

SUBSIDIARY LEGISLATION

STATE LANDS REGULATIONS

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made under section 17

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PRELIMINARY

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

PART I

APPLICATION FOR GRANTS, LEASES, LICENCES OR PERMISSIONS

Making and
 particulars
 of applica-
 tion 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.

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

Notice of application, and making of opposition thereto.

(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.

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.

Refund.

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.

Plurality of applications for the same land.

(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.

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

Failure of applicant to proceed with application.

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

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

Applications 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 he is 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.

First Schedule.

(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.

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.

TRANSFERS, LEASES, AND MORTGAGES OF GRANTS

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:

Power to transfer or mortgage land granted.

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 transfers, mortgages or leases passed under any Act of land held under title from the State.

TRANSFERS AND MORTGAGES OF LEASES, LICENCES AND PERMISSIONS

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.

Application for transfer of lease, etc.

First Schedule.

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:

Opposition to transfer.

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

Opposition to be reported to President who may make order thereon.

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

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

(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 following procedure for passing mortgage:

Procedure for passing mortgage on small agricultural leases.

(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.

Second Schedule.

(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.

Second Schedule.

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 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

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.

Cases in which survey required.

(2) Subject as aforesaid, if the preferent claim to any grant, or lease is to be set up for sale at public auction, the tract of land to which it relates shall be surveyed by or under the direction of a surveyor of the Department.

First Schedule.

c. 97:01 (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 façade 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 façade, and a space of 66 feet from high water mark shall be reserved across the façade of each tract.

Placing of paals.

21. The surveyor shall place branded hardwood, iron, stone or concrete paals at each extremity of the façade 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

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 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:

Procedure
on sales of
preferent
claim.

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 preferent 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.

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

Proceedings
after close
of sale.

(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, 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.

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 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;

Condition as to beneficial occupation.

(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.

Lines to be kept open and notice boards erected.

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.

Conditions precedent to obtaining absolute grant.

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

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

31. A grantee shall not transfer, lease or mortgage the land comprised in his grant or any part thereof save in accordance with the provisions of these Regulations relating to transfers, leases and mortgages of grants.

Transfer of grants.

Preferent 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 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.

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 specified in the lease an annual rental at the following rate—

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

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

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 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;

(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 husbandlike 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:

Condition as to cultivation or beneficial occupation.

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) 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

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

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

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.

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

(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 to the lessee.

Reservation in favour of State of 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:

(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; Area.

(b) 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; Term.

(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; Rental.

(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; Survey.

(e) The lessee shall at the expiration of five years from the 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; Stocking requirements.

(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; Fencing.

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 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;

(ii) a grant, concession, lease or licence granted as herein provided to any person or persons other than the grazing lessee for 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 grant, concession, lease or licence;

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

(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;

Lease to determine over portion disposed of and rent to be reduced.

(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 required for any public purpose without payment of compensation to the lessee;

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

(j) every lease shall be subject to the right of any person or persons to enter, pass over, through and out of any unenclosed or enclosed but otherwise unimproved portions of the land leased while passing from one part of the country to another with or without horses, stock, teams or other conveyances on all necessary occasions; also to the right of 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:

Rights of way over grazing leases and power to enter and 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 of 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 fit:

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 improvements effected by the lessee;

Rental.

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

(d) the applicant for a lease shall when called upon pay 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;

Survey.

(e) a lessee shall within one year from the date of commencement 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;

Stocking requirements.

(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 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;

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

(g) the President shall have full power and authority at all 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 transmission, or any other works or purposes of public use, utility and convenience whatsoever, or to sell, lease, licence or otherwise dispose of to any person or persons with a right

Power to take portions of lease for public purposes with out compensation.

State may search or mine for metals, minerals, etc.

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;

Power to dispose of portions of lease for cultivation, timber cutting, balata collecting or mining.

(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:

Provided however that—

Grazing lessee to receive compensation for improvements where portions of lease are disposed of to others for cultivation.

