

THE OFFICIAL GAZETTE — 4TH MAY, 1974
LEGAL SUPPLEMENT — C

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

2nd May, 1974.

The following Bill which will be introduced in the National Assembly is published for general information.

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



GUYANA

BILL No. 14 of 1974

PUBLIC AUTHORITIES (LIMITATION OF ACTIONS) (SPECIAL PROVISIONS) BILL 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.

A BILL

Intituled

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.

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

Cap 26 “(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.

Cap. 184 (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 —

No. 25 of
1973.

Amendment
of the
Local
Government
Ordinance
Cap. 150

Cap. 28

Cap 14

(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 —

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 —

“(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.

Amendment
of section
54 of
Chapter
64:03.

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

Cap 7:02 “(3) The provisions of the Limitation Act and the
Cap. 60:02 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.

(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

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Municipal and District Councils Act
(Chapter 28:01), the Local Government Act (Chapter 28:02) and the
Drainage and Irrigation Act (Chapter 64:03) to provide that no period of
limitation shall apply to bar the institution of proceedings for the re-
covery of monies due to a local government authority or to the Drainage
and Irrigation Board, whether or not the right to recover the monies by
action was barred because of the expiration of the period of limitation
prior to the enactment of this Bill.

Where monies are claimed or recovered as rates from a person as
owner of property in respect of a period when that person was the
owner of the property he shall be entitled to be indemnified by the person
originally liable therefor to the extent of the claim or judgment.

H. O. JACK,
Minister of Foreign Affairs
and Justice.

(Bill No. 14/1974)

(L 94/70 (3))