

LAWS OF GUYANA

TRADERS (BREACH OF CONTRACT) ACT

CHAPTER 91:03

Act

4 of 1861

Amended by

4 of 1972

Current Authorised Pages

	<i>Pages (inclusive)</i>			<i>Authorised by L.R.O.</i>
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Note

on

Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 91:03
TRADERS (BREACH OF CONTRACT) ACT
 ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Penalty on trader receiving money in advance and neglecting to perform contract or return money.
4. Penalty on trader receiving materials and neglecting to perform contract or return materials.
5. Penalty on trader receiving article to be repaired, etc., and neglecting to return it.
6. Liability to imprisonment of trader pawning or misappropriating materials entrusted to him.
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8. Awarding of compensation to complainant out of penalty paid.
9. Saving of trader's right of lien.
10. Procedure and appeal.

1929 Ed.
 c. 64
 1953 Ed.
 c. 24

4 of 1861

An Act to punish Breaches of Trust by Traders.

[28TH AUGUST, 1861]

Short title.

1. This Act may be cited as the Traders (Breach of Contract) Act.

Interpretation.
[4 of 1972]

2. In this Act—

“materials” means any goods, wares, merchandise, articles, chattels, and things of any kind or material whatsoever;

“trader” means any handicraftsman, artificer, manufacturer, mechanic, laundress, or workman, and any person exercising or pretending to exercise any trade, handicraft, manufacture, business, or industry whatsoever;

“work” means any work in any trade, handicraft, manufacture, or business whatsoever, and any repairing, fashioning, altering, or cleansing whatsoever;

Penalty on
trader receiving
money in
advance and
neglecting to
perform
contract or
return money.
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3. If any trader contracts with any person to perform any work for reward (whether the amount of the reward is, at the time of making the contract, fixed and agreed upon or not), and if, in pursuance or on the faith of the contract, the trader receives, as and by way of advance or in anticipation of the reward, any sum of money not exceeding in the whole the sum of two hundred and fifty dollars, or if any sum of money, not exceeding in the whole the sum of two hundred and fifty dollars, is paid to the trader for the purchase of materials necessary for that work, or for any other purpose in relation thereto, and if the trader, without any lawful excuse, refuses or neglects to perform the contract, either within the time specified for the completion of the same, or, in the absence of any agreement as to time, within such time as the magistrate hearing any complaint to be brought under this Act deems to be reasonable, and refuses or neglects, when so required, to repay to the person with whom he has so contracted, or to his agent lawfully authorised, such sum of money as he has so received, that trader shall, on being convicted before the magistrate of the district where the contract has been made or, at the time of preferring the complaint, the trader is resident, be liable on summary conviction to a fine of one hundred and fifty dollars.

Penalty on trader receiving materials and neglecting to perform contract or return materials.
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4. If any trader, having contracted as aforesaid, receives any materials, not exceeding in value the sum of two hundred and fifty dollars, for the purpose of being wrought up or used in the work so agreed to be performed, and, without any lawful excuse, refuses or neglects to perform his contract within such specified or reasonable time as aforesaid, and refuses or neglects, when so required, to return to the person with whom he has so contracted, or to that person's agent lawfully authorised, the materials so delivered to him, he shall on being convicted before any magistrate having jurisdiction as aforesaid, be liable on summary conviction to a fine of one hundred and fifty dollars.

Penalty on trader receiving article to be repaired, etc., and neglecting to return it.
[4 of 1972]

5. If any goods, articles, or chattels of any description, not exceeding in value the sum of two hundred and fifty dollars, are delivered to any trader or other person for the purpose of being repaired, fashioned, altered, or cleansed, for reward (whether the amount of the reward is specified or not), and if the trader or other person, without any lawful excuse, refuses or neglects to repair, fashion, alter, or cleanse them, and, after the expiration of such specified or reasonable time as aforesaid, refuses or neglects, when so required, to return them, the offender shall be liable on summary conviction to a fine of one hundred and fifty dollars.

Liability to imprisonment of trader pawning or misappropriating materials entrusted to him.
[4 of 1972]

6. If it appears, upon due proof, to the magistrate before whom any complaint under this Act is heard that the trader or other person has sold, pawned, converted to his own use, or otherwise misappropriated any materials, goods, wares, articles, or chattels delivered to him for the purposes in this Act stated, and not exceeding in value the sum of two hundred and fifty dollars, the magistrate may abstain from the infliction of any fine or penalty, and, in lieu thereof, may adjudge the offender to be forthwith imprisoned for three months.

Punishment of offender where

7. Any breach of contract in any of the matters

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amount of
contract or
value of
materials
exceeds \$250.
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or respects hereinbefore provided, where the amount of the contract, or the amount of materials furnished or money advanced, exceeds the limit of two hundred and fifty dollars, shall be held and deemed to be a misdemeanour, and shall and may be tried, heard, and determined by the High Court in its criminal jurisdiction, and the offender shall be liable to a fine of three hundred dollars and to imprisonment for one year.

Awarding of
compensation
to complainant
out of penalty
paid.

8. The party aggrieved in any complaint to be determined by any magistrate or by the High Court under this Act, shall, on conviction of the offender, be entitled to receive out of any fine or penalty imposed and paid such sum of money as may, in the opinion of the magistrate or court, be adequate compensation for any injury which that party proves to have been sustained by him.

Saving of
trader's right of
lien.

9. Nothing in this Act shall prejudice or affect the right of lien of any trader or other person as at present existing.

Procedure and
appeal.

10. All proceedings before any magistrate under this Act shall be conducted, and all fines or penalties imposed by him under the authority of this Act, together with any costs adjudged, shall be recovered, as nearly as may be, in manner and form provided by the Summary Jurisdiction Acts.
