



GUYANA

ACT No. 7 OF 1994

LOCAL GOVERNMENT (ELECTIONS) (AMENDMENT) ACT 1994

I assent.

CHEDDI JAGAN,
President.

5th March, 1994

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of the Local Authorities (Elections) Act.
3. Amendment of section 4 of the Local Democratic Organs Act 1980.
4. Insertion of new section 5A in the Local Democratic Organs Act 1980.
5. Amendment of section 4 of the Local Authorities (Elections) (Amendment) Act 1990.
6. Application of sections 2, 4, 5 and 6 of the Local Authorities (Elections) (Amendment) Act 1990 to elections to neighbourhood democratic councils.

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7. Application of General Elections (Observers) Act 1990.
8. Application of section 3E of the Election Laws (Amendment) Act 1990 to local government elections.
9. Repeal of the Local Democratic Organs (Elections) Act 1990.

SCHEDULE

AN ACT to amend the Local Authorities (Elections) Act, the Local Democratic Organs Act 1980 and the Local Authorities (Elections) (Amendment) Act 1990 and to repeal the Local Democratic Organs (Elections) Act 1990.

A.D. 1994

Enacted by the Parliament of Guyana:—

Short title.

1. This Act may be cited as the Local Government (Elections) (Amendment) Act 1994.

Amendment
of the
Local
Authorities
(Elections)
Act.
Cap. 28:08

2. The provisions of the Local Authorities (Elections) Act mentioned in the first column of the Schedule are hereby amended in the manner specified in the corresponding entries in the second column of the Schedule.

Amendment
of section
4 of the
Local
Democratic
Organs
Act 1980.
No. 12 of
1980

3. Section 4 (1) of the Local Democratic Organs Act 1980 is hereby amended by the deletion of the words "districts, a district into communities, a community into".

Insertion
of new
section 5A
in the
Local
Democratic
Organs
Act 1980.
No. 12 of
1980

4. The Local Democratic Organs Act is hereby amended by the insertion after section 5 of the following section as section 5A —

"Neighbour-
hood demo-
cratic coun-
cil to be
local author-
ity under
Local Author-
ities
(Elections)
Act.
Cap. 28:02

5A. A neighbourhood democratic council established under this Act shall be a local authority to which the Local Authorities (Elections) Act applies with all the powers conferred on a village council by the Local Government Act."

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5. Section 4 (6) of the Local Authorities (Elections) Act 1990 is hereby amended by the substitution for the words "sections 198 and 205" of the words "sections 38 (2), 198 and 205".

Amendment
of section
4 of the
Local
Authorities
(Elections)
Act 1990.
No. 10 of
1990

6. The provisions of sections 2, 4, 5 and 6 of the Local Authorities (Elections) (Amendment) Act 1990 shall **mutatis mutandis** apply to elections to the neighbourhood democratic councils.

Application
of sections
2, 4, 5 and 6
of the
Local
Authorities
(Elections)
(Amend-
ment) Act
1990 to
elections to
neighbour-
hood demo-
cratic
councils.
No. 10 of
1990

7. The General Elections (Observers) Act 1990 shall **mutatis mutandis** apply to any election held pursuant to the provisions of any written law relating to local government.

Application
of General
Elections
(Observers)
Act 1990 to
local
government
elections.
No. 17 of
1990

8. (1) The provision of section 3E of the Election Laws (Amendment) Act 1990 (regarding the appointment and duties of scrutineers) as amended by subsection (2) shall **mutatis mutandis** apply to any elections held pursuant to the provisions of any written law relating to local government.

Application
of section
3E of the
Election
Laws
(Amend-
ment) Act
1990 to
local
government
elections:
No. 25 of
1990

(2) Section 3E of the Election Laws (Amendment) Act 1990 is hereby amended as follows —

(a) in subsection (1) —

- (i) for the words "official list of electors under section 3 (1)" substitute the words "register of voters under Part II of the Local Authorities (Elections) Act";
- (ii) for the words "Election Laws (Amendment) (No. 2) Act 1990" substitute the words "Local Government (Amendment) Act 1994";
- (iii) for the words "preliminary list as revised is published under section 3B (2)" substitute the words "register of voters for every local

Cap. 28:03

authority has come into force under section 23 (4) of the Local Authorities (Elections) Act”;

- (b) by the deletion of subsection 5 (b);
- (c) in subsection (8), by the substitution for the words “any person referred to in section 4 of the National Registration Act” of the words “any registration officer referred to in section 2 of the Local Authorities (Elections) Act”.

Cap. 19:08

Repeal of
Local Democratic
Organs
(Elections)
Act 1990.
No. 22 of
1990

9. The Local Democratic Organs (Elections) Act 1990 is hereby repealed and the provisions of the Local Authorities (Elections) Act, amended by the Local Democratic Organs (Elections) Act 1990, shall stand as they were before the coming into operation of the Local Democratic Organs (Amendment) Act 1990.

