant lease or licence to others for any purpose whatsoever any portion of the land licensed.

(g) The licence shall not confer on the licensee the right to Power to plant rubber, or trees other than balata, on any portion of the land to which the licence refers, and the President may grant others for lease or licence for any purpose whatsoever other than the purpose of collecting balata to any person any portion of the any portion land, upon due notice being given to the licensee, and there upon the right of the licensee under the licence in or to the portion of 'land so granted, leased or licensed shall immediately cease and determine.

The foregoing provisions shall apply to every licence for obtaining rubber, balata or substances of a like nature, whether such licence was issued before or after the commencement of these Regulations.

Security to be given by applicant.

64. (1) Before any licence for the collection of rubber or balata is issued, the applicant shall give security to the Commissioner to his satisfaction in a sum not exceeding five thousand dollars that the forests on State lands for which the licence is applied for shall not suffer any injury during the continuance of the licence and that the royalty on all articles taken therefrom and the rents due and payable thereon shall be duly paid, and also that the unlicensed forests on State lands within twenty miles of the nearest point on the tract for which the licence is applied for shall not during the continuance of the licence suffer any injury by reason of anything done by the applicant or by any person employed by him.

(2) If such bond is not given within two months from the date of the notification by the Commissioner that it is required, the application may be cancelled and all fees deposited shall be forfeited.

Continued security.

(3) Any person to whom more than one licence for the collection of rubber, balata and other substances of a like nature is granted, may in lieu of giving separate security in respect of each tract, give security in a sum not exceeding five thousand dollars in respect of all such tracts, and such security shall be renewed only when from the death or bankruptcy of sureties or from their ceasing to reside in Guyana or from its being reduced, or estreated it is necessary to renew it.

Registration of persons.
Reg. 17/1968]

65. (1) The licensee shall not employ or permit to be employed any person to prospect for or to bleed rubber or balata on any tract licensed to him, or to labour, work, or be engaged thereon or in connection therewith in any capacity whatsoever, who has not been registered by the

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Commissioner, and any person found labouring, working or engaged on or in connection with any tract licensed for rubber or balata collecting purposes, in any capacity whatsoever who has not been duly registered as herein provided for or in any capacity other than that in which he has been registered shall be liable to a fine of seventy-five dollars.

(2) Application for the registration of persons shall be made in Georgetown or at such other places as may from time to time be fixed by the Minister, to the Commissioner or any person appointed by the Minister in that behalf who are hereinafter referred to as the Registering Officer.

(3) Where any person is registered to work on any tract, and the contract between him and his employer is for a limited time, it shall not be necessary, on the expiration of the term of service, if such person desire to remain on such tract, to again register such person, but in any such case the employer shall endorse the expired certificate of registration to the effect that the person's term of service has been extended for a period which must be stated, and notice shall as soon as practicable be sent to the Registering Officer of such continuation of service.

(4) Every person whose certificate has not been endorsed as hereinbefore provided who works on a tract after the expiry of his term of service, shall be deemed to have been employed thereon by the holder thereof without being duly registered as required by these Regulations.

(5) The Registering Officer may refuse to register persons to work in any capacity outside the limits of Georgetown or New Amsterdam for any company or co-partnership, whether registered in Guyana or not, unless such company or co-partnership shall pay a deposit of such

amount as the Commissioner shall determine, or enter into a bond with two good and sufficient sureties for the due payment of all sums due to the persons so registered.

(6) The Registering Officer may refuse to register persons for any employer against whom any unsatisfied judgment for labourers' wages exist, and shall not register any person whose contract with another employer is unexpired and still subsisting, except with the permission of such employer.

(7) Any person who makes application to be registered as aforesaid shall state to the Registering Officer the capacity in which he intends to labour on or in connection with the tract, the situation of the tract, and, in case of a bleeder, the name of the foreman under whose control he intends to work, and the Registering Officer shall enter all such information on the registration certificate to be given to such person. Such certificate shall be in the form approved by the Commissioner, and shall remain in force for any term not exceeding twelve months from the date of issue. No person under the age of 18 years shall be registered to labour in the capacity of a bleeder.

(8) It shall not be necessary for any person who has been duly registered, whose period of service has expired, and who is in any district, and who desires to be employed on any tract, other than the one in respect of which he has been registered, to attend personally before the Registering Officer, but it shall be sufficient if the application for registration is made by letter sent by post enclosing the fee for such registration, and the certificate referred to in paragraph (7), and in such case the Registering Officer shall forward the certificate by post.

(9) No immigrant shall be registered unless he produces his certificate of exemption from labour or is otherwise shown to be exempt.

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(10) The Registering Officer shall keep a record of the named ages, residences, places and terms of employment and proposes, wages, and of such other particulars as the Minister may direct.

(11) Every employer of persons registered under these regulations shall be bound to certify on the back of the registration certificate that such person has completed his service under such certificate, and may state whether such service has been satisfactory or otherwise.

Employment of Amerindians.

(12) It shall not be compulsory for any Amerindian to take out a certificate of registration, and no such certificate shall be issued or contract entered into unless a permit to employ such Amerindian has been granted under the Amerindian Act.

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Commissioner may cancel registration certificate.

(13) The Commissioner may for good cause order that any certificate of registration shall be cancelled subject to an appeal to the Minister.

(14) Any registered foreman or bleeder may at any time proceed to work on any tract other than the one for which he has been registered, on the agent, foreman, or other person under whose control such foreman or bleeder is working notifying to the nearest officer, by the first available opportunity, the situation of the tract to which such foreman or bleeder has been transferred.

(15) Any person may be registered by means of written communication through the Post Office, or other reliable source, if the officer is satisfied that the person to be registered possesses the knowledge and ability required.

Commissioner may debar any person from registration.

(16) The Commissioner may order that any person shall not be registered to labour on or in connection with any tract licensed for rubber or balata collecting purposes, if he is of opinion that such person is not a fit and proper person to labour in such behalf, and if the

Commissioner so orders, such person shall be debarred from registration for such time as the Commissioner may deem fit:

Provided always that such person may appeal against such order to the Minister.

Penalty for failure to point out work place to inspecting officer.

(17) Any person who has been registered as hereinbefore provided, who refuses or neglects to produce his registration certificate for the inspection of any officer when called upon to do so, shall be liable to a fine of seventy-five dollars.

