

Bill No. 12 of 1972



GUYANA

BILL No. 12 of 1972.

LOCAL AUTHORITIES (POSTPONEMENT OF ELECTIONS) BILL 1972

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A BILL

Intituled

An Act to provide for the postponement of elections of councillors of local authorities and for purposes connected therewith.

A.D. 1972 Enacted by the Parliament of Guyana:—

Part I — PRELIMINARY

Short title
and com-
mencement.

1. This Act may be cited as the Local Authorities (Postponement of Elections) Act 1972, and shall be deemed to have come into operation on 31st October, 1972.

Interpreta-
tion

2. In this Act, unless the context otherwise requires —

“councillor” means a councillor of a local authority;

No. 29 of
1969.

“local authority” has the meaning assigned to it in section 2(1) of the Local Authorities (Elections) Act 1969, and includes the council of a town established under section 33 of the Municipal and District Councils Act 1969;

No. 24 of
1969.

“the Principal Acts” means —

- (a) the Local Authorities (Elections) Act 1969;
- (b) the Municipal and District Councils Act 1969;
- (c) the Local Government Ordinance.

Cap. 150.

PART II — POSTPONEMENT OF ELECTIONS OF COUNCILLORS

Postpone-
ment of
elections
of
councillors.

3. Anything in the Principal Acts to the contrary notwith-
standing —

- (a) no election of councillors shall be held during the continuance in operation of this Part;
- (b) the councillors who hold office as such at the commencement of this Act shall continue in office during the continuance in operation of this Part:

Provided that the seat of any such councillor may at any time become vacant in accordance with the provisions of the Municipal and District Councils Act 1969, or the Local Government Ordinance, as the case may be;

- (c) no person shall during the continuance in operation of this Part be required to perform any function in connection with the registration of voters or the holding of elections under the Principal Acts.

4. Nothing in this Act shall prevent or otherwise interfere with the election of Mayors, Deputy Mayors, Chairmen, Vice-Chairmen and Deputy Chairmen of local authorities in accordance with provisions of the Principal Acts and, for the purposes of any such election during the continuance in operation of this Part, the councillors for the time being entitled to hold office by virtue of sections 3 and 5 shall be deemed to be the councillors entitled to hold office for the purpose of electing the Mayor, Deputy Mayor, Chairman, Vice-Chairman, or Deputy Chairman of a local authority for the year for which he is elected:

Election of
Mayors,
Deputy
Mayors,
Chairmen,
Vice-Chair-
men and
Deputy
Chairman of
Local
Authorities.

Provided that where by reason of an equality of votes cast at any such election no person is elected Mayor, Deputy Mayor, Chairman or Vice-Chairman or Deputy Chairman, as the case may be, the Minister assigned responsibility for Local Government shall select one of the councillors receiving the greatest number of equal votes to be Mayor, Deputy Mayor, Chairman, Vice-Chairman, or Deputy Chairman, as the case may be.

5. Where during the continuance in operation of this Part the seat of any councillor becomes vacant such vacancy may be filled in accordance with the provisions of section 103 of the Local Authorities (Elections) Act 1969.

Filling of
vacancy in
office of
councillors

Part III TERMINATION OF OPERATION OF PART II

Termination
of operation
of Part II.

6.(1) Part II shall cease to be in operation on the expiration of 31st October, 1974, or on such earlier date as the Minister assigned responsibility for elections to the National Assembly (hereinafter in this section referred to as "the Minister") may, by order declare, and Part II shall thereupon cease to be of any effect, without prejudice however, to anything lawfully done thereunder.

(2) Notwithstanding that Part II ceases to be of any effect, the Minister may, by order, declare that those persons who were councillors immediately before Part II ceased to be of any effect, shall continue in office as such until their successors elected at elections held by virtue of this section assume office.

(3) Anything in paragraph (c) of section 3 to the contrary notwithstanding, for the purposes of the holding of the first elections of councillors after Part II ceases to have effect, the provisions of the Principal Acts shall apply thereto subject, however, to such modifications and adaptations thereof as may be specified by the Minister by order made under this section if he considers it necessary or expedient for the purpose.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the postponement of elections of councillors of local authorities due to be held during the period 1st November, 1972 to 7th December, 1972.

With the introduction of local government reform, the councillors who were first elected have not been in office for a full term and it is considered desirable that in this initial period of the implementation of reforms in the system of local government those councillors of local authorities who were first elected under the new system of local government should be permitted to remain in office not later than the end of 1974 in the interests of the administration of the affairs of the respective local authorities. The annual election of Mayors, Deputy Mayors, Chairmen, Vice-Chairmen and Deputy Chairmen of local authorities will, however, be held.

O. E. CLARKE,
Minister of Home Affairs.

(Bill No. 12/1272)