SCHEDULE

s. 2

Amendments to the Local Authorities (Elections) Act

(Cap 28:03)

Provision	How amended
Sections 6, 12(3), 23, 39, 41, 48, 49 (2), 66 (2), 70 Section 9A	For “Chief Election Officer” substitute “Elections Commission”. Insert after section 9 the following section as section 9A — “Registration division and polling division. 9A. In the compilation of the register of voters each people’s co-operative unit shall be deemed to be a registration division and the register of voters prepared separately in respect of each people’s co-operative unit.”.
Section 11 (1)	In respect of the next following local government elections held after the commencement of the Local Government (Elections) (Amendment) Act 1994 section 11 (1) shall have effect as if —

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Provision	How amended
<p>No. 25 of 1990</p>	<p>(a) for "central register" there were substituted "official list of electors prepared under the Election Laws (Amendment) Act 1990 for the general and regional elections held in 1992";</p> <p>(b) for "such register" there were substituted "such official list of electors".</p>
Section 12 (2)	Delete.
<p>Sections 18 (1) (b), 86 (1) (b)</p>	<p>(a) For subparagraph (i) substitute —</p> <p style="padding-left: 40px;">“(i) the Chairman and other members of the Elections Commission”;</p> <p>(b) Insert the following as subparagraph (iva) —</p> <p style="padding-left: 40px;">“(iva) local observers approved by the Elections Commission;”.</p>
Section 24	<p>(a) For "Chief Election Officer" substitute "Elections Commission".</p> <p>(b) For "the Chief Election Officer shall" substitute "the Elections Commission shall instruct the Chief Election Officer to”;</p>
Section 34	<p>Substitute a colon for the full stop at the end and insert the following proviso —</p> <p style="padding-left: 40px;">“Provided that the expenses referred to in this section in respect of the first elections to a local authority shall</p>

Provision	How amended
Section 89 (1)	<p>be paid out of the funds provided by Parliament.”.</p> <p>(a) Delete “until the day following”.</p> <p>(b) After “Chief Election Officer” insert “who shall inform the Chairman of the Elections Commission and the poll at the polling place shall be held at the earliest date possible as determined by the Elections Commission”.</p>
Section 89 (2)	<p>For “day following” substitute “day determined by the Elections Commission under that subsection”.</p>
Section 90	<p>(a) In the opening part, for “section 85 (1) (b)” substitute “section 86 (1) b”.</p> <p>(b) In paragraph (b) at the end, for the semicolon substitute a full stop.</p> <p>(c) Delete paragraph (c)</p>
Section 91	<p>Delete this section and substitute the following section —</p> <p>“Presiding officer to count votes. 91. The votes cast at the polling places shall be counted by the presiding officer in accordance with the provisions of sections 92 to 97 (inclusive).</p>
Section 93 (1)	<p>(a) For subparagraph (a) substitute — “(a) the Chairman and other members of the Elections Commission;”</p> <p>(b) Insert the following as subparagraph (ga) —</p>

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Provision	How amended
	“(ga) local observers approved by the Elections Commission;”
Section 93 (2)	For “returning officer” substitute “presiding officer”.
Section 94	For “returning officer” wherever those words occur substitute “presiding officer”.
Section 94 (1)	For “receipt of all the ballot boxes and packets delivered to him in pursuance of section 90 (c)” substitute “close of poll”.
Section 95	For “returning officer” substitute “presiding officer”.
Section 96	<p>(a) In subsection (1), in the opening part, for “returning officer” substitute “presiding officer”.</p> <p>(b) In subsection (1) (a), after the words “ballot papers” insert the words, “place them in the ballot box, and secure and seal with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, the ballot box in such manner that it cannot be opened and nothing can be inserted therein or taken therefrom without breaking the seals”.</p> <p>(c) In subsection (1) (b), for the opening part substitute the following—</p> <p style="padding-left: 40px;">“(b) prepare and verify the ballot papers account by comparing it with-”.</p> <p>(d) In subsection (1) (d), for “verification” substitute “preparation and verification”.</p>

Provision	How amended
Section 98	<p>(e) After subsection (1) insert the following as subsection (1) (A) —</p> <p>“(1) (A) The presiding officer shall deliver to the returning officer upon the conclusion of the counting of the votes the ballot box, the packets referred to in section 90 (b) and the statements referred to in subsection (1) (d) and (e)”.</p> <p>(f) In subsection (2), by the insertion after the words “used ballot papers” of the words “delivered to him by the presiding officer”.</p>
Section 105	<p>For “after compliance with the provisions of section 96” substitute “on receipt of all the ballot boxes, the relevant statements and other packets in pursuance of the provisions of section 96”.</p> <p>For “paragraph (c) of section 90” substitute “section 96”.</p>

Passed by the National Assembly on 5th March, 1994

F. A. Narain,
Clerk of the National Assembly.

(BILL No. 5/1994)