

PUBLISHED 11TH FEBRUARY, 1970



GUYANA.

BILL NO. 6 OF 1970.

REPUBLIC BILL, 1970.

Arrangement of Sections.

Section

1. Short title and commencement.
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3. Continuance in operation of existing laws.
4. Prerogatives and privileges.
5. Legal proceedings and other matters.
6. Succession to property.
7. Rights, liabilities and obligations.
8. Repeal of section 10 of the Guyana Independence Order, 1966.

A BILL

Intituled

AN ACT to make provision consequential upon Guyana becoming a Republic.

A.D. 1970. Enacted by the Parliament of Guyana:—

Short title
and com-
mence-
ment

1. This Act may be cited as the Republic Act, 1970, and shall come into operation on 23rd February, 1970.

Interpretation.

2. In this Act, unless the context otherwise requires

“the appointed day” means 23rd February, 1970;

“the Constitution” means the Constitution of Guyana;

“existing laws” means all laws in force in, or otherwise having effect as part of the law of, Guyana immediately before the appointed day;

“the Commonwealth” has the same meaning as in the Constitution;

“the State” means the State of Guyana.

Continu-
ance in
operation
of existing
laws.

3. (1) All existing laws shall continue to have effect as part of the law of Guyana on and after the appointed day but all such laws shall, as from that day, be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

(2) The President may, by order, made at any time before 23rd February, 1972, make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the Constitution, without prejudice, however, to any powers conferred by any law upon any other person or authority to amend any existing law.

(3) Anything done under any existing law before its amendment by or under this section which would, but for this subsection, cease by virtue of that amendment to have effect, shall continue to have effect as if done under that law as so amended.

(4) In the preceding subsection, “amendment” includes modification, adaptation or other alteration required by subsection (1) of this section.

(5) Without prejudice to the generality of the preceding subsections, and subject to any order made under subsection (2) of this section, in any existing law which continues in force after the appointed day or in any public document, in relation to any time or any period commencing on or after the appointed day, unless the context otherwise requires —

- (a) any reference to Her Majesty the Queen (whether or not that expression is used) or to the Crown, in respect of Guyana, shall be read and construed as if it were a reference to the State;
- (b) any reference to the Governor-General (including references to the Governor of the former colony of British Guiana and the Governor-in-Council, which by reason of any law in force immediately prior to 23rd February, 1970, are to be read and construed as references to the Governor-General) shall be read and construed as if it were a reference to the President;
- (c) any reference to crown land or crown forest shall be read and construed as a reference to State land or State forest, respectively;
- (d) any reference to colony land shall be read and construed as a reference to Government land; and
- (e) any reference to Her Majesty's dominions shall be read and construed as a reference to the Commonwealth.

4. (1) Where under any existing law any prerogative or privilege is vested in Her Majesty the Queen or the Crown in respect of Guyana that prerogative or privilege shall, on the appointed day, vest in the State and, subject to the provisions of the Constitution or any other law, the President shall have power to do all things necessary for the exercise thereof. Prerogatives and privileges.

(2) Where under any existing law any rights, powers, privileges, duties or functions are vested in or imposed on the Governor-General, those rights, powers, privileges, duties and functions shall, on the appointed day, vest in and be exercisable by the President.

5 (1) Any criminal proceedings pending in any court immediately before the appointed day in which Her Majesty the Queen is a party in respect of Guyana, may be continued after the appointed day with the substitution of the State as a party. Legal proceedings and other matters.

(2) Where any matter or thing has been commenced before the appointed day by the Governor-General in exercise of any power in that behalf under existing law, such matter or thing may be continued and completed by the President on or after the appointed day.

6. (1) All property which, immediately before the appointed day, is vested in Her Majesty or the Governor-General for the purposes of the Government of Guyana shall, on the appointed day, vest in the State. Succession (D. P. O. party).

(2) Any property which, immediately before the appointed day is liable to escheat or to be forfeited to Her Majesty for the purpose of the Government of Guyana, shall, from the appointed day, be liable to escheat or to be forfeited to the State.

(3) Where, immediately before the appointed day, any person holds any property in trust for Her Majesty or for the Governor General for the purposes of the Government of Guyana, that person shall from the appointed day, hold such property on the like trust for the State.

Rights,
liabilities
and obligations.

7. (1) All rights, liabilities and obligations of Her Majesty in respect of the Government of Guyana, shall, on and after the appointed day, be rights, liabilities and obligations of the State.

(2) All rights, liabilities and obligations of the Governor General or the holder of any other office under the Crown in respect of the Government of Guyana, shall, on and after the appointed day be rights, liabilities and obligations of the President or of the holder of that office, as the case may be, on behalf of the State.

(3) In this section, rights, liabilities and obligations include rights, liabilities and obligations arising from contract or otherwise, other than rights mentioned in sections 4 and 6 of this Act.

Repeal of
section 10 of
the Guyana
Independence
Order, 1966
S.T. 1966/575.

8. Section 10 of the Guyana Independence Order 1966 (which makes provision for certain appeals to Her Majesty in Council), in so far as it forms part of the law of Guyana, is hereby repealed.

EXPLANATORY MEMORANDUM

This Bill seeks to make provision for the adaptation and modification of existing laws consequent upon Guyana becoming a Republic on 23rd February, 1970.

This Bill also seeks to repeal section 10 of the Guyana Independence Order, 1966 which makes provision for certain appeals to Her Majesty in Council.

S. S. RAMPHAL,
Attorney General and Minister of State.

(Bill No. 6/1970).