

Stat No. 162/74



## GUYANA

ACT NO. 17 OF 1974

### PUBLIC AUTHORITIES (LIMITATION OF ACTIONS) (SPECIAL PROVISIONS) ACT 1974

I assent,

*A. Chung*

A. CHUNG,

President.

31<sup>st</sup> May, 1974.

#### ARRANGEMENT OF SECTIONS.

#### SECTION

1. Short title.
2. Amendment of section 314 of Chapter 28:01.
3. Amendment of section 12 of Chapter 28:02.
4. Amendment of section 54 of Chapter 64:03.
5. Saving.

AN ACT to remove the requirement that actions by certain Public Authorities for the recovery of monies be brought within a prescribed time and to provide for matters incidental thereto.

A.D. 1974

Enacted by the Parliament of Guyana:—

Short title.

1. This Act may be cited as the Public Authorities (Limitation of Actions) (Special Provisions) Act 1974.

Amendment  
of section  
314 of  
Chapter  
28:01  
No. 25 of  
1973

2. Section 314 of the Municipal and District Councils Act shall have effect as if there had been substituted for section 17 of the Municipal and District Councils (Amendment) (No. 2) Act 1973 at the time of its enactment the following section —

Amendment of section 314 of the Principal Act.  
Cap. 28  
Cap. 184

17. Section 314 of the Principal Act is hereby amended by the addition thereto of the following subsections—

“(3) The provisions of the Limitation Ordinance and the Title to Land (Prescription and Limitation) Ordinance shall not, in so far as they prescribe a period of limitation within which a sum of money may be recovered, apply to a claim for a sum of money by a council and whether or not such sum would have been irrecoverable prior to the enactment of this subsection by virtue of either of the said enactments.

(4) Where by virtue of subsection (3) a sum of money is claimed as rates due in respect of property from the owner thereof for a period during which he was not the owner of the property any sum of money paid by him in satisfaction of that claim shall, subject to any agreement to the contrary, be deemed to be money paid by him at the request of the person who was the owner during the said period.”

Amendment  
of section  
12 of  
Chapter  
28:02.

3. Section 12 of the Local Government Act shall have effect as if —

(a) there had been substituted for subsection (1)(a) of section 23 of the Municipal and District Councils (Amendment) (No. 2) Act 1973 at the time of its enactment the following provision —

No. 25 of  
1973.

Amendment  
of the  
Local  
Government  
Ordinance  
Cap. 150

23. The Local Government Ordinance is hereby amended in the following respects —

(a) by renumbering section 18 as section 18(1) and by adding the following subsections as subsections (2) and (3) thereof —

Cap. 26

Cap. 184

"(2) The provisions of the Limitation Ordinance and the Title to Land (Prescription and Limitation) Ordinance shall not, in so far as they prescribe a period of limitation within which a sum of money may be recovered, apply to a claim for a sum of money by a local authority and whether or not such sum would have been irrecoverable prior to the enactment of this subsection by virtue of either of the said enactments.

(3) Where by virtue of subsection (2) a sum of money is claimed as rates due in respect of property from the owner thereof for a period during which he was not the owner of the property any sum of money paid by him in satisfaction of that claim shall, subject to any agreement to the contrary, be deemed to be money paid by him at the request of the person who was the owner during the said period."

(b) subsection (2) of the said section 23 had never been enacted.

4. Section 54 of the Drainage and Irrigation Act is hereby amended by the addition thereto of the following subsections as subsections (3) and (4), respectively —

Amendment  
of section  
54 of  
Chapter  
64:03.

Cap. 7:02

"(3) The provisions of the Limitation Act and the Title to Land (Prescription and Limitation) Act shall not, in so far as they prescribe a period of limitation within which a sum of money may be recovered, apply to a claim by the Board for a sum of money and whether or not such sum would have been irrecoverable prior to the enactment of this subsection by virtue of either of the said enactments.

Cap. 60:02

(4) Where by virtue of subsection (3) a sum of money is claimed as rates due in respect of an estate from the proprietor thereof for a period when he was not the proprietor any sum of money paid by him in satisfaction of that claim shall, subject to any agreement to the contrary, be deemed to be money paid by him at the request of the person who was the proprietor during the said period."

Saving.

5. Nothing in the amendments effected by section 2, 3 or 4 shall enable any action to be brought in respect of a claim which was the subject matter of an action determined prior to the enactment of any of the respective sections, except in so far as the cause of action or right of action may be revived by an acknowledgment or part payment made in accordance with the provisions of the Limitation Act.

Cap. 7:02

*Passed by the National Assembly on the 22nd of May, 1974.*



F. A. NARAIN,

*Clerk of the National Assembly.*

(Bill No. 14/1974)

( L 94/70 (3) )