



GUYANA

ACT No. 1 OF 2001

REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT 2001

ARRANGEMENT OF SECTIONS

I assent,

Bharrat Jagdeo,
President,
29th January, 2001

SECTION

1. Short title.
2. Insertion of new sections 139D and 139E in the Principal Act.

AN ACT to amend the Representation of the People Act to prohibit any person or political party from causing racial or ethnic violence or hatred.

A.D. 2000

Enacted by the Parliament of Guyana:-

Short title.

1. This Act, which amends the Representation of the People Act, may be cited as the Representation of the People (Amendment) Act 2000.

Cap:103.

Insertion of
new sections
139D and
139E in the
Principal Act.

2. The Principal Act is hereby amended by the insertion immediately after section 139C of the following sections -

<p>⁴Person causing racial or ethnic violence or hatred.</p>	<p>139D (1)</p>	<p>Any person who -</p> <p>(a) makes or publishes or causes to be made or published any statement; or</p> <p>(b) takes any action,</p>
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which results or can result in racial or ethnic violence or hatred among the people shall be liable on conviction on indictment to a fine of one hundred thousand dollars together with imprisonment for two years.

- (2) Every person convicted of an office under subsection (1) shall, in addition to any punishment under the said subsection, be incapable, during a period of five years from the date of the conviction, of being a member of the National Assembly or being a member of any local democratic organ or of the holder of any constitutional or statutory office.
- (3) Where a person is convicted of an offence under subsection (1), the Registrar of the Supreme Court shall send the particulars of the conviction to the chairperson of the Ethnic Relations Commission who shall, subject to the provisions of subsection (7), take such measures or issue such instructions as are required or necessary to give effect to the provisions of subsection (2).
- (4) In all cases considered by the Court that relate to subsection (1), the registrar of the Supreme Court shall send a copy of the notes of evidence to the chairperson of the Ethnic Relations Commission, and the registrar shall take such measures or issue such instructions as are required to give effect to the provisions of this Act.
- (5) Subject to the provisions of subsection (8), where in the opinion of the Judge or of the chairperson of the Ethnic Relations Commission the notes of evidence disclose the involvement of any political party in the matter considered under subsection (1), the chairperson of the Ethnic Relations Commission shall summon, as a representative of the party the Leader of the political party, or if there is no Leader, the General Secretary of the political party, by whatever name either office is designated to attend meetings of the Commission for the purpose of participating in investigations by the Ethnic Relations

Commission with regard to the aforesaid involvement; and if after hearing the Leader of the party or the General Secretary, as the case may be, the Commission is satisfied that the statement or action, the subject of the enquiry related to subsection (1), was made or published or it was caused to be made or published on behalf of the political party, or the action was taken on behalf of the political party, and the political party has not publicly disassociated itself from the statement or the action, the chairperson of the Ethnic Relations Commission shall send, in such form as he or she thinks fit, the findings of the Commission to the chairperson of the Elections Commission, and also deliver a copy with a clearly stated date of notification to the representative of the party who participated in the investigations.

- (6) The representative of the political party referred to in subsection (5) shall have the right to appeal in a summary way to the Full Court against the findings of the Ethnic Relations Commission, but shall be deemed to have forfeited that right if such appeal is not made within fourteen days of the date of receipt of notification of those findings.
- (7) The chairperson of the Elections Commission shall, subject to the provisions of subsection (9), on receipt of the findings referred to in subsection (5) in respect of a political party, not accept any list of candidates with the name of that political party thereon for a period of five years from the date of the notification of those findings by the Ethnic Relations Commission; and, subject to the provisions of subsection (9), there shall not, for the period aforesaid, be a ballot containing the name of that political party.

(8) The Ethnic Relations Commission shall not take any action under subsection (3) or initiate any formal inquiry under subsection (5) in any case where an appeal against a conviction under subsection (1) has not been determined or has been allowed.

(9) The Elections Commission shall not take the actions under subsection (7) if, within fourteen days of the date of receipt of notification by the Ethnic Relations Commission of its findings, the representative of the party referred to in subsection (5) has exercised the right of appeal under subsection (6), and the Commission shall act only after it has been specifically directed by the Ethnic Relations Commission consequent upon the determination of the appeal.

139E. (1) Where there is a written complaint to the Ethnic Relations Commission that any political party –

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| <p>Complaint of statement or action by Political party on racial and ethnic violence or hatred.</p> | <p>(a) has made or published or caused to be made or published any statement; or</p> <p>(b) has taken any action, which results or can result in racial or ethnic violence or hatred,</p> |
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- the Leader or General Secretary of the political party shall be summoned by the Ethnic Relations Commission to participate in investigations of the matter by the Ethnic Relations Commission as the Commission deems fit, provided that such investigations be conducted in a manner open to the public.

- (2) With respect to the investigations referred to in subsection (1) the party shall have the right to make representations by itself or by attorney-at-law during such investigations by filing defences, being heard, and making submissions, in accord with the procedures determined by the Ethnic Relations Commission, which procedures shall make adequate provision for receiving such representations.
- (3) The findings of the Ethnic Relations Commission deriving from the investigations referred to in subsection (1) shall be notified promptly to the representative of the political party, a copy shall be delivered to the chairperson of the Elections Commission, and shall be published in a daily newspaper.
- (4) Where the findings of the Ethnic Relations Commission determine that the political party is culpable, the party shall pay promptly a fine of five hundred thousand dollars to the Ethnic Relations Commission.
- (5) The provisions of section 139D (6), (7) and (9) shall mutatis mutandis apply to this section. ^v

Passed by the National Assembly on 4th January, 2001.

F. A. Narain,
Clerk of the National Assembly