

THE OFFICIAL GAZETTE 14TH APRIL, 2010
LEGAL SUPPLEMENT — A



GUYANA

ACT No. 1 of 2010

GUYANA LIVESTOCK DEVELOPMENT AUTHORITY ACT 2010

I assent.

Bharat Jagdeo
Bharat Jagdeo,
President

April 14, 2010

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AN ACT to promote greater efficiency in the livestock and livestock product industry and to provide enhanced services in livestock husbandry, livestock health and research and to establish the Guyana Livestock Development Authority so as to make provision for effective administration and regulation of trade, commerce and export of livestock or livestock products and for matters related or incidental.

A.D. 2010

Enacted by the Parliament of Guyana:-

PART I
PRELIMINARY

Short title and
Commencement.

1. (1) This Act may be cited as the Guyana Livestock Development Authority Act 2010.

(2) This Act shall come into operation on the date the Minister may by order appoint.

Interpretation.

2. (1) In this Act, unless the context otherwise requires -

- (a) "Authority" means the Guyana Livestock Development Authority established under section 3;
- (b) "authorised person" means any officer, employee or other person authorised by an order in writing under the hand of the Chief Executive Officer to do an act or perform a duty or to carry out an order;
- (c) "Board" means the Board of Directors of the Authority;
- (d) "Chairperson" means the Chairperson of the Authority to be appointed by the Minister;
- (e) "Department" means the Department of Livestock and Pasture in the National Agricultural Research Institute established under the National Agricultural Research Institute of Guyana Act 1984;
- (f) "Director" means a Director of the Board and includes the Chairperson;
- (g) "Division" means the Animal Services Division of the Ministry of Agriculture;
- (h) "licence" means a licence to engage in the trade or export of livestock or process, trade or export of livestock products granted under section 17;

19 of 1984.

- (i) "livestock" means any cattle, calf, horse, mare, gelding, colt, filly, poultry, swine, goat or any other animal or bird which the Minister may, by order, notify for the purposes of this Act;
- (j) "Minister" means the Minister responsible for Agriculture;
- (k) "Programme" means the National Dairy Development Programme of the Ministry of Agriculture;
- (l) "Secretary" means the Secretary to the Board appointed under section 5 (2).

Cap. 71:01.
No. 14 of 2003.
Cap. 71:09.
No. 13 of 2003.

- (2) Words and expression not defined in this Act but defined in the Livestock Improvement Act, the Animals (Movement and Disease Prevention) Act 2003, the Slaughter of Cattle (Control) Act, the Veterinarians Act 2003 shall have the respective meanings assigned to them in those Acts.

PART II

ESTABLISHMENT OF AUTHORITY

Establishment of
Authority.

3. The Minister shall establish a body corporate to be known as the Guyana Livestock Development Authority.

Management.

4. (1) The administration and management of the Authority and its affairs shall vest in a Board, which may exercise all the powers and do all acts and things as may be exercised or done by the Authority in accordance with the provisions of this Act.

(2) The Authority shall, in discharging its functions, act on national and commercial considerations subject to the directions of the Minister from time to time.

(3) The Minister may suspend the execution of any resolution or order of the Board as in the opinion of the Minister contravenes the provisions of this Act, or the directions referred to in subsection (2) or prohibit the doing of any act which is being done in pursuance of a resolution or if the act has been done, order its rectification in the manner as may be directed.

Composition of
Board.

5. (1) The Minister shall constitute the Board comprising fifteen Directors of whom no more than eight Directors shall represent the Government and seven Directors shall be chosen by the Minister from nominations submitted by the associations or interest groups including poultry producers, pig producers, cattle farmers, agro processors, beekeepers and traders and exporters of livestock or livestock products.

(2) A Secretary, who shall be an *ex-officio* Director and shall be appointed by the Board with the approval of the Minister.

(3) The Minister shall appoint a Director as the Chairperson.

(4) The seal of the Authority shall be kept in the custody of the Chief Executive Officer or the Secretary and shall be authenticated by the signatures of the Chief Executive Officer and the Secretary.