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

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

(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 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 hereinbefore provided, the lease shall immediately determine over such part or parts;

Lease to determine over portions disposed of to others and rent to be reduced.

(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 required for any public purpose without payment of compensation to the lessee;

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

(j) every lease shall be subject to the right of any person or persons to enter, pass over, through, and out of any unenclosed or enclosed but otherwise unimproved portions of the land leased while passing from one part of the country to another with or without horses, stock, teams or other conveyances on all necessary occasions; also to the right of 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:

Rights of way over grazing leases and power to enter and 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 therefrom before they have been driven into the nearest corral of the occupier of the land on which they are found for his inspection;

(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;

Protection of rights of Amerindians.

(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

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

the right to any gold, silver or other metal 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.

PART VI

PERMISSIONS FOR GRAZING AREAS ON THE PASTURE
LANDS OF THE INTERIOR

The Minister may grant yearly permission for grazing.

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 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;

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

Area comprised in permission may be resumed for Amerindian Reservation.

(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;

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

(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; and
- (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:

(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 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.

Transfer, mortgage and subletting of leases.

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

Lines to be kept open and notice boards maintained.

(c) 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 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.

Right of entry to inspecting officer.

(d) Where a lessee fails or neglects to comply with or fulfil any of the prescribed conditions of his lease or where any instalment of rent payable thereunder is three months or more 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

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

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 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, 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

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 which it is provided State lands may be leased under these Regulations, the Commissioner with the approval of the President may 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.

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

PART VIII

LEASES AND LICENCES 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 on State lands for logs, sleepers, shingles, firewood, posts, spars, wattles or sticks and to burn charcoal, at the rental and on the conditions hereinafter prescribed.

President may grant leases and licences to cut wood.

46. Leases may be granted for tracts exceeding 5,000 acres in area 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 leases.

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.

Area to be granted under licences.

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.

Term of licence.
[O. 12/1954]

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

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

LAWS OF GUYANA

46

Cap. 62:01

State Lands

[Subsidiary]

State Lands Regulations

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 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.

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.

52. (1) Before any lease or licence for wood-cutting is issued the 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.

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.

(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.

Continued security.

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 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.

Size of trees to be cut. [Reg. 6/12/1933]

(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 therefrom.

(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 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.

Power to grant certain transport privileges licensee.

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.

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

(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.

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

(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:

Survey of land granted for depot not necessary.

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.

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, gems or precious stones, rock, coal or mineral oil in or under the land comprised in such lease or licence and all 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 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.

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

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

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 without compensation.

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. [Reg. 17/1968]

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 may be issued 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.

(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.

Royalty.
First
Schedule.

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

Transfer and
mortgage.

(d) The licensee shall place and keep on either side of the façade 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 under which he holds it, and he shall keep such board with such inscription in good repair during the continuance of the licence:

Erection of
notice
boards.

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

(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:

Licensee
must work
tract to
satisfaction
of Commis-
sioner.

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.

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

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

(g) The licence shall not confer on the licensee the right to plant rubber, or trees other than balata, on any portion of the land to which the licence refers, and the President may grant lease or licence for any purpose whatsoever other than the purpose of collecting balata to any person any portion of the land, upon due notice being given to the licensee, and thereupon 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.

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

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 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.

(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 Amer-
indians.

c. 29:01.

Commis-
sioner may
cancel
registration
certificate.

(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.

(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.

Commis-
sioner 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.

(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.

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

(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.

Conditions under which balata trees may be bled or felled.

(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.

[Reg. 15/9/1920 6/12/1933]

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

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.

Keeping of book showing balata, etc., collected.

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

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

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.

(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 Commis-

sioner 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.

69. Every licensee who desires to export rubber, balata, or other 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 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.

Procedure on exportation of balata, etc.

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 any tree or shrub, or any plants except orchids shall obtain permission in writing to do so from the Commissioner.

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.

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

First Schedule.

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 any

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

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.

(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 licences 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.

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

Rental.

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.

(c) The licensee shall within such time from the date of the licence as is specified therein, begin preliminary operations under it to the satisfaction of the Commissioner, or surrender 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.

