

LAWS OF GUYANA

RICE FARMERS (SECURITY OF TENURE) ACT

CHAPTER 69:02

Act

31 of 1956

Amended by

6 of 1971

10 of 1974

8 of 1981

12 of 1984

17 of 1996

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 – 58 ...	1/2012

LAWS OF GUYANA

2 **Cap. 69:02** *Rice Farmers (Security of Tenure)*

**Index
of
Subsidiary Legislation**

	Page
Rice Farmers (Security of Tenure) Regulations (Reg. 24/1956, 12/1985)	53

**Note
on
Repeal**

This Act repealed Chapter 251 of the 1953 Edition.

CHAPTER 69:02**RICE FARMERS (SECURITY OF TENURE) ACT****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. Interpretation.
3. Security of tenure of rice lands.
4. Determination of basic rent.
5. Implied conditions in agreement of tenancy.
6. Keeping of register of tenancies.
7. Establishment of assessment committees.
8. Meetings of assessment committees.
9. Appointment of officers, servants and payment of allowances and expenses to members of assessment committees.
10. Powers and duties of committees.
11. Application for ascertainment of maximum rent.
12. Evidence on application.
13. Hearing of application.
14. Inspection of holding.
15. Fixing and certifying maximum rent in the absence of evidence of landlord or his agent.
16. Witness expenses; costs.
17. Record of committee's decision. Certificate of maximum rent.
18. Effective date of certificate.
19. Effective date of first certificate.
20. Re-opening of investigation.
21. Cancellation of certificate obtained by fraud, misrepresentation or collusion.
22. Permitted additions to basic rent.
23. Issue of new certificate.
24. Effect of certificate.
25. Appeal from assessment committees.
26. Statement as to basic rent and maximum rent to be supplied.
27. Termination of tenancy by tenant.
28. Application for termination of tenancy by landlord.
29. Adjournment of hearing of application; stay of execution of order.
30. Tenant to be granted time to reap crop.

SECTION

31. Compensation
32. Sub-tenancy to continue notwithstanding order, etc. for possession.
33. Termination of tenancy by mutual consent.
34. Sub-letting of holding.
35. Transfer of agreement of tenancy.
36. Bequest of agreement of tenancy.
37. Certificate of non-observance of rules of good estate management or good husbandry.
38. Re-allocation of lands by landlord.
39. Resumption of lands by landlord.
40. Reduction of size of holding by landlord.
41. Tenant desiring to secure additional land for cultivation of paddy.
42. Orders obtained under section 39 or 40.
43. Service of notices.
44. Irrigation water supplied by landlord by mechanical means to be subject to separate contract.
45. Agents of landlords.
46. Validity of agreements, etc.
47. Contracting out of Act.
48. Extent of damages and penalties recoverable.
49. Restriction on premiums.
50. Procedure.
51. Recovery of compensation and damages.
52. Limitation of prosecutions.
53. Protection of persons acting under this Act.
54. Regulations.
55. Right of tenant to keep oxen on his holding.
56. General savings of rights.

FIRST SCHEDULE – Rental Guidelines.

SECOND SCHEDULE – Form of receipt.

THIRD SCHEDULE – Method of Soil Analysis and Interpretation of Results.

FOURTH SCHEDULE – Annual register.

CHAPTER 69:02

31 of 1956

RICE FARMERS (SECURITY OF TENURE) ACT

An Act to provide better security of tenure for tenant rice farmers; to limit the rent payable for the letting of rice lands; and for purposes connected with the matters aforesaid.

[1st OCTOBER, 1956]

Short Title. 1. This Act may be cited as the Rice Farmers (Security of Tenure) Act.

Interpretation. 2. (1) In this Act—

[6 of 1971
17 of 1996]

“agent” means a person who lets rice lands on behalf of a landlord or collects rent in respect of rice lands on behalf of the landlord or is authorised in writing so to do;

“agreement of tenancy” or “agreement” means a letting of or agreement for letting rice lands;

“assessment committee” or “committee” means an assessment committee constituted under section 8 for the area in which the holding in question is situate;

“basic rent” shall have the meaning assigned to it by section 4;

“chairman” means the chairman of an assessment committee;

“clay soil” means soil which, on a mechanical analysis contains not less than 40 per cent clay with less than 5 per cent organic matter in the top 15 centimetres depth and pH value greater than 4;

“holding” means any rice land held by a tenant;

“landlord” means any person other than the State, the Guyana Rice Development Board or MARDS Rice Milling Complex Ltd. for the time being entitled to receive the rent or to take possession of any rice lands and includes a sub-landlord, the executors, administrators, assignees, legatee or trustee in insolvency of a landlord;

“maximum rent” means the sum obtained by the addition to the basic rent of any holding to which this Act applies of the increases permitted under section 23;

“pegasse soil” means soil which contains not less than 2.907 per cent of organic carbon (corresponding to 5.0 per cent of organic matter), and the carbon: nitrogen ratio of the organic matter is greater than 10.1;

“rice land” means any land which is let or agreed to be let the subject of an agreement of tenancy which is used either wholly or mainly for the cultivation of paddy, such land being at the time of letting fit for the cultivation of paddy according to normal agricultural standards;

“rules of good estate management” means, so far as is practicable, having regard to the character and position of the rice lands and to modern agricultural methods and standards—

(a) the erection and maintenance of essential structures, and the construction, clearing and maintenance of dams, canals, drains and koker runs; and

(b) where the lands are within a Drainage or Irrigation area or within any other area affected by a drainage or irrigation scheme established or maintained, by Government, or a local authority, the execution and

maintenance of such further works as may be required to ensure that the tenants obtain all the drainage and irrigation which it is reasonably possible for them to obtain; and

(c) the provision of dams, canals and drains and essential structures for the use of tenants which should be kept clean and in good order to the satisfaction of the assessment committee of the area in which such dams, canals and drains and essential structures are situate, notification of the making of such provision to be given to the tenants; and

(d) such rules as are generally recognised to be necessary for good estate management;

“rules of good husbandry” means, so far as practicable, having regard to the character and position of the holding—

(a) the maintenance of the land, parapets, bed-heads and foot of beds, and meres thereon clean and free from bush and other obstacles;

(b) the abstention from throwing grass or other obstacles into the trenches abutting the holding;”

(c) such rules as are generally recognised to be necessary for good husbandry;”

“saline soil” means a soil which has electrical conductivity of a saturated extract of 4 milli-mhos/cm (equivalent to 4 milli-siemens per cm) and pH value of 5.0 or greater;

“tenancy” includes sub-tenancy;

“tenant” includes—

(a) a sub-tenant and the executor, administrator,

transferee or legatee of a tenant or sub-tenant, or other person deriving title from a tenant or sub-tenant; and

- (b) for the purpose of the due appearance by the tenant before a committee, a person who to the committee's satisfaction cultivates or manages the holding on behalf of a tenant;

"toxic soil" means soil that has at least two of the following properties: pH value of 3.8 or less; 75 per cent or more of its cation exchange capacity saturated with aluminium extractable by a neutral salt solution; and water soluble sulphate content of 2,000 parts per million or more;

"a year" means the twelve calendar months commencing on the first day of May; and "annual" shall be construed accordingly.

(2) In determining the type of soil, that is to say, whether the soil is clay soil, pegasse soil, saline soil or toxic soil, the procedure set out in the Third Schedule shall be followed.

Third
Schedule

Security of
tenure of rice
lands.

3. Anything in any law or in any agreement in respect of the letting of rice lands to the contrary notwithstanding every agreement of tenancy, whether written or oral, shall be deemed to be an agreement of tenancy from year to year and no such agreement, whether made before or after the commencement of this Act, shall be terminated by the landlord or by the tenant, except as in this Act provided.

