

NATIONAL ASSEMBLY
SUPPLEMENTARY ORDER PAPER

FOR THE 11TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION
(1998) OF THE SEVENTH PARLIAMENT OF GUYANA TO BE HELD

AT 2.00 P.M.

ON FRIDAY, 10TH JULY, 1998
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

SUPPLEMENTARY BUSINESS FOR SITTING

PRESENTATION OF PAPERS AND REPORTS, ETC.

By the Prime Minister:

Proclamation made by the President under section 123(1) of the Summary Jurisdiction (Offences) Act, Chapter 8:02, on 29th June, 1998, declaring that the provisions of Title 10 of the Act shall be in force in the City of Georgetown.

(Circulated)

By the Minister of Human Services and Social Security:

Co-operative Societies (Amendment) Regulations 1988 made under section 51 of the Co-operative Societies Act, Chapter 88:01, on 9th July, 1998.

(Circulated)

F.A. NARAIN
Clerk of the National Assembly

PARLIAMENT OFFICE,
Public Buildings,
Georgetown.

10th July, 1998

NATIONAL ASSEMBLY

MINUTES OF PROCEEDINGS
OF THE 11TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST
SESSION (1998) OF THE SEVENTH PARLIAMENT OF GUYANA HELD

AT 2.00 P.M.

ON FRIDAY, 10TH JULY, 1998
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (76)

The Deputy Speaker, Mr. Winslow M. Zephyr, presided.

Speaker (1)

The Hon. Derek C. Jagan, C.C.H., S.C., J.P., M.P., Speaker of the National Assembly
(Absent - on leave)

Members of the Government - People's Progressive Party/Civic (46)

The Hon. Samuel A. A. Hinds, M.P., Prime Minister

The Hon. Reepu Daman Persaud, O.R., J.P., M.P., Minister of Agriculture and
Parliamentary Affairs

The Hon. Clement J. Rohee, M.P., Minister of Foreign Affairs

The Hon. Bharrat Jagdeo, M.P., Minister of Finance (Absent)

*The Hon. Charles R. Ramson, S.C., M.P., Attorney General and Minister of Legal Affairs

*The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P., Minister of Education

The Hon. M. Shree Chan, M.P., Minister of Trade, Tourism and Industry (Absent)

*The Hon. Indranie Chandarpal, M.P., Minister of Human Services and Social Security

*The Hon. Clinton C. Collymore, M.P., Minister in the Ministry of Local Government

*The Hon. F. Vibert DeSouza, M.P., Minister of Amerindian Affairs

*The Hon. George E. Fung-On, M.P., Minister of the Public Service

*The Hon. Dr. Henry B. Jeffrey, M.P., Minister of Health and Labour

The Hon. Moses V. Nagamootoo, J.P., M.P., Minister of Information

The Hon. Harripersaud Nokta, M.P., Minister of Local Government

*The Hon. Satyadeow Sawh, M.P., Minister of Livestock and Fisheries

The Hon. Gail Teixeira, M.P., Minister of Culture, Youth and Sports (Absent - on leave)

*The Hon. C. Anthony Xavier, M.P., Minister of Transport and Hydraulics (Absent - on leave)

*The Hon. Shaik K. Z. Baksh, M.P., Minister of Housing and Water

*Non-elected Minister

2.

Mr. S. Feroze Mohamed, M.P.

Mr. Cyril C. Belgrave, M.P.

Mr. Donald Ramotar, M.P.

Mr. Fazil M. Ali, M.P.

Mr. Husman Alli, M.P.

Mr. Komal Chand, C.C.H., J.P., M.P.

Mr. Navindranauth O. Chandarpal, M.P.

Mr. Bernard C. DeSantos, S.C., M.P.

Mrs. Shirley V. Edwards, J.P., M.P.

Dr. Hughley H. Hanoman, M.P.

Dr. Cheddi B. Jagan, M.P. (Absent)

Mr. Alston A. Kisoorn, M.P.

Dr. Moti Lall, C.C.H., M.P.

Mr. Odinga N. Lumumba, M.P.

