

GUYANA

No. 50 of 1980

## ORDER

Made Under

THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF  
GUYANA  
ACT 1980

UNDER SECTION 6 OF THE CONSTITUTION OF THE CO-OPERATIVE  
REPUBLIC OF GUYANA ACT 1980 AND BY VIRTUE AND IN EXERCISE  
OF ALL OTHER POWERS ENABLING HIM IN THAT BEHALF, IT IS  
HEREBY ORDERED BY THE PRESIDENT AS FOLLOWS:—

1.(1) This Order may be cited as the Constitution of the Co-operative Republic of Guyana (Adaptation and Modification of Laws) (Representation of People) Order 1980, and shall come into operation on the day appointed under section 4 of the Constitution of the Co-operative Republic of Guyana Act 1980 for the coming into operation of the Constitution.

Citation,  
commence-  
ment and  
interpreta-  
tion.

(2) In this Order "Constitution" means the Constitution of the Co-operative Republic of Guyana as set out in the Schedule to the Constitution of the Co-operative Republic of Guyana Act 1980, and accordingly any reference to Parliament or the National Assembly shall be construed as a reference to the Parliament and the National Assembly established by that Constitution.

2. The Representation of the People Act shall have effect as if it were enacted by Parliament for the purpose of holding elections of members of the National Assembly under a system of proportional representation pursuant to article 60(2) of the Constitution, and for

Election of  
members of  
the National  
Assembly  
under article  
60 (2) of the  
Constitution.

that purpose shall be construed with any necessary modifications, adaptation, qualifications and exceptions, and, without prejudice to the generality of the foregoing, the provisions of the Act specified in the first column of the First Schedule are hereby amended in the manner specified in the second column of that Schedule.

Election  
disputes  
Cap. 1:04

3. The National Assembly (Validity of Elections) Act shall have effect as if it were enacted by Parliament for the purpose of providing for the determination of questions relating to the validity of elections of members of the National Assembly under a system of proportional representation pursuant to article 60(2) of the Constitution, to other matters affecting such elections, and to the allocation of seats of such members in the Assembly, and for those purposes shall be construed with any necessary modifications, adaptations, qualifications and exceptions, and without prejudice to the generality of the foregoing, the provisions of the Act specified in the first column of the Second Schedule are hereby amended in the manner specified in the second column of that Schedule.

Election  
disputes,  
relating to  
office of  
Speaker.  
Cap. 1:05

4. The National Assembly (Speaker's Election and Vacation of Office) Act shall have effect as if it were enacted by Parliament for the purpose of providing for the determination of any question whether any person has been validly elected as Speaker of the National Assembly from among persons who are not members thereof or, having been so elected, has vacated the office of Speaker and for those purposes shall be construed with any necessary modifications, adaptations, qualifications and exceptions, and without prejudice to the generality of the foregoing, section 7 of the Act is hereby amended—

- (a) by the renumbering of subsection (1) as section 7;
- (b) by the deletion of subsection (2).

## FIRST SCHEDULE

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE  
ACT, CAP. 1:03

Provision	How amended
The long title	After "Assembly" insert "under a system of proportional representation".
Section 2(1)	<p>(a) In the definition of "Commission" for "68" substitute "161".</p> <p>(b) In the definition of "election", after "with" insert "article 60(2) of".</p> <p>(c) In the definition of "election day", for "67" substitute "61".</p> <p>(d) After the definition of "presiding officer" insert the following definition —</p> <p style="padding-left: 40px;">"region" means any of the ten regions which may be established under article 72(1) of the Constitution;'</p>
Section 6(1)	<p>Substitute a colon for the full stop at the end and insert the following proviso:</p> <p style="padding-left: 40px;">"Provided that no polling district shall extend across the boundary of any region".</p>
Section 11(3)	For "fifty-three" substitute "not less than fifty-three and not more than sixty-five".
Section 17(4)	For "71" substitute "163".
Section 29(1)	<p>Substitute a colon for the full stop at the end and insert the following proviso:</p> <p style="padding-left: 40px;">"provided that divisions which form part of different districts shall not be grouped together".</p>

Provision	How amended
Section 33K	<p>After paragraph (a) insert the following new paragraph</p> <p>“(aa) the reference in section 47(1) to a requirement for the use of a different colour shall be construed as a reference to a requirement for ballot papers supplied for use by postal voters to be of the same colour as ballot papers supplied for use by persons resident in Guyana and voting in person;”.</p>
Section 40(1) (c)	<p>Before the semicolon insert “and of the Constitution of the Co-operative Republic of Guyana (Adaptation and Modification of Laws) (Representation of the People) Order 1980”.</p>
Section 60(d)	<p>For “envelopes” substitute “papers”.</p>
Section 61(2)	<p>Before the semicolon at the end of proviso (a) insert “or in cases where in his opinion having regard to all the circumstances the request is unreasonable”.</p>
Section 62(1)	<p>For the words “envelope which contains the same” substitute the words “paper being removed without being unfolded from the envelope which contains it and”.</p>
Section 92(1) (b)	<p>Delete “the ballot envelopes containing”.</p>
Section 92(1) (c)	<p>Delete.</p>
Section 98	<p>Delete the inverted commas at the end of the section.</p>
Insertion of new section 99A.	<p>After section 99 insert the following new section—</p> <p>“Filling of casual vacancies in the case of members elected under article 60(2) of the Constitution. 99A. (1) If the seat of a member of the National Assembly who was elected pursuant to article 60(2) of the Constitution is vacant for any cause other than a dissolution of Parliament, the vacancy</p>

