

GUYANA

No. 7 of 1978.

REGULATIONS

Made Under

THE REFERENDUM (AMENDMENT OF THE CONSTITUTION) ACT 1978

(No. 9 of 1978)

IN EXERCISE OF THE POWERS CONFERRED UPON THE MINISTER BY SECTION 6 OF THE REFERENDUM (AMENDMENT OF THE CONSTITUTION) ACT 1978, THE FOLLOWING REGULATIONS ARE HEREBY MADE:—

1. These Regulations may be cited as the Referendum (Modification of the Representation of the People Act) Regulations 1978.

2. For the purposes of the holding of the referendum and subject to regulation 5 —

- (a) the Representation of the People Act\* shall, without prejudice to paragraph (b), be construed and have effect as if for every reference therein to an election, an election agent and election day, there were substituted a reference to the referendum, a referendum agent and referendum day, respectively;
- (b) the provisions of the Representation of the People Act\* and the Elections (Forms for Postal Voters) Regulations,\*\* respectively,

\* Chapter 1:03

\*\* Chapter 1:03 Subsidiary Legislation. 19

specified in column (1) of the Schedule shall be construed and have effect with the modifications set out in relation thereto in column (2) thereof.

3. Without prejudice to regulation 2, the Forms set out in the Schedules to the Representation of the People Act\* and to the Elections (Forms for Postal Voters) Regulations,\*\* respectively, shall for the purpose of the holding of the referendum be adapted, construed and have effect in accordance with the modifications effected by that regulation.

4. Without prejudice to any other power conferred upon him by any other law, the Minister may cause to be published in any newspaper circulating in Guyana notices of such matters relating to the referendum as he may think desirable to bring to the attention of persons who are qualified to vote at the referendum.

5. Nothing in the foregoing regulations shall render invalid the use for the purpose of carrying out the referendum of any forms or other items of stationery whereon reference is made to the "Chief Referendum Officer" or "National Elections 1973" and such reference shall be construed and have effect as a reference to the Chief Election Officer and to the referendum, respectively.

## SCHEDULE

### MODIFICATION OF THE REPRESENTATION

#### OF THE PEOPLE ACT

#### COLUMN 1

#### COLUMN 2

**Provision of the Representation of the People Act**

**Modifications**

Section 2

- (a) Omit the definitions of "election", "election day", "election expenses declaration", "group of candidates" and "personal expenses";
- (b) insert immediately before the definition of "registration card" the following definition — "referen-

\* Chapter 1:03

\*\* Chapter 1:03 Subsidiary Legislation



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**Modifications**

Section 2 (Cont'd)

dum" has the same meaning as in the Referendum (Amendment of the Constitution) Act 1978 (hereinafter referred to as the Referendum Act) and "referendum day" means the day appointed under section 3 of that Act;

Section 3

For this section substitute the following —

"3. Subject to the provisions of the Referendum Act, and as hereinafter mentioned, the referendum shall be conducted by secret ballot".

Part II

Omit.

Section 23

For subsection (1) substitute the following —

"(1) Such member for the time being of the National Assembly as may be called upon by the Speaker for the purposes of article 70(1) of the Constitution shall not later than the 32nd day before referendum day give notice in writing to the Chief Election Officer appointing himself or some other person to be a referendum agent and if the appointment of that agent is revoked or the referendum agent dies and no further appointment is made the person entitled to make the appointment shall be deemed to have been appointed to be the referendum agent."



Provisions	Modifications
Section 24	<p>(a) In subsection (1)(c) immediately after "place" insert "and for the office of each ballot officer referred to in section 53(2)";</p> <p>(b) in subsection (4) for "of a group of candidates" substitute "appointed by a referendum agent" and for "of that group" substitute "appointed by him"</p>
Section 25	In sub-section (3) omit "candidates," and "candidate,"
Section 26	Omit.
Section 29	In subsection (4) for "Special Service Unit" substitute "para-military groups known respectively as the Guyana National Service and the Guyana People's Militia".
Section 30	<p>(a) In subsection (1) —</p> <p>(i) for "the Special Service Unit and" substitute "such members of the para-military groups known respectively as the Guyana National Service and the Guyana People's Militia as are called out for duty on referendum day and members of";</p> <p>(b) For "trains and vessels" substitute "vessels and such employees of Guyana Transport Services Limited as are engaged in the running of buses";</p>
Section 33F	<p>(c) omit paragraph (d)</p> <p>Omit paragraph (d)</p>