Determina-
tion of basic
rent.
[17 of 1996]
First Schedule.

4. (1) For the purposes of this Act the guidelines set out in the First Schedule shall be used to facilitate the determination by the assessment committees of the basic rent chargeable in respect of any holding to which this Act applies:

Provided that where a contract of tenancy has been entered into in respect of land intended to be used for the cultivation of paddy, but not yet cleared and made fit for the cultivation of paddy according to normal agricultural standards, the basic rent chargeable in respect of such land shall as from the 1st day of May, 1956, not exceed such rate per acre during the first five years after the commencement of the tenancy as may from time to time be fixed by the assessment committee upon the application of either the landlord or the tenant.

(2) The Minister may from time to time by order amend any of the matters set out in the First Schedule.

(3) The Minister may establish a committee comprising five persons knowledgeable in the field of agriculture to advise the Minister in the determination of the basic rent chargeable in respect of rice lands to which this Act applies.

Implied
conditions in
agreement of
tenancy.
[17 of 1996]

5. (1) In every agreement of tenancy under this Act the following conditions shall be implied:

- (a) the tenancy shall be a tenancy from year to year commencing from the 1st day of May;
- (b) the rent shall be an annual rent and shall be paid by the tenant not later than the 31st day of December in each year;
- (c) the landlord shall issue to the tenant a receipt in writing for the payment of rent in the form prescribed in the Second Schedule;
- (d) the landlord shall not evict a tenant or

Second
Schedule.

give him notice to quit or otherwise terminate the tenancy except as in this Act provided;

- (e) the tenant shall not terminate the tenancy except as in this Act provided.

(2) In lieu of payment in cash of the annual rent a tenant may deliver at the premises of the landlord or, by mutual agreement between the landlord and the tenant at a rice factory, paddy to the value of the rent due and the landlord shall accept such paddy in full settlement thereof and issue to the tenant a receipt in accordance with subsection (1)(c).

(3) For the purpose of settlement of rent as between landlord and tenant the value of paddy delivered and accepted under subsection (2) of this section shall be computed on the basis of the current minimum price for paddy of the same standard of quality.

6. [Repealed by Act No. 19 of 1996]

Keeping of
register of
tenancies.
Fourth
Schedule.
[6 of 1971
17 of 1996]

7. (1) It shall be the duty of a landlord other than a landlord of rice lands not exceeding in the aggregate five acres, the proof whereof shall lie on him, to keep an annual register (hereinafter called the annual register of tenancies) in the form prescribed in the Fourth Schedule, wherein he shall record all agreements of tenancy, transfers, bequests and determination of all agreements of tenancy.

(2) A landlord shall make the register of tenancies available for inspection by the Regional Executive Officer or by any person authorised in writing in that behalf by the Regional Executive Officer.

(3) Where a landlord fails to keep a register of

tenancies as is required under this section, or fails to keep such register up to date, or fails to produce the register when requested so to do under this Act, he shall be liable to a fine of five thousand dollars and in relation to any period during which such failure subsisted or continues he is not entitled to any of the privileges, benefits or protection conferred upon a landlord by this Act.

(4) Every person who wilfully obstructs a Regional Executive Officer or any person authorised under subsection (2) acting under this section or any person acting in their aid shall be liable on summary conviction to a fine of five thousand dollars.

Establish-
ment of
assessment
committees.
[6 of 1971
12 of 1984]

8. (1) The Minister may establish for the purposes of this Act, as many assessment committees as he thinks fit and shall specify in relation to each committee the area in regard to which it may exercise the powers conferred and duties imposed by this Act.

(2) Each committee shall be appointed by the Minister and shall consist of—

- (a) a chairman who shall be a magistrate, or a person having such qualifications as may be prescribed by the Minister by regulations made in consultation with the Judicial Service Commission;
- (b) one person who is an agricultural officer not below the rank of an agricultural field assistant in the Ministry responsible for agriculture;
- (c) two persons who are landlords of rice lands in the area in respect of which the committee is appointed;

- (d) two persons who are tenants of rice lands in the area in respect of which the committee is appointed:

Provided that where the Minister appoints any person other than a magistrate as a chairman, such appointment shall be made by him acting in accordance with the advice of the Judicial Service Commission.

(3) Each member of each committee shall, subject to subsection (5), hold office for such period, not exceeding two years, as the Minister may determine, but shall be eligible for re-appointment.

(4) Any member of a committee other than a public officer may by writing under his hand addressed to the Minister at any time resign his office.

(5) The appointment, removal, death, departure from Guyana or resignation of any member of a committee shall be notified in the *Gazette*.

Meetings of
assessment
committees.
[17 of 1996]

9. (1) Each assessment committee shall meet so often, at such time and at such place as the chairman may deem expedient.

(2) Three members of a committee, including the chairman or acting chairman shall form a quorum.

(3) A member of an assessment committee shall be disqualified from membership of that committee for the hearing of any matter in which he is personally interested, or in the case of a company so interested, if he is directly or indirectly interested in its affairs, or if he is the servant or agent of any such person or company.

(4) For the purpose of securing the attendance of any witness, every committee shall have power to issue

Form 3
Schedule.
c. 7:01

summonses in Form 3 in the Schedule to the Summary Jurisdiction (Petty Debt) Act, subject to any adaptation necessary, and section 15 of the aforesaid Act shall *mutatis mutandis* apply to any person served with such a summons.

(5) Any person who without lawful excuse fails or neglects to attend any meeting of a committee in obedience to any summons or fails to answer any question material to the subject of the investigation put to him by the committee or any member thereof or to produce any document, production of which is required by the committee or to supply any information required by the committee shall be liable on summary conviction to a fine of five thousand dollars.

(6) Any person who wilfully gives a false answer to any question material to the subject of investigation which may be put to him during the course of any proceedings before a committee shall be liable on summary conviction to a fine of ten thousand dollars and to imprisonment for twelve months.

(7) The chairman of each committee shall keep or cause to be kept a record of all proceedings brought before the committee and of the evidence taken and of the decision arrived at by the committee and of the names of the members taking part in the proceedings.

(8) Subject to this Act, each committee shall have power to regulate its own proceedings.

Appointment of officers, servants and payment of allowances and expenses to members of assessment committees.

10. An assessment committee may, with the approval of the Minister responsible for finance, appoint or employ, at such remuneration and on such terms and conditions as the said Minister may either generally or specially determine, such officers and servants as may be deemed necessary for the proper carrying out of the provisions of this Act, and may pay to the members of the committee such

allowances and expenses as the said Minister may generally or specially approve.

Powers and
duties of
Committees.
[6 of 1971]

11. Upon the filing of any application under this Act a committee shall have in relation to the area in respect of which it is appointed the following powers and duties:

- (a) to assess, fix and certify the maximum rent to be paid and received in respect of any holding to which this Act applies;
- (b) if the landlord and the tenant of a holding to which this Act applies are unable to agree as to the amount of compensation to be paid under this Act, on the application of either of them, to determine the amount of such compensation to be paid;
- (c) to assess, fix and certify the amount to be paid as damages by a landlord to his tenant for non-observance of any of the conditions of good estate management in respect to any holding to which this Act applies;
- (d) to grant certificates of non-observance of rules of good estate management or of good husbandry;
- (e) to grant leave to landlords to re-allocate their holdings;
- (f) to grant leave to landlords to resume possession of rice lands in order that the land may be used for any purpose

- other than for the cultivation of paddy;
- (g) to grant leave to landlords to reduce the size of his tenant's holding;
 - (h) to hear and determine an application for the recovery of a holding to which this Act applies;
 - (i) to hear applications for the transfer of tenancies;
 - (j) to grant leave to a tenant to serve a landlord notice under section 42(1);
 - (k) any other power or duty conferred by this Act or under any other Act;
 - (l) to hear and determine an application for re-instatement by a tenant who alleges that he has been unlawfully dispossessed of his holding by a landlord or his agent and to award damages whether in lieu of or in addition to an order for re-instatement;
 - (m) to hear an application for and certify any amount due to a landlord as rent by a tenant;
 - (n) any power or duty incidental to the carrying out of any such power and duties.