Provision	How amended
Section 102(2)	<p>shall be filled by the person who is not such an elected member of the Assembly but is qualified for election as, and willing to become, such a member and whose name is taken from the relevant list of candidates by way of further extraction therefrom in accordance with the provisions of section 98 by the representative or deputy representative of such list or a person designated by a majority of persons named in such list, as the case may be, as shall be called upon so to do by the Speaker, following as nearly as may be the like method as was observed at the preceding election of members under article 60(2) of the Constitution, the name of every person who became an elected member of the Assembly at that preceding election, or has since become such a member, being ineligible for extraction under the foregoing provisions of this sub-section; and if there is no person whose name is eligible therefor the seat shall remain vacant until it is filled consequent upon an ensuing election under article 60(2) aforesaid.</p> <p>(2) In subsection (1) “the relevant list of candidates” means the list in which was included the name of the member of the Assembly vacating his seat or, where the vacancy exists because a person is held in proceedings under article 163 of the Constitution not to have been qualified to be elected as such a member, the name of that person”.</p> <p>For “71” substitute “163”.</p>

Section 137(1) (i)	After "in", where it first appears, insert "any".
Section 140(1)	For "71" substitute "163".
Section 152	For "Commissioner" substitute "Commission".
The Schedule	
Forms 1 to 28 (inclusive)	After the heading "THE REPRESENTATION OF THE PEOPLE ACT" insert the subheading "General Elections".
Form 2	For "in the order of priority for which their" substitute "and in the alphabetical order of their surnames, whose"
Form 3	For "59 and 60 of the Constitution and section 7 (6) of the Guyana Independence Order" substitute "53 and 155 of the Constitution".
ELECTIONS (FORMS FOR POSTAL VOTERS REGULATIONS	
Forms 1, 2, 3 and 4	In the heading, after "(Cap. 1:03)" insert the subheading "General Elections".
Form 1	For "National" substitute "General".
Form 4	For "NATIONAL ELECTIONS, 1973" substitute "GENERAL ELECTIONS, 19  ".

## Clause 3

## SECOND SCHEDULE

## AMENDMENTS TO THE NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT, CAP. 1:04

Provision	How amended
The long title	Substitute the following — “AN ACT to provide for the determination of questions relating to the validity of elections of members of the National Assembly under a system of proportional representation, to other matters affecting such elections, to the allocation of seats of such members in the Assembly, and to vacancies in such seats”.
Section 3(1)	Substitute the following subsection —  “3.(1) Any question referred to in article 163(1) (a), (b) and (c) of the Constitution may, in respect of an election referred to in article 60(2) of the Constitution and with a view to securing appropriate remedial orders, be referred to the Court and shall thereupon be determined by it, in accordance with this Act.”
Section 4(2)	For “69(1) (b)” substitute “162 (1) (b)”.
Section 30(3) (a)	For “69(1) (b)” substitute “162(1) (b)”.
Section 37(2)	Substitute a semicolon for the fullstop at the end and add the following—  “and if by reason of the conviction or report a vacancy has occurred in the National Assembly and such vacancy has been filled by another person in accordance with section 99A of the Representation of the People Act (as modified by the Constitution of the Co-operative Republic of Guyana (Adaptation and Modification of Laws) (Representation of the People) Order 1980) such other person shall cease to be a member of the Assembly and the person whose

Provision	How amended
Section 42	<p>incapacity has ceased shall be reinstated as a member of the Assembly”</p> <p>Substitute a comma for the full stop at the end and add, “and, without prejudice to the generality of the foregoing provisions of this section, may exercise the power of the Court to consolidate hearings in relation to the hearing of any such proceedings and any proceedings in respect of any election of members of a regional democratic council where the elections in respect of which all the proceedings have been brought were held on the same day”.</p>
Addition of Section 43.	<p>After section 42 add the following new section—</p> <p>“Vacancy disputes. 43. Any such question as is referred to in subparagraphs (iii) and (iv) of paragraph (b) or in paragraph (c) of article 163(1) of the Constitution may, in respect of a seat to which an election under article 60(2) is applicable, be referred to the Court, and shall thereupon be determined by it in accordance with the provisions of sections 181 to 187 (inclusive) of the Local Authorities (Elections) Act, which shall apply for that purpose with such modifications, adaptations, qualifications and exceptions as may be necessary”.</p> <p>Cap. 28:03</p>

Made this 1st day of August, 1980.

*A. Chung,*  
President.