

Published on 8th November, 1980

GUYANA

No 80 of 1980

ORDER

Made Under

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

(No. 2 of 1980)

UNDER SECTION 7(2) 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. This Order may be cited as the Constitution of the Co-operative Republic of Guyana (Adaptation and Modification of Miscellaneous Laws) Order 1980 and shall be deemed to have come into operation on 6th October 1980. Citation and commencement.
2. The laws specified in the first column of the Schedule are hereby amended in the manner specified in the second column of that Schedule. Amendment of Laws.

SCHEDULE

C1. 2

Laws	Amendments
Representation of the People Act, Cap. 1:03	
Section 2(1)	For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Section 29(4)	Delete "Special Service Unit or".
Section 98	After "including his own name" insert "if he has not been declared elected as President under article 177 of the Constitution".

Laws	Amendments
National Assembly (Validity of Elections) Act, Cap. 1:04	
Section 2(1), 4(2), 30(3) and 31(1)	For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Section 2(1),	<p>(a) In the definitions of "Commission", "Constitution", "election", "election day", "group of candidates" delete "Constitution".</p> <p>(b) In the definition of "rules of court", for "71(5)" substitute "163(4)".</p>
Section 31(1)	In the proviso insert a full stop after "in due course" and delete the remainder of the proviso.
Ministers Members of the National Assembly and Special Offices (Emoluments) Act, Cap. 1:07	For "Leader of the Opposition" wherever these words occur substitute "Minority Leader".
Section 4(2)	<p>(a) For "or affirmation of allegiance under article 76" substitute "of office under article 167".</p> <p>(b) Insert the marginal note "Act No. 2 of 1980".</p>
Section 6(1)	<p>(a) For "76" substitute "167".</p> <p>(b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".</p>
Ministers, Members of the National Assembly and Special Offices (Allowances) Order, Cap. 1:07	For "Leader of the Opposition" wherever these words occur substitute "Minority Leader".

Laws	Amendments
<p>✓ Interpretation and General Clauses Act, Cap. 2:01</p>	
<p>Section 3(1)</p>	<p>Substitute the following —</p> <p>“(1) This Act shall not apply to the constitutional instruments (save as thereby required) and to applied laws, and, notwithstanding the definitions of “written law” and “Act” in section 5 (but save as required as aforesaid), the expressions “written law” and “Act” in this Act shall not include the constitutional instruments and applied laws”.</p>
<p>Section 5</p>	<p>For the marginal note “c. 1:01” wherever it occurs substitute “Act No. 2 of 1980”.</p>
<p>Section 5(1)</p>	<p>(a) For the definitions of “Chancellor”, “Chief Justice”, “constitutional instruments”, “the Constitution” and “Guyana” substitute the following definitions respectively—</p> <p>“Chancellor” means the Chancellor as referred to in Chapter XI of the Constitution;’;</p> <p>“Chief Justice” means the Chief Justice as referred to in Chapter XI of the Constitution;’;</p> <p>“Constitutional instruments” means the Constitution of the Co-operative Republic of Guyana Act 1980 and the Constitution set out in the Schedule thereto;’;</p> <p>“the Constitution” means the Constitution set out in the Schedule to the Constitution of the Co-operative Republic of Guyana Act 1980 as amended from time to time;’;</p> <p>“Guyana” has the meaning assigned by articles 1, 2 and 232(1) of the Constitution;’;</p>

Laws	Amendments
Section 7	<p>(b) In the definition of “Commonwealth Country”, for “27” substitute “47”.</p> <p>(c) In the definitions of “public office”, “public officer” and “public service”, for “125” substitute “232”.</p> <p>(d) In the definition of “Service Commission”, after “Police Service Commission”, insert”, the Teaching Service Commission”.</p> <p>(a) For paragraph (b) substitute the following —</p> <p style="padding-left: 40px;">‘(b) a reference to “the Minister” shall be construed as a reference to the person assigned or charged under article 107 of the Constitution with responsibility for the subject matter of such law or document and a certificate by the President as to the person assigned or charged with such responsibility shall be conclusive for all purposes;.</p> <p>(b) For paragraph (c) substitute the following —</p> <p style="padding-left: 40px;">‘(c) a reference to “the Ministry” shall be construed as a reference to the business of the Government of Guyana under the administration of the Minister, or any part thereof as the President may direct as constituting a Ministry, and a reference to “the Permanent Secretary” shall be construed as a reference to the permanent secretary to the Ministry.’.</p>
Section 33(4) High Court Act, Cap. 3:02	For “Prime Minister” substitute “President”.
Section 5	<p>(a) For “89(1)(b)” substitute “129 (1)(b)”.</p> <p>(b) In the marginal note insert “Act No. 2 of 1980”.</p>
Section 6	<p>(a) Delete the marginal note “c. 1:01”.</p> <p>(b) For “88(2)” substitute “128(2)”.</p> <p>(c) Insert “Act No. 2 of 1980” in the marginal note under “[O. 37/1966 B]”.</p>

Act No. 2
of 1980.