Provisions	Modifications
Section 34	<p>For sub-paragraphs (ii) and (iii) of sub-section (2) substitute the following as paragraph (ii) —</p> <p>“(ii) a copy of the Official Gazette dated 13th May, 1978 wherein was published the Constitution (Amendment) Bill 1978 as passed by the National Assembly on 10th April, 1978”.</p>
Section 39	<p>(a) For paragraph (a) of subsection (1) substitute the following —</p> <p>“(a) as to front thereof be in the form set out as Form II in the Schedule,”</p> <p>(b) For sub-section (2) substitute the following —</p> <p>“(2) In the printing of the ballot paper, no letter, word or design shall be printed on the face except those as are shown in Form II of the Schedule.”</p>
Section 40	<p>For paragraph (j) of sub-section (1) substitute the following —</p> <p>“(j) a sufficient number of copies of the Gazette referred to in section 34(2)(ii)”.</p>
Section 41	<p>For paragraph (b) substitute the following —</p> <p>“(b) a copy of the Gazette referred to in section 34(2)(ii)”.</p>
Section 44	<p>In subsection (2)(b) for “date of publication in the Gazette under section 19 of the names of candidates” substitute “23rd day before referendum day,”</p>



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## Modifications

## Section 51

Add the following as paragraph (vi) —

“(vi) a copy of the Gazette referred to in section 34(2)(ii)”.

## Section 53

In subsection (3) for “having authority by virtue of section 118(1)(f) for promotion of the election of a group of candidates, and designated in writing by their election agent”, substitute “designated under section 24(1) as a polling agent for that office”.

(b) In subsection (4) omit “by the election agent of each list of candidates”.

## Section 59

(a) In subsection (1)

(i) Omit paragraph (c);

(ii) insert immediately after “Police Force” in paragraph (e), “the para-military groups known respectively as the Guyana National Service and the Guyana People’s Militia”

## Section 61

(b) Omit subsections (2), (3), and (4).

In subsection (2) —

(i) for “a candidate appointed under section 59 or” substitute “an”

(ii) omit from the proviso all the words appearing after “final”.

## Section 67

Omit

## Section 72

(a) In subsection (1) for “vote for any particular list of candidates” sub-

## Provisions

## Modifications

stitute "answer the question in a particular manner";

- (b) For subsection (2) substitute the following —

"(2) The elector shall enter one of the polling compartments and there record his vote by secretly marking on his ballot paper a cross within the space to the right of the word "Yes" (represented by the design of a house) or "No" (represented by the design of a mouse) in answer to the question asked on the ballot paper and shall then fold his ballot paper so as to conceal the vote; and if he has been appointed to vote as a proxy he shall record the vote of the elector on whose behalf he has been so appointed by secretly marking, in the manner aforesaid, in accordance with the instructions of that elector the ballot paper issued for that elector and shall then similarly fold that ballot paper."

- (a) In paragraphs (b), (c) and (d) respectively of subsection (2) for "list of candidates for whom" substitute "answer for which."
- (b) In subsection (3) for "list of candidates for whom" substitute "answer for which".

Section 77



Provisions	Modifications
Section 78	In subsection (1) for "list of candidates for whom" substitute "answer for which".
Section 78A	<p>(a) In subsection (1) omit all the words appearing after "year".</p> <p>(b) Omit subsection (2).</p>
Section 79	<p>In subsection (1) —</p> <p>(i) omit paragraph (b) (iii);</p> <p>(ii) for all the words appearing after "Police Force" in paragraph (b) (v) substitute, "the para-military groups known as the Guyana National Service and the Guyana People's Militia and of the Guyana Defence Force on duty;"</p>
Section 81	<p>For subsection (2) substitute the following —</p> <p>"(2) Employees of the Transport and Harbours Department and of the Guyana Transport Services Limited engaged in providing transportation shall be deemed to be employees for the purposes of this section except such as are actually engaged in running vessels and buses and to whom time cannot be allowed without interfering with the running of such vessels and buses; and the General Manager of the Department and of the Guyana Transport Services Limited, shall be deemed to be the employer of such employees, as the case may be."</p>