Application
for

12. (1) Any tenant, or any landlord, of any holding to

ascertainment
of maximum
rent.

which this Act applies may make application to the committee for the area in which the holding is situate to have the maximum rent of the holding assessed, fixed and certified.

(2) When an application is made under subsection (1), the committee shall cause notice of the date, time and place fixed for the holding of the investigation of the application to be given, by registered post, to the tenant and to the landlord:

Provided that where the application is made by the tenant, the committee may, if it thinks fit direct that the notice required under this subsection to be given to the landlord shall be given to the agent of the landlord.

(3) Where on the day and at the time fixed for the holding of the investigation the tenant and the landlord, or the tenant and the agent of the landlord, as the case may be, appear, the committee shall proceed to hold the investigation and shall, for such purpose, have the power to direct such adjournments and postponements as it may from time to time think proper.

(4) Where notice under subsection (2) has been received by the tenant and the landlord, or by the tenant and the agent of the landlord, as the case may be, and the tenant, or the landlord or his agent, fails to appear on the date and at the time fixed for the holding of the investigation, the committee may proceed with the holding of the investigation, or may postpone it as the committee thinks fit.

(5) Where notice under subsection (2) has been received by the tenant, the committee may, notwithstanding that no notice under subsection (2) was received by the landlord or his agent, proceed with the holding of the investigation—

- (a) where delivery of the notice under subsection (2) was refused by the landlord or his agent, as the case may be; or
- (b) where the address in Guyana of the landlord and the address in Guyana of the agent (if any) are not known to the tenant and cannot be ascertained by the committee; or
- (c) where the landlord resides elsewhere than in Guyana.

Evidence on application.

13. (1) The landlord or his agent may give evidence, produce documents and call witnesses, and the tenant shall have the right to cross-examine the landlord or his agent or any such witness.

(2) The tenant may give evidence, produce documents and call witnesses, and the landlord or his agent shall have the right to cross-examine the tenant or any such witness.

(3) The committee may require the landlord, the tenant, or any other person to give evidence for the purpose of ascertaining all the relevant facts, and the landlord or his agent, and the tenant shall have the right to cross-examine any such witness.

c. 5:03

(4) Subject to the Evidence Act, all oral evidence given before a committee on the investigation of an application made under section 12(1) of this Act shall be given upon oath, and the chairman or the acting chairman of the committee is hereby authorised to administer such oath.

Hearing of application.

14. (1) The proceedings at every investigation by the committee for the purpose of ascertaining and fixing the

maximum rent shall be open to the public.

(2) The landlord and the tenant and any other interested party may be represented before the committee by a legal practitioner.

(3) The landlord may be represented before the committee by his agent.

(4) The committee may take into consideration any relevant facts which were found to be proved in some investigation under section 12, notwithstanding the absence of formal proof of such facts:

Provided that before any such facts are taken into consideration by the committee the party or parties present before the committee shall be informed of the substance of such facts, the committee shall make or cause to be made a note of all such relevant facts, and the party or parties present shall be given an opportunity, if he or they so desire, of adducing evidence in regard thereto.

Inspection of holding.
[6 of 1971]

15. Where an application to the committee has been made under this Act the committee may require the tenant to permit the committee to enter the holding and, where necessary, the landlord to grant the committee access thereto, for the purpose of inspecting the holding and the committee shall record or cause to be recorded the results of such inspection.

Fixing and certifying maximum rent in the absence of evidence of landlord or his agent.

16. A committee may—

- (a) where the landlord or his agent fails without reasonable cause to attend before the committee on the date and at the time and place fixed in the notice given under section 12(2) and received by the landlord or his agent,

or on any date on which the holding of the investigation may be adjourned or postponed, or

- (b) where the landlord or his agent declines to give evidence, or declines to give evidence on any point which in the opinion of the committee is relevant to the investigation, or
- (c) where the landlord or his agent is for any reason unable to prove any fact required to be proved for the purpose of ascertaining or fixing the maximum rent, or
- (d) where the investigation is held under section 12(5), assess, fix and certify a maximum rent, in respect of the holding to which an application under section 12(1) relates in accordance with this Act.

Witness
expenses;
costs.
[6 of 1971]

17. (1) The chairman may direct that out-of-pocket expenses of any witness shall be paid by such of the parties as he thinks fit:

Provided that no such direction shall be given in the case of a witness called by or on behalf of the tenant where the maximum rent fixed on the application of the tenant is the same as, or greater than the rent actually paid by the tenant before the investigation.

(2) Except as provided in subsection (1), no costs shall be awarded to any party, and no fee shall be allowed to any witness, to an investigation by the committee.

Record of
committee's
decision.

18. Where the committee has ascertained, assessed and fixed the maximum rent of any holding, the chairman

LAWS OF GUYANA

20

Cap. 69:02

Rice Farmers (Security of Tenure)

Certificate of maximum rent. shall—

- (a) cause to be recorded, filed and preserved the reasons for the committee's decision;
- (b) cause a certificate of the maximum rent, one for the landlord and one for every tenant who is a party to the application under section 12(1) to be completed in the form prescribed by regulations made under this Act;
- (c) sign such certificate; and
- (d) issue the certificate by causing it to be sent by registered post to the landlord and to each tenant who was a party to the application.

Effective date of certificate.

19. Subject to section 20 a certificate issued under section 18 shall come into force on the date of the certificate or on such date as may be specified in the certificate.

Effective date of first certificate.

20. The first certificate issued under section 18 shall come into force on the 1st day of May, 1956, or on such later date as may be specified in the certificate.

Re-opening of investigation.

21. Where a certificate of the maximum rent is issued under section 18, the committee may, on the application in writing of the landlord or his agent, re-open the investigation, and the maximum rent, if varied on such re-investigation, shall have effect as provided in section 19.

Cancellation of certificate obtained by fraud,

22. Any certificate issued under section 18 may upon the application of the tenant be cancelled by the committee where the certificate has been obtained by fraud, misrepresentation or collusion.

mis-
representation
or collusion.

Permitted
additions to
basic rent.
[8 of 1981
17 of 1996]

23. Subject to this Act, the following amounts may be added to the basic rent per acre payable by a tenant on or after the 1st day of May, 1956:

- (a) an amount equivalent to the amount per acre payable by the landlord in respect of the holding by way of rates under any Act providing for local government;
- (b) an amount equivalent to the amount per acre payable by the landlord in respect of the holding by way of rates under the Drainage and Irrigation Act;
- (c) an amount equivalent to the amount per acre payable by the landlord in respect of the holding by way of rates under the East Demerara Water Conservancy Act or the Boerasirie Creek Act:

c. 64:03

c. 55:03
c. 50:05

c. 36:23

Provided that in computing the amounts which may be added to the basic rent under this subsection in respect of a holding to which the Rent Control (Special Provisions) Act applied and which was the subject matter of a tenancy at 31st December, 1980, in respect of any period after that date, any increase made in respect of the period when that Act was in force, in the amounts referred to in paragraphs (a) to (c) (inclusive) over the corresponding amounts paid or payable in respect of the yearly period which included the 31st December, 1973, shall be excluded.

Issue of new
certificate.

24. (1) Where the maximum rent payable becomes

liable to variation by virtue of the operation of section 23 an application may be made to the assessment committee by the landlord or tenant for the issue of a new certificate under section 18.

(2) Subject to subsection (3), the procedure in the case of an investigation of an application under subsection (1) shall, *mutatis mutandis* be the same as in the case of an application under section 12.