Conditions under which balata trees may be bled or felled. [Reg. 15/9/1920 6/12/1933]

(18) Any person registered under this regulation, who, when requested by any officer, neglects or refuses without reasonable excuse to go and point out to such officer the place where he has been bleeding rubber or balata, or the trees which he has bled shall be liable to a fine of one hundred and fifty dollars

(19) Any foreman, who when requested by an officer neglects or refuses without reasonable excuse to go and point out to such officer the whereabouts of the bleeders under his control or the trees which they have bled or are bleeding, shall on conviction thereof be liable to a fine of one hundred and fifty dollars.

66. (1) No balata tree shall be cut or bled that measures less than 42 inches round the circumference at a height of four and one quarter feet from the ground.

(2) No tree that has been bled shall be again cut or bled until the wounds in the bark caused by any previous incisions be covered with renewed bark as to which the inspecting officer shall be sole judge. The limbs and branches of a tree shall not be cut or bled.

(3) The incisions in the bark must be not less than 9 inches apart and be so cut that they do not cross each

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other but run one into the other, conveying the latex or gum towards the base of the tree. Where a tree is bled on the whole circumference the incisions shall run one into the other on one side of the tree only, and shall not meet, run into, or cross one another at any other point.

(4) The incisions or gutters formed in the bark must not be more than one inch and a half wide on the outside, and must not be the full depth of the bark.

(5) No bleeder shall make use of any instrument for bleeding rubber, balata or substances of a like nature the use of which has been prohibited by the Commissioner.

(6) The method of bleeding known as "double face" is strictly prohibited.

(7) No balata tree may be felled or destroyed except for the purpose of extracting from the forest and utilising the timber, and any tree measuring less than 16 inches in diameter on its smallest diameter at four and one quarter feet from the ground shall not be felled without the permission of the Commissioner as provided in regulation 87. Any person who fells or destroys any balata tree and fails to utilise the timber, or who bleeds any tree in contravention of this regulation shall be liable to a fine of one hundred and fifty dollars.

Keeping of
book showin
balata, etc.,
collected.

67. (1) The licensee, or agent or representative on the tract, shall keep a book in which shall be entered the quantity of every parcel of rubber, balata, or substance of a like nature collected by or for him.

(2) In any case where the licensee does not reside on the tract the Commissioner may give permission in writing to the licensee to keep the said book at his place of business or that of his agent.

(3) Such book shall be at all times open to the

Permit for the removal of balata, etc., from licensed tract.

inspection of any officer of the Department, district commissioner, or member of the police force.

68. (1) No rubber, balata, or other article whatsoever which under this Part may be taken off the State lands shall be removed from a licensed tract, or shall be conveyed in any manner without a permit in that behalf signed by the licensee or his agent or representative on the tract.

(2) The permit shall be in such form and shall contain such particulars as the Commissioner may direct. Any licensee or his agent or person in charge who refuses or neglects to insert the full particulars required on permits issued for the removal of substances from State land as aforesaid, or who falsifies, alters, or wilfully defaces such permit in a manner calculated to cause a loss of revenue shall be guilty of an offence under these Regulations.

(3) The person in charge of every such article in course of conveyance from a licensed tract shall take the same to such Government Station as the Commissioner may appoint for the purpose and exhibit his permit to the officer in charge of such station, who shall, if he is satisfied that the article mentioned in such permit has been legally obtained from State land licensed for the purpose, endorse his name, with the date, thereon.

(4) No such article as aforesaid shall be conveyed beyond such Government Station without such endorsement on the permit relating to the same.

(5) The person in charge of every such article in course of conveyance from a licensed tract shall also, on arriving at the place of destination of such article within twenty-four hours thereafter, deliver his permit to an officer at the Government Station nearest to such place, and the officer shall satisfy himself that the particulars contained in the permit are true.

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(6) Any officer of the Department whilst travelling on duty may, if he is satisfied that the particulars contained in any such permit handed to him are true, endorse his name, with the date thereon, and the place where the permit is so endorsed shall, for the time being, be deemed to be a Government Station, and in any such case paragraphs (3) and (4) shall not apply.

(7) Permission in writing may be granted by the Commissioner or any officer of the Department duly authorised by the Commissioner to the licensee of any tract to convey any article taken off his tract to any place, without the same being first taken to a Government Station, and in any such case paragraphs (3) and (4) shall not apply.

(8) The licensee shall, forthwith after having delivered the permit as required by the last preceding regulation, pay the royalty on the substance specified therein at the office of the Department or to an officer of the Department appointed for the purpose.

(9) No person shall purchase from a licensee and no licensee shall sell to any person, any of the articles, mentioned in regulation 68 (1) unless a permit for the removal of the same has been obtained as required by the said regulation, and the licensee produces a receipt showing that the royalty payable thereon has been duly paid.

Procedure on
exportation of
balata etc.

69. Every licensee who desires to export rubber, balata, or other Procedure substance of a like nature taken from State lands shall hand to an officer of Customs the receipt for royalty paid, and such officer shall balata, etc. on the tendering of such receipt, cause the rubber, balata, or substance of a like nature to be weighed and shall certify on the back of the receipt the quantity for which entry is passed; and, if the quantity is less than that mentioned in the receipt, the officer shall return to the exporter the receipt with the certificate, and when entry for the full quantity mentioned in the receipt is passed for shipment, the officer

shall endorse the same on the receipt.

PERMISSION TO COLLECT GUMS OTHER THAN BALATA AND ORCHIDS

70. (1) Every person who desires for the purpose of trade to collect on State lands, gums other than rubber, balata, or substances of a like nature, or any substances which can be obtained without cutting gums, etc. any tree or shrub, or any plants except orchids shall obtain permission

Permission required by collector of gums etc.

(2) Every person who desires to collect orchids on State lands, shall obtain permission in writing to do so from the Commissioner.

Permission to collect orchids.
First Schedule.

(3) Any permission under this regulation may, on payment therefor of the fee specified in the First Schedule, be issued by the Commissioner.

Collection of royalty on orchids exported.
Procedure on exportation of gum.

71. (1) Every person who collects orchids from State lands for exportation, or who desires to export any gums taken from State lands, other than rubber, balata or substances of a like nature, or balsam copaiba or tonka beans, or any substance, which can be obtained without cutting any tree or shrub, or any plants other than orchids, shall pay to an officer of the Department the royalty payable for any orchids so collected, or for any such gums, balsam copaiba or tonka beans. The officer shall give a receipt for the same and when the orchids, gums, balsam copaiba or tonka beans are to be shipped the exporter shall exhibit to an officer of Customs the receipt for royalty so paid.

