

BILL No. 5 of 1990

Saturday, 17th March, 1990

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

90—03—14

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 1990

EQUAL RIGHTS BILL 1990

ARRANGEMENT OF SECTIONS

SECTION

1. **Short title.**
2. **Equal rights and opportunities for women and men.**
3. **Amendment of enactments.**
4. **Penalty; civil liability.**
5. **Power to make regulations.**

Schedule

A BILL
Intituled

AN ACT to make provision for the enforcement of the principles enshrined in article 29 of the Constitution so as to secure equality for women and for matters connected therewith.

A.D. 1990

Enacted by the Parliament of Guyana:-

Short title.

1. This Act may be cited as the Equal Rights Act 1990.

Equal rights and opportunities for women and men.

2.(1) Women and men have equal rights and the same legal status in all spheres of political, economic and social life.

(2) All forms of discrimination against women or men on the basis of their sex or marital status are illegal.

(3) Women and men shall be paid equal remuneration for the same work or work of the same nature.

(4) No person shall be ineligible for, or discriminated against in respect of, any employment, appointment or promotion in, or to, any office or position on the ground only of sex.

(5) No person shall, on the ground only of sex, be denied

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(a) access to academic, vocational and professional training; or

- (b) equal opportunities in social, political or cultural activity.

(6) Without prejudice to the generality of the foregoing provisions of this section it shall be discriminatory against women where in relation to employment

- (a) in arrangements made for the purpose of determining who should be offered employment;
- (b) in the terms on which employment is offered;
- (c) by the refusal or deliberate omission to offer employment;
- (d) in the way access is afforded to opportunities for promotion, transfer or training or to any other benefits, facilities or services,

men are afforded more favourable opportunities or conditions than women or preference is given to men.

(7) Nothing in this section shall be deemed to prevent any employer from making special labour and health protection measures for women, or from making provision for conditions enabling mothers to work or for material and moral support for mothers and children, including paid leave and other benefits for mothers and expectant mothers.

(8) Where any written law makes provision for the search of any person, a woman shall be searched only by another woman and a man shall be searched only by another man.

(9) This section shall have effect notwithstanding anything contained in any other written law or contract to the contrary.

(10) In this section "remuneration" means any money or other thing, whether called salary, wage, allowance or by any other name, had or contracted to be paid, delivered or given as a recompense, reward or remuneration for any work or labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, and includes merit increment or other increment in such remuneration.

Amendment of enactments.

Schedule.

The enactments specified in the first column of the Schedule are hereby amended in the manner specified in the corresponding entry in the second column of that Schedule.

Penalty; civil liability.

4. Any person who contravenes section 2(2), (3), (4), (5), (6) or (8) shall, without prejudice to any civil liability, be liable on summary conviction to a fine of five thousand dollars and imprisonment for six months and in the case of continuing offence to a further fine of five hundred dollars for each day, after the first day, during which the offence continues.

Power to make regulations.

5.(1) The Minister may make regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, and in particular, the Minister may make regulations to provide for all or any of the following matters

- (a) the principles for determining whether any work is of the same nature as any other work, or specifying that any work is of the same nature as any other work;
- (b) any other matter that is required to be, or may be, prescribed by the Minister by regulations made under this Act.

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Summary Jurisdiction
(Magistrates) Act,
Cap. 3:05
Part III
Subheading above section
34
Section 34

Substitute "Persons" for "Women"

Substitute the following,

"Jurisdiction of Magistrate's court in matrimonial proceedings. 34.(1) A married person may apply by way of complaint to the court of the magis-terial district in which a conviction has taken place or the cause of the complaint has wholly or partially arisen for an order or orders under section 35 against the other party to the marriage, that is to say that the defendant

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Cap.
8:02

- (a) has been convicted summarily of an aggravated assault upon the complainant within the meaning of section 22 of the Summary Jurisdiction (Offences) Act;
- (b) while knowingly suffering from a venereal disease has insisted on, or has without the complainant being aware of the presence of the venereal disease permitted, sexual intercourse between the complainant and the defendant;
- (c) being a husband, has compelled the complainant to submit herself to prostitution, or has, in the opinion of the court, been guilty of such conduct as was likely to result and has resulted in the complainant submitting herself to prostitution;
- (d) is for the time being an habitual drunkard or a drug addict;
- (e) has deserted the complainant;