(5) Every document purporting to be an instrument duly executed under the seal of the Authority shall be received in evidence and deemed, without further proof, to be so executed, unless the contrary is proved.

(6) The documents, other than those required by law to be made under seal and all decisions, of the Authority may be signified under the hand of the Chief Executive Officer or the Secretary.

(7) The Chairperson and other Directors of the Board shall be paid the allowances as the Minister may determine.

Chief Executive
Officer.

6. (1) The Chief Executive Officer who shall be appointed by the Board shall –

- (a) be a full-time officer of the Authority unless the Minister directs otherwise;
- (b) perform the duties as may be specified or as may be assigned to him by the Authority;
- (c) be directly responsible to the Board in the discharge of his functions.

(2) The Chief Executive Officer shall be assisted in his functions by the officers and employees of the Authority as the Board may, on the recommendations of the Chairperson, direct.

(3) The Chief Executive Officer shall be paid the remuneration as the Board may determine.

Secretary.

7. (1) The Secretary shall act as the secretary to the Board at its meetings and shall, subject to the directions of the Board, arrange the business of the Board and cause to be recorded and kept the minutes of the meetings of the Board.

(2) The Secretary shall perform other functions as the Board may in writing direct or as the Chief Executive officer may in writing delegate to him.

(3) The Secretary shall be paid the remuneration as the Board may determine.

Tenure of office,
resignation etc., of
Directors.

8. (1) A Director shall hold office for a period of two years from the date he assumes his office but shall be eligible for re-appointment.

(2) The Chairperson may at any time resign his office by notice in writing addressed to the Minister.

(3) A Director may at any time resign his office by notice in writing addressed to the Chairperson.

(4) No resignation under this section shall take effect until it is accepted by the Minister or the Chairperson, as the case may be.

(5) Notwithstanding anything contained in subsection (1) to (3), the Minister may at any time remove any Director from office by reason of incompetence, disability, bankruptcy, gross neglect of duty or misconduct proven to the satisfaction of the Minister:

Provided that no Director shall be removed from office without giving him an opportunity of being heard.

Vacancies etc., not to invalidate proceedings of Authority.

9. (1) Subject to a quorum, no act or proceeding of the Board shall be invalid merely by reason of any –

- (a) vacancy in, or defect in the constitution of the Board;
- (b) defect in the appointment of a person acting as a Director;
- (c) irregularity in the procedure of the Board not affecting the merits of the case.

(2) Any vacancy of the office of a Director shall be filled by a person who shall, subject to the provisions of this Act, hold the office for the remainder of the period of the vacancy.

Procedure and meetings of Authority.

10. (1) The Board shall meet at least once every month for the transaction of its business at the place and time and on the days as the Board may determine.

(2) The Chairperson shall, within seven days of the receipt of a requisition in writing addressed to him by four or more Directors, summon a special meeting to consider the matters contained in the requisition.

(3) The Chairperson shall preside over all the meetings of the Board and in his absence, the Directors present shall elect one of their numbers to preside over a meeting.

(4) Where the Chairperson is unable to perform the functions of his office owing to his absence from Guyana or inability or for any other reason, the Minister may appoint any Director to act as Chairperson during the time the absence or inability continues.

(5) The Chairperson or in his absence the Director elected or appointed to preside under this section and five other Directors shall form a quorum.

(6) A Director shall not attend a meeting of the Board or take part in any deliberation in respect of any matter in which he has direct or indirect pecuniary or other interest and the interest shall be recorded in the minutes of the meeting.

(7) A Director who fails to disclose the interest referred to in subsection (6) shall be liable to be removed from the Board.

(8) Minutes in proper form shall be kept by the Secretary, shall be confirmed as soon as practicable at a subsequent meeting of the Board and signed by the Secretary and certified copies of the minutes when so confirmed shall be forwarded to the Minister within the period determined by the Board.