(2) The officer of Customs shall certify on the back of the receipt the quantity for which entry is passed, and, if the quantity is less than that mentioned in the receipt, the officer shall return to the exporter the receipt with the certificate and, when entry for the full quantity mentioned in the receipt is passed for shipment, the officer shall endorse the same on the receipt.

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(3) If no royalty is payable on any such substance or plant, the exporter shall exhibit to an officer of Customs the licence or permission obtained by him to collect the same, or a certificate from an officer of the Department that he is the holder of such a licence or permission and the officer shall thereupon pass the same for shipment

Penalty on
evading
payment of
royalty.

72. (1) Every person who exports, or attempts to export, or receives or attempts to receive on board any boat or vessel, any of the things mentioned in this Part in respect of which royalty is required to be paid, without royalty having been paid and entry passed for the same, shall be liable, on summary conviction, to a fine of seven hundred and fifty dollars, and to the forfeiture of such thing and also of the licence, or permission, if any, held by him.

(2) Any officer of the Department or Customs officer may be the complainant in any such case.

Right to
surrender
licenses under
this Part.

73. The holder of a licence to collect balata may surrender his licence during any year before the expiration of the said term, on payment of the sum of five dollars for each year or part of a year during which he has held such licence in addition to the rental for the year during which surrender is made if the Minister shall so decide.

Licensee may
prosecute for
offences.

74. (1) The licensee, or any person duly authorised by him in writing, may prosecute any person whether employed by him or not, for any offence against any regulation in this Part, committed on the land comprised in his licence or who collects or removes any such substance or thing from the forest on such land in contravention of section 21 of the Act.

(2) Where any person is convicted of any breach of these regulations as to rubber or balata bleeding, the person prosecuting shall, by first opportunity thereafter, transmit to the Commissioner all information as regards the conviction of such offender.

(3) A complaint for an offence under regulations 65 and 66 may be prosecuted in the magisterial district where the offender was registered.

PART X
**LICENCES FOR QUARRYING STONE, GRAVEL,
 KAOLIN AND OTHER CLAYS**

75. Licences for a term of years or during the pleasure of the President (as the case may be) for the purpose of quarrying stone, or gravel, or kaolin and other clays may be issued by the Commissioner subject to the following conditions:

Issue of
licences for
quarrying.

(a) The licence shall be subject to the provisions of any Act or regulations in force at the date thereof or thereafter passed relating to such licences or to quarrying.

Rental.

(b) The licensee shall pay to the Commissioner on the date, specified in the licence rental at the rate of twenty cents per acre:

Provided that the President may at any time by notice in the *Gazette* direct that such other rate of rental as he may think fit shall be payable in respect of licences applied for after the date of any such notice.

Licensee must
work quarry
to satisfaction
of
Commissioner.

(c) The licensee shall within such time from the date of the Licensee licence as is specified therein, begin preliminary operations under it to the satisfaction of the Commissioner, or surrender of Commissioner. The licence, and shall, within such further time from the said date as is specified in the licence, in case he shall not have surrendered the licence as herein provided, effectively begin and thereafter continue quarrying operations.

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Transfer of
mortgage.

(d) The licensee shall not alienate or transfer or mortgage Transfer and his interest in the licence or any part thereof except in accordance with the provisions of the State Lands Regulations relating to transfers and mortgages, and shall not sub-let the same without special permission in writing from the Commissioner.

Notice boards
must be erected
and boundary
lines kept open.

(e) The licensee shall place and keep on the facade of the Notice tract licensed to him, on or near to each boundary paal, a board on which shall be painted, in plain legible letters and figures, the name of the licensee, and the date and term of years of the licence under which he holds it; and the licensee shall keep such board with such inscription in good repair during the continuance of the licence, and he shall also keep the boundary lines of the tract clear and open at all times to the satisfaction of any officer.

Blasting be
carries out in
manner
prescribed by
law.

(f) Blasting operations shall be carried on on the manner prescribed by any Act or regulations for the time being in force relating to the regulation and control of quarries.

Reservation in
favour of State
of metals,
minerals etc.

(g) The licence shall not confer on the holder any right to the land in respect of which the licence is granted nor the right to any gold, silver, or other metals, minerals, ores, bauxite, gems or precious stones, coal, or mineral oil in and under the said land and any agents, servants, or workmen of the Government thereto specially authorised shall be entitled to enter upon the land licensed and therein to search and mine for

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and to carry away therefrom any such metals or minerals or other substances or things as aforesaid.

76. (1) Before any licence for quarrying is issued, the applicant shall give security to the Commissioner to his satisfaction in a sum not exceeding two hundred and forty dollars for the payment of all royalty on any gravel, kaolin, clay or substance of a like nature taken from the land for which the licence is applied for and for the payment of all rents due and payable thereon.

Security to be given by applicant.

(2) If such security is not given within two months from the date of the notification by the Commissioner that it is required, the application may be cancelled and all fees deposited forfeited.

Extension of time for commencing work.

77. The Minister may extend the time within which preliminary operations shall be commenced or operations effectively continued under any quarrying licence.

Permit for removal of stone, etc.

78. (1) The licensee or his agent thereto authorised by him in writing shall, before removing from the tract any stone, gravel, or kaolin, clay, or other substance of a like nature, issue to the person in charge of such article a permit in which he shall state the quantity of stone, gravel, or kaolin, clay, or substance of a like nature to be removed, and shall send a duplicate of such permit to the Commissioner within seven days of the issue thereof:

Provided that the putting of any stone, gravel, kaolin, clay, or substance of a like nature on board any vessel lying at or near any tract to be removed, shall not be deemed a removal within the meaning of this regulation.

(2) The permit shall be in such form and shall contain such particulars as the Commissioner may direct.

79. The licensee shall forthwith after having delivered

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the permit as required by the last preceding regulation, pay the royalty payable on the substance specified therein at the office of the Department or to an officer of the Department appointed for the purpose.

REMOVAL OF SAND, ETC.

Payment of
royalty on
gravel, etc.