(3) In the case of an investigation of an application under subsection (1), the committee may take into consideration, without further proof, any evidence recorded at any previous investigation held under this Act in relation to the same holding.

Effect of
certificate.

25. (1) A certificate issued by a committee under section 18 or under section 24 shall, in all courts of law and before every assessment committee—

- (a) be conclusive evidence as between the landlord and the tenant who were parties to the investigation;
- (b) be conclusive evidence notwithstanding any change of landlord, for or against the tenant who was a party to the investigation; and
- (c) be *prima facie* evidence in all other cases,

that the maximum rent of the premises described in the certificate is as stated therein.

(2) Payment of the maximum rent stated in such certificate may be enforced notwithstanding an appeal under section 26, but where, on such appeal, it is decided that the rent stated in the certificate is less or more than the rent which

ought to have been so stated, the tenant or the landlord shall be liable to pay the difference to the landlord or the tenant as the case may be, and such difference may be recovered as a debt due to the landlord or tenant as the case may be.

Appeal from
assessment
committees.
[6 of 1971
17 of 1996]

26. (1) Any landlord or any tenant who is dissatisfied with a decision of an assessment committee under this Act, other than where such decision is in this Act stated to be final, may appeal therefrom to the High Court in the manner and subject to the conditions hereinafter provided.

(2) An appellant shall, within twenty-one days after the date of the receipt by him of the certificate sent to him under section 18 or within a like period after the judgment or order in any other case—

- (a) pay to the clerk of court for the Magisterial District where the holding is situate on account of the Accountant General the sum of two hundred dollars;
- (b) lodge with the chairman of the committee written notice of appeal and the receipt for the sum paid to the clerk of court under paragraph (a);
- (c) send by registered post a copy of such written notice of appeal to the opposite party.

(3) Where the appellant has complied with the requirements of subsection (2) (b) within the time therein specified, the chairman of the committee shall, within twenty-one days after the written notice of appeal was lodged with him, transmit to the Registrar of the Supreme Court—

- (a) one copy of the evidence recorded under this Act, and duly authenticated by the signature of the chairman of the committee;
- (b) two copies of the certificates issued by the chairman duly authenticated by his signature;
- (c) one copy of the reasons for decision duly authenticated by the signature of the chairman;
- (d) the original notice of appeal together with the receipt lodged with him.

(4) The Registrar shall cause notice of the day and hour fixed for the hearing of the appeal to be sent, by registered post, to the appellant and the opposite party.

(5) Every appeal under this section shall be heard by the Full Court of the High Court which shall have power —

- (a) to order that evidence be adduced before the Court on a day to be fixed for that purpose;
- (b) to refer the matter to the assessment committee to make a fresh investigation subject to such direction of law, if any, as the Court thinks fit to give;
- (c) to affirm, increase or decrease the maximum rent;
- (d) to affirm, vary or reverse the order or

decision of the assessment committee.

(6) Where upon appeal the maximum rent is either increased or decreased the rent as determined on appeal shall become effective as from the date on which the certificate of the committee took effect.

(7)(a) Such decision shall in the case of an appeal brought from the decision of a committee under section 18, be endorsed on the back of the certificates together with the date of the decision on appeal and shall be authenticated by the signature of the Registrar.

(b) The Registrar shall transmit to the chairman of the committee one copy of the certificate endorsed and authenticated in accordance with paragraph (a) of this subsection.

(8) In an appeal under this section, the award of costs, if any, and the amount of any such award shall be in the discretion of the Court hearing the appeal.

Statement as to basic rent and maximum rent to be supplied.
[17 of 1996]

27. (1) The landlord of any holding to which this Act applies shall within thirty days from the date on which this Act comes into operation supply the tenant with a statement in writing of the basic rent together with the additions thereto under section 22 claimed by the landlord as the rent payable in respect of the holding. Thereafter, the landlord shall, not later than the 30th day of April, in each calendar year, supply the tenant with such a statement in respect of the rent so claimed for the next ensuing year of the tenancy.

(2) Any such landlord who—

(a) without reasonable excuse fails to comply in any year with subsection

(1) within the time specified therein;
or

(b) supplies a statement which is false in any material particular, shall be liable on summary conviction to a fine of two thousand five hundred dollars.

(3) Payment of the rent claimed by the landlord in a statement supplied in accordance with subsection (1) may be enforced as the rent of a holding in respect of which there is not then in force any certificate issued by a committee under section 18 or section 24, notwithstanding any application by the tenant under section 12 or section 24 to have the maximum rent of the holding assessed, fixed and certified; but where, in any such case, upon the hearing of an application under section 18 or section 24, the maximum rent stated in the certificate issued under either of such sections is less or more than the rent claimed as aforesaid and paid by the tenant, the landlord or the tenant shall be liable to pay the difference to the tenant or the landlord as the case may be, and such difference may be recovered as a debt due to the tenant or the landlord as the case may be.

Termination
of tenancy by
tenant.
[17 of 1996]

28. A tenant may terminate his agreement of tenancy relating to rice land by giving to the landlord not less than six months' notice in writing expiring on the thirtieth day of June or thirty-first day of December in any year.

Application
for
termination
of tenancy
by landlord.
[6 of 1971
10 of 1974
17 of 1996]

29. (1) A landlord may apply to the assessment committee for the possession of any holding to which this Act applies.

(2) No order or judgment for the recovery of possession of any holding to which this Act applies, or for the ejectment of a tenant therefrom shall, whether in respect of a notice given or proceedings commenced before or after the commencement of this Act, be made or given

unless—

- (a) the tenant fails to pay the rent due by him by the time and in the manner it becomes due;
- (b) the tenant has given notice to quit and in consequence of that notice, the landlord has contracted to sell or let the holding or has taken any other steps as a result of which he would, in the opinion of the committee, be seriously prejudiced if he could not obtain possession;
- (c) the tenant without any reasonable excuse fails to use the holding wholly or mainly for the cultivation of paddy, and to cultivate at least one paddy crop in any year;
- (d) where a landlord has constructed or maintained any fence, dam, canal, drain or koker run, the tenant by any wilful or negligent act or omission causes damage to any such work;
- (e) the tenant is convicted of any offence involving fraud or dishonesty in respect of any agricultural produce or livestock, or if the tenant is convicted of having caused malicious damage to the property of the landlord, or of other tenants of the landlord in the same zone;
- (f) the holding or any portions thereof have been compulsorily

acquired under the Acquisition of Lands for Public Purposes Act or the Housing Act or are required for the purposes of an approved scheme under the Housing Act or the Town and Country Planning Act;

- (g) the holding is required for public purposes;
- (h) the tenant sublets or assigns the holding without the consent of the landlord previously obtained in writing;
- (i) the tenant has committed a breach of the rules of good husbandry and the committee has granted the landlord leave to determine his tenancy;
- (j) the committee has given the landlord leave to re-allocate the scattered holdings of his tenants, and the landlord has duly complied with section 39;
- (k) the landlord has been granted permission by the committee to resume possession of the land and the landlord has duly complied with section 40(2);
- (l) the landlord has been granted leave by the committee under section 41 to reduce the size of his tenant's holding;
or
- (m) the landlord of rice lands not

exceeding in the aggregate one hundred acres, the proof whereof shall lie on him, and who is not a tenant requires the land for his own use in the cultivation of paddy, and in any such case as aforesaid the committee considers it reasonable to make the order or give the judgment:

Provided that no order or judgment for the recovery of possession or for the ejection of a tenant shall be made or given—

- (a) by reason of the non-payment of rent if the tenant's failure to do so has been occasioned by a total failure of his crop on account of an act of God, the proof whereof shall lie on the tenant; or
- (b) under paragraph (m) unless the committee is satisfied that the landlord would suffer greater hardship than his tenant unless he is granted possession and for that purpose shall, having regard to all relevant circumstances consider whether other rice lands are available to the tenant or under cultivation by him and, if so, whether any undue economic hardship would ensue to the landlord should an order be refused, save however, where such an order is made under the said paragraph section 32 *mutatis mutandis* applies.