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- (f) has been guilty of persistent cruelty to the complainant or to any child of the complainant or has wilfully neglected to provide or to make proper contribution towards the reasonable maintenance of the complainant or any infant child of the family who is, or would but for that neglect have been, a dependant of the defendant and whom the defendant is legally bound to maintain; or
- (g) has been convicted upon indictment of an assault upon the complainant and sentenced to pay a fine of more than seventy-five dollars or to a term of imprisonment exceeding two months:

Provided that where the complainant is entitled to apply for an order or orders under this section on the ground of the conviction of

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the defendant upon indictment, the complainant may apply to the court before which the defendant has been convicted and that court, shall for the purposes of this section, become a court of summary jurisdiction and have the power to hear an application and make the order or orders sought.

(2) In considering whether any, and if so what, provision should be included in an order by virtue of paragraph (f) of subsection (1) for payment by one of the parties in respect of a child who is not a child of that party, the court shall have regard to the extent, if any, to which that party had on or after the acceptance of the child as one of the family assumed responsibility for the child's maintenance and to the liability of any person other than a party to the marriage to maintain the child."

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Section 35(a)

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Substitute the following for the words appearing before the colon in the opening portion

"Power to make interim orders for maintenance.

35(a) The court may, at any time after an application under section 34 for an order of maintenance has been served on the defendant, order that the defendant do pay to the complainant or to the collecting officer or other person acting on the complainant's behalf a weekly sum not exceeding such an amount as might be ordered to be paid under a final order made under section 36, for the maintenance of the complainant and any child or children in the complainant's custody until the final determination of the case by the magistrate or, in the event of an appeal to the Full Court from the decision of the magistrate, by the Full Court:

11.

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Provided that where the complainant is the husband the court shall make an order in his favour for his maintenance only where, by reason of impairment of his earning capacity through age, illness or disability of mind or body, it appears to the court reasonable in all the circumstances of the case so to do."

Section 36

Substitute the following

"Powers of 36.(1) The court to which court. the application under section 34 is made may make an order or orders containing all or any of the following provisions -

Separation (a) that the complainant order. be no longer bound to cohabit with the defendant (a provision which while in force shall have the effect in all respects of a decree of judicial separation);

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Custody and maintenance of children.

(b) that the legal custody of any children of the marriage while they are under the age of sixteen years be committed to the complainant and that the defendant shall pay to the complainant or to the collecting officer or other person acting on the complainant's behalf, such weekly sum not exceeding two hundred and fifty dollars as the court considers just and reasonable having regard to the means of both husband and wife for the maintenance of each such child until the child attains the age of sixteen years, or, where the child is attending any university, college, school or other educational establishment until the child attains the age of eighteen years;

Maintenance of complainant.

(c) that the defendant shall pay to the complainant personally, or for the use of the

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complainant to the
 collecting officer or to
 any other person acting
 on the complainant's behalf
 such weekly sum not
 exceeding three hundred
 and fifty dollars as the
 court considers just and
 reasonable having regard
 to the means of both the
husband and wife:

Provided that where
 the complainant is the
 husband the court shall
 make an order in his favour
~~for~~ his maintenance
 only ~~where~~, by reason of
 the impairment of his
 earning capacity through
 age, illness or disability
 of mind or body, it appears
~~to~~ the court reasonable
 in all the circumstances
 of the case so to do;

Costs. (d) for payment by the com-
 plainant or the defendant
 or both of them, of the

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costs of the court and any reasonable costs of either party as the court thinks right and proper.

(2) Where provision is made by an order under subsection (1)(b) for the custody of any children of the marriage, the order may make such provision as the court thinks fit for access of the husband or wife, as the case may be, to those children."

Section 37

For "34" substitute "36" and for "the wife" substitute "the husband or wife".

Section 38

Substitute the following

"Limitation of powers.