(9) The Board shall take decisions on the basis of a simple majority of the Directors present and voting and in the event of equality of votes, the person presiding shall have a second or casting vote.

(10) No Director shall personally sponsor or recommend any application for employment of any person under this Act.

(11) The names of Directors as first constituted and every change in the constitution of the Board shall be published in the *Gazette*.

(12) Subject to this section, the Board shall have the power to regulate its own proceedings.

Appointment of
officers and
employees of
Authority.

11. (1) The Board may appoint as many officers, advisers, experts, consultants or employees as it considers necessary for the efficient discharge of its functions on the terms and conditions as it may deem fit, subject to the general or special directions as the Minister may give to it from time to time.

(2) Notwithstanding anything contained in subsection (1), on and from the commencement of this Act, all officers and employees of the Department, Division and Programme shall be deemed to be officers and employees of the Authority.

(3) The officers and employees of the Department, Division and Programme shall be employed on terms and conditions as may be agreed upon between the Board and each person so employed.

(4) The terms and conditions referred to in subsection (3), taken as a whole, shall not be less favourable than those applicable to an officer or employee of the Department, Division and Programme immediately before the date of commencement of this Act.

(5) The Authority shall, in respect of the persons so employed under subsection (3), be the successor to the Government with regard to the officer's or employee's leave and superannuation rights and benefits, whether accrued, earned, inchoate or contingent.

(6) For the purpose of every law, determination or agreement relating to the employment of persons under subsection (3), including the determination of and right to receive superannuation benefits, the employment shall be deemed to have been uninterrupted and the period of service of each officer or employee of the Department, Division and Programme, and every other period of service of that officer or employee that is recognised as continuous employment with the Government shall be deemed to have been a period of service with the Authority.

(7) No person employed under subsection (3) shall be entitled to receive any payment of compensation or other benefit by reason of this Act.

Constitution of committees.

12. The Authority may constitute as many committees as may be necessary for carrying out the purposes of this Act.

Indemnity of officers and employees of Authority.

13. Every Director, adviser, officer, expert, consultant or employee of the Authority shall be indemnified by it against all losses and expenses sustained or incurred by him in the discharge of the duties of his office, save where such losses and expenses are sustained or incurred as a result of his own wilful act or default.

Delegation of powers.

14. The Authority may, by general or special order in writing, delegate, to any of its Directors, advisers, officers, experts, consultants or employees or the committees constituted under section 12, any of its powers, duties or functions under this Act subject to the conditions as it may deem fit to impose.

Power of Authority to co-opt persons.

15. The Authority may co-opt any person for any period whose assistance or advice it may need in carrying out any of the provisions of this Act.

PART III

GENERAL POWERS, DUTIES AND FUNCTIONS OF AUTHORITY

General powers, duties and functions of Authority.

16. (1) In accordance with the provisions of this Act and subject to the general or special directions the Minister may give from time to time, the Authority shall take measures to carry out any of the tasks in the livestock or livestock product industry.

(2) In relation to the tasks referred to in subsection (1), the Authority shall be responsible for -

- (a) preparing plans and undertaking or causing to be undertaken studies to determine the economic, technical or other feasibility of projects to be undertaken;
- (b) presenting any schemes to the Minister for his approval;
- (c) implementing and executing any schemes approved by the Minister;