(3) An order or judgment for the recovery of possession of any holding to which this Act applies or for

the ejection of a tenant therefrom may be enforced as if it were an order for possession made by a magistrate under section 46 of the Landlord and Tenant Act.

(4) The Minister, where he is satisfied that the prevailing circumstances in Guyana or any part thereof require additional relief to be provided to tenants therein by reason of their being affected adversely by circumstances beyond their control, may by order, declare Guyana or that part thereof to be an agricultural emergency area.

(5) Notwithstanding anything to the contrary contained in any law, during the continuance in force of any Order made under subsection (4), no application by a landlord under subsection (1) or under section 37(1) may be made to, or be entertained by, a committee in respect of any holding situate within the area to which the Order applies, where such application is for possession of the holding by reason of the non-payment of rent or for the issue of a certificate that the tenant is not observing the rules of good husbandry, as the case may be.

Adjournment
of hearing of
application;
stay of
execution of
order.

30. (1) Where application is made to the committee under section 28 (1) the committee may—

- (a) adjourn the hearing of the application from time to time,
- (b) stay or suspend execution of the order or judgment or postpone the date of possession for such period as it thinks fit, and from time to time grant further stays or suspensions of execution and further postponements of the date of possession.

(2) Any such adjournment, stay, suspension or postponement may be granted subject to such conditions, if any, as the committee thinks fit, and if such conditions are complied with and the order has been made or the judgment given, the committee may discharge or rescind the order or judgment.

Tenant to be granted time to reap crop. [6 of 1971 17 of 1996]

31. In granting an order or giving judgment under section 28, the committee shall not require the tenant to quit the holding until the crop then growing thereon has been reaped, or until after the date when the crop would normally be reaped in that zone and if no crop has been planted, then on 30th June next.

Compensation.

32. (1) Where an order has been made on any of the grounds set out in section 29(2)(k) or (1), the assessment committee may award the tenant and any sub-tenant such compensation as it may consider just in the circumstances.

(2) Where after a landlord has obtained an order or judgment for possession or ejection under section 29, it is subsequently made to appear to the committee that the order was obtained by misrepresentation or the concealment of material facts, the committee may order the landlord to pay to any former tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as a result of the order or judgment.

Sub-tenancy to continue notwithstanding order, etc. for possession. [6 of 1971]

33. (1) Notwithstanding an order or judgment under section 29 a sub-tenant shall be entitled to remain in possession of his holding in terms of his sub-tenancy as from the date of the order or judgment as aforesaid.

(2) Where a sub-tenant remains in possession of a holding in accordance with subsection (1), this Act shall apply as if he were the tenant of the landlord in whose favour the order or judgment was given:

Provided that the provisions of subsection (1) shall not apply in the case of an order or judgment made on any of the grounds set out in section 29(2)(f), (g), (h), (i), (j), (k), (l) or (m).

Termination
of tenancy by
mutual
consent.
[6 of 1971
17 of 1996]

34. (1) Nothing in this Act shall prevent a landlord and a tenant from terminating an agreement of tenancy by mutual consent in writing signed in the presence of two witnesses one of whom shall, in the case of a tenant being unable to sign his name, be a justice of the peace or a member of the local government authority for the area where the holding in question is situated.

(2) Where a tenant has been dispossessed of his holding by a landlord, otherwise than as provided in this Act, a committee may, upon an application by the tenant and on proof of such dispossession, order that the tenant be reinstated and, whether in addition thereto or in lieu thereof, issue a certificate awarding such sum as the committee considers reasonable as damages.

(3) Without prejudice to the provisions of subsection (2) a landlord who dispossesses, or causes to be dispossessed, a tenant of his holding, otherwise than as provided in this Act, shall be liable on summary conviction to a fine of fifteen thousand dollars and, in addition, to a fine of three hundred dollars for each day the tenant is kept out of possession.

Subletting of
holding.

35. (1) A tenant of a holding shall not sub-let the holding without the consent of the landlord previously obtained in writing.

(2) Such consent shall not be unreasonably withheld by the landlord.

(3) Every tenant who desires to sub-let any such holding shall, if required so to do by the landlord—

- (a) disclose to the landlord the terms upon which he proposes to sub-let the holding; and
- (b) render it a term of any sub-tenancy of the holding created by him that the sub-tenant shall pay to the landlord the full amount of the rent payable by the tenant in respect of such holding.

(4) Where a tenant claims that the landlord has unreasonably withheld his consent to the sub-tenancy of any such holding, he may make application in writing to the assessment committee of the district in which the holding is situate for its consent and the assessment committee shall, if it considers that the consent of the landlord has unreasonably been withheld, give its consent to the sub-letting and the consent of the assessment committee shall have effect as if it were the consent of the landlord previously obtained in writing.

Transfer of
agreement of
tenancy.
[6 of 1971]

36. (1) A tenant of a holding may at any time, with the consent of his landlord, transfer his agreement of tenancy.

(2) If a tenant desires to transfer his agreement of tenancy and his landlord is or appears to be unwilling to give his consent to the transfer, the tenant may make application in writing to the assessment committee for the area in which his holding is situate for an order that he is entitled to transfer his agreement of tenancy on a day specified without the consent of the landlord.

(3) A transfer of an agreement of tenancy by virtue of the declaration of the committee under subsection (2) shall operate in all respects as if the transfer had been made with the consent of the landlord.

(4) Anything in any law to the contrary notwithstanding, on the transfer of an agreement of tenancy under this section, all the interest, rights, obligations and liabilities of the tenant shall vest in and be imposed upon the transferee absolutely.

Bequest of
agreement of
tenancy.
[6 of 1971]

37. (1) Where a tenant of any holding, by will or other testamentary writing, bequeaths his interest in any agreement of tenancy to any person (in this section referred to as the legatee), such bequest shall, be subject to the following provisions:

- (a) the legatee or the executor shall notify the landlord in writing of the testamentary bequest within twenty-one days after the death of the tenant, unless they are prevented by some unavoidable cause from notifying him within that time, and in that event they shall notify him as soon as possible thereafter;
- (b) the transfer to give effect to the bequest shall be subject to the consent of the landlord which said consent shall not be unreasonably refused;
- (c) if under this section a landlord refuses to grant his consent he shall, in writing, so inform the legatee and shall state the reasons for his refusal of consent;
- (d) any legatee who is aggrieved by any refusal of consent by a landlord under this section may appeal to the assessment committee of the district in which the holding is situate and the

decision of the said committee shall be final.

(2) In the event of a tenant dying intestate—

- (a) the widow or widower who was residing with the tenant at the time of death; or
- (b) where there is no such widow or widower the reputed spouse of the tenant with whom the tenant at the time of his death had his home established for not less than one year prior thereto; or
- (c) where there is no such widow, widower or reputed spouse, such member of the tenant's family or household as was residing with, and dependent upon, the tenant at the time of his death,

shall within six months of the date of death be entitled to make an application for a transfer of the tenancy if the landlord is or appears to be unwilling to give his consent for the transfer and subsection (1) *mutatis mutandis* applies.

Certificate of non-observance of rules of good estate management or of good husbandry. [6 of 1971]

38. (1) If any question or difference arises with respect to the non-observance by a landlord of any holding of the rules of good estate management or by a tenant thereof of the rules of good husbandry, the tenant or the landlord, as the case may be, may apply to the assessment committee of the area in which his holding is situate for a certificate that the landlord or the tenant is not observing the rules of good estate management or the rules of good husbandry, as the case may be.