38. The court hearing a complaint under section 34 shall not make an order under section 36 if it is proved that the complainant has committed an act of adultery, unless the court is satisfied that the defendant has condoned or connived at, or by wilful neglect or misconduct conduced to, that act of adultery."

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Section 39

Substitute the following

"Variation
or discharge
of order.

39.(1) A magistrate, acting within the magisterial district in which any order under section 36 has been made, may on the application of the husband or wife, and on cause being shown upon fresh evidence to the satisfaction of the court, at any time alter, vary or discharge the order and upon the like application from time to time increase or diminish the amount of any weekly payment ordered to be made, provided that the amount does not exceed such an amount as might be ordered under section 36.

(2) If any married person upon whose application an order has been made under section 36 commits an act of adultery the order shall upon proof thereof be discharged:

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Provided that the magistrate shall not discharge the order by reason of such an act of adultery

- (a) except at the request of the person who was the defendant to the proceedings in which the order was made; or
- (b) if the magistrate is of the opinion that the person aforesaid has condoned or connived at, or by wilful neglect or misconduct conducted to that act of adultery.

(3) In the event of the order being discharged the magistrate shall, if he considers it proper to do so, make a new order concerning the custody and maintenance of the children of the marriage until each child attains the age of sixteen years:

Provided that where the child is attending any university, college school or other educational establishment the order for maintenance shall be made to continue until the child attains the age of eighteen years

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(4) In making an order under subsection (3) the court shall have regard to section 36(1)(b) and to the welfare of the children."

Section 40

Substitute the following

"Effect of order while parties reside with each other.

40. No final order made under section 36 shall be enforceable and no liability shall accrue under any such order while the parties to the marriage reside with each other."

Section 41

Substitute the following

"Effect of order upon resumption of cohabitation.

41. Where a party to a marriage with respect to whom a final order has been made under section 36 resumes cohabitation with the other party to the marriage after living apart from the other, the order shall cease to have effect six months after the resumption of such cohabitation."

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Section 42

For "34" substitute "36" where those figures occur for the second and third occasions.

Sections 43, 44
and 45

For "34" substitute "36".

Section 47

(1) For subparagraph (a)(ii) substitute the following

"(ii) on an ex parte application by either party to the marriage to vary such order at any time after the making of such order,"

(2) In paragraphs (c) and (d) for "wife" substitute "husband or wife".

(3) In paragraph (e), for "wife" wherever it occurs substitute "husband or wife".

Section 48

(1) In paragraph (a), for "husband" substitute "defaulting party".

(2) In paragraph (b), for "husband" in both the places where it occurs substitute "defaulting party" and for "him" where it ~~last~~ occurs substitute "the defaulting party".

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(3) In paragraph (c), for "husband" in both the places where it occurs substitute "defaulting party".

Section 50

(1) For the marginal note substitute the following

"Attachment of pension or income."

(2) For "husband" wherever it occurs substitute "husband or wife".

Sections 51 and 53

For "34" substitute "36".

Section 54

Substitute the following

"When poor relief given to married woman or married man,

Cap. 36:02

Cap. 45:03

54. Where a married woman or married man has received poor relief under the provisions of the Poor Relief Act, the poor law commissioners shall be entitled to recover from her husband or his wife the amount of that relief, and the amount may be recovered under the Maintenance Act, a married woman or married man being for that purpose deemed a person entitled to be maintained by her husband or his wife within the meaning of

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that Act."

Section 55

For the definition of the expression "maintenance order" substitute the following

"maintenance order" means an order made under section 36, 37, or 39(3) for the maintenance of the wife, husband or of the children of the marriage as the case may be."

Defamation Act,
Cap. 6:03

Section 6

(1) For the marginal note substitute the following

"Slander of person."

(2) For "woman or girl" substitute "person".

Summary Jurisdiction (Offences) Act,
Cap. 8:02

Section 22

(1) For the marginal note substitute the following

"Aggravated assault."

(2) For "male child or upon any female" substitute "person".

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Criminal Law
(Procedure) Act,
Cap. 10:01

Section 89(3)

- (1) For the marginal note substitute the following

"Bailing infant".

- (2) Delete "a married woman or".