Mr. Khemraj Ramjattan, M.P.

Mr. Hari Narayen Ramkarran, S.C., M.P.

Dr. Leslie S. Ramsammy, M.P.

Mr. Lawrence E. Rodney, M.P.

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P.,
Parliamentary Secretary, Ministry of Local Government (Absent)

Mrs. Pauline R. Sukhai, M.P.

Mr. Winslow M. Zephyr, M.P., Deputy Speaker of the National Assembly

Mr. Joseph M. DeSouza, M.P. (Region No. 1 - Barima/Waini)

Mr. Heeralall Mohan, M.P. (Region No. 2 - Pomerook/Supenaam)

Mr. Ramratan, M.P. (Region No. 3 - Essequibo Islands/West Demerara)

Mr. Geoffrey A. Fraser, M.P. (Region No. 5 - Mahaica/Berbice)

Mr. Ramsundar Sankat, M.S., M.P. (Region No. 6 - East Berbice/Corentyne)

Mr. Eustace S. Rodrigues, M.S., M.P. (National Congress of Local Democratic Organs)
(Absent)

Mr. Kumkaran Ramdas, M.P. (National Congress of Local Democratic Organs)

Members of the Minority (29)

(i) People's National Congress (25)

(Vacant)

(ii) The United Force (2)

Mr. Manzoor Nadir, M.P.

Mr. Matthew R. Charlie, M.P. (Region No. 9 - Upper Takutu/Upper Essequibo) (Absent)

(iii) Alliance for Guyana (2)

Dr. Rupert Roopnaraine, M.P.

Mr. Albertino Peters, M.P. (Region No. 8 - Potaro/Siparuni)

OFFICERS

Mr. Frank A. Narain, C.C.H., Clerk of the National Assembly

Mr. Sherlock E. Isaacs, Deputy Clerk of the National Assembly

COMMENCEMENT OF SITTING

The Sitting commenced at 2.06 p.m.

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

(i) Vacating of Seats in the National Assembly by Members of the People's National Congress

The Deputy Speaker read the following statement which was prepared by the Speaker:

On the 30th January, 1998 The Elections Commission, pursuant to Article 60 (2) of the Constitution and section 99 of The Representation of the People Act, Chapter 1:03, published in the Official Gazette the names of the 53 persons who became members of the National Assembly. Among those named were 22 persons from the People's National Congress' list of candidates as follows:-

1. Ivor Allen.
2. Deborah Backer.
3. Dunstan Barrow.
4. Colin Bynoe.
5. Lance Carberry.
6. John Simon De Freitas.
7. Cyrilda De Jesus.
8. Milton L. Ganpatsingh.
9. Andy Gouveia.
10. Faith Harding.
11. Andrew Hicks.
12. Hugh Desmond Hoyte.
13. Dalgleish Joseph.
14. Kadim Khan.
15. Sherwood Lowe.
16. Winston Murray.
17. Aubrey Norton.
18. Jean Persico.
19. Volda Lawrence.
20. Clarissa Riehl.
21. Neaz Subhan. and
22. Raphael Trotman.

Pursuant to Article 60(3) of the Constitution and section 54 of the

Local Democratic Organs Act, 1980, Act No. 12 of 1980.

The Elections Commission published in the Official Gazette of the 16th February, 1998 the names of the 10 (ten) persons of the 10 (ten) regions who became members of the National Assembly.

Among the ten persons were Joseph Hamilton for Region 4, Demerara/Mahaica Region, Kelly Andries for Region 7, Cuyuni/Mazaruni Region and Sandra Adams for Region 10, Upper Demerara/Berbice Region.

Members of the National Assembly are entitled to salaries and allowances as enacted by the Ministers, Members of the National Assembly and Special Offices (Emoluments) Act, Chapter 1:07.