80. Any person desirous of obtaining sand, shell, or caddy from Granting of the State lands, shall be at liberty to do so without first obtaining a licence for the tract whereon such sand, shell, or caddy is lying, provided that he obtains from an officer of the Department a permit stating the weight or quantity of such sand, shell, or caddy, to be removed, the place from whence it is to be taken, the mode of its removal, and its ultimate destination.

Granting of
permit for
removal of
sand, etc., from
State Lands.

81. Except in the case of a permit issued to any officer of the Payment of Government for the removal of sand, shell, or caddy, for the public service, the person obtaining a permit shall, at the time of receiving it pay royalty on the quantity of the sand, shell, or caddy mentioned in it.

Payment of
royalty.

82. (1) A permit granted to any officer of the Government for Duration of the purpose aforesaid may, in the discretion of the Commissioner, be made available for any period not exceeding twelve months from the date of its issue.

(2) A permit granted to any other person shall only be available for six weeks from the date of its issue.

Duration of
permit.

83. (1) It shall not be compulsory for any officer of the Department to issue a permit under these Regulations.

(2) If any officer of the Department refuses to issue such permit, the applicant may appeal from such refusal to the Minister.

Power to refuse
permit.

84. No person shall sell or purchase any stone, sand,

gravel, shell, Prohibition caddy, kaolin, clay or other substances of a like nature taken from State lands, unless a permit for the removal of the same has been without obtained as required by these Regulations.

PART XI

MISCELLANEOUS PROVISIONS

Prohibition of selling stone, etc., without permit.

85. (1) The President may, provided he is satisfied that the cost of taking out a licence will be prohibitive to the industry which the applicant wishes to pursue, or that, owing to any special circumstances, the issue of a licence is impracticable, authorise the Commissioner on payment of such fees as may be deemed by the President to be reasonable, to issue, either by himself or any officer of the Department duly authorised by the Commissioner for that purpose, permission in writing to any person to occupy State land for any purpose, or cut, gather, take and remove any article whatever growing upon State land on condition that he pays the royalty payable thereon.

Power to grant permission to remove articles from State lands without obtaining licence.

(2) The President may annex to the permission such other conditions as he may think fit.

Location and marking off of tract.

(3) After the tract has been located by the applicant, the boundaries, if not creeks or other well defined boundaries, shall be marked off or defined in such manner as may be directed by the Commissioner.

Granting of leave to sub-let.
[Reg. 12/1952]

86. (1) Leave may be granted by the Commissioner to the holder of any lease or licence to sub-let his tract or any part thereof on payment of the prescribed fee, and on such terms and conditions as may be approved by the President.

(2) No leave granted under this regulation shall in any way relieve the original lessee or licensee from responsibility for non-fulfilment of any of the conditions under which the lease or licence was issued or prevent the

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forfeiture of such lease or licence for noncompliance therewith.

(3) Every such leave must apply to a specific sub-letting.

Permission to
cut down
balata tree.

87. The Commissioner may, if he is satisfied that no harm to the forests shall result thereby, grant permission to any holder of a licence to cut wood, or collect balata or of a lease to plant rubber or citrus fruits, etc., to cut down any rubber tree or balata tree growing on the land covered by his licence or lease, and to use the same as timber or to obtain the latex therefrom.

SUPPLEMENTAL PROVISIONS

Fees and
royalties.
[Reg. 11/1974]
First Schedule

88. (1) Subject to paragraph (2), the fees and royalties specified in the First Schedule shall be payable in respect of the several matters therein mentioned

Provided that the Minister may at any time by notice in the *Gazette* fix a royalty on any substance or thing not mentioned in the said schedule, collected or removed from the State forests.

Minimum
royalty.

(2) In respect of every year ending 31st December there shall be paid by the holder of a licence issued pursuant to regulation 75 such amount of royalty as would not be less than the amount which would be required to be paid had there been removed by him from every five acres, or part thereof, of land held under the licence such minimum quantity of any substance mentioned in that regulation as would require the payment of royalty amounting to one thousand dollars.

Payment of
royalty.

89. Notwithstanding anything contained in Parts VIII, IX and X Payment royalty shall be payable on all timber, staves, posts, beams, sticks, of royalty, firewood, shingles,

charcoal, rubber, balata, sand or other articles whatsoever, which may under these Parts be cut or obtained on any tract held under lease, licence or permission, issued under the State Lands Act, or any regulations thereunder for the time being in force, whether the same are dealt with in accordance with the said Parts or not; and, if any such timber, staves, posts, beams, sticks, firewood, shingles, charcoal, rubber, balata, sand or other substances as aforesaid are lost or stolen, or if from any cause, royalty cannot be paid thereon in conformity with the said Parts, royalty shall be paid thereon to the Commissioner, notwithstanding such loss, theft or other cause, and the Commissioner may recover the amount of such royalty by parate execution:

Provided that if the Commissioner is satisfied that the loss or theft is not the result of default or negligence of the licensee, he may with the approval of the Minister remit the royalty due in whole or in part.

Limitation of
effect of
Regulations.

90. Nothing in these Regulations contained shall in any wise Limitation prevent the President from in any case at any stage of the proceedings Regulations refusing to issue a grant, lease, licence or permission; but if in any case he so refuses under circumstances not provided for in these Regulations all moneys previously paid or deposited by an applicant shall be returned to him.

Alteration in
description of
boundaries of
balata licences.

91. In any case where it is found that the description of the boundaries given in any licence to collect balata varies with the boundaries actual position of the boundaries on the ground and thereby un-issue a new licence in place thereof.

Penalty.

92. Every person who fails to comply with any condition attached to any grant, lease, licence or permission, shall, on conviction, be liable to a fine of seventy-five dollars.