Insolvency Act,
Cap. 12:21

Section 39

- (1) In subsection (4)(a), for "wife" substitute "husband or wife".

- (2) In subsection (6), in the opening portion, substitute the following for the words appearing before the word "unless" where it first occurs

"(6) No married person shall, in the case of his or her spouse's insolvency, be entitled to claim as a creditor of his or her spouse's estate by reason of an antenuptial agreement entered into between the spouses,".

- (3) In subsection (6)(b), for "her" substitute "claimant".

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(4) In subsection (6)(c)(i), for "women" substitute "spouse".

(5) For subsection (7) substitute the following

"(7) No married person in the case of his or her spouse's insolvency, shall be entitled by reason of an antenuptial agreement entered into between the spouses to any preferent claim on his or her estate for any money or other property acquired by him or her during the marriage, unless an inventory thereof and a statutory declaration by two or more independent witnesses, verifying the fact that that property still exists and how it has been acquired by him or her, are deposited or recorded in the deeds registry within two months after the acquisition thereof, and before any loan thereof to the husband or wife, but his or her claim in respect thereof shall rank concurrently with the claims of all other unsecured creditors on his or her estate."

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Section 45

(1) In subsection (1)

(i) For paragraph (c) substitute the following

"(c) on or for the husband or wife or children of the settlor of property which has accrued to the settlor after marriage in right of the wife or husband,".

(ii) For "his" where it last occurs, substitute "his or her".

(2) For subsection (2) substitute the following

"(2) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's husband or wife or children of any money or property wherein the settlor had not at the date of the marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property of or in right of the settlor's husband or wife, shall, on the settlor becoming

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insolvent before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the assignee:

Provided that if the money or property has been actually transferred or paid in contemplation of insolvency, the husband, the wife or the children shall not be entitled to retain it against the assignee, unless they or the parties claiming under them can prove that the settlor was, at the time of making the covenant or contract, able to pay his or her debts in full, but they shall nevertheless be entitled to claim in respect of the covenant or contract concurrently with the other creditors unless it appears to the Court that the covenant or contract was made in order to defeat and delay creditors or was unjustifiable, having regard to the state of the settlor's affairs at the time when the covenant or contract was

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entered into, and that the settlor's husband or wife had notice, from the circumstances or otherwise, that that was the case."

Guyana Citizenship
Act,
Cap. 14:01

Section 2(3)

For the words "or is a woman who is or has been married and of full capacity if such person" substitute "and".

Section 5(3)

For "the male adnpter" substitute "one of the adopters".

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Immigration Act,
Cap. 14:02
Section 2(1)(a)

For paragraph (a) substitute the following -

"(a) the spouse of such person unless that spouse is living apart from the other spouse under a deed of separation or the decree of a competent court;"

Defence Act,
Cap. 15:01
Section 164

(1) In subsection (1), for paragraph (a) substitute the following -

"(a) the maintenance of the defendant's husband, wife or child; or", and for "whether or not he" of the words "whether or not he or she".

(2) In subsection (5)(a) -

(i) for "a wife" substitute "a husband, wife";

(ii) for "the wife" substitute "the husband, wife";

(iii) For "his wife" in both the places where those words occur substitute "his wife or her husband".

(3) In subsection 5(b), for "wife" substitute "husband or wife".

Section 165

(1) For the marginal note substitute the following -

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"Deductions from pay for main-
tenance of wife, husband or child."

- (2) For subsection (1) substitute the following -

"(1) Where the authorised officer is satisfied that an officer or soldier of the force is neglecting, without reasonable cause, to maintain or to contribute towards the maintenance of the wife or husband of the officer or soldier or any child of his or hers under the age of sixteen, or under the age of eighteen and attending any university, college, school or other educational establishment, the authorised officer may order such sum to be deducted from the officer's or soldier's pay and appropriated towards the maintenance of the wife, husband or child of the officer or soldier as the authorised officer thinks reasonable in the circumstances."

- (3) In subsection (3) for "his" substitute "his or her" and for "him" substitute "him or her".

Section 166

For "his" wherever it occurs substitute "that person's" and for "he" substitute "that person".

