



GUYANA

Act No. 2 of 2000

CONSTITUTION (AMENDMENT) ACT 2000

I assent,

**SAMUEL HINDS,
Prime Minister
Performing the functions
of the President.**

11th April, 2000

ARRANGEMENT OF SECTIONS

SECTION

- 1 Short title.**
- 2. Repeal and re-enactment of article 110 of the Constitution.**
- 3. Repeal and re-enactment of article 161 of the Constitution.**
- 4. Insertion of new article 161A in the Constitution.**
- 5. Alteration of article 177 of the Constitution.**
- 6. Repeal and re-enactment of article 184 of the Constitution.**
- 7. Alteration of article 226 of the Constitution.**

AN ACT to alter the Constitution in accordance with articles 66 and 164.

A.D.2000 Enacted by the Parliament of Guyana:-

Short title. 1. This Act may be cited as the Constitution (Amendment) Act 2000.

Repeal and re-enact- 2. Article 110 of the Constitution is hereby repealed and the following article substituted there-
ment of for -
article

110 of the Constitution.

“Leader of the Opposition. (1) There shall be an office of Leader of the Opposition, election to which office shall be in accordance with article 184.

(2) Qualifications for election to the office of Leader of the Opposition and other matters connected therewith are regulated by article 184.”.

Repeal and 3. Article 161 of the Constitution is hereby
 re-enact- repealed and the following article substituted
 ment of therefor -
 article

161 of the
 Constitut-
 ion.

"Elect- 161. (1) There shall be an
 ions Com- Elections Commission for
 mission. Guyana consisting of a
 Chairman, who shall be a full-
 time Chairman and shall not
 engage in any other form of
 employment, and such other
 members as may be appointed in
 accordance with the provisions
 of this article.

(2) Subject to the
 provisions of paragraph (4),
 the Chairman of the Elections
 Commission shall be a person
 who holds or who has held
 office as a judge of a court
 having unlimited jurisdiction
 in civil and criminal matters
 in some part of the
 Commonwealth or a court having
 jurisdiction in appeals from
 any such court or who is
 qualified to be appointed as
 any such judge, or any other
 fit and proper person, to be
 appointed by the President
 from a list of six persons,

not unacceptable to the President, submitted by the Leader of the Opposition after meaningful consultation with the non governmental political parties represented in the National Assembly.

Provided that if the Leader of the Opposition fails to submit a list as provided for, the President shall appoint a person who holds or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court or who is qualified to be appointed as any such judge.

(3) In addition to the Chairman, there shall be six members of the Commission who shall be appointed in the following manner -

- (a) three members to be appointed by the President, acting in

his own deliberate
judgment; and

three members to be
appointed by the
President acting in
accordance with the
advice of the Leader
of the Opposition
tendered after
meaningful
consultation with
non governmental
political parties
represented in the
National Assembly.

(4) A person shall be
disqualified for appointment
as the Chairman or other
member of the Commission if he
is an alien.

(5) The Chairman or any
other member of the Elections
Commission shall vacate his
office if any circumstances
arise that, if he were not a
member of the Commission,
would cause him to be
disqualified for appointment
as such.

(6) The provisions of article 225 (which relate to removal from office) shall apply to the office of the Chairman or other members of the Elections Commission and for the purposes of paragraphs (4) and (6) of that article, the prescribed authority shall be the Prime Minister:

Provided that in the case of the members referred to in paragraph (3)(b), the Prime Minister shall meaningfully consult the Leader of the Opposition before tendering any advice to the President under article 225(4).

(7) If, by reason of his illness, absence from Guyana, or suspension under article 225, the Chairman or any other member of the Elections Commission is unable to perform his functions as such, a temporary Chairman or other member, as the case may be, may be appointed in his place.

(8) The provisions of this article shall apply in relation to the appointment of a temporary Chairman or other member of the Elections Commission, and to a temporary Chairman or other member appointed in accordance with this article, as they apply in relation to the Chairman or other member, as the case may be, of the Elections Commission in whose place he is appointed:

Provided that his appointment shall have effect only for the period ending when the person in whose place he has been appointed resumes his functions as, or ceases to be, the Chairman or other member, as the case may be, of the Commission."

Insertion 4. The Constitution is hereby altered by the
of new insertion immediately after article 161 of the
article following article -
161A in
the
Constit-
ion.

"Appoint- 161A.(1) The Elections Commission
ment of shall be responsible for the
staff by efficient functioning of the
Elections Secretariat of the Commission, which
Commiss- shall comprise the officers and
ion; employees of the Commission, and
Secre- for the appointment of all the
tariat staff to the offices thereof
of the inclusive of all temporary staff,
Commiss- recruited for the purposes of
ion. boundary demarcation, registration
of persons and elections and shall
have the power to remove and to
exercise disciplinary control over
such staff.