(2) On any such application being made, the assessment committee after giving the landlord and the tenant an opportunity of being heard, shall, if it thinks fit, either grant or refuse the certificate:

Provided that if the committee considers that the breach by the tenant of the rules of good husbandry is of such a nature that an order for the payment of damages by the tenant to the landlord in lieu of the issue of a certificate would be just and reasonable the committee shall assess and fix the amount to be paid on such terms and conditions as it may determine.

(3) A certificate granted under this section to a landlord shall entitle him to determine the tenancy by notice to the tenant to quit the holding given in accordance with the terms of the certificate and the time within which such notice is to be given and the period of notice to be given shall be stated in the certificate which shall be signed by the chairman of the committee.

(4) Where land has been broken in for the cultivation of paddy by, or at the expense of, the tenant and the landlord has been granted a certificate under this section, the landlord shall pay to the tenant such sum as may be assessed by the committee which sum shall be specified in the certificate granted to the landlord. In assessing such sum to be paid, the committee shall take into account any improvement in the value of the land resulting from such breaking in of the land.

(5) A certificate granted under this section to a tenant shall specify the amount assessed and fixed by the assessment committee as damages to be paid by the landlord to the tenant for non-observance by the landlord of the rules of good estate management.

(6) Where at the hearing of an application by a

tenant under this section it is alleged by the landlord that, but for the unreasonable refusal of a local government authority to permit him to carry out certain works, he would observe the rules of good estate management, the committee may adjourn the hearing of the application and by notice to that authority require it to be represented before the committee on the date specified in such notice.

(7) Where the authority appears, or fails to be represented, on the specified date the committee may proceed to hear the application and if it is satisfied that the landlord would not have committed a breach of the rules of good estate management but for the unreasonable refusal of the authority the committee shall so state in the certificate issued under this section and any damages to be paid by a landlord pursuant to such a certificate may be recovered by him from the authority and the provisions of section 51 shall *mutatis mutandis* apply.

(8) The procedure set out in section 11 shall *mutatis mutandis* apply to an application made under this section.

(9) The provisions of section 25 (regarding an appeal by a landlord or tenant) shall *mutatis mutandis* apply to a local government authority dissatisfied with a decision of a committee under subsection (7), and in any such appeal by the authority, the tenant and the landlord in the proceedings before the committee from which the appeal is brought shall be the respondents to the appeal.

Re-allocation
of lands by
landlord.
[6 of 1971]

39. (1) A landlord who desires to re-allocate the holdings of his tenants into single blocks may make application in writing to the assessment committee of the area in which the holdings are situate for leave to re-allocate the holdings. The assessment committee, subject to this section, and after giving any other tenant of the said landlord an opportunity of making any representations he may desire to make, may, if it is satisfied that the application is made in

good faith and that, having regard to the scattered nature of the holdings and any other consideration which the assessment committee considers relevant, it ought to be granted, give leave to the landlord to re-allocate the holdings aforesaid.

(2) No such leave shall be given unless –

- (a) the re-allocation applies to land already under paddy cultivation, or in a fit state according to normal agricultural standards, for such cultivation; and
- (b) the landlord has made available for the tenant other lands suitable according to normal agricultural standards for paddy cultivation.

Resumption
of lands by
landlord.
[6 of 1971
17 of 1996]

40. (1) A landlord who desires to resume possession of any rice land in accordance with section 28(2)(m) or in order that the land may be used for any purpose other than for the cultivation of paddy may make application in writing to the assessment committee of the area in which such land is situate for leave to give his tenant notice to quit such land, and the committee, subject to the conditions in this section provided and after giving to the tenant an opportunity of making any representations he desires to make, may, if it is satisfied that the application is made in good faith and that it ought to be granted, give leave to the landlord to determine the tenancy.

(2) A notice to quit given under subsection (1) shall not be of any effect unless the landlord gives at least six months' notice in writing ending on the thirtieth day of June or thirty-first day of December.

(3) The procedure in the case of an investigation of an application under subsection (1) shall *mutatis mutandis* be the same as in the case of an application under section 11(1).

Reduction of size of holding by landlord.

41. (1) A landlord who desires to reduce the size of the holding of a tenant whose holding is larger than he can efficiently cultivate may make application in writing to the assessment committee for leave to give his tenant notice to give up possession of a portion of the holding and the assessment committee after giving to the tenant an opportunity of making any representations he desires to make, may grant the landlord leave to reduce the holding to such size as may be stated in the order or judgment, if it is satisfied that having regard to all the circumstances of the case no substantial hardship would be caused by granting such leave, and that leave ought to be granted for the purposes of increased production.

(2) The landlord shall forthwith make available by way of sale or letting for the purposes of paddy cultivation any land of which a tenant is deprived of possession in pursuance of an order or judgment of the assessment committee made under subsection (1). If the committee is of opinion that the landlord has failed to make the land available as aforesaid, the committee may as agent of the landlord let the said land to any person it considers suitable and who desires to cultivate paddy on the said land and who is either not cultivating rice land or is not cultivating rice land of a sufficient size for his needs.

(3) The procedure in the case of an investigation of an application under subsection (1), shall *mutatis mutandis* be the same as in the case of an application under section 11(1).

Tenant desiring to secure additional land for

42. (1) Any tenant who desires to secure additional land for the cultivation of paddy may apply to the assessment committee in writing for leave to give his landlord notice to make available to him as rice land any land or any portion of

cultivation of
paddy.
[17 of 1996]

such land which forms part of the landlord's estate and which is not then used or likely to be used for any purpose. The committee after giving the landlord an opportunity of making any representation he desires to make may, if it is satisfied that such additional land would be beneficially occupied by the tenant, and after considering any claims that may be made by any other tenant of the same landlord, grant the tenant leave to give the landlord notice to make such land or such portion of land available to him for the cultivation of paddy within such time as the committee shall specify. Such time shall be stated in a notice given by the tenant to the landlord.

(2) The procedure in the case of an investigation of an application under subsection (1) shall, *mutatis mutandis* be the same as in the case of an application under section 11(1).

(3) Any landlord who refuses or neglects to make such land or portion of such land available to the tenant within the time stated in the notice referred to in subsection (1) shall be liable on summary conviction to a fine of five thousand dollars and to a fine of four hundred dollars for each day in respect of which the offence continues.

Orders
obtained
under section
39 or
40.
[6 of 1971
17 of 1996]

43. (1) Whenever a landlord has obtained an order or judgment for possession of any holding on any ground specified in section 39 or 40 and the order or judgment is executed or the tenant voluntarily gives up his tenancy in consequence of that order or judgment, the landlord shall be guilty of an offence —

- (a) if, within five years of such order or judgment, the landlord without first obtaining the permission of the committee sells or otherwise disposes of the holding, or uses, or permits to be used, or lets, the holding for any purpose other than that which

constituted the ground on which the order was made or the judgment was given;

- (b) if he does not within a reasonable time after obtaining possession of the holding use the said holding for the purpose for which he resumed possession; or
- (c) if having obtained permission as aforesaid, he fails to comply with any of the terms or conditions which the assessment committee may have attached to that permission,

and shall be liable on summary conviction to a fine of seven thousand five hundred dollars and, in addition thereto, a sum of five hundred dollars for every acre in excess of five acres in respect of which the order was made.

(2) The procedure in the case of an investigation of an application by a landlord for permission to use or let such holding for any other purpose shall *mutatis mutandis* be the same as in the case of an application under section 12(1).

(3) On the determination of any such application the chairman of the assessment committee shall cause to be sent by registered post, to the landlord and the tenant a copy of his order thereon.