Section 167

- (1) In subsection (1), for "him" in both the places where it occurs substitute "him or her" and for "his" substitute "his or her".

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Pensions Act,
Cap. 27:02
Section 22.

- (2) In subsection 2, for "his" substitute "his or her".
- (1) In subsection (1)(a)(b) and (c) and that portion above paragraph 1(i), for "his" wherever it occurs substitute "his or her".
- (2) In subsection (1)(i), for "widow" substitute "spouse", for "her" substitute "that spouse" and for "his" substitute "that officer's".
- (3) In subsection (1)(ii), for "widow" substitute "spouse".
- (4) In subsection (1)(iii), for "widow" in both the places where it occurs substitute "spouse".
- (5) In subsection (1)(iv) for "widow" wherever it occurs substitute "spouse".
- (6) For subsection (1)(v) substitute the following -

"(1)(v) if the deceased officer does not leave a spouse, or if no pension is granted to that officer's spouse, and if that officer's ~~mother~~ was wholly or mainly dependent on ~~her~~ or her for her support, a pension to the mother, while without adequate

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means of support, of an amount not exceeding the pension which might have been granted to that officer's spouse;"

- (7) For subsection (1)(vi) substitute the following -

"(1)(vi) if the deceased officer does not leave a spouse or mother, or if no pension is granted to that officer's spouse or mother, and if that officer's father were wholly or mainly dependent on him or her for his support a pension to the father while without adequate means of support, of an amount not exceeding the pension which might have been granted to that officer's spouse;"

- (8) In subsection (1)(vii), for "him" substitute "him or her".
- (9) In paragraph (b) of the proviso to subsection (1), for "; and" at the end substitute a full stop.
- (10) Delete paragraph (c) of the proviso to subsection (1).
- (11) In subsection (2), for "him" in both the places where it occurs substitute "him or her".

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**Pensions (President,
Parliamentary and
Special Offices) Act,
Cap. 27:03**

Section 6

For subsection (2) substitute the following -

**'(2) In this section, "entitled child"
means a child who has not attained the
age of twenty-one years.'**

Section 15

Delete subsection (5).

**State Pensions Act,
Cap. 27:04**

Section 2

**Insert after the definition "dependant" the
following definition -**

"widow" includes "widower".

Section 6

Delete subsection (5)

**Public Officers
Widows Act,
Cap. 27:07**

Section 1

For "Widows" substitute "Spouses".

Section 2

**For the definition of "widow" substitute
the following -**

**"spouse" includes the spouse of a
deceased public officer, or his or her
children, or other heirs, or any other
person the Minister considers to have
the best moral claim to any payment
under this Act.'**

Section 3

**(1) For the marginal note substitute the
following -**

**"Grant to spouse of a deceased
public officer."**

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(2) For "widow" in both the places where it occurs substitute "spouse".

Section 4

For "his" substitute "his or her".

Section 5

For "him" substitute "him or her".

Public Officers
(Insurance) Act,
Cap. 27:10

Section 10

For subsection (2) substitute the following -

'(2) In this section the expression "children" means children who are under eighteen years of age.'

Section 21

For subsection (3) substitute the following -

'(3) For the purposes of this section the term "children" means children who are under eighteen years of age.'

Section 22

Re-number as subsection (1) and insert the following as subsection (2) -

'(2) From the commencement of the Equal Rights Act 1998 no male public officer who is not already insured under this Act will be required to be insured under this Act.'

Municipal and
District Councils
Act,
Cap. 28:01.

Section 85

Substitute the following -

"Receipt and application of insurance moneys.

85.(1) The sum assured on the life of a local government officer to whom section 81 applies and the accumulations

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thereon by way of bonus or otherwise shall, on the death of the officer while in the service of the council, be received and held by the City Council and shall be absolutely freed and discharged from any claim whatsoever of any creditor of the deceased, but, after payment of any costs for receiving it, shall be paid by the council either to the spouse of the deceased officer for the benefit of that spouse and their children (if any) or to the guardians of the children (if any) for their benefit, or to his or her parent, or to the persons selected by the council in its uncontrolled discretion for the benefit of the spouse and children or of the parent, as the council deems desirable; and in the event of the officer leaving neither spouse nor child nor parent, then the council shall pay the money to his or her heirs, executors or administrators and the receipt of any one to whom the money is paid by the council shall be an absolute discharge therefor, and the council shall not be bound to see to the application thereof, or be liable for misapplication or non-application thereof.

