

BILL No. 21 of 1967

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No. 372

Bill No. 21 of 1967.

NATIONAL REGISTRATION BILL, 1967.

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SCHEDULE

A BILL

Intituled

AN ACT to provide for the establishment of a National Register, for the issue of identification cards, and for purposes connected therewith.

A.D. 1967. Enacted by the Parliament of Guyana:—

PART I PRELIMINARY

- Short title 1. This Act may be cited as the National Registration Act, 1967.
- Interpretation 2.(1) In this Act, unless the context otherwise requires —
- “central register” means the register established by the Commissioner under section 9;
- “district” means a registration district constituted under subsection (1) of section 5;
- “divisional register” means a divisional register established by a registrar under section 9;
- “Elections Commission” means the Elections Commission established by virtue of article 68 of the Constitution of Guyana;
- “Minister” means the Minister to whom responsibility for national registration is for the time being assigned;
- Schedule. “oath of office” means, in relation to any office, the oath for the due execution of that office set out in the schedule to this Act;
- “prescribed” means prescribed by regulations;
- “qualifying date”, in relation to the registration of any person, means the date appointed under subsection (1) of section 6 and with reference to which such person shall be so registered;
- “registration division” means such part of a district as is comprised in any sub-division thereof appointed under subsection (2) of section 5;
- “section” means a section of this Act;
- “regulations” means regulations made under this Act.

(2) Where the qualifying date falls during or after the period appointed by virtue of subsection (1) of section 6 for the registration of applicants, any question as to the eligibility for registration, or the residence in any registration division on the qualifying date, of any person shall, until that date, be determined on the basis of the likelihood of his being eligible or resident as aforesaid, as the case may be, and the provisions of this Act shall be construed accordingly.

PART II — ADMINISTRATION

- Commissioner and Deputy Commissioner of Registration. 3.(1) There shall be a Commissioner of Registration, hereinafter referred to as “the Commissioner”, and a Deputy Commissioner of Registration, hereinafter referred to as the “Deputy Commissioner”.

(2) Forthwith upon their appointment the Commissioner and the Deputy Commissioner shall respectively take and subscribe the oath of office before a Judge of the Supreme Court of Judicature.

- (3) The Commissioner —
- (a) shall be responsible for the making of such arrangements and the doing of such things as are requisite for the compilation and maintenance of the central and divisional registers in conformity with this Act, including the making of arrangements for preparation of the requisite forms and instruments, the issue of such forms and instruments, the collection or reception of the forms when filled in, and the keeping of such records as may be requisite;

- (b) may issue to persons employed under the Commissioner directions for the purposes of execution of the provisions of this Act or any regulations, and any directions issued pursuant to this paragraph may confer upon any such person general or special authority to issue directions for purposes aforesaid to any other such person subordinate to him;
- (c) shall exercise and perform all other powers and duties that by or under this Act are conferred and imposed upon the Commissioner.

(4) The Deputy Commissioner shall, subject to any general or special directions of the Commissioner, act as assistant generally to the Commissioner and, in his absence, exercise all the powers and perform all the duties of the Commissioner.

(5) The provisions of subsection (4) of this section shall have effect without prejudice to the jurisdiction of the Deputy Commissioner under subsection (3) of section 15 and nothing in the said provisions shall be deemed to confer upon the Deputy Commissioner power to determine appeals under subsection (4) of section 15 from the exercise of such jurisdiction.

4.(1) There shall be appointed such numbers of district supervisors, registrars, deputy registrars, divisional registrars, official photographers, clerks, messengers and other officers and servants as may be requisite for the execution of the provisions of this Act and any regulations; and, subject thereto, the persons appointed as such shall respectively perform such functions in that behalf as they may from time to time, under the authority of the Commissioner, be directed to perform.

District supervisors, registrars, deputy registrars, divisional registrars, and other officers.

(2) Without prejudice to the provisions of subsection (1) of this section, the provisions of subsection (4) of section 3 shall apply in relation to a registrar and deputy registrar as they apply in relation to the Commissioner and Deputy Commissioner, respectively.

(3) A registrar shall be assigned to each district, and a divisional registrar to one or more registration divisions, by direction of the Commissioner.

(4) Forthwith upon their appointment every district supervisor, registrar, deputy registrar and divisional registrar shall take and subscribe the oath of office.

(5) Every oath under the preceding subsection shall in the case of a district supervisor, registrar or deputy registrar be taken and subscribed before the Commissioner, and in the case of a divisional registrar, before any registrar.