Provisions	Modifications
Section 85	Omit.
Section 86	Omit subsection (1) (c).
Section 87	(a) In subsection (1) for paragraph (e) substitute the following —
	<p>“(e) count the respective answers by valid votes and while so doing shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.”;</p>
	(b) In subsection (2) —
	(i) for “any list of candidates” appearing in paragraph (b) substitute “or against the question”;
	(ii) for paragraph (c) substitute the following —
	<p>“(c) on which more than one vote or answer has been given;”</p>
	(c) In subsection (3), for “one or other of the lists of candidates” appearing in sub-paragraph (i) substitute “or against the question”.
Section 88	Delete “candidate, or”.
Section 89	In subsection (1) —
	(i) for “each list of candidates appearing in paragraph (e) substitute “and against the question respectively,”

Provisions	Modifications
Section 91	<p>(ii) for "each list of candidates" appearing in paragraph (f) (i) substitute "and against the question, respectively,".</p> <p>(a) In subsection (1) omit paragraph (c);</p> <p>(b) Omit subsections (2), (3) and (4);</p> <p>(c) In subsection (5) omit "(c) or".</p>
Section 92	<p>In subsection (1) (e) for "each list of candidates" substitute "and against the question, respectively,"</p>
Section 93	<p>For "A candidate appointed under section 91 or an" substitute "An"</p>
Section 94	<p>(a) In subsection (1) —</p> <p>(i) from paragraph (b) omit "candidate appointed under section 91 or";</p> <p>(ii) for "each list of candidates" appearing in paragraph (c) substitute "and against the question, respectively";</p> <p>(iii) for "each list of candidates" appearing in paragraph (d) (i) substitute "and against the question respectively".</p> <p>(b) In subsection (2) omit "candidate appointed as aforesaid or"</p>
Section 96	<p>For all the words appearing after the word "for" substitute "and against the question, respectively, and thereupon submit to the Speaker of the National Assembly particulars as to —</p>



Provisions	Modifications
Sections 97 and 98	<p>(a) the number of valid votes cast for and against the question, respectively;</p> <p>(b) the number of rejected ballot papers.</p>
Section 99	<p>Omit</p> <p>For this section, substitute the following —</p> <p>“99. As soon as practicable after referendum day the Speaker of the National Assembly shall publicly declare the results of the referendum and shall cause to be published in the Gazette a notification thereof specifying the particulars referred to in section 96.”</p>
Section 100	Omit.
Part XII, Sections 116 and 117.	Omit.
Section 118	<p>In subsection (1) —</p> <p>(i) for “the election of a group of candidates at an election” substitute “a particular result at the poll”.</p> <p>(ii) Omit paragraph (f).</p>
Section 120	<p>In subsection (1) for “the election of a group of candidates at an election” substitute “a particular result at the poll”.</p>
Section 121.	Omit “candidate or”.
Section 122	<p>In subsection (1) for “the election of a group of candidates at an election” substitute “a particular result at the poll”.</p>

Provisions	Modifications
Section 124	Omit.
Section 125	<p>(a) In subsection (1) (a) for “the election of a group of candidates” substitute “a particular result at the poll”;</p> <p>(b) In subsection (3) omit “candidate, or any”.</p>
Section 126	Omit paragraph (c).
Section 128	<p>In subsection (1) —</p> <p>(i) for “having been neither a candidate nor” appearing in paragraph (a) substitute “not having been”;</p> <p>(ii) omit paragraph (b).</p>
Section 131	<p>(a) For “the return of a group of candidates, as members of the National Assembly,” appearing in paragraph (e), substitute “a particular result at the poll”.</p> <p>(b) For “the return of any group of candidates as members of the National Assembly,” appearing in paragraph (f) substitute “a particular result at the poll.”.</p>
Sections 135 and 136	Omit.
Section 137	<p>In subsection (1) —</p> <p>(i) for “list of candidates for whom” appearing in paragraphs (f) (ii) and (iv), and (g), respectively, substitute “answer for which”;</p>



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## Modifications

Section 142

Omit all the words appearing between "held" and "shall".