(2) For the purposes of subsection (1) "children" includes children born out of wedlock whom the officer had acknowledged to be his own and had contributed towards the maintenance of the children, or had been adjudged to be the father of the children by a court of competent jurisdiction."

Section 89

Substitute the following -

"Exemption from obligation to insure.

89.(1) Notwithstanding section 81 no local government officer to whom that section applies shall be obliged to insure his or her life pursuant thereto, and sections 82 to 88 (inclusive) shall not apply to such officer if and so long as the City Council is satisfied that his or her life is insured for a sum of not less than the amount prescribed by section 81 in some company approved by the council and that the insurance moneys have been or are duly secured for the benefit of his or her spouse and children, or parent, and protected from his or her debts, and he or she exhibits to the Town Clerk the receipt for the premium as and when it becomes due and is paid, or the council is satisfied that the premiums on the policy have

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been already paid up in full; and if at any time the council is not satisfied as to any of the aforesaid matters or the officer does not exhibit the receipt for the premium as required by this section, the officer shall, not later than such day as may be appointed by the Town Clerk and notified to that officer, insure his or her life pursuant to section 81.

(2) For the purposes of subsection (1) "children" includes children born out of wedlock whom the officer had acknowledged to be his own and had contributed towards the maintenance of the children, or had been adjudged to be the father of the children by a court of competent jurisdiction."

Civil Aviation
(Births, Deaths
and Missing
Persons Act)
Cap. 44:02

Second Schedule
Note (g)

- (1) Substitute for "Women and children" the following -

"Other particulars to be prescribed -

In the case of a married man or a widower, the words, "husband of" or "widower of" shall be entered,

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followed by the name, profession or occupation, rank and title, and nationality of the wife."

- (2) For the paragraph beginning with "In the case of an unmarried woman" to the end of the paragraph substitute the following -

"In the case of an unmarried person there shall be inserted (1) the word "bachelor" or "spinster", as the case may be, followed by his or her profession or occupation (if any), rank and title (if any) and nationality, and (2) the words "son of" or "daughter of" followed by the name, profession, etc., of his or her father and mother."

- (3) In the paragraph beginning with "In the case of children" insert "and mother" after "father".

Marriage Act,
Cap. 45:01

Section 32

- (1) In subsection (1) delete "in the case of a male or fourteen in the case of a female".
- (2) In subsection (2) for "fourteen" substitute "sixteen".

Maintenance Act,
Cap. 45:03

Section 3

Substitute the following -

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"Duty of woman to maintain certain children.

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3. Every woman is hereby required to maintain -
- (a) her own children whether born in wedlock or not;
 - (b) every child, whether born in wedlock or not, whom her husband has living with them as part of the family at the time of his marriage with her;
 - (c) if she cohabits with any man, every child, whether born in wedlock or not, whom that man has living with them as part of the family at the time of the commencement of the cohabitation; and
 - (d) the children, whether born in wedlock or not, of any child that she has had, in the event of the parents of those children failing to do so, until they attain the age of sixteen years, or until they attain the age of eighteen years where they are attending any university, college, school or other educational establishment, or longer if they are, by reason of bodily or mental infirmity, unable to maintain themselves."

Section 6

For "twenty" in both the places where it occurs substitute "two hundred and fifty".

Section 7

After "sixteen years" insert "or where the child is attending any university, college, school or other educational establishment until the child attains the age of eighteen years".