- (d) participating in national or international fairs and exhibitions;
- (e) managing, on behalf of the Minister, projects and activities, on terms and conditions as the Minister may specify;
- (f) administering on behalf of the Minister, any supportive programme;
- (g) promoting and guiding the formation of co-operatives;
- (h) collecting, analysing, storing and disseminating any data or information;
- (i) monitoring or assessing opportunities and problems affecting production and marketing with a view to making appropriate representation to the relevant authorities;
- (j) providing a forum for communication among livestock farmers, traders and exporters;
- (k) maintaining a register of livestock farmers, processors, traders and exporters;
- (l) advising and influencing policy-makers;
- (m) identifying and implementing the research, development and training needs and providing development opportunities;
- (n) operating auction yards to facilitate the sale of livestock or livestock products;
- (o) prescribing quality guidelines for the sale of livestock or livestock products;
- (p) establishing and describing standards for the purpose of grading any livestock or livestock products;
- (q) authorising any officer to discharge the functions and perform the duties as required by any written law;
- (r) providing veterinary service to livestock farmers, establishing and maintaining surveillance systems, inspecting hatcheries and processing facilities and ensuring compliance with national and international animal health standards and guidelines;
- (s) providing and having farmers' access to approved genetic materials to be used in upgrading the domestic livestock population based on market demands and consumer preferences;
- (t) regulating the importation and exportation of genetic material for livestock development, including live animals, liquid and frozen semen, frozen embryos and other material;

- (u) regulating the functions of livestock breeders associations and maintaining a register of breeds of livestock in Guyana;
- (v) assisting farmers to develop cost effective and sustainable livestock production systems through the use of appropriate and market driven technologies;
- (w) regulating the rearing and slaughter of livestock according to acceptable international standards;
- (x) authorising the Veterinary Authority to discharge the functions and perform the duties under this Act or any written law; and
- (y) undertaking other functions as are necessary in the successful execution and management of livestock or livestock product industry.

(3) The Authority may, subject to the general or special directions of the Minister, assist and encourage the private sector in establishing and running projects in the livestock or livestock product industry.

Licence.

17. (1) A person who wants to engage in the trade or export of livestock or process, trade or export of livestock products shall apply to the Authority for a licence to do so.

(2) The application for licence shall be on a form determined by the Minister and accompanied by the prescribed fee.

(3) The Authority may call on the applicant to show by documentary evidence that he is capable of engaging in the business for which he is seeking a licence.

(4) If the Authority is satisfied after inspecting the premises, facilities and equipment and considering the application that the applicant is qualified under subsection (3), the Authority may grant the licence, specifying the terms and conditions under which the licence is granted.

Renewal
suspension or
cancellation of
licence.

18. The Authority may refuse to renew or may suspend or cancel a licence if it is of the opinion that—

- (a) the premises, facilities or equipment used by the licensee in connection with the trade or export of livestock or process, trade or export of livestock products does not comply with any of the provisions of this Act or any other written law; or
- (b) the licensee has wilfully violated any order or direction of the Authority:

Provided that no licence shall be refused to be renewed, suspended or cancelled without giving the licensee an opportunity of being heard.

Temporary suspension or refusal to renew licence.

19. The Authority may, by an order in writing, temporarily suspend or refuse to renew a licence for a period of thirty days or any other period as it may determine without hearing the licensee, where it is satisfied that it is necessary to immediately intervene in the interests of —

- (a) the safety or health of any person or the public;
- (b) the persons selling livestock or livestock products to the licensee:

Provided that no order of temporary suspension or refusal to renew a licence shall be made final without giving the licensee an opportunity of being heard.

Appeal.

20. (1) Any person aggrieved by an order of the Authority may appeal to the Minister within thirty days from the date of receipt of the order and the Minister shall dispose of the appeal within thirty days from the date of receipt of appeal.

(2) The Minister may direct the Authority to submit a full report of the matter being appealed within a specified time.

(3) The Minister may, after considering the appeal and the report and after affording the appellant an opportunity of being heard, give his decision.

Powers of authorised persons.

21. (1) An authorised person may at any reasonable time, enter upon and search any place or premises or vehicle in which he has reasonable ground to believe that an offence under this Act or that an act, procedure, matter or thing that forms part of the trade or export of livestock or process, trade or export of livestock products is being or has been done or performed without licence or in contravention of any of the provisions of this Act or an order of the Minister and shall seize any livestock or livestock product found on the premises, place or vehicle used in the commission of the offence.

(2) The authorised person may require from any person found on the premises, place or vehicle referred to in subsection (1), the production of any books, records or other documents relating to the trade or export of any livestock or process, trade or export of livestock product and may also require the furnishing of copies of or extracts from the books, records or other documents.