(6) Every oath administered by a registrar under subsection (5) of this section shall be transmitted by him to the Commissioner.

PART III — REGISTRATION

5.(1) Guyana shall be divided into registration districts having such boundaries, and distinguished by such names, as shall be specified by order of the Governor-General.

Registration districts and registration divisions.

(2) The districts shall be subdivided into registration divisions having such boundaries, and distinguished by such numbers, as the Commissioner may appoint.

6.(1) It shall be lawful for the Minister by order from time to time to appoint a date with reference to which persons to whom the order applies shall be registered, a day on which the registration of such persons upon their application therefor pursuant to the order shall begin and a day on which such registration shall end.

Registration of persons.

(2) Subject to the provisions of subsection (3) of this section, such order shall apply to all persons who at the said date have attained such age as shall be specified in the order and who at that date —

(a) are resident in Guyana; or

(b) have such other connection with Guyana as may be specified in the order.

(3) Any such order may exclude from its application any person or class of persons.

(4) Every divisional registrar shall, by house to house visits within the registration division assigned to him and in such other manner (if any) as is prescribed, obtain in so far as practicable the application for registration of every person eligible therefor and resident at the qualifying date in that division:

Provided that the Commissioner may establish an office situated at such place in any district, and at which there shall be received the applications for registration of persons who are at the qualifying date resident therein or in such part thereof, as he may specify by notice published in the Gazette and, subject to anything to the contrary provided by regulations, no divisional registrar is required to visit houses in any district or part thereof (as the case may be) in relation to which an office is so established:

Provided further that persons to whom an order applies under paragraph (b) of subsection (2) of this section may apply for registration in such manner as may be prescribed.

(5) The parent or guardian of any child who has not attained the age of fourteen years and is eligible for registration may apply therefor on his behalf.

(6) Every person who refuses to make application for registration to the divisional registrar for any registration division in the prescribed manner, or fails without reasonable excuse (the proof whereof shall be upon him) so to do at any office established under the first proviso to subsection (4) of this section for the purpose, or who, being the parent or guardian of any child under the age of fourteen years, refuses to make such an application on his behalf, or fails as aforesaid so to do at any such office, shall, if the eligibility of such person or child (as the case may be) for registration and his residence in the registration division on the qualifying date are proved to the satisfaction of the court, be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(7) At the trial of an offence under the preceding subsection it shall be deemed a defence to prove that, before the hearing, the person charged with the offence paid a penalty therefor of fifty dollars to the registrar of the district in reference to which the offence was committed; and every registrar shall be accountable for all monies received by him in pursuance of this subsection to the Commissioner:

Provided that, notwithstanding anything provided in the foregoing provisions of this section, the court may, upon such proof, order the person to apply (as nearly as may be in the manner provided by this Act and any regulations) for registration to the divisional registrar at such place and within such time, prior to the expiration of the period (if any) prescribed under subsection (1) of section 14, as shall be specified in the order and, if the said person fails to comply with such order he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Registration
cards.

7.(1) A registration card shall be prepared in not less than duplicate for the registration of a person under this Act.

(2) For the purposes of the preparation as mentioned in the preceding subsection of a registration card for the registration of any person, it shall be lawful to make such amendments as are necessary to bring into conformity with subsection (3) of this section, in relation to such registration, any card prepared in conformity with subsection (1)

of this section for any previous registration of that person; and any card so amended for the purpose of the registration of any person shall be deemed to have been prepared therefor in conformity with subsection (1) of this section.

(3) A registration card shall contain such matters and particulars as may be prescribed.

8. Without prejudice to the provisions of subsection (6) of section 15, the registration of a person may be cancelled or altered in accordance with any regulations made in that behalf.

Cancellation and alteration of registration.

9.(1) The Commissioner shall establish a central register which shall consist of the originals of the registration cards of all persons registered under this Act or such copies thereof prepared in conformity with subsection (1) of section 7 as may be prescribed.

Registers.

(2) Every registrar shall establish for each registration division in his district a divisional register which shall consist of the duplicate registration cards of all persons registered under this Act as resident in that registration division or such other copies thereof prepared in conformity with subsection (1) of section 7 as may be prescribed.

10. Where any change is made in the number or the boundaries of districts or registration divisions, the Commissioner in consultation with the registrar of any district affected thereby shall combine or divide any registers or transfer registration cards from one register to another or make such other adjustments in the registers affected as are rendered necessary by the changes.

Adaptation of registers on change in districts or registration divisions

11.(1) No person shall be registered in more than one divisional register or more than once in any register established under section 9.