Laws	Amendments
Land Registry Act, Cap. 5:02	
Section 13	Delete "Fourth".
Criminal Law (Procedure) Act, Cap. 10:01	
FIRST SCHEDULE	<p>In the first paragraph dealing with persons exempted from service as jurors, after "The Mayor of New Amsterdam" insert the following —</p> <p style="text-align: center;">"Members of the Service Commissions".</p>
Guyana Citizenship Act, Cap. 14:01	For every reference to Chapter III of the Constitution, substitute a reference to Chapter IV of the Constitution.
Long title	For "Constitution of Guyana" substitute "Constitution of the Co-operative republic of Guyana".
FIRST SCHEDULE	
Sections 7, 10, 13 and 16	For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Section 7(1)	For "22(1), 22(4) or 25" substitute "42(1) or 45".
Section 10(1)(a)	For "27" substitute "47".
Section 15	Delete.
THIRD SCHEDULE	Delete.
Guyana Citizenship Regulations, Cap. 14:01	

Laws	Amendments
Regulations 3 and 18	Insert the marginal note "Act No. 2 of 1980".
Regulation 3	For "22(1) or (4) of the Constitution or under article 25" substitute "42(1) or 45".
Regulations 4 and 5	Delete.
Regulation 18	<p>(a) Delete "4, 5".</p> <p>(b) For "22 and 25" substitute "42 and 45".</p>
FIRST SCHEDULE	
Form R. 1	<p>(a) In the heading, for "22(1) or 22(4) or 25" substitute "42(1) or 45".</p> <p>(b) In the caution for "III" substitute "IV".</p> <p>(c) In paragraph 8 —</p> <p style="padding-left: 40px;">(i) for "27" substitute "47" wherever these figures occur;</p> <p style="padding-left: 40px;">(ii) for the marginal note "c. 1:01" substitute "Act No. 2 of 1980".</p> <p>(d) For the asterisked note before the oath of allegiance substitute the following —</p> <p style="padding-left: 40px;">"These countries are Australia, the Bahamas, Bangladesh, Barbados, Botswana, Canada, Cyprus, Dominica, Fiji, The Gambia, Ghana, Grenada, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand and Island Territories and Self-Governing Countries in free Association with New Zealand, Nigeria, Papua New Guinea, Seychelles, Sierra Leone, Singapore, Solomon</p>

Laws	Amendments
	Islands, Sri Lanka, Saint Lucia, St. Vincent, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom and Colonies, Western Samoa and Zambia.”.
Forms R. 2 and 3	Delete.
Form R. 4	<p>(a) In the caution, for “III” substitute “IV”</p> <p>(b) In paragraph (5) —</p> <p>(i) for “27” substitute “47”;</p> <p>(ii) insert the marginal note “Act No. 2 of 1980”;</p> <p>(iii) for the asterisked note substitute the following — “These countries are Australia, the Bahamas, Bangladesh, Barbados, Botswana, Canada, Cyprus, Dominica, Fiji, The Gambia, Ghana, Grenada, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand and Island Territories and Self-Governing Countries in free Association with New Zealand, Nigeria, Papua New Guinea, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Saint Lucia, St. Vincent, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom and Colonies, Western Samoa and Zambia.”.</p>
Forms R. 5 and NI	In the caution, for “III” substitute “IV”.
THIRD SCHEDULE	<p>(a) In the heading, for “27” substitute “47”.</p> <p>(b) For the footnote, substitute the following — “These countries are Australia, the Bahamas, Bangladesh, Barbados, Botswana, Canada, Cyprus, Dominica, Fiji, The Gambia, Ghana, Grenada, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand and Island Territories and Self-Governing Countries</p>

