

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.

28th July, 1978.

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. 16 of 1978

HIGH COURT (AMENDMENT) BILL 1978

ARRANGEMENT OF SECTIONS

### SECTION

1. Short title and commencement.
2. Amendment of section 72 of Chapter 3:02.

## A BILL

## Intituled

AN ACT to amend the High Court Act.

A.D. 1978 Enacted by the Parliament of Guyana:—

Short title and commencement. Cap. 3:02. 1.(1) This Act, which amends the High Court Act, may be cited as the High Court (Amendment) Act 1978.

(2) The amendment effected by section 2 of this Act shall have effect in respect of any action pending at the date of the coming into operation of this Act or filed thereafter in respect of any cause of action arising prior to, or on or after, that date.

Amendment of section 72 of Chapter 3:02 2. Section 72 of the Principal Act is hereby amended in the following respects —

- (a) by the insertion in subsection (1), immediately after the words “his action”, of the words “or, where the action is for a liquidated sum due and payable under a contract in writing, that such absence will prejudice the recovery of that sum”; and

- (b) by the addition as subsections (3) and (4) of the following subsections —

“(3) In the absence of any rules of Court made for the purposes of subsection (1) the Court or Judge may on any application by a plaintiff under that subsection give such directions as it or he thinks fit for the purpose of carrying out and giving effect to the provisions of that subsection and such directions may include the adaptation or modification of any writ, order or other instrument which could otherwise be issued by the Court in exercise of its civil or criminal jurisdiction.

(4) Where judgment is given for the plaintiff in the action the Court may —

- (a) order that the whole or any part of any sum deposited as security by the defendant under subsections (1) and (2) shall be applied in payment to the plaintiff of the amount due under the judgment; or

- (b) if the aforesaid security is in the nature of a bond, order that the bond be delivered to the plaintiff who, on suing on it, may, notwithstanding anything to the contrary therein, recover any sum due under the judgment together with the costs of the action brought to enforce the bond.”.

#### EXPLANATORY MEMORANDUM

Under section 72 of the High Court Act, Cap. 3:02, if the Court is satisfied that the absence of a defendant from Guyana will materially prejudice the plaintiff in the prosecution of his action, the Court may restrain the defendant from departing from Guyana unless he gives security not exceeding the amount claimed in the action that he will not leave the country without the leave of the Court.

2. This Bill seeks to extend this provision to cases in which the plaintiff can establish that the defendant's absence would prejudice the plaintiff's right to recover any judgment which he may obtain in an action for a liquidated sum due and payable under a contract in writing.

*M. Shahabuddeen,*  
Attorney General and Minister of Justice.

(Bill No. 16/1978)