Enactments	Amendments
Section 11	<p>(1) Substitute for the marginal note the following -</p> <p style="padding-left: 40px;">"Liability of one spouse to pay for maintenance of other spouse in hospital or home for destitute persons."</p> <p>(2) In subsection (1)</p> <p style="padding-left: 40px;">(i) for "married woman" in both the places where those words occur substitute "married person";</p> <p style="padding-left: 40px;">(ii) for "an almshouse" substitute "a home for destitute persons";</p> <p style="padding-left: 40px;">(iii) for "almshouse" substitute "home for destitute persons";</p> <p style="padding-left: 40px;">(iv) for "her husband" in both the places where those words occur substitute "his or her spouse";</p> <p style="padding-left: 40px;">(v) for "her maintenance" substitute "his or her maintenance".</p>
Section 12	<p>(1) For "an almshouse" substitute "a home for destitute persons".</p> <p>(2) For "almshouse" substitute "home for destitute persons".</p>
Section 13	<p>(1) For "twenty" in both the places where it occurs substitute "two hundred and fifty".</p> <p>(2) For "almshouse" in both places where it occurs substitute "home for destitute persons".</p>
Legitimacy Act, Cap. 46:02	
Section 3	In subsection (1), for "father" substitute "father or mother".
Section 10	In subsection (1), for "father" in both the places where it occurs substitute "father or mother".
Customs Act, Cap. 82:01	
Section 61	<p>(1) For the marginal note substitute the following</p> <p style="padding-left: 40px;"><u>"Search of female and male."</u></p>

Enactments

Amendments

- (2) Insert "and a male shall not be searched except by a male" after "female" where it occurs for the last time.

Intoxicating
Liquor
Licensing Act,
Cap. 82:21

Section 8

For subsection (1) substitute the following -

"(1) A magistrate shall be disqualified from being a member of a board in any proceedings before the board where the magistrate is -

- (a) the spouse, or by blood or marriage the parent, son or daughter, or brother or sister of the applicant or transferee; or
- (b) the owner, or the spouse, parent, son or daughter, or brother or sister of the owner -

- (i) of any building which is the subject of an application for a licence or a transfer; or

- (ii) of any land on which there is any such building."

Exchange
Control Act,
Cap. 86:01

Fifth Schedule

For the proviso to paragraph 4 of Part III substitute the following -

Enactments

Amendments

"Provided that, in pursuance of this paragraph, no female shall be searched except by a female and no male shall be searched except by a male."

Factories Act,
Cap. 95:02

Section 24

In subsection (2)(f), for "men, women" substitute "adults".

Labour Act,
Cap. 98:01
Section 28

In subsection (2)(d), for "men, women" substitute "adults".

Accidental
Deaths and
Workmen's
Injuries
(Compensation)
Act,
Cap. 99:05
Section 10

Substitute the following -

"Assessment
of damages
for widows
and widowers.

10. In assessing damages payable to a widow or widower in respect of the death resulting from personal injury of the deceased spouse there shall not be taken into account the remarriage of the widow or the widower or his or her prospects of remarriage."

Pensions
(Holders of
Offices in Local
Democratic
Organs) Act 1988
(No. 19 of 1988)
Section 2

Insert after paragraph (c) the following paragraph as paragraph (d) -

'(d) "widow" includes "widower".'

EXPLANATORY MEMORANDUM

Article 29 of the Constitution provides for equal rights, legal status and opportunities for women and men. But this article, as provided in article 39 of the Constitution, will be enforceable only where and to the extent to which, Parliament makes provision therefor

Clause 2 of this Bill seeks to achieve that objective.

2. There are various enactments which require amendments to achieve the objective of enforcing the principles laid down in article 29 of the Constitution. Clause 3 of the Bill seeks to do this by amending the enactments mentioned in the first column of the Schedule to the Bill in the manner specified in the second column of that Schedule.

3. Clause 4 of the Bill seeks to prescribe the penalties for any contravention of the provisions of clause 2(2), (3), (4), (5), (6) or (8) of the Bill.

4. A committee appointed by the President under the chairmanship of Justice Desiree Bernard examined the law and made recommendations as to the amendments required thereo to give effect to the principles laid down in article 29 of the Constitution. Those recommendations have been carefully considered and generally accepted in formulating the amendments mentioned in the Schedule to this Bill. The amendments required to subsidiary legislation will be dealt with separately.

K. S. Massiah,
Attorney General and Minister
of Legal Affairs.