Laws	Amendments
	<p>in free Association with New Zealand, Nigeria, Papua, New Guinea, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Saint Lucia, St. Vincent, Swaziland, Tanzania, Tonga, Trinidad Tobago, Tuvalu, Uganda, United Kingdom and Colonies, Western Samoa and Zambia.”.</p>
<p>FOURTH SCHEDULE</p> <p>Aliens (Immigration and Registration) Act, Cap. 14:03.</p>	<p>In the first item, for “22 or 25” substitute “42 or 45”.</p>
<p>Section 2(1)</p>	<p>(a) In the definition of “alien”, for “125” substitute “232”.</p> <p>(b) For the marginal note “c. 1:01” substitute “Act No. 2 of 1980”.</p>
<p>Status of Aliens Act, Cap. 14:04</p> <p>Section 2</p>	<p>(a) For “125” substitute “232”.</p> <p>(b) Insert the marginal note “Act No. 2 of 1980”.</p>
<p>Defence Act, Cap. 15:01</p>	
<p>Section 2(1)</p>	<p>After the definition of “military” insert the following definition —</p> <p>“Permanent Secretary” means the public officer, however styled, in charge of the Secretariat of the President;”.</p>
<p>Section 10(1)</p>	<p>(a) In paragraph (a), for “Prime Minister” substitute “President”.</p> <p>(b) Reletter paragraphs (b), (c) and (d) as paragraphs (c) (d) and (e) respectively.</p> <p>(c) After paragraph (a) insert the following paragraph —</p> <p>“(b) the Prime Minister;”.</p>

Laws	Amendments
Section 11 Defence (Officers) Regulations, Cap. 15:01	Delete "designated in that behalf by the Prime Minister".
Regulation 2 National Security (Miscellaneous Provisions) Act, Cap. 16:02.	Substitute a full stop for the colon after "Board" and delete the proviso.
Sections 12, 30 and 33	For the marginal note "c. 1:01" wherever it occurs substitute "Act No. 2 of 1980".
Section 13(1)	(a) For "14(4)" substitute "148(4)". (b) For "Prime Minister" substitute "President".
Section 15A (1)	(a) For "14(3) (b)" substitute "148 (3) (b)". (b) Insert the marginal note "Act No. 2 of 1980".
Section 30 (1)	For "16(1)" substitute "150(1)".
Sections 30 (2) (g) and 33 (2)	For "Guyana Independence Order 1966" substitute "Constitution of the Co-operative Republic of Guyana Act 1980".
Section 30 (2) (k)	In proviso (i) — (a) For "8" substitute "142". (b) Delete "prompt " and "adequate".

Laws	Amendments
Police (Discipline) Act, Cap. 17:01	
Long title	For "108 (5)" substitute "212 (5)".
Sections 2, 6, 7 and 8	For the marginal note "c. 1:01 substitute "Act No 2 of 1980".
Section 2	For "106", "108 (5)" and "125 (1)" substitute "137", "212 (5)" and "232 (1)" respectively.
Section 3	(a) For "108" and "108 (5)", wherever these figures occur, substitute "212" and "212 (5)" respectively. (b) Insert the marginal note "Act No. 2 of 1980".
Section 6 (16)	For "119" substitute "226".
Sections 7 and 8	For "108 (2)" and "108 (4)" substitute "212 (2) " and "212 (4)" respectively.
SCHEDULE	
Paragraph 2	For "108 (2)" substitute "212 (2)".
Paragraph 3	For "108 (3)" substitute "212 (3)".
Paragraph 4	For "108 (4)" substitute "212 (4)".
Commissions of Inquiry Act, Cap. 19:03	
Section 17	(a) For "47" substitute "187". (b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Ombudsman Act, Cap. 19:04	
Long title	For "Part 2 of Chapter V of the Constitution of Guyana" substitute "Subtitle 2 of TITLE 5 of the Constitution of the Co-operative Republic of Guyana".

Laws	Amendments
Sections 3, 4, 6, 9 and 13	For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Section 3 (1)	For "53 (1)" substitute "192 (1)".
Sections 3 (4), 4 (2) 9 (1) and 13 (1)	for "53" substitute "192".
Section 6 (a)	For "53 and 54" substitute "192 and 194".
Section 10 (1)	For "Prime Minister" substitute "President".
Public Corporations Act, Cap. 19:05	
Section 2 (1)	For the definition "Minister" substitute the following — "Minister" means the person assigned or charged with responsibility for public corporations".
Section 3	For every reference to the Prime Minister substitute a reference to the President of Guyana.
National Registration Act, Cap. 19:08	
Sections 2 and 16	For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Section 16 (1) National Registration Regulations, Cap. 19:08	For "69 (1) (b)" substitute "162 (1) (b)".