Registration to be in one registration division.

(2) A person resident at the qualifying date in more than one registration division may not apply to be registered in reference to more than one such division and, where a refusal to apply to the divisional registrar of any such division for such person's registration, together with his decision in writing (made on his behalf by his parent or guardian, in the case of a child under the age of fourteen years) to be registered in reference to any other such division, has been communicated to such divisional registrar, subsection (6) of section 6 shall not apply, in relation to such person's registration, except with reference to his residence in that other division.

12. The Commissioner shall, in accordance with regulations made for the purpose, prepare identification cards for, and cause them to be issued in such manner as he thinks fit to, persons registered under this Act.

Identification cards.

13.(1) Without prejudice to any powers of a registrar or divisional registrar under this Act or any regulations, the Commissioner or any officer duly authorised by him in that behalf may by notice require any person, within such time and in such manner as may be specified in such notice, to furnish such information as may be or become relevant to the registration, or the cancellation or alteration of the registration, of a person under this Act.

Power of Commissioner to require information.

(2) Any person who, without reasonable cause (the burden of proof whereof shall lie upon him), fails to comply with any requirement under subsection (1) of this section, shall be guilty of an offence and be liable upon summary conviction thereof to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

14.(1) After the day appointed under subsection (1) of section 6 for the end of the registration of applicants for the purposes of any order, and within such period commencing from the qualifying date as may be prescribed, the Minister shall direct the Commissioner to prepare a preliminary list in which he shall enter the full name, the address, the occupation and the serial number on the registration card of every person registered for those purposes who is qualified for registration (with

Preparation of preliminary lists.

reference to the said qualifying date) as an elector for elections to the National Assembly, or who belongs to such other class of persons as may instead be prescribed for the time being.

(2) A sufficient number of copies of the preliminary list, in so far as it comprises entries relating to persons resident in each registration division of any district, shall be certified and sent to the registrar for such district by the Commissioner, and the registrar shall transmit four of such copies to the divisional registrar for that division.

Publication of preliminary lists and claims and objections in respect thereof.

15.(1) On the prescribed day, the Commissioner shall cause a copy of the preliminary list prepared under subsection (1) of section 14 to be affixed to such building as the Minister shall appoint by notice published in the Gazette, and every such divisional registrar as may have received copies of any list pursuant to subsection (2) of section 14 shall cause a copy of such list to be affixed to each of not less than two buildings in his registration division, together with a notice to submit within the prescribed times claims and objections in respect of entries in the list a copy of which the Commissioner or divisional registrar, as the case may be, has caused to be affixed as aforesaid:

Provided that the time for submitting objections shall expire not less than fourteen days after the time for submitting claims.

(2) Claims and objections under subsection (1) of this section shall be made in the prescribed manner.

(3) Such claims and objections shall be determined by the registrar, in the case of claims and objections that may affect any list copies of which have been received as mentioned in subsection (1) of this section from him, and by the Deputy Commissioner in any other case.

(4) Decisions by the Deputy Commissioner or by a registrar under subsection (3) of this section shall be subject to appeal to the Commissioner, whose decision shall be final.

(5) Subject as may be prescribed, the Commissioner, the Deputy Commissioner and every registrar shall regulate his own procedure in determining claims and objections under any of the provisions of subsections (3) and (4) of this section.

(6) The Commissioner shall cause to be made to the central and divisional registers such alterations as may be required to give effect to the decisions on claims and objections.

PART IV — GENERAL

Supervision by Elections Commission

16. For the purpose of securing the registration of persons eligible therefor under any order made in pursuance of section 6 and who are qualified to be registered as electors for elections to the National Assembly and of ensuring the effectiveness of the central and divisional registers (in so far as such persons are registered therein) as registers of such electors, registration pursuant to this Act shall be under the general direction and supervision of the Elections Commission; and, accordingly, article 69(1) (b) of the Constitution of Guyana shall apply to this Act.

Statistics.

17. The Minister to whom responsibility for statistics is for the time being assigned may direct the Commissioner to cause any matters or particulars contained in any register established under section 9 to be compiled and tabulated, or to cause any such compilation or tabulation or abstracts thereof or extracts therefrom to be published, with or without observations, for statistical purposes in such manner as the said Minister thinks fit; and the Commissioner shall comply with any such directions:

Provided that no publication, or report issued in respect of anything done, in compliance with any such directions as aforesaid shall contain any matters or particulars comprised in any individual registration card so arranged as to enable their identification as being matters or particulars pertaining to any individual person, except with his previous consent in writing.