Licensee must work quarry to satisfaction of Commissioner.

(d) The licensee shall not alienate or transfer or mortgage 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.

Transfer and mortgage.

(e) The licensee shall place and keep on the façade of the 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

Notice boards must be erected and boundary lines kept open.

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

Security to
be given by
applicant.

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.

(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 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.

Payment of royalty on gravel, etc.

REMOVAL OF SAND, ETC.

80. Any person desirous of obtaining sand, shell, or caddy from 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 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 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.

Duration of permit.

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

Power to refuse 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.

Prohibition of selling stone, etc., without permit.

84. No person shall sell or purchase any stone, sand, gravel, shell, 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 obtained as required by these Regulations.

PART XI

MISCELLANEOUS PROVISIONS

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

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.

(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 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, First Schedule.

88. 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.

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

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.

90. Nothing in these Regulations contained shall in any wise prevent the President from in any case at any stage of the proceedings 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. Limitation of effect of Regulations.

91. In any case where it is found that the description of the boundaries given in any licence to collect balata varies with the actual position of the boundaries on the ground and thereby unreasonably affects the interests of adjoining licensees, or is in the opinion of the Commissioner inadvisable, the Minister shall have the power to authorise the Commissioner to amend the description of the boundaries given in such licence, or to cancel same and issue a new licence in place thereof. Alteration in description of boundaries of balata licences.

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. Penalty.

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State Lands

[Subsidiary]

State Lands Regulations

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

FIRST SCHEDULE
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 extension of the same | ... | ... | ... | ... | ... | ... | ... | ... | \$c. |
| | | | | | | | | | | 5.00 |
| 2. | For filing any application for a licence to collect rubber 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 diagram | ... | ... | ... | ... | ... | ... | ... | ... | *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.

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[Subsidiary]

ROYALTIES

Classification of Timber

| Class I | Class II | Class III |
|---|---|---|
| Greenheart | Hububalli | Baromalli |
| Red Cedar | Kereti Silverballi | White Cedar |
| Brown and Yellow Silverballi | Kurokai | Corkwood |
| Purpleheart | Manni | Dalli |
| Bulletwood | Mora | Duka |
| Crabwood | Morabukea | Futui |
| | Tatabu | Hoahoa (Jack-in-the-box) |
| | Kabukalli | Iteballi |
| | Determa | Karohoro |
| | Locust | Korokororo |
| | Tauroniro | Baradan and all softwoods (floaters) not in Classes I and II. |
| | Wallaba | |
| | Wamara | |
| | Kirikaua | |
| | Suya | |
| | Letterwood | |
| | Simarupa | |
| | Kakaralli | |
| | Kurahara | |
| | Dukali | |
| | Dukaliballi | |
| | Fukadi | |
| | Koraro | |
| | Manniballi | |
| | Pakuri | |
| | Shibadan | |
| | Suradan | |
| | Washiba | |
| | Yaruru | |
| | Burada | |
| | Dukuria and all hardwoods (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 | | \$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 1000 or part thereof |

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| | | |
|--|--------|---|
| 18. Paling Staves | | 25c. per 100 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 100 lin. ft. or part thereof |
| 21. Paling posts and roundwood spars 6" — 10" diameter | ... .. | 50c. per 100 lin. ft. or part thereof |
| 22. Saplings or wattles less than 3' diameter... | | 15c. per 100 or part thereof |
| 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 lbs. |
| 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 I reg. 17(2) (a) and (b)

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

GUYANA

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 Agricul-
tural 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.

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

GUYANA.

The State Lands Regulations.

AGREEMENT made and entered into at..... in the County of....., Guyana, this..... day of..... 19....., between..... residing at..... hereinafter called the Mortgagor and..... residing at..... hereinafter 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 lawfully 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....., 19....., the sum of \$.....
On the.....day of....., 19....., the sum of \$.....
On the.....day of....., 19....., 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 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 for acres of State Land situate in 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 this day of 19....
 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.