

GUYANA

No. 109 of 1976

ORDER

Made Under

THE PUBLIC CORPORATIONS ACT

(Cap. 19:05)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 46 OF THE PUBLIC CORPORATIONS ACT, I HEREBY MAKE THE FOLLOWING ORDER:—

1. This Order may be cited as the Public Corporation (Post Office) Order 1976 and shall come into operation on 1st January, 1977. Citation and commencement

2. In this Order, unless the context otherwise requires— Interpretation
“appointment day” means the day on which this Order comes into operation;

“the Council” means the Post Office Users’ National Council established by clause 5;

“Minister” means the Minister assigned responsibility for the Post Office;

“the Post Office” means the Corporation established under clause 3;

“the postal department” means the postal department authorised by the Post and Telegraph Act, the assets whereof are the property of the State immediately before the appointed day. Cap 47:01

Establishment of the Post Office as a public corporation.

Functions of the Post Office.

3. There is hereby established a public corporation to be called the Post Office.

4. It shall be the function of the Post Office —

- (a) subject to the Post and Telegraph Act and without prejudice to any rights or privileges conferred on any other person under the said Act, to operate the postal system established under the said Act, including the expansion thereof, in accordance with the said Act, and this Order and in so far as they are applicable, in accordance with Guyana's obligations as a member of the Universal Postal Union;
- (b) to promote the economic development of the postal system in accordance with, as far as practicable, standard practice recognised internationally and public demand;
- (c) to advise the Government on all matters relating to the postal system; and
- (d) to act as the agent of the Government, or of any corporation established under the Act, or of any other authority established for public purposes, in such matters as may be agreed between the Government and the Post Office, or between the Post Office and any other of the aforementioned bodies, as the case may be, provided that the Post Office can do so appropriately and consistently with its functions under the Act.

Post Office Users' National Council.

5.(1) There shall be established, in accordance with this clause, a users' council for Guyana to be called the Post Office Users' National Council which shall consist of a Chairman and such number of other members as may be appointed by the Minister.

(7) Before making any appointment to membership of the Council, the Minister may consult with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the Council and he shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular areas of Guyana.

(3) The Minister and the Post Office may each refer to the Council, for consideration and report, any matter relating to the services provided by the Post Office.

(4) It shall be the duty of the Council —

(a) to consider —

(i) any matter relating to the services provided by the Post Office in Guyana which is the subject of a representation (other than one appearing to the Council to be frivolous) made to the Council by or on behalf of a user of the services so provided in Guyana; and

(ii) any matter relating to the services so provided in Guyana which appears to the Council to be one to which consideration ought to be given by it notwithstanding that no representation has been made to it with respect to it,

and, if it is of opinion that action ought to be taken with respect to any such matter, to give the Minister and the Post Office notice of that fact (stating whether or not the matter was the subject of a representation made to the Council) and of the action which the Council thinks ought to be taken;

(b) to consider any matter referred to it under subparagraph (3) and to report thereon to the Minister and the Post Office.

6.(1) Before the Post Office so puts into effect any major proposals relating to any of its main services as to affect the persons for whom they are provided, it shall be incumbent on the Post Office, subject to paragraph (2), to refer the proposals to, and to consult thereon with, the Council.

Duty of
the Post
Office
to consult.

(2) Paragraph (1) shall not apply to proposals containing no matter other than such as is requisite to comply with a direction given by the Minister under section 28 of the Act or matter ancillary to matter such as is so requisite.

(3) Any question arising whether or not any proposals are major proposals or relate to a main service shall be referred to the Minister whose decision shall be final.

(4) The validity of any action taken by the Post Office shall not be impugned on the ground that it was taken otherwise than in pursuance of proposals that had been the subject of a reference under paragraph (1), but ought not to have been so taken.

Procedure
and other
matters
relating
to the
Council.

7.(1) The Council shall meet when convened by the Chairman thereof but not less than four times in every year and, without prejudice to the discretion of the Chairman to call a meeting whenever he thinks fit, he shall call a meeting when requested to do so by any three members of the Council; if the Chairman refuses or fails to call a meeting as requested, any member of the Council may call the special meeting.

(2) Minutes shall be kept of the proceedings at each meeting of the Council.

(3) The Minister shall determine the quorum of the Council.

(4) The Council shall in respect of each year make to the Minister a report on the exercise by the Council of its functions during that year and the Minister shall lay a copy of the report before the National Assembly.

(5) The Council shall be furnished by the Minister with such officers and staff as appear to him to be requisite for the proper discharge of its functions, and with such office accommodation and equipment, and such services, as appear to him to be so requisite.

(6) The Minister may pay such remuneration and other allowances to the Chairman and other members of the Council and the officers and staff of the Council as he may determine and may pay such expenses of the Council as he may determine.

(7) Subject to this clause, the Council may regulate its proceedings.

Employment
of existing
staff.

8.(1) Subject to subsection (3), the Guyana State Corporation shall, as from the appointed day, continue to employ as the Postmaster General on such terms and conditions as may be agreed on between the Corporation and him, the person who was the substantive holder of that office in the postal department immediately before the appointed day.

(2) Subject to paragraph (3), the Post Office with the approval of the Guyana State Corporation shall, as from the appointed day, continue to employ on such terms and conditions as may be agreed on between the Post Office and him, any other person exclusively employed with the postal department immediately before the appointed day.

(3) The Guyana State Corporation and the Post Office shall be the successors, respectively, of the employer as last mentioned of any such person as is mentioned in paragraph (1) or (2) in the matter of any leave which may have accrued to him.

9.(1) The assets of the postal department (including rights and interests) are hereby transferred to and shall vest in the Post Office.

Transfer
of assets
and liabilities.

(2) As soon as practicable after the commencement of this Order, the Post Office shall, by way of compensation for any property vested in the Post Office by virtue of this clause, issue to the Guyana State Corporation debentures or debenture stock of such nominal value and bearing such interest rates and repayment dates as may be agreed upon between the Minister responsible for finance and the Post Office.

(3) Liabilities incurred by the Government exclusively for the purposes of the postal department, or incurred therefor under agreements duly contracted in the course of the operations of the postal department, prior to the appointed day shall, in so far as may be, be discharged by, and be enforced against, the Post Office as if the said liabilities had been incurred by the Post Office.

(4) Nothing in paragraph (1) or (3) shall apply to rights or liabilities under any contract of service.

(5) For the purpose of giving effect to the provisions of paragraphs (1) and (3) in relation to contractual rights and liabilities all such contracts shall as from the appointed day be construed with all due modifications and adaptations.

(6) All proceedings commenced prior to the appointed day for the enforcement of any rights or liabilities which are transferred or attached to the Post Office by virtue of this Order may be continued by or against the Post Office, and any such proceeding may be amended accordingly.

Made this 15th day of November, 1976.

L. F. S. Burnham,
Prime Minister.