18. There shall be defrayed out of monies provided by Parliament for the purpose all expenses incurred in the execution of the provisions of this Act and any regulations and not otherwise lawfully charged on the Consolidated Fund. Expenses in carrying out this Act.

19.(1) The Minister may make regulations —

Regulations

- (a) prescribing remuneration and allowances to be paid to persons appointed under the provisions of sections 3 and 4;
- (b) imposing duties upon applicants for registration pursuant to this Act;
- (c) assigning functions to persons employed for the purposes of this Act;
- (d) prescribing any such forms as are referred to in paragraph (a) of subsection (3) of section 3;
- (e) prescribing the grounds on which claims and objections may be made under section 15;
- (f) providing for the extension (whether before or after the expiration) of any time ending with a prescribed day, or as otherwise prescribed, within which anything is required by or under this Act to be done;
- (g) providing for the revision, with reference to such date as the Minister may from time to time appoint, of the central and divisional registers by way of the preparation and publication of preliminary lists, to which sections 14 and 15 shall apply *mutatis mutandis* and, in particular, with the following modification, that is to say, the substitution of references to the said date for the references in subsection (1) of section 14 to the qualifying date;
- (h) prescribing anything to be prescribed under this Act;
- (i) generally for the better carrying out of the provisions of this Act.

(2) Any regulation may impose liability to a fine not exceeding two hundred and fifty dollars, or imprisonment for a term not exceeding six months, on summary conviction of the breach of any regulation.

(3) Without prejudice to the generality of the foregoing provisions of this section, regulations may —

- (a) make provision for specified cases or classes of cases defined by reference to any circumstances specified therein, including provision having due effect outside Guyana;
- (b) make different provisions for different cases or classes of cases defined as aforesaid;
- (c) impose conditions;
- (d) require acts or things to be performed or done to the satisfaction of any Minister hereinbefore mentioned, the Elections Commission or any person referred to in paragraph (c) of subsection (1) of this section;
- (e) empower any such Minister or person or the Elections Commission, orally or in writing, to require acts or things to be performed or done or prohibit acts or things from being performed or done;
- (f) prescribe periods or dates within or on which acts or things shall be performed or done or conditions shall be fulfilled;
- (g) provide for appeal against any requirement or prohibition by any such Minister or person as aforesaid under paragraph (e) of this subsection.

(4) All regulations shall be laid before the National Assembly within fourteen days after they are made, and if the National Assembly, within the period of thirty days beginning with the day on which any such regulations are laid before it, resolves that the regulations be

annulled, they shall be thereby annulled, and the regulations so annulled shall thenceforth become void and of no effect but without prejudice to the validity of anything previously done under the regulations or to the making of new regulations.

(5) In reckoning for the purposes of subsection (4) of this section any period of days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the National Assembly is adjourned for more than seven days.

PART V. — MISCELLANEOUS OFFENCES

Breach of
duty.

- 20.(1) Every officer required to take the oath of office who —
- (a) wilfully or without reasonable excuse, omits to register any person eligible in that behalf;
 - (b) wilfully or without reasonable excuse, enters in any register established under section 9 the registration card of any person who is not eligible to be registered or the registration card of any fictitious or non-existent person;
 - (c) wilfully or without reasonable excuse, enters any false or incorrect matter or thing upon a registration card or an identification card;
 - (d) wilfully or without reasonable excuse, omits to enter upon a registration card or in any divisional register any relevant matter or thing that he knows or reasonably believes to be true; or
 - (e) wilfully or negligently, otherwise fails in any material respect to perform the undertaking given by him in the oath of office,

shall be guilty of an offence and shall on summary conviction thereof be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months. In this subsection, reference to a registration card includes reference to any copy thereof prepared under subsection (1) of section 7.

(2) If any person, being employed under any officer mentioned in subsection (1) of this section, is guilty of any wilful or negligent act or omission in material breach of his duty imposed by this Act or any regulations, he shall, on summary conviction thereof, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(3) An action for damages does not lie in respect of the breach of any undertaking or duty referred to in the preceding subsection of this section.

Illegal
registration.

21. Every person who procures, or induces another person to procure, his registration in more than one divisional register or more than once in any register established under section 9 shall be guilty of an offence and shall on summary conviction thereof be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

Destroying or
defacing
identification
cards or
other docu-
ments.