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FIRST SCHEDULE

Reg. 9, 12, 18,
53, 63, 70(3), 88.
[Reg. 17/1968]

TABLE OF FEES AND ROYALTIES

OFFICE FEES

1. For filing any application for a Grant, Lease, Licence of Occupancy, Licence to cut wood, licence to quarry stone or Permission under Regulations 57(1) and (2) and 85; or for renewal, transfer of or exten- sion of same.	\$ c.
5.00		
2. For filing any application for a licence to collect rub- ber or balata or renewal of the same	
10.00		
3. For permission to collect gums (other than rubber or balata) under Regulation 70(1)	
5.00		
4. For Permission to collect orchids under Regulation 70(2)	10.00	
5. For Permission to sublet any tract or part thereof	...	
1.00		
6. For Certificate to Registrar of Deeds of existence of title		
1.00		
7. For certificates of approval of mortgage	
1.00		
8. For registering mortgage on small agricultural lease holdings not executed before a judge		
1.00		
9. For recording of Mortgage Debt	
1.00		

SURVEY FEES

10. For surveying a tract not exceeding 15 acres including diagram
104.00		
11. For surveying a tract exceeding 15 acres including dia- Gram	* Actual cost
12. For surveying a strip of State land for canal or other purposes including diagram or for cutting any boundary line between tracts, or sub-division thereof or redefining boundaries including diagram, if required		
*Actual cost		
13. For surveying or running a line of levels		
*Actual cost		

♦Provided that—

- (a) where the actual cost of surveying any tract above 15 acres exceeds the amount estimated, the applicant shall be required to pay the excess cost and similarly where the cost is less the applicant shall be entitled to a refund of the difference;
- (b) an applicant may lodge one-fifth of the survey fees as fixed or as may be estimated by the Commissioner of Lands upon filing the application, and the remainder in four annual instalments. In the case of an application for a re-survey of any area already held under title or for a sub-division thereof or a redefining of boundaries the applicant must pay the actual cost of survey.

Note (i) The fees for the service of a surveyor and party on survey work in the field shall be at the rate of \$82.39 per day. No fees shall be payable in respect of the days spent in travelling to and from the site of survey where the number of days so spent does not exceed 25 per cent of the number of days spent on work in the field. Any excess in travelling shall be charged for at the rate of \$82.39 a day. The expenses of transportation are not included in the above fees but are payable in addition, together with the cost of wood and iron paals.

(ii) The fees for the services of a surveyor in the office shall be at the rate of \$12.67 a day.

ROYALTIES

Classification of Timber

Class I	Class II	Class III
-Greenheart	Hububalli	Baromalli
Red Cedar	Kereti Silverballin	White Cedar
Brown and Yellow	Kurokai	Corkwood
Silverballi	annni	Dalli
Purpleheart	Mora	Duka
Bulletwood	Morabukea	Futui
Crabwood	Tatabu	Hoahoa (Jack-in-the-box)
	Kabukalli	Iteballi
	Determa	Karohoro
	Locust	Korokororo
	Tauroniro	Baradan
	Wallaba	and all softwoods
	Wamara	(floaters) not
	Kirikaua	in classes I and II

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Suya	
Letterwood	
Simarupa	
Kakaralli	
Kurahara	
Dukali	
Dukaliballi	
Fukadi	
Koraro	
Manniballi	
Pakuri	
Shibadan	
Suradan	
Washiba	
Yaruru	
Burada	
Dukuria and all hard-woods (sinkers) not in Class I.	

14. Timber (round and square, other than as provided for in items 16, 20, 21, 22).

Class I	8c. per cu. ft.
Class II	5c. per cu. ft.
Class III	3c. per cu. ft.

15. Timber sawn— Class I

Class I	\$ 1.20 per 100' b.m.
Class II	80c. per 100' b.m.
Class III	40c. per 100' b.m.

16. Wallaba Telegraph Poles and squared beams less than 10" x 10"

6c. per cu. ft. or part thereof

17. Shingles

65c. per 100 lin. ft. or part thereof

18. Pailing Staves

25c. per 100 lin. ft. or part thereof

19. Vat Staves

40c. per 100 lin. ft. or part thereof

20. Paling posts and round wood spars 3" - 6" diameter

30c. per lin.

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		ft. or part thereof
21.	Hardwood beams and spars not more than 6" diameter	50c. per 100 lin. ft. or part thereof
22.	Saplings or wattles less than 3' diameter ... 100 or part thereof	... 15c. per
23.	Hardwood beams and spars not more than 6" diameter... 10c. per 100 feet.
24.	Charcoal	6c. per 100 lbs or part thereof
25.	Firewood and tonwood	30c. per cord or 12c. per ton or part thereof
26.	Mangrove Bark	5c. per 100 lb
27.	Balata, rubber, gums and tonka beans	2c. per lb.
28.	Orchids exported	25c. each
29.	Sand, gravel, caddy or any substance of a like nature	15c. per ton
30.	Shell.....	25c. per ton
31.	Kaolin and other clays of like substances (excluding Bauxite)	25c. per ton
32.	Stone and any other substance of a like nature.....	25c. per ton

SECOND SCHEDULE

FORMS

Form 1 reg. 17(2) (a) and (6)

*Application for approval of mortgage on small tract of State Land
held under Agricultural Lease.*

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The State Lands Regulations.

Address
Date

To the Commissioner
of Lands.

It is my intention to obtain a loan of
.....Dollars from.....residing at
.....

to be secured by mortgage on my right, title and interest in
and to Agricultural Lease
No.....dated.....
for.....acres of State Land
situate*.....

the said loan to be expended in the cultivation and
improvement of the said tract of land to be repaid within
.....from

the date of mortgage and to bear interest at the rate
of.....per cent *per annum*. Your approval is
requested.

(Signed).....

Lessee.

*Note.—Here describe situation, etc.

FORM 2

*Mortgage on small tract of State land held under Agricultural
Lease*

The State Lands Regulations.

Agreement made and entered into
at.....in the County of
....., Guyana, this the day of
.....20....., between..... residing

at.....herein called the
Mortgagee.

WHEREAS the Mortgagor has with the leave in writing of the Commissioner of Lands agreed to obtain a loan from the Mortgagee for the amount and on the terms and conditions and stipulations hereinafter stated.

Now these presents witness—

The Mortgagor declares and acknowledges himself to be justly and awfully indebted unto the Mortgagee in the sum of dollars of the current money of Guyana which sum the Mortgagor agrees to spend in the cultivation and general improvement of the land hereinafter described.

And the Mortgagor declares to bind and oblige himself, his heirs, executors, administrators and representatives to pay or cause to be paid unto the said Mortgagee the aforesaid sum of dollars in the instalments and in the mode and manner following, that is to say

On the.....day of....., 20....., the sum of \$.....

On the.....day of....., 20....., the sum of \$.....

On the.....day of....., 20....., the sum of \$.....

And the Mortgagor agrees and binds and obliges himself, his heirs, executors, administrators, and representatives to pay interest on the said sum and on every part thereof remaining unpaid at the rate of per cent *per annum* from this date until the said sum shall be fully paid and to pay such interest on the day of and on the day of in each and every year during the continuance of this mortgage the first instalment of such interest to be paid on the day of next.