(3) The authorised person may lay a complaint before a court of summary jurisdiction in respect of any alleged offence against the licensee or person who committed an offence and the court may order —

- (a) that the livestock or livestock product seized under subsection (1) be disposed of in the manner as the court may think fit in the event of the court convicting any person of any offence;
- (b) that the livestock or livestock product be returned to the licensee or owner in the event of no person being prosecuted within a reasonable time or where the person prosecuted is acquitted by the court.

(4) Notwithstanding anything in this section, where perishables are seized by the authorised person they may be disposed of as soon as is convenient.

(5) The authorised person shall not refuse to inspect or mark or give any certificate respecting any livestock or livestock product found in any place, premises or vehicle which he considers to be unsanitary or unsuitable for inspection purposes.

Power of Authority
to dispose of
livestock or livestock
product in certain
circumstances.

22. (1) Notwithstanding anything in this Act, where diseased or contaminated livestock or livestock products or perishables are seized by the authorised person, they may be disposed of in accordance with the directions of the Authority and at the expense of the person responsible for the trade or export of the livestock or process, trade or export of livestock product.

(2) Where necessary, the Authority may order the authorized person to delay a shipment of livestock or livestock product until the completion of any inspection or search.

PART IV FINANCIAL PROVISIONS

Funds.

23. (1) The funds of the Authority shall be utilised by it to meet expenses in connection with its duties and functions under this Act including salaries, remuneration or allowance of any Director, Chief Executive Officer, Secretary, advisers, experts, consultants, officers and employees of the Authority.

- (2) The funds of the Authority shall consist of any –
- (a) amount made available from the Consolidated Fund;
 - (b) investment, grant or loan received from the Government;
 - (c) charges for the management of any task;
 - (d) grant, financial assistance received from national or international agencies or organisations; or
 - (e) any other sums received by the Authority.

Maintenance of
accounts.

24. (1) The Authority shall maintain complete and accurate accounts in the manner approved by the Minister.

(2) The Board may by resolution make rules for the proper administration and control of the finances of the Authority consistent with sound accounting and financial standards and in accordance with any written law.

Audit of accounts.

25. (1) The accounts of the Authority shall be audited annually by the Auditor-General.

(2) Any Director, Chief Executive Officer, Secretary or any other officer or employee of the Authority shall, at all reasonable times, grant the Auditor General access to all books, documents, cash, returns, securities, stores and other property of the Authority and shall give the Auditor General, on request, all information within his knowledge in relation to the financial operations of the Authority.

(3) The Auditor General shall have power to summon and examine any person whom he thinks fit for the purpose of obtaining information in connection with the examination and audit of the accounts of the Authority and with any other matter or thing necessary for the performance of the functions vested in him.

Annual Report by
Authority.
No. 20 of 2003.

26. Subject to the provisions of Part XII of the Fiscal Management and Accountability Act 2003, the Authority shall, not later than four months after the end of each financial year, submit to the Minister an annual report containing –

- (a) an account of its functioning for the preceding financial year in the detail as the Minister may direct;
- (b) An audited statement of accounts of the Authority audited under section 25;
- (c) A description of specific projects, programmes or activities; and
- (d) The progress on any other general or specific directions given by the Minister.

Budget.
No. 20 of 2003.

27. Subject to the provisions of Part XII of the Fiscal Management and Accountability Act 2003, the Authority shall, not later than ninety days before the end of each financial year, or any earlier time as required by the Minister responsible for finance, prepare and submit to that Minister, an annual budget for the next financial year, containing a revenue and expenditure budget, a capital budget and cash flow projection.

PART V MISCELLANEOUS

Punishment for
contravening
provisions under
section 17, etc.,

28. Any person who engages in the trade or export of livestock or process, trade or export of livestock products in contravention of section 17 or fails to comply with any other provision of this Act or who resists, hinders, threatens or intimidates an authorised person in the exercise of his powers under this Act commits an offence and is liable, on summary conviction, to a fine of one hundred thousand dollars, and, in the case of a continuing offence, to an additional fine of fifty thousand dollars for every day the offence continues after conviction.