Section 6 of the said Act deals with the commencement and suspension of payments and states as follows:-

- 6(1) The payments to which any member of the National Assembly may be entitled by virtue of this Act, shall be made with effect from the date on which the member was declared elected to the National Assembly, and where a person is appointed to be a Minister or Parliamentary Secretary, or the Minority Leader, or is elected to be the Speaker or the Deputy Speaker of the National Assembly, the appropriate payments shall be made to him as a Minister or Parliamentary Secretary or the Minority Leader or a Speaker or Deputy Speaker of the National Assembly with effect from the date on which he commences to hold such office.
- 6(3) Where a member of the National Assembly fails to make and subscribe the oath of Office required by article 167 of the Constitution on the date of the first sitting of the National Assembly after his election, no payment shall be made under this Act to the member in relation to his Office as such member with respect to the period commencing on the date of the first sitting of the National Assembly and ending on the day immediately preceding the date on which he makes and subscribes the oath unless his failure to make and subscribe the oath is for a reason approved, by resolution, by the National Assembly."

6.

In a layman's language it means that as soon as a person is declared elected as a Member of the National Assembly he is entitled to receive salary and allowances but if a Member after he has been so elected fails to make and subscribe to the oath of office on the date of the first sitting of the Assembly after his election the payment of his salary and allowances will be suspended until he makes and subscribes to the oath, unless the National Assembly approved of a reason for his failure to make and subscribe to the oath.

The making and subscribing to the oath of office is also required by Article 167 of the Constitution, before a Member of the National Assembly can take part in the proceedings of the Assembly.

So the failure to make and subscribe to the oath will result in the suspension of salary and allowances and the prevention of taking part in the proceedings of the National Assembly.

The failure to make and subscribe to the oath, however, does not affect the status of a person named as an Elected Member of the National Assembly and he may attend the sittings of the Assembly until he has vacated his seat.

Article 54 of the Constitution states as follows:-

“Members of the National Assembly shall vacate their seats in the Assembly in the circumstances set out in Article 156.”

Article 156 of the Constitution sets out a number of ways in which “a member of the National Assembly shall vacate his seat.”

7.

Article 156 (1) (b) states "if he is absent from the sitting of the Assembly for such period and in such circumstances as may be prescribed in the rules of procedure of the Assembly."

Honourable Members, as you are aware the rules of procedure of the Assembly are the Standing Orders of the National Assembly.

Standing Order 77 deals with absence of Members.

Standing Order 77 (2) states as follows:-

"If without the leave of the Speaker obtained in writing before the end of the last of the sittings referred to in this paragraph, any elected Member is absent from the Assembly for more than six consecutive sittings occurring during the same session and within a period of not longer than two calendar months, he shall vacate his seat in the Assembly under articles 54 and 156 (1) (b) of the Constitution."

Sittings of the Assembly of the First Session (1998) of the Seventh Parliament of Guyana were held on the following days:-

1st.	February	26, 1998.
2nd:	March	5th 1998
3rd:	March	16th 1998
4th:	March	30th 1998
5th:	April	2nd 1998
6th:	April	3rd 1998
7th:	April	6th 1998
8th:	April	7th 1998

/...8

The following Members:-

1. Ivor Allen.
2. Deborah Backer.
3. Dunstan Barrow.
4. Colin Bynoe.
5. Lance Carberry.
6. John Simon De Freitas.
7. Cyrilda De Jesus.
8. Milton L. Ganpatsingh.
9. Andy Gouveia.
10. Faith Harding.
11. Andrew Hicks.
12. Hugh Desmond Hoyte.
13. Dalgleigh Jossph.
14. Kadim Khan.
15. Sherwood Lowe.
16. Winston Murray.
17. Aubrey Norton.
18. Jean Persico.
19. Volda Lawrence.
20. Clarissa Riehl.
21. Neaz Subhan.
22. Raphael Trotman.
23. Joseph Hamilton.
24. Kelly Andries, and
25. Sandra Adams.

did not attend any of the sittings aforesaid nor did they apply for, nor were they granted leave of absence by me and they have therefore vacated their seats in the National Assembly in accordance with Articles 54 and 156 (1) (b) of the Constitution and Standing Order 77.