And the Mortgagee agrees and binds and obliges himself, his heirs, executors, administrators and representatives to pay punctually and regularly as the same

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shall become due all assessments which may be levied on the said property hereby mortgaged and in the event of the Mortgagor or his aforesaid neglecting or omitting to pay such assessments the Mortgagee shall be at liberty either to pay such assessments and to recover payment thereof from the Mortgagor or his aforesaid irrespective of this mortgage or at once to foreclose this mortgage notwithstanding that the period fixed for the repayment of the said sum had not expired and bring the property hereby mortgaged to sale at execution and recover from the proceeds thereof the said sum and interest payable hereunder and then remaining unpaid together with the amount of such assessments that may have been paid by the said Mortgagee with interest thereon at the rate of per cent *per annum* from date of payment.

And the Mortgagor agrees that the Mortgagee shall have the right either by himself or by some one duly authorised in writing to enter upon the land hereinafter described for the purpose of discovering whether the said sum has been expended on the land hereinafter described, and in case the said sum appears not to have been expended as aforesaid the Mortgagee shall have the right at once to foreclose this mortgage, and all other sums due with interest as aforesaid.

And as security for the due and punctual payment of the aforesaid sum of dollars, and of the interest to accrue thereon at the rate aforesaid at the periods, and in the instalments hereinbefore specified for payment of the said sum and interest and of any assessments, which may have been paid by the said Mortgagee, as hereinbefore provided for, with interest thereon as aforesaid. And for the due, strict and faithful observance, performance and fulfilment of the several covenants, agreements, conditions and stipulations herein contained the Mortgagor declares to bind and oblige his person and property in general but more especially with right of first mortgage on the Mortgagor's right, title, and interest in and to Agricultural Lease No dated acres of State Land

situatein order that in default of payment by or on the part of the Mortgagor or his aforesaid of the said sum of.....dollars, or of the interest to become due and payable thereon at the rate aforesaid at the periods and in the instalments hereinbefore mentioned for payment of the said sum and interest or of any assessments which may have been paid by the Mortgagee or in default of the due and faithful observance, performance and fulfilment of any of the covenants, agreements, conditions and stipulations hereinbefore contained according to the true intent and meaning of the same the said Mortgagor may foreclose this mortgage and bring the property hereby mortgaged to sale at execution and recover from the proceeds of such sale- the full amount that may be due under this mortgage at the time of such sale together with the amount of any assessments which may have been paid by the said Mortgagee with interest thereon as hereinbefore provided' for.

In testimony whereof the parties have signed these Presents in presence of* and of the subscribing witnesses.

Witnesses.

1.
2.
Registered and recorded thisday of
20.....

Commissioner of Lands.

Note.—This mortgage is not valid or of any effect whatsoever until it has been presented at the Office of the Lands Department for the purpose of being duly registered and recorded by the Commissioner.

*Commissioner of Lands, Officer of the Lands Department, Magistrate, District Commissioner or Superintendent of Police.

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Reg. 12/8/1929
28/6/1938.

CATTLE TRAIL REGULATIONS

made under section 18 (2)

Citation. **1.** These Regulations may be cited as the Cattle Trail Regulations.

Interpretation **2.** In these Regulations the expression "main trail" means that interpretation portion of the cattle trail extending from Annai on the Rupununi River by way of Kurupukari on the Essequibo River to a terminal point at Takama on the Berbice River.

Kurupukari Crossing. **3.** Every person using the main trail shall for the passage of cattle Kurupukari over the Essequibo River use the crossing provided at Kurupukari.

Certificate stating number of cattle passed. **4.** Every person passing cattle over the Kurupukari crossing shall deliver to the ferry keeper a certificate stating the number of cattle number of (that he has passed over the crossing and the terminal point, if any, at cattle which they are to be shipped on either the Berbice or Demerara River.

No toll payable by Government officer on duty. **5.** No toll shall be paid by any officer of the Government passing on official duty over any portion of the cattle trail.

Responsibility for damage to rest houses, camps, etc. **6.** All persons using rest houses or camps, or confining cattle in Government corrals shall take all reasonable precautions to protect such rest houses, camps and corrals. If in the opinion of the Chief Works, Hydraulics and Supply Officer any person causes damage to any rest house, camp or corral through failure to take such reasonable precautions he shall be liable for such damage.

Reg. 10/8/1910
13/1948
1/1949

STATE LANDS (AMERINDIANS) REGULATIONS

made under section 41

Citation.

1. These Regulations may be cited for all purposes as the State Lands (Amerindians) Regulations.

Definitions of Amerindian.

2. (1) For the purpose of these Regulations, and subject to the special provisions hereinafter contained, the term Amerindian means a person whose parents are both of pure Amerindian blood, and belong to the Amerindian tribes of Guyana.

(2) The term half-caste shall mean the child of an Amerindian whose other parent is not an Amerindian. Half-castes shall, save in the exceptional cases mentioned hereafter, forfeit all the privileges of an Amerindian.

Female Amerindian.

3. (1) A female Amerindian who is married to or living as the reputed wife of any person other than an Amerindian shall forfeit all the privileges of an Amerindian, as defined in these Regulations:

Provided that after the death of the husband this regulation shall not apply, nor in the case of a reputed wife after cohabitation ceases.

(2) Any half-caste who has been duly registered under the Indian Regulations, 1890, shall be personally entitled during his life-time to all the privileges of an Amerindian, but his descendants shall not be considered Amerindians.

Question as to race.

4. If any question arises at any time as to whether any person is an Amerindian, the onus of proof shall rest on such person.

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Occupation of
land

5. Any Amerindian may occupy a portion of the ungranted and of land unlicensed State lands in any part of Guyana for the purpose of residence only, but may not clear the forest from and cultivate any ungranted State lands other than those specified in these Regulations.

Clearing of
land.

6. No Amerindian shall be at liberty to clear any forest land belonging to the State for the purpose of cultivation, unless such land has been previously in the occupation of a licensed woodcutter and worked out, or previously cleared and cultivated. The localities on the several rivers within which this restriction is to be in force, are as follows:

For the Essequibo River Watershed—

From the foot of the Aretaka Rapids,
downwards;

For the Mazaruni River Watershed—

From the foot of the Waramamboo Falls,
downwards;

For the Cuyuni River Watershed—

From the foot of the Acayu Falls, downwards;

For the Demerara, Berbice, and Corentyne River
Watershed—

From the foot of the Great Falls of each of these
rivers downwards.