Punishment for
default in obeying
auditor's summons.

29. Any person referred to in subsection (2) of section 25 and summoned by the Auditor General under subsection (3) of that section, who without reasonable excuse makes default in obeying the summons commits an offence and is liable, on summary conviction, to a fine of fifty thousand dollars and imprisonment for three months.

Power to make
regulations.

30. (1) The Minister may make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to generality of the powers mentioned in subsection (1), the regulations may provide for –

- (a) establishing and describing standards for the purpose of grading any livestock or livestock product;
- (b) the issuing of grading certificates and prescribing the form for any matter;
- (c) the manner and form of keeping the accounts of the Authority;
- (d) the recruitment of officers, advisers, consultants, experts and other employees of the Authority;

- (e) the manner in which samples of any livestock product may be taken for inspection;
- (f) the manner and conditions of grading, inspection, packing, branding and marking of any livestock or livestock product;
- (g) the manner in which and the conditions under which any livestock or livestock product shall be stored, transported, delivered, shipped, advertised, purchased, sold, offered or displayed for sale and the types, sizes, branding, marking and labelling of packages or containers in which any livestock or livestock product shall be contained;
- (h) the manner, terms and conditions of issuing licences and prescribing their duration and the fees payable;
- (i) the terms and conditions of service of the officers, advisers, consultants, experts and other employees of the Authority;
- (j) the functions of the advisers;
- (k) the date on which and the form in which the annual budget statement of the Authority shall be submitted each year;
- (l) the procedure for appropriation and re-appropriation of moneys at the credit of the Authority;
- (m) the manner and form in which returns, reports and statements shall be submitted;
- (n) the investment of surplus moneys;
- (o) the sale or transfer of projects or other property of the Authority;
- (p) such other matters relating to the administration and other affairs of the Authority as the Minister thinks fit.

Transfer and vesting.

31. (1) On and from the date of commencement of this Act, all the assets and liabilities of the Department, Division and Programme, shall stand transferred to, and vested in, the Authority.

(2) The assets referred to in subsection (1) shall be deemed to include all rights and powers and all properties, whether movable or immovable, including the rights and interests of any offices of the Department, Division and Programme and any offices of the Regional Democratic Council that are being utilised exclusively for livestock, livestock product industry or animal services and all other interests and rights in, or arising out of, such properties as may be in the possession of the Department, Division and Programme, and all books of account and other documents relating to the same.

(3) The liabilities referred to in subsection (1) shall be deemed to include all debts, liabilities and obligations of whatever kind.

(4) Without prejudice to the provisions of subsection (1), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Department, Division and Programme immediately before the date of commencement of this Act, for or in connection with the purpose of the Department, Division and Programme, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Authority.

(5) All sums of money due to the Department, Division and Programme immediately before the date of commencement of this Act shall be deemed to be due to the Authority and all suits and other legal proceedings instituted or which could have been instituted by or against the Department, Division and Programme immediately before that date may be continued or may be instituted by or against the Authority.

Amendment of
Animals
(Movement and
Disease
Prevention) Act
2003.

32. The Animals (Movement and Disease Prevention) Act 2003 is amended –

(a) by substituting for the definition of “Veterinary Authority” the following definition –

“Veterinary Authority” means the chief veterinarian or any other officer authorised by the Guyana Livestock Development Authority established under section 3 of the Guyana Livestock Development Authority Act 2010.”;

No. 1 of 2010.

(b) by repealing section 3 (1) and substituting for it the following –

“Veterinary Authority.
3. (1) The Veterinary Authority shall exercise the functions and discharge the duties authorised by the Guyana Livestock Development Authority Act 2010, for the purposes of this Act or of any written law.”.

Passed by the National Assembly on 7th January, 2010.



Clerk of the National Assembly.

(Bill No. 49/2009)