(4) The grant or refusal, or the grant subject to terms or conditions, of any such application, shall be a decision within the meaning of section 26(1), and that section shall apply to an appeal from such a decision:

Provided that—

- (a) the acts required by section 26(2) to be performed by the appellant shall be so

performed by him within fourteen days after he receives from the chairman of the assessment committee a notification of the committee's decision;

- (b) section 26(3)(b), (6) and (7) shall not apply to any appeal under this section; and
- (c) the Registrar shall transmit to the chairman of the assessment committee a copy of any order entered pursuant to the disposal of the appeal duly authenticated by the signature of the Registrar.

(5) For the purposes of the provisions of this section in regard to offences against this Act the expression "landlord" shall include the agent of the landlord.

Service of notices.

44. (1) Service of a notice to quit under this Act by a landlord on any of his tenants may, where the tenant's whereabouts are unknown to the landlord, be effected by serving the chairman of the assessment committee of the district in which the holding lies with a copy of the notice and sending the notice by registered post to the tenant at his last known place of abode, and the service of the copy of the notice served on the chairman of the assessment committee shall be deemed to be service on the tenant.

(2) Subject to subsection (1), where notice is required by this Act to be given, and provision has not been made for the giving of such notice, such notice shall be given by registered post.

Irrigation water supplied by

45. As from the commencement of this Act, in any area where a landlord is able and willing to provide a tenant's

landlord by mechanical means to be subject to separate contract.

rice land with water by mechanical means and the tenant desires such service, the landlord shall inform such tenant in writing of the charge and conditions for this service, and if the tenant agrees with such terms and so informs the landlord in writing, such agreement shall notwithstanding this Act, constitute a valid and lawful contract.

Agents of landlords.

46. Anything which by or under this Act is required or authorised to be done to, by, or, in respect of the landlord of a holding may be done to, by, or, in respect of any agent of the landlord duly authorised in that behalf.

Validity of agreements, etc.

47. Without prejudice to any proceedings which may be taken under any Act imposing stamp duties on the execution of instruments, it shall be no objection to any agreement, transfer or authorisation which may be made under this Act by reason only that the agreement, transfer or authorisation is not stamped or is not sufficiently stamped or, in the case of an agreement (other than an agreement containing a specified condition), that the agreement or some memorandum or note thereof is not in writing and signed by the party to be charged.

Contracting out of Act.

48. Any provision in any agreement between a landlord and a tenant whereby the tenant purports to contract himself out of the provisions of this Act shall be null and void.

Extent of damages and penalties recoverable.

49. Notwithstanding any provision in an agreement of tenancy making either the landlord or the tenant liable to pay any liquidated damages or any penalty in the event of any breach or non-fulfilment of any of the terms or conditions in the agreement, neither party shall be entitled to recover any sum in consequence of any such breach or non-fulfilment in excess of the damage actually suffered by him in consequence of the breach or non-fulfilment of any of the terms or conditions in the agreement.

Restriction on
premiums.
[17 of 1996]

50. (1) No person shall, as a condition of the grant, renewal or continuance of a tenancy or sub-tenancy of any holding to which this Act applies, require the payment of any fine, premium, or other like sum, or the giving of any consideration, in addition to the rent.

(2) Where subsequent to the commencement of this Act any such payment or consideration has been made or given the amount or value thereof shall be recoverable by the person by whom it was made or given.

(3) A person requiring any payment or the giving of any consideration in contravention of this section shall be liable on summary conviction to a fine of ten thousand dollars and the court by which he is convicted may order the amount paid or the value of the consideration to be repaid to the person by whom it was made or given, but such order shall be in lieu of any other method of recovery prescribed by this Act.

Procedure.
c. 7:01
[6 of 1971
17 of 1996]

51. (1) Subject to section 3(3) of the Summary Jurisdiction (Petty Debt) Act, any claim or other proceedings (not being proceedings before the assessment committee as such) arising out of this Act shall be made or instituted in the magistrate's court:

Provided that—

- (a) where an equitable remedy is sought (whether or not in conjunction with any other remedy) such claim or other proceedings may be made or instituted in the High Court;
- (b) any sum due as rent by a tenant in respect of rice lands may only be sued for upon a certificate of a committee issued pursuant to an

application under section 10(m), such certificate being *prima facie* evidence of the amount due at the date of issue;

- (c) notwithstanding anything to the contrary in any law the State may institute a claim for such an amount in like manner without any such certificate.

(2) A Committee shall have full powers to rehear any application and to revise any decision in any case in which, in its opinion, altered circumstances make it just that it should exercise such powers.

(3) The law and practice of the magistrate's court shall, subject to the necessary modifications, apply to any claim or other proceedings made or instituted under this Act.

c. 61:01

(4) Anything contained in the Landlord and Tenant Act to the contrary notwithstanding, the jurisdiction of a magistrate under this Act, shall extend to all holdings irrespective of the amount of the rent.

Recovery of compensation and damages.
c. 7:01

52. (1) Any amount assessed, fixed, certified or ordered by a committee to be paid as compensation or damages under this Act may be recovered as a debt due under the Summary Jurisdiction (Petty Debt) Act.

(2) A certificate in which is stated the amount of compensation or damages payable under this Act issued by a committee under the hand of the chairman thereof shall, in any proceedings in any court, be conclusive evidence of the amount of compensation or damages so payable.

Limitation of prosecutions.

53. A complaint in respect of an offence under this Act shall be made within six months from the time when the

matter of the complaint arose.

Protection of
persons acting
under this Act.
c. 5:07

54. Every member, officer or servant of a committee acting under this Act shall be entitled to the protection of the Justices Protection Act.

Regulations.
[12 of 1984]

55. The Minister may make regulations –

- (a) prescribing the manner and the form in which applications may be made to the assessment committee under this Act;
- (b) prescribing forms for the purposes of this Act;
- (bb) in consultation with the Judicial Service Commission, prescribing the qualifications for the appointment of a person, other than a magistrate, to be a chairman;
- (c) generally, for carrying out the provisions of this Act.

Right of tenant
to keep oxen
on his
holding.
[6 of 1971
17 of 1996]

56. (1) The landlord of any holding to which this Act applies shall permit the tenant thereof to keep free of charge and use on the holding such number of cattle (not exceeding eight heads for the first ten acres or part thereof and not more than four for each additional five acres) for that period of the year during which no crop is planted for the purpose of the cultivation of the land and the reaping and threshing of the paddy produced thereon and, with respect to oxen so kept and used by the tenant, no order or judgment for the recovery by the landlord from the tenant of any additional rent, agistment fee or other charge shall be made or given.

(2) Any landlord who contravenes subsection (1)

shall be liable on summary conviction to a fine of five thousand dollars.

(3) Any tenant who by any wilful or negligent act or omission permits any cattle kept and used on his holding in accordance with the provisions of subsection (1) to damage the property of the landlord, or retains such cattle on his holding during a period otherwise as permitted by that subsection, after having been notified in writing by the landlord to remove such cattle, shall on summary conviction be liable to a fine of three thousand dollars.

General
savings of
rights.