(2) The Elections Commission
may, by directions in writing and
subject to such conditions as it
thinks fit, delegate any of its
powers under paragraph (1) to any
one or more members of the
Commission, or by such directions
and subject to such conditions as
it thinks fit, delegate such powers
to such officers of the Commission
as the Commission may determine.

(3) Before the Elections
Commission or any member thereof or
other person exercising powers
under this article appoints to or

to act in any office referred to in paragraph (1) any person who holds or is acting in any office, power to make appointments to which is vested under this Constitution in the Judicial, the Teaching, the Police or the Public Service Commission, the Elections Commission or that member or other person shall first seek and obtain the approval of the Commission in which that power is vested.

(4) Where a public officer is appointed to an office referred to in paragraph (1) he shall, subject to the said paragraph (1), remain a public officer unless the Commission determines that that office shall be independent of any other Commission.

(5) Nothing in this article shall be construed as precluding the Elections Commission from appointing any person who is not a public officer to an office referred to in paragraph (1)."

Alterat- 5. Article 177 of the Constitution is hereby
ion of altered by the substitution for paragraph (2) of the
article following paragraph -

177 of the
Constitution.

“(2) Where -

- (a) there is only one
P r e s i d e n t i a l
candidate at the
election; or
- (b) there are two
or more Presidential
candidates, if more
votes are cast in
favour of the list
in which a person is
designated as
P r e s i d e n t i a l
candidate than in
favour of any other
list,

that Presidential candidate
shall be deemed to be
elected as President and
shall be so declared by
the Chairman of the
Elections Commission
acting only in accordance
with the advice of the
Chief Election Officer,
after such advice has
been tendered to the
Elections Commission at a
duly summoned meeting.”.

Repeal and 6. Article 184 of the Constitution is hereby re-enact- repealed and the following article substituted therefor - ment of

article
184 of the
Constitution.

"Leader 184.(1) The Leader of the of the Opposition shall be elected by and from among the non governmental members of the National Assembly at a meeting held under the chairmanship of the Speaker of the National Assembly, who shall not have the right to vote:

Provided that this paragraph shall have effect in relation to any period between a dissolution of Parliament and the day on which the next election of members of the Assembly is held under the provisions of article 61, or between a dissolution of a regional democratic council and the day on which the next election by that council is held pursuant to the provisions of paragraph (3) of article 60, as if Parliament or that council, as the case may be, had not been dissolved.

(2) The Office of the Leader of the Opposition shall become vacant if -

- (a) the holder thereof ceases to be a member of the Assembly for any cause other than a dissolution of Parliament or of a regional democratic council or the operation of the provisions of article 156(1)(h);
- (b) he is not a member of the Assembly when the Assembly first meets after the dissolution of Parliament or after the holding of an election pursuant to the provisions of paragraph (3) of article 60;
- (c) by virtue of article 156(2) he is required to cease to exercise his functions as a member of the Assembly; or
- (d) his removal from office is effected under the provisions of the next following paragraph.

(3) Where one-third of the non governmental members of the Assembly represent to the Speaker that the Leader of the Opposition no longer enjoys their confidence, the Speaker shall call a meeting of all the non governmental members at which it shall be decided whether the Leader of the Opposition shall be removed from office; the removal shall be effected by the votes of a majority of all the non governmental members.

(4) The election and removal from office of the Leader of the Opposition shall be by a show of hands.

(5) For every reference in any provision in this Constitution to the term "Minority Leader" there shall be substituted the term "Leader of the Opposition" and any such provision shall be read and construed accordingly with such modification as may be necessary."

Alterat- 7. Article 226 of the Constitution is hereby
ion of altered by the substitution for paragraph (5) of the
article following paragraph -

226 of the
Constitut-

"(5) For the purposes of the preceding
paragraph a quorum shall consist, in the

case of the Elections Commission, of the Chairman and not less than four members, two of whom have been appointed by the President in his own deliberate judgment and two from among members appointed on the advice of the Leader of the Opposition tendered in accordance with article 161(3) (b):

Provided that if at any stage of a duly summoned meeting a quorum is not present, due to the absence of members therefrom -

(i) without just cause, such just cause being determined by the Chairman, the meeting shall stand adjourned to a day not later than two calendar days; or

(ii) in the case of the declaration of the results of the election of the President, the meeting shall stand adjourned to the following day,

at the same time and place and notice of such adjournment shall be given to the

absent members; and if at the adjourned meeting a quorum is not present, the members then present, being not less than four including the Chairman, shall be deemed to constitute a quorum and any decision made at that or any such meeting shall be valid in law and binding.”.

Passed by the National Assembly on 10th April, 2000.

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

(Bill No. 5 of 2000)