Honourable Members, in the minutes of the 8th Sitting of the National Assembly of the First Session of the Third Parliament of Guyana it is recorded that the then Speaker Mr. Sase Narain, J.P. had informed the Assembly that Dr. Ganraj Kumar who was declared an elected Member of the National Assembly in 1973 had been absent for seven consecutive

sittings of the Assembly and had therefore vacated his seats. Mrs. Elinor Da Silva was on the same list of candidates as Dr. Kumar and her name was extracted from the list and she was declared a Member of the Assembly to fill the vacancy left by Dr. Kumar.

Honourable Members, like Ganraj Kumar, the 25 former Members of the Peoples National Congress did not attend and/or subscribe to the oath of office in accordance with Article 54 and 156 (1) (b) of the Constitution and Standing Order 77 and therefore by operation of law vacated their seats.”

(ii) **Leave**

The Deputy Speaker announced that leave had been granted to Hon. C. Anthony Xavier for that day's sitting.

PRESENTATION OF PAPERS AND REPORTS, ETC.

(1) By the **Prime Minister:**

Proclamation made by the President under section 123(1) of the Summary Jurisdiction (Offences) Act, Chapter 8:02, on 29th June, 1998, declaring that the provisions of Title 10 of the Act shall be in force in the City of Georgetown.

(Circulated)

(2) By the **Minister of Human Services and Social Security:**

Co-operative Societies (Amendment) Regulations 1988 (No. 14 of 1998) section 51 of the Co-operative Societies Act, Chapter 88:01, on 9th July, 1998, and published in the Gazette on 10th July, 1998.

(Circulated)

**MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE
ASSEMBLY AND MOVED BY A MINISTER**

Suspension of Standing Order No. 46(2) and (3)

The Minister of Agriculture and Parliamentary Affairs moved the following motion which was put and carried:

BE IT RESOLVED

That Standing Order No. 46(2) and (3) be suspended to enable the Assembly to proceed at its sitting on Friday, 10th July, 1998, with the second reading and remaining stages of the Election Laws (Filling of Vacancies in the National Assembly) Bill 1998 - Bill No. 9 of 1998.

(Notice Paper No. 6 (M6 Govt 6) published 4.7.98)

INTRODUCTION OF BILLS

Presentation and First Reading

**ELECTION LAWS (FILLING OF VACANCIES IN THE NATIONAL
ASSEMBLY) BILL 1998 - Bill No. 9/1998 published 3.7.98**

The Minister of Agriculture and Parliamentary Affairs, on behalf of the Government, presented the following Bill which was read the first time:

A BILL intituled AN ACT to provide for the filling
of vacancies in the National Assembly where the
seats of all the members of a particular list
became vacant.

PUBLIC BUSINESS

BILL - Second Reading, Committee and Third Reading

**ELECTION LAWS (FILLING OF VACANCIES IN THE NATIONAL
ASSEMBLY) BILL 1998 - Bill No. 9/1998 published 3.7.98**

The Minister of Agriculture and Parliamentary Affairs moved the second reading of the following Bill:

A BILL intituled AN ACT to provide for the
filling of vacancies in the National Assembly
where the seats of all the members of a particular
list became vacant.

The following Members spoke to the motion:

Mr. Manzoor Nadir

Dr. Rupert Roopnaraine

Thereafter the Minister of Agriculture and Parliamentary Affairs replied.

The motion was then put and carried.

The Bill was read a second time and was thereafter taken through its remaining stages and passed with the following amendments which were moved in Committee by the Minister of Agriculture and Parliamentary Affairs.

Long Title

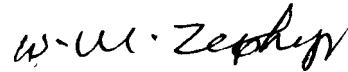
Substitution of the words “and of members elected by certain Regional Democratic Councils became vacant” for the words “became vacant.”

Clause 5

Substitution of the words “members, including those elected by the Regional Democratic Councils,” for the word “members.”

ADJOURNMENT

At 3.22 p.m., on a motion by the Minister of Agriculture and Parliamentary Affairs, the Assembly was adjourned to 2.00 p.m. on Wednesday, 15th July, 1998.



W. M. ZEPHYR

Deputy Speaker of the National Assembly

PARLIAMENT OFFICE,
Public Buildings,
Georgetown.

10th July, 1998.