Laws	Amendments
SCHEDULE	
Form 1	<p>(a) For "65 (3) and (4) of the Constitution of Guyana" substitute "159 (3) and (4) of the Constitution of the Co-operative Republic of Guyana".</p> <p>(b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".</p>
Pensions (President, Parliamentary and Special Offices) Act, Cap. 27:03 Section 6 (1)	<p>For "Prime Minister" where these words occur after "such rate as the" substitute "President".</p>
SECOND SCHEDULE	
Pensions (President, Parli- amentary and Special Offices) (Designation) (Service Com- mission) Order Cap. 27:03 Clause 2	<p>For "Leader of the Opposition" substitute "Minority Leader".</p>
Municipal and District Councils Act, Cap. 28:01	<p>For the references to articles 93, 95 and 106 of the Constitution substitute references to articles 134, 135 and 137 respectively.</p> <p>For "Prime Minister", wherever these words occur, substitute "President".</p>
National Insurance and Social Security Act, Cap. 36:01	
Section 42 (1)	<p>(a) For "47" substitute "187".</p> <p>(b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".</p>

Laws	Amendments
Education Act, Cap. 39:01	
Section 2	<ul style="list-style-type: none"> (a) In the definition of "the Commission", for "the Teaching Service Commission Act", substitute "article 136 (1) of the Constitution". (b) For the marginal note "c. 39:07" substitute "Act No. 2 of 1980".
Teachers' Pensions Act, Cap. 39:05	
Section 2	<ul style="list-style-type: none"> (a) In the definition of the Commission", for "the Teaching Service Commission Act", substitute "article 136(1) of the Constitution". (b) For the marginal note "c. 39:07" substitute "Act No. 2 of 1980".
Post and Tele- graph Act, Cap. 47:01	
Section 69(3)	<ul style="list-style-type: none"> (a) For "47" substitute "187". (b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Electricity Act, Cap. 56:01	
Sections 30 (1), 30 (2) and 36	For "general responsibility for public corporations or, if no Minister is so assigned, the Prime Minister" substitute "or charged with responsibility for public corporations".
Sugar Industry Special Funds Act, Cap. 69:03	
Section 10	Delete.
Fisheries Act, Cap. 71:08	
Section 35 (1)	(a) For "47" substitute "187".

Laws	Amendments
Guyana Rice Board Act, Cap. 72:01	(b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Section 17 (2), (3) and (5)	Delete "or, if no Minister is so assigned, the Prime Minister".
Section 17 (3) and (5)	Delete "general".
Financial Administration and Audit Act, Cap. 73:01	
Section 11 (4)	(a) In paragraph (a) for "94" substitute "199". (b) In paragraph (b) for "107 or 108" substitute "211 or 212". (c) In paragraph (c) delete "and" following the semicolon. (d) In paragraph (d) for ", in every other case" substitute "; and". (e) After paragraph (d) insert the following paragraph — "(e) The Teaching Service Commission". (f) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
General Loan and Stock Act, Cap. 74:01 Section 4	(a) For "114" substitute "221". (b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".
Public General Loan (Supplementary) Act, Cap. 74:02 Section 3	(a) For "114" substitute "221"

Laws	Amendments
Public Loan and Treasury Bills Act, Cap. 74:03	<p>(b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".</p> <p>(a) For every reference to article 114 of the Constitution substitute a reference to article 221 of the Constitution.</p> <p>(b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".</p>
Treasury Savings Certificates and Savings Bonds Act, Cap. 74:05	
Section 6	<p>(a) For "114" substitute "221".</p> <p>(b) For the marginal note "c. 1:01" substitute "Act No. 2 of 1980".</p>
Estate Duty Act, Cap. 81:23 Section 24(1) Regional Development Authorities Act 1977, No. 14 of 1977	For "47" substitute "187".
Section 2	<p>For the definition of "Minister" substitute the following —</p> <p style="padding-left: 40px;">"Minister" means such Minister as is assigned responsibility for an authority and, in the absence of such assignment, the person assigned or charged with responsibility for regional development;'</p>
Section 6 (1) State Planning Commission Act 1977, No. 24 of 1977	For "Prime Minister" substitute "President".

Laws	Amendments
Section 2 Local Democratic Organs Act, 1980, No. 12 of 1980	Delete the definition of "Minister".
Section 2 (1)	After the definition of "local democratic organ" insert the following definition — "local government officer" means a person who is the holder of or who is acting in an office of emolument in the service of a local democratic organ and for the avoidance of any doubt does not include any member of any council (however styled) constituting a local democratic organ or a captain appointed under the Amerindian Act'. Cap. 29:01

Made this 6th day of November 1980.

L. F. S. Burnham,
 President.