

**PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.**

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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. 5 OF 1988**

**CONSTITUTION (AMENDMENT) BILL 1988**

**ARRANGEMENT OF SECTIONS**

**- SECTION**

- 1. Short title and commencement.**
- 2. Repeal and re-enactment of article 39 of the Constitution.**
- 3. Alteration of article 65 of the Constitution.**
- 4. Alteration of article 142 of the Constitution.**
- 5. Alteration of article 231 of the Constitution.**
- 6. Validation.**

## A BILL

## Intituled

AN ACT to effect certain alterations to the Constitution in accordance with articles 66 and 164 thereof.

A.D. 1988 Enacted by the Parliament of Guyana:—

Short title and commencement. 1. This Act may be cited as the Constitution (Amendment) Act 1988 and this section and sections 2, 3 and 5 shall be deemed to have come into operation on 6th October, 1980.

Repeal and re-enactment of article 39 of the Constitution. 2. Article 39 of the Constitution is hereby repealed and the following article substituted therefor —

39. Parliament may by law provide that any provision of this Chapter shall be enforceable in any court or tribunal and only where, and to the extent to which, such law provides for the enforcement of any such provision, and not otherwise, shall that provision be enforceable in any court or tribunal.”

Alteration of article 65 of the Constitution. 3. Article 65 of the Constitution is hereby altered by the re-numbering of it as paragraph (1) thereof and by the insertion, after paragraph (1) as so re-numbered, of the following paragraph as paragraph (2)

“(2) The validity of any law made under this Constitution with effect from a date earlier than the day on which this Constitution commenced shall not be called in question in any court or tribunal on the ground that it contravenes, or is inconsistent with, any provision of any constitution which was in force in Guyana at any time before the day on which this Constitution commenced.”

Alteration of article 142 of the Constitution. 4. Article 142 of the Constitution is hereby altered by the insertion, after paragraph (3), of the following paragraph as paragraph (4) —

“(4) In paragraph (3) (ia)

(a) “regulation” includes fixation, stabilisation, freezing or reduction;

(b) “wages” includes merit increment or other increment in wages.’.

5. Article 231 of the Constitution is hereby altered by the re-numbering of it as paragraph (1) thereof and by the insertion, after paragraph (1) as so re-numbered, of the following paragraph as paragraph (2) —

Alteration  
of article  
231 of the  
Constitution.

“(2) Without prejudice to the provisions of paragraph (1), no court shall enquire into any question as to whether there was any consultation, or any participation in any management or decision-making process, pursuant to article 11 or any other provision of Chapter II of Part 1.”

6. Any written law passed or made on or after 6th October, 1980 and before the date on which the Bill for this Act received the assent of the President, and anything done, or any action taken, under any such written law shall not be deemed to be void, or ever to have been void, only on the ground that any consultation, or any participation in any management or decision-making process, pursuant to article 11 or any other provision of Chapter II of Part 1 of the Constitution, has not taken place, and every such written law shall, subject to the provisions of Title 1 of Part 2 of the Constitution and to the power of Parliament to repeal or amend it, continue in force.

Validation.

### EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution for the purpose of (i) removing any element of justiciability from the provisions of Chapter II of Part 1 of the Constitution and, in particular, from any requirement of consultation relating to the enactment of legislation; (ii) providing that a retrospective law enacted by Parliament under the existing Constitution cannot be held invalid for inconsistency with any repealed constitution previously in force in Guyana; (iii) defining the wage regulation power of Parliament so as to enable Parliament to respond appropriately in times of serious economic exigencies; and (iv) protecting written laws passed or made after the commencement of the Constitution and before the enactment of this Bill from challenge on the ground of non-consultation.

2. The Bill does not seek to affect the financial entitlement of any person pursuant to any judgment of the courts.

*R. Chandisingh,*  
Vice-President, National Mobilisation,  
and Deputy Prime Minister.

Bill No. 5/1988.