Section 148

In subsection (1) for "a candidate" substitute "an".

SCHEDULE to the Representation of the People Act.

Forms 2 and 3

Omit

Form 5

(a) In paragraph 4 of the Notes

- (i) for "Special Service Unit" substitute "para-military groups known respectively as the Guyana National Service and the Guyana People's Militia";
- (ii) for all the words appearing in sub-paragraph (c) after "Department" substitute "and of the Guyana Transport Services Limited, respectively, engaged in running vessels and buses;";
- (iii) omit sub-paragraph (d).

Form 9

For "elect fifty-three members of the National Assembly" substitute "determine whether or not a majority of the electors qualified to vote in an election approve of the Constitution (Amendment) Bill 1978 passed by the National Assembly on 10th April, 1978 and published in the Official Gazette dated 13th May, 1978."

**Provisions**

Form 10

**Modifications**

(a) For paragraph (3) substitute the following —

“3. You are to go into one of the voting compartments and read the question printed on the **ballot** paper carefully. In the compartment you will mark your vote secretly in the following way. If your answer is YES, you will put one X in the box to the right of the word YES or the house shown on the ballot paper.

If your answer is NO you will put one X in the box to the right of the word NO or the mouse shown on the ballot paper.

(b) For “for more than one list of candidates” appearing in paragraph 6 substitute “both YES and NO”.



**Provisions**

**Modifications**

Form 11

For this Form substitute the following —

**YES**



“COUNTERFOIL  
No.  
ELECTOR'S  
No. IN  
OFFICIAL  
LIST”

**NO**



**FORM 11**  
**FORM OF BALLOT PAPER**  
DO YOU APPROVE OF THE CONSTITUTION  
(AMENDMENT) BILL, 1978, WHICH WAS  
PASSED BY THE NATIONAL ASSEMBLY ON  
10TH APRIL, 1978, and PUBLISHED IN THE  
OFFICIAL GAZETTE DATED 13TH MAY, 1978 ?

Form 15

- (a) For “Election day for determining membership of the National Assembly of Guyana” substitute “Referendum day for determining whether or not a majority of the electors qualified to vote in an election approve of the Constitution (Amendment) Bill 1978 passed by the National Assembly on the 10th

Provisions	Modifications
Form 22	April, 1978 and published in the Official Gazette dated 13th May, 1978".
Forms 24 and 25	<p>(b) In Paragraph 4 for all the words appearing after "Directions" substitute "If your answer is YES you will put one X in the box to the right of the word YES or the house shown on the ballot paper. If your answer is NO you will put one X in the box to the right of the word NO or the mouse shown on the ballot paper. If you vote both YES and NO or place any mark on the ballot paper by which you can be identified, your vote will not be counted."</p> <p>For "candidates' list for whom" substitute "answer for which".</p>
Forms 26, 27 and 28	(a) For paragraph 1 of each Form substitute the following.
SCHEDULE to the Elections (Forms for Postal Voters) Regulations	<p>"1. Number of valid votes cast for each answer—</p> <p>YES total votes";</p> <p>(b) In paragraph 2 of each Form omit "for all lists";</p> <p>(c) In sub-paragraph (c) of paragraph 7 of Form 24 and in sub-paragraph (c) of paragraph 5 of Form 25, respectively, for "more than one candidates' list" substitute "both YES and NO."</p>
	Omit



## Provisions

## Modifications

Form 1

For “National Elections” substitute  
“the referendum”

Form 3

On the back of the Form—

(i) in paragraph 3 for all the words appearing before “or place” substitute “You can vote for only YES or NO at this referendum. If you vote for both YES and NO”;

(ii) for paragraph 5 substitute the following —

“5. If your answer is YES you vote by putting an X in the box to the right of the word YES or the house shown on the ballot paper. If your answer is NO you vote by putting an X in the box to the right of the word NO or the mouse shown on the ballot paper.”

Form 4

For “ELECTIONS, 1973,” substitute  
“REFERENDUM 1978.”

Made this 2nd day of June, 1978.

*C. V. Mingo,*  
Minister of Home Affairs.