57. Except as in this Act expressly provided, nothing in this Act shall prejudicially affect any power, right or remedy of a landlord or tenant, or other person, vested in or exercisable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of any agreement of tenancy or other contract, or of any fixtures, tax, rate, rent or other thing.

ss. 3, 21
[17 of 1996]

FIRST SCHEDULE

RENTAL GUIDELINES

	Guidelines for Basic Rental (per acre per annum) ¹			
	Clay Soil	Pegasse Soil	Toxic Soil	Saline Soil
Good Infrastructure	3 bags ²	2 bags	1 bag	1 bag
Poor Infrastructure	2 bags	1 bag	1 bag	1 bag

- ¹ Based on approximately five per cent of the quantity of paddy produced in one two-crop year.
- ² All units are in 140 pound bags of paddy.

s 5(1) (c)

SECOND SCHEDULE

FORM OF RECEIPT

.....
(Date)

Received from the sum of \$..... for annual rent in respect of.....acres of rice land situate at..... for the year 1st May, 19.... to 30th April, 19 the said amount being comprised as follows:—

Basic rent... ..	....	....	\$
Local Authority rates...	....	....	\$
Drainage and Irrigation rates... ..	....	....	\$
Conservancy rates... ..	....	....	\$
Estate charges... ..	....	....	\$
		Total	\$ _____

.....
 Signature of landlord
 (or his agent)

s.2

THIRD SCHEDULE

METHOD OF SOIL ANALYSIS AND INTERPRETATION
 OF RESULTS

1. Soil Sampling:
 A composite soil sample is prepared by mixing soil taken from at least five sites with shovel or Edelman soil auger. A sub-sample is then taken (about 500 gms) and submitted to the soil laboratory at the National Agricultural Research Institute, Mon Repos. The five sites should be representative of the area in question. If there are more than one recognisable soil series in the area, each soil series must be sampled and sub-sampled separately and analysed. The prescribed analysis must be carried out under the personal supervision of the soil chemist at the Institute.

2. Sample Preparation:
 The sample(s) when brought to the laboratory, should be completely air-dried and crushed to pass through a 2mm sieve. The sample(s) so prepared must be stored in sealed polyethylene bags or other sealed containers. On

these samples, all determinations must be carried out.

3. Determination of soil pH:

Place about 10g soil prepared as in (2) above into a 50 ml beaker and add 25ml distilled water, stir intermittently for about 10 minutes; allow to stand for another 20 minutes and stir continuously for about 2 minutes. Read the pH of the suspension using a pH meter and glass electrode assembly. Prior to making this measurement, the pH meter should be switched on at least 10 minutes and the instrument calibrated using buffer solutions of known pH values.

4. Determination of soil organic matter content:

This is to be carried out according to the method of Walkley and Armstrong-Black (American Society of Agronomy (1982) Monograph No. 9 Methods of Soil Analysis Part 2: Chemical and Microbiological Properties: 570-577).

5. Soluble sulphate content:

Twenty gm prepared soil is put in a 250 ml Erlenmeyer flask together with 100 ml distilled water. The mixture is shaken for one hour in a mechanical shaker, following which, it is filtered or centrifuged. The filtrate is saved for determination of soluble sulphate.

The reagents required for determination are 10 per cent barium chloride solution, 1 per cent silver nitrate solution and approximately one normal hydrochloric acid.

Pipette 50 ml of the filtrate into a 400 ml beaker and adjust the volume to approximately 300 ml with distilled water; add 10 ml hydrochloric acid and heat to boiling on a hot plate. While stirring, slowly add 10 ml barium chloride solution; digest at gentle boil for one hour; remove from hot plate and allow precipitate to settle; filter through Whatman No. 42 filter paper containing

a little ashless paper pulp in the apex; wash with hot water until 10 ml of the filtrate show no precipitate with a few drops of silver nitrate solution; place the filter and precipitate in a tared crucible, char paper at low temperature and then ignite at 800 degrees Centigrade for 30 minutes; cool in a desiccator and weigh as barium sulphate and calculate the sulphate content.

6. Exchangeable aluminium:
Exchangeable aluminium must be determined according to the American Society of Agronomy Monograph No. 9 - Methods of Soil Analysis part 2. Chemical Methods: 281-282.
7. Salinity:
Salinity is determined on the extract of a saturated soil paste using the procedure in Agricultural Handbook No. 60 - Diagnosis and Improvement of Saline and Alkali Soils. United States Salinity Laboratory Staff.
8. Particle-size determination:
Particle-size analysis is to be carried out according to the hydrometer method following the procedure as outlined in American Society of Agronomy Monograph No. 9 - Methods of Soil Analysis Part 1: Mineralogical and physical methods.
9. Interpretation of analytical results:
The Soil chemist at the National Agricultural Research Institute(NARI), and/or the Director of the Institute if he/she is Soil Scientist and/or any other appropriately qualified soil scientist on the staff of NARI shall be responsible for the interpretation of the results of the analyses conducted according to this schedule and within the provisions of this Act.

FOURTH SCHEDULE ANNUAL REGISTER ANNUAL REGISTER OF TENANCIES FOR THE YEAR												
Name of tenant	Date of commencement	Extent of Holding	Date of Notification of rent to tenant section 27 (1)	Basic Rental	Local Authority Rates	Drainage rates	Conservation Rates	Estate charges	Total rental	Date of termination of tenancy	Date rent paid	Remarks

Reg. 24/1956

SUBSIDIARY LEGISLATION

**RICE FARMERS (SECURITY OF TENURE)
REGULATIONS**

made under section 55

Citation.

1. These Regulations may be cited as the Rice Farmers (Security of Tenure) Regulations.

Procedure to be followed in making application. Form A.

2. Every application made to an assessment committee under the Act shall be in writing signed by the applicant, and shall be addressed to the chairman of the assessment committee for the area within which is situate the holding which is the subject of t the application. Each application shall be in Form A in the Schedule and shall include a description of the holding to which the application relates, setting forth as far as possible its situation, extent and boundaries.

Notice to be given by committee to landlord or agent. Form B.

3. On receipt of an application made in accordance with the last preceding regulation, the notice required to be given by the committee to the tenant and to the landlord or his agent as the case may be under the Act shall be in the form set out as Form B in the Schedule.

Certificate of maximum rent. Form C.

4. The certificate of the maximum rent issued by an assessment committee under section 18 of the Act shall be in form C in the Schedule.

Appeal. Form D.

5. Where there is an appeal from a decision of an assessment committee under section 26 of the Act the notice of appeal shall be in form D in the Schedule.

Reg. 2

**SCHEDULE
FORM A**

APPLICATION TO ASSESSMENT COMMITTEE
THE RICE FARMERS (SECURITY OF TENURE) ACT

To the Chairman,
Assessment Committee for
.....area.

.....
(Address)

Application is hereby made by.....
.....
(name of applicant)

to have.....
.....
(state purposes of application)

in respect of the holding of rice land hereinafter described. The particulars of this application are as follows:-

(i) Name and address of the landlord:
.....of
.....

(ii) Name and address of the tenant:
.....
.....of
.....

(iii) Name and address of the landlord's agent (if any):
.....
.....

(iv) Description and situation of the holding:
.....

.....
situate at.....
and said to be the subject of an agreement of tenancy between
.....and

(landlord) (tenant)

The purpose of the investigation is as follows:-

And take notice that if you fail to appear on the date and at the time mentioned herein the

Committee may, notwithstanding your absence, proceed with the holding of the investigation.

Dated this day of 20 .

Chairman
Assessment Committee for Area

Reg. 4

FORM C

CERTIFICATE OF ASSESSMENT COMMITTEE

THE RICE FARMERS (SECURITY OF TENURE) ACT

.....Area
To.....

It is hereby certified that in exercise of the powers conferred by the Rice Farmers (Security of Tenure) Act and consequent on an investigation under the said Act the Assessment Committee forarea has fixed the maximum rent for the rice land.....situate at at; and that the parties to the said investigation were a follows:-

.....Landlord

.....Tenant.

* It is hereby further certified that this certificate shall come into operation on the day of 20 .

Dated this day of 20 .

Chairman of the Assessment Committee

forarea.

* Delete if not required.

Reg. 5

FORM D

NOTICE OF APPEAL

THE RICE FARMERS (SECURITY OF TENURE) ACT

In the High Court of Guyana.

On appeal from the decision of the Assessment Committee for the area.

Between

A.B.	(Tenant)	(or)
	Appellant	
	(Landlord)	
	- and -	
C.D	(Landlord)	(or)