For the other rivers of Guyana in which there are no falls or other obstructions to free navigation or the transportation of timber, the limits shall be on the main rivers and on their respective creeks and their tributaries, as far inland as they may be navigable for the transportation of timber in ordinary weather.

7. Any Amerindian may without permission cut, dig or remove Removal of from the ungranted and unlicensed State lands any substance or thing which he may require for putting up any building or shed for the purpose of

residence.

Removal of things from land.

8. Any Amerindian may without permission cut or gather any troolie or other palm leaves, posts, spars, or wattles, or make kokers from hollow trees, and may cut to make buck-shells or canoes trees of any size, and dispose of all such articles as he may think fit:

Provided that no greenheart, wallaba, bullet tree, rubber tree or letter wood tree shall be cut for the making of posts, spars, wattles or rollers.

Removal of things from land.

9. (1) Subject to and except as otherwise provided in these Regulations, any Amerindian who desires to cut timber, make shingles or staves, burn charcoal, or to dig remove and carry away any substance or thing, on or from State lands shall personally apply to an officer of the Lands Department or any other person appointed for the purpose in the district in which the Amerindian resides, for permission so to do, and the officer or other person may—

- (a) by writing under his hand grant the application; or
- (b) with the approval of the Commissioner of the Interior, refuse the application:

Provided that where an application is not granted under paragraph (a), the circumstances of the case shall forthwith be reported to the Commissioner of the Interior.

(2) No greenheart tree shall be cut that squares less than twelve inches or any other hardwood that will square less than six inches, and no bullet tree or rubber-bearing tree shall be felled for any purpose whatsoever.

(3) No tree shall be bled for balata or rubber, except under a special permit in writing from the

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Commissioner of Lands.

(4) The permission shall state the name of the applicant, his tribe, the approximate quantity of timber to be cut, of the shingles or staves or charcoal to be made, or of the substance or thing to be dug, removed, or carried away, and the time required for the procuring and removing of the same, as also the locality within which the articles mentioned in the permission are to be cut, made, dug, removed or carried away, and the permission shall be signed and dated by the person granting it.

Cutting of
timber
[Reg. 13/1948.]

(5) Nothing in these Regulations shall authorise any Amerindian to dig for, or remove from any part of the State lands of Guyana any gold, or mineral, except under the Mining Regulations then in force.

(6) The permission may be granted for a term of three months, and may, on personal application, be extended, from time to time, by the person granting it, or, in case of his absence or removal, by his substitute or successor in office.

(7) The officer or person appointed for the purpose shall keep a record of all permissions so granted in a book to be provided for that purpose at the public expense, and a copy of such record shall, within seven days after the expiration of every month, be forwarded by the officer or person as aforesaid to the Commissioner of Lands.

Selling of
Articles.
[Reg. 13/1948
1/1949]

10. (1) (a)

No Amerindian who has been granted permission regulation 9 shall sell or otherwise dispose of any of the articles referred to in such permission except as hereinafter provided.

(b)

Where an Amerindian desires to sell or otherwise dispose of any article referred to in a permission under

regulation 9, he shall so inform the nearest officer of the Lands Department or the Commissioner of the Interior and the officer or Commissioner of the Interior may dispose of the same, or authorise its disposal, to any person, and shall pay to the Amerindian the proceeds thereof, in money.

(2) The officer disposing of the articles mentioned in any permission shall endorse on the back thereof the quantities purchased, and the price paid for them, and shall, when the sales are completed, forward the permission to the Commissioner of Lands.

(3) No Amerindian shall cut or remove any timber, shingles, staves, charcoal, substance or other thing for which a permission is required by these Regulations from any part of the ungranted State lands, unless he shall have previously obtained such permission, and any timber, shingles, staves, charcoal, substance or thing so cut or removed may be seized and dealt with as having been illegally cut or removed from the ungranted State lands.

(4) No person shall purchase from any Amerindian any timber, shingles, staves, charcoal, or other substance or thing for which a permission is required by these Regulations, except in accordance with regulation 10, and any timber, shingles, staves, charcoal or other substance or thing so purchased shall be liable to seizure and forfeiture as though illegally cut on the ungranted State lands.

Offences.

11. (1) When an Amerindian contravenes these Regulations he Offences, may, in the first instance, be summoned before the magistrate of the district within which the contravention has been committed, and such magistrate shall reprimand such Amerindian if he finds that

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he has wilfully committed a breach of the Regulations, or may explain or cause to be explained to him the provisions of the Regulations if he is ignorant of them.

(2) In the case of a second contravention, the privileges of such Amerindian under these Regulations may be suspended by such magistrate for any time not exceeding six months, and such Amerindian may also be ordered to pay the cost of the process against him, and the amount thereof may be recovered by distress under the Summary Jurisdiction Acts for the time being in force.

(3) In case of a third contravention the privileges of such Amerindian under these Regulations shall cease and determine:

Provided that the Minister may, if he thinks fit, at any time, make an order for the restoration of such privileges.

Taxation.

12. No Amerindian employed under contract of service by a person not an Amerindian, shall be entitled, while so employed, to any immunity from taxation or licence duties in respect of so much of his property as may be carried or taken to the land or premises on which he is so employed.

TERMS AND CONDITIONS OF LEASE OF STATE LANDS FOR AGRICULTURAL PURPOSES

SPECIAL TERMS AND CONDITIONS ON WHICH STATE LANDS IN GUYANA CAN BE OBTAINED FOR THE CULTIVATION ON A LARGE SCALE OF RUBBER, LIMES OR OTHER CITRUS FRUIT, CACAO, COFFEE, FIBRES, COCONUTS, AND OTHER PERMANENT AGRICULTURAL PRODUCTS, UNDER THE STATE LANDS ACT

1. The President will in ordinary cases grant leases of area of land of such acreage, as he may think fit, for the purpose of cultivating thereon all or any of the following products, viz., rubber, limes or other citrus fruit, cacao, coffee, fibres, coconuts and other permanent agricultural

products thereon for a term of ninety-nine years subject to the following terms and conditions:

8/8/1919

(a) No rent shall be payable during the first five years of the lease, but the lessee shall pay an annual rent of ten cents per acre during the remainder of the lease, and in default of payment of such rent within one month of the same becoming due, the lessee shall in addition pay interest thereon at the rate of six per cent *per annum* for each day of such default.