22. Every person who without lawful authority, the proof whereof shall lie upon him —

- (a) wilfully destroys, mutilates, defaces or makes any alteration to an identification card; or
- (b) destroys, mutilates, defaces or removes, or makes any alteration in the central register or any divisional register or any notice published in pursuance of this Act or any document or copy thereof that has been made available for inspection by the public in pursuance of this Act,

shall be guilty of an offence and shall on summary conviction thereof be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

Making false
objection or
statement.

23.(1) Every person who, upon any grounds that he knows or has reasonable grounds to believe to be false, objects under section 15 to any entry in a list, shall be guilty of an offence and shall on summary

conviction thereof be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(2) Every person who knowingly makes a false statement for the purpose of being registered, or of remaining registered, shall be guilty of an offence and shall on summary conviction thereof be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

24. Every person who sells or attempts to sell, or purchases or attempts to purchase, or pledges or attempts to pledge, or receives by way of pledge in any manner whatsoever an identification card shall be guilty of an offence and shall on summary conviction thereof be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

Selling,
purchasing
or pledging
identification
cards.

25.(1) Every person who with intent to deceive forges or counterfeits any registration card or identification card, or utters any identification card knowing it to be forged, shall be guilty of felony and shall be liable on conviction on indictment therefor, to imprisonment for a term of five years.

False
registration
cards and
identification
cards.

(2) In subsection (1) of this section, references to forgery and a registration card shall be construed according to the meanings assigned thereto by section 240 of the Criminal Law (Offences) Ordinance and subsection (1) of section 20, respectively.

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(3) Every person who, directly or by implication, falsely represents himself to be the person to whom any identification card refers shall be guilty of an offence and shall on summary conviction thereof be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(4) Every person who gives, lends or otherwise furnishes any identification card for the commission of an offence under the preceding subsection shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

26. Every person who assumes, either in whole or in part the name, designation or description of any person appointed under section 3 or 4 to which he is not entitled, for the purpose of registering any person under this Act or for any other purpose in connection therewith or of doing any other act which he would not by law be entitled to do on his own authority, shall be guilty of an offence and shall on summary conviction thereof be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

Personation
of officers.

27. If any person —

- (a) having been employed for the purposes of this Act, without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment, or
- (b) having possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person, or
- (c) in the pretended performance of duties under this Act or any regulations obtains, or seeks to obtain, information which he is not authorised to obtain,

Divulging and
obtaining in-
formation
without
lawful
authority.

he shall be guilty of an offence and on summary conviction thereof, shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

28. Every person who is liable under any of the foregoing provisions of this Part to any fine or imprisonment for any term on summary conviction shall also be liable thereon to both such fine and imprisonment.

Liability on
summary
conviction.

SCHEDULE

s. 2

OATH OF OFFICE

I,do swear
[or solemnly affirm] that I will faithfully execute the office of

in accordance with the provisions of the National Registration Act, 1967, and of any regulations made thereunder. So help me God [To be omitted in affirmation].

EXPLANATORY MEMORANDUM

This Bill seeks to establish a system of national registration and, for that purpose —

- (a) to provide for the division of Guyana into registration districts and the subdivision of such districts into registration divisions;
- (b) to provide for the appointment of a Commissioner of Registration and other officers to administer the system;
- (c) to require the constitution of a central register, and divisional registers for the respective registration divisions, consisting of the registration cards and duplicate or other copies thereof prepared for the persons registered;
- (d) to empower such Minister as may be charged with responsibility for national registration to order from time to time the registration of persons being of such age, and having their place of residence in Guyana or such other connection with Guyana, as is specified in the order;
- (e) to require divisional registrars to make house to house visits to obtain the applications for registration of residents to whom any such order applies, and those residents to make such applications;
- (f) to provide for alteration of the registers;
- (g) to require the preparation and publication of preliminary lists of persons so registered who are qualified to be registered as electors for elections to the National Assembly, to enable the submission of claims and objections in respect of such lists and to authorise the Elections Commission to exercise general direction and supervision in order to ensure the effectiveness of the registration hereunder of such electors;
- (h) to authorise the issue of identification cards to registered persons;
- (i) to enable the registers to be used for statistical purposes; but to prohibit the publication of information therein so as to enable the identification of persons to whom it relates, and to create other offences in connection with fraudulent dealings with the registers and identification cards and in connection with breach of duty on the part of registration officers;
- (j) to empower the Minister to make regulations for the above purposes.

C. M. LLEWELLYN JOHN,
Minister of Home Affairs.

(Bill No. 21/1967).
(HA: 30/7).