(b) The lessee shall each year plant not less than one twenty-fifth part of the land leased until he has so planted not less than the seven twenty-fifths part of the said land and shall maintain such cultivation in good order to the satisfaction of the Minister or of such officer as may be from time to time deputed by the Minister to inspect the cultivation, the minimum number of trees to be planted to the acre as above provided shall in every case be that stated in the schedule of requirements as to cultivation hereto appended, or such lesser number as the Minister may, having regard to the nature of the land comprised in the lease, or for other reason, determine:

Provided that where the Commissioner is satisfied from the situation of the land or the composition of the soil or from other cause that the cultivation of any portion of the land leased is impracticable or would be out of proportion to the probable returns, such portion may with the approval of the Commissioner be deducted in calculating the area which the lessee is required to cultivate.

(c) During the continuance of the lease the lessee shall pay royalty at the rate fixed by the

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State Lands Regulations for the time being in force, on all balata won from any indigenous trees, and all rubber or other products exported shall be subject to any export tax for the time being in force

(d) In clearing the said lands for cultivation no rubber or balata tree shall be destroyed without the permission in writing of the Commissioner of Lands.

(e) The lessee shall not transfer his interest in the land leased, or any part thereof, save with the permission of the President but such permission shall not be unreasonably withheld.

(f) The lessee shall place and keep on the facade of the land leased on or near to each boundary paal, a board or tablet on which shall be printed in plain legible letters and figures the name of the lessee, and the number and date of the lease under which he holds it; and the lessee shall keep such board or tablet with such inscription in good repair during the continuance of the lease, and he shall also keep the boundary lines of the land so far as he has cultivated or beneficially occupied it, clear and open at all times to the inspection and reasonable satisfaction of any officer of the Lands Department.

(g) It shall be lawful for any officer of the Government authorised in that behalf by the Commissioner to enter upon the land held under any lease or permission at such times as may be reasonable, to inspect the cultivation and the boundary lines, notice boards and paals placed thereon and to do all things necessary to ascertain

whether the conditions under which such lease or permission is held are being complied with.

(h) The President shall have full power and authority at all times during the term of the lease, to resume and enter upon possession of any part or parts of the land leased which he may deem necessary to resume for any town site, village, railway, tramway, canals, telegraph line, roads, wireless or radio stations, or power transmission, or for any other public work or purpose of public use, utility or convenience; or to sell, lease, license, or otherwise dispose of to any person or persons any part or parts of the said land for any purpose as aforesaid, without making to the lessee any compensation in respect of any part so resumed or sold, leased, licensed or otherwise disposed of as herein provided:

Provided, however, that the lands to be so resumed or disposed of under this regulation shall not exceed one-twentieth part of the whole of the land leased and that no such resumption or disposition be made without compensation of any part of the said lands upon which any building has been erected or which may be enclosed and in use for the more convenient occupation of such buildings:

And provided further that where any part or parts of the lands comprised in the lease is or are disposed of as herein provided the lease shall immediately determine over such part or parts and the rental reserved by the lease shall be proportionately reduced.

(i) The agents, servants, or workmen of the Government thereto authorised shall have the

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right at all times to enter upon the land leased for the purpose of felling or removing any timber or of digging and quarrying and carrying away any rock, soil, sand, clay or other material required for any public purpose without payment of compensation to the lessee.

(ii) A lease shall not confer on the holder the right to any gold, silver or other metals, minerals, ores, bauxite, rock, gems or precious stones, coal or mineral oil in or under the land leased which shall be saved and reserved to the lessor with the right to enter upon any part or parts of the land leased to search and mine therefor subject, however, to the right to the lessee to receive compensation for any loss or damage to growing crops occasioned by such mining, the amount of any such compensation to be assessed by the Commissioner.

2. If any of the said terms and conditions are not complied with, or the rent is not paid within three months of the same becoming due, the Commissioner shall have the right to re-enter the land leased and take possession of the same, without paying compensation for buildings or machinery erected by the lessee on the said land.

3. If all the terms and conditions of the lease have been complied with, the lessee shall have the right, at any time after the expiration of five years from the date of the lease, to give up and surrender any part of the land comprised in the lease not being more than one-half thereof when the Commissioner of Lands is satisfied that from the composition of the soil or from other cause the cultivation of such part is impracticable or would be out of proportion to the probable returns and thereupon the said lease shall cease and determine as to such land so surrendered and given up, but shall remain valid and effectual as to all the

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land comprised in it not so given up and surrendered, and if the lessee exercises the right hereby given he shall pay the cost of re-surveying the reduced area and shall submit his lease to be annotated accordingly.

4. If the lessee pays the rent reserved and observes and performs all the covenants and conditions contained in the lease he shall and may peaceably and quietly possess and enjoy the land leased without any interruption by the State or any other person lawfully or equitably claiming from or under the State.

5. The fees payable for obtaining a lease, which must be deposited with the application are as follows:

\$ c.

Filing of application... 5 00

Survey Fees

For making any survey up to 10 acres,
including diagram 750

For surveying each acre over 10 acres and up

to 40 acres 50

For surveying each acre over 40 acres and

up to 500 acres 30

For the survey of any area over 500 acres the

Applicant shall deposit additional fees at

the following rates—

(a) Γ_{exp}

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and up to 1,000 acres 20

(b) For each acre above 1,000 acres 10

Provided that where the actual cost of surveying any tract above 500 acres exceeds the amount deposited, the applicant shall pay the excess cost after survey, and similarly, where the actual cost is less than the amount deposited, the applicant shall be entitled to a refund of the difference.

For surveying a strip of State land for canal or other purposes including diagram, or for cutting any boundary line between tracts, no diagram being required, per yard of length surveyed or cut 02

For surveying and running line of levels, per yard
of length 03

SCHEDULE OF REQUIREMENTS AS TO CULTIVATION

Rubber.....not less than 40 trees to one acre.

Limes and other citrus fruits ... do. 100 do.

Coconutsdo 30 do.

Cacao.....do 120 do.

Coffee.....do 150 do.

Sisal.....do 300 plants to one acre

African Oil Palm.....do 30 trees to one acre.

Note. – In case of interplanting, such interplanting must be

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carried out to the satisfaction of the Officer who may from time to time deputed to inspect the land.
