



GUYANA

ACT No. 14 of 2000

CONSTITUTION (AMENDMENT) (No. 3) ACT 2000

I assent.

Bharrat Jagdeo,
President.
24th October, 2000.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Alteration of article 50 of the Constitution.

3. Alteration of article 60 of the Constitution.
4. Repeal of article 79 to 88 and 173 to 176 of the Constitution.
5. Alteration of article 104 of the Constitution.
6. Alteration of article 155 of the Constitution.
7. Alteration of article 156 of the Constitution.
8. Alteration of article 157 of the Constitution.
9. Repeal and re-enactment of article 160 of the Constitution.
10. Insertion of new article 160A in the Constitution.
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12. Alteration of article 162 of the Constitution.
13. Alteration of article 163 of the Constitution.
14. Alteration of article 178 of the Constitution.
15. Alteration of article 183 of the Constitution.
16. Repeal and re-enactment of article 184 of the Constitution.
17. Alteration of article 192 of the Constitution.
18. Alteration of article 194 of the Constitution.
19. Alteration of article 232 of the Constitution.

AN ACT to alter the Constitution in accordance with articles 66 and 164.

A.D. 2000 Enacted by the Parliament of Guyana:-

Short title. 1. This Act may be cited as the Constitution (Amendment) (No. 3) Act 2000.

Alteration of article 50 of the Constitution.

2. Article 50 of the Constitution is hereby altered by the repeal of paragraphs (ii) and (iii).

Alteration of article 60 of the Constitution.

3. Article 60 of the Constitution is hereby altered in the following respects -

- (a) by the substitution for paragraph (2) of the following paragraph -
 "(2) Subject to the provisions of article 160(2), such number of members of the National Assembly as determined by the Assembly, shall be elected in accordance with the system of proportional representation prescribed by article 160(1).";
- (b) by the repeal of paragraphs (3) and (4).

4. The Constitution is hereby altered by the repeal of articles 79 to 88, inclusive and 173 to 176, inclusive.

Repeal of articles 79 to 88 and 173 to 176 of the Constitution.

5. Article 104 of the Constitution is hereby repealed and the following article substituted therefor -

Repeal and re-enactment of article 104 of the Constitution.

104. Articles 101(1) and 103(2) shall have effect in relation to any period between a dissolution of Parliament and the day on which the next election of members of the assembly is held pursuant to the provisions of article 61, as if Parliament had not been dissolved."

"Ministerial appointments during dissolution.

6. Article 155 of the Constitution is hereby altered in the following respects -

Alteration of article 155 of the Constitution.

- (a) by the repeal of paragraphs (2), (3), (4) and (5);
- (b) by the substitution for the words "paragraphs (1), (2), (3), (4) and (5)" in paragraph (6) of the words "paragraph (1)".

7. Article 156 of the Constitution is hereby altered in the following respects -

Alteration of article 156 of the Constitution.

- (a) by the repeal of paragraph (1)(g) and (h);
- (b) by the insertion immediately after paragraph (2) of the following paragraph -
 "(3) A member of the National Assembly elected on a list shall be disqualified from being a member of the Assembly, if he or she, in the prescribed manner, declares that he or she will not support the list from which his or her name was extracted or, declares that he or she abstain from supporting that list or, declares his or her support for another list."

8. Article 157(a)(i) of the Constitution is hereby altered by the substitution for the opening part thereof of the following -

Alteration of article 157 of the Constitution.

- "(i) if he ceases to be a member of the Assembly for any cause other than a dissolution of Parliament:".

Repeal and re-enactment of article 160 of the Constitution.

9. Article 160 of the Constitution is hereby repealed and the following article substituted therefor -

"Electoral system.

160. (1) Subject to the provisions of the next following paragraph the system of proportional representation referred to in article 60(2) for the election of such number of members of the National Assembly as shall be determined by the Assembly, shall be as follows -

- (a) votes shall be cast throughout Guyana in favour of lists of candidates;
 - (b) each elector shall have one vote and may cast it in favour of any of the lists; and
 - (c) the seats of the said elected members in the Assembly, as determined under this paragraph, shall be allocated between the lists in such a manner that the proportion that the number of such seats allocated to each list bears to the number of votes cast in favour of that list is as nearly as may be the same for each list, thus minimising the level of disproportionality between the percentages of votes earned by lists and the percentages of seats allocated to lists in the cases of individual geographical constituencies, if they exist, and of the Assembly taken as a whole.
- (2) Parliament may make provision for the division of Guyana into such number of geographical constituencies, not being more than half the number of the elected members of the Assembly as Parliament may prescribe and for the election in each such constituency of such number of members of the Assembly as Parliament shall, subject to paragraph (4),

prescribe; but, if Parliament makes provisions as aforesaid, then –

- (a) a person may stand as a candidate for election in any such geographical constituency only if, in such manner as Parliament may prescribe, he has declared that he supports, or has otherwise identified himself with one and only one of the lists related to that geographical constituency, not with a list in any other geographical constituency; and not with any lists of another party; and
 - (b) those of the said seats in the Asembly as determined under paragraph (1), for which members are not elected in geographical constituencies as aforesaid shall be allocated between the contesting parties in accordance with the results of the voting throughout Guyana in favour of the lists of the contesting parties in such a manner that the proportion that the number of seats allocated to each party, when added to the number of members identified with that party's lists elected in the geographical constituencies, bears to the number of votes cast in favour of that party is as nearly as may be the same for each party, thus minimising the level of disproportionality between the percentages of votes earned by parties and the percentages of seats allocated to parties in the Assembly.
- (3) Subject to the provisions of this Constitution, Parliament may make provision -
- (a) (i) for the registration of electors;
 - (ii) for the manner in which lists of candidates shall be prepared, including the provision in a list of the names of a sufficient number of

candidates to enable any vacancies to be filled under subparagraph (vii), and which manner shall allow voters to be sure which individuals they are electing to the National Assembly;

- (iii) for the manner in which the number of seats to be allocated to each list shall be calculated in order to give effect to the provisions of paragraph (1) or paragraph (2), as the case may be;
- (iv) for the combination of lists of candidates for the purpose of the allocation of seats (but not for the purpose of voting);
- (v) for the extraction from the lists and declaration of names of the candidates who have been elected, and for such provision for extraction to take into account the proportion that women form of the electorate;
- (vi) for the manner in which elections of members of the National Assembly shall be held pursuant to the provisions of paragraphs (1) and (2);
- (vii) for the filling of vacancies among the seats of members of the National Assembly where such vacancies are caused otherwise than by a dissolution of Parliament;

- (viii) generally for the conduct of elections of members of the National Assembly and for giving effect to the provisions of this Constitution relating thereto;
- (b) (i) for the criteria for the participation of political parties in the general election;
- (ii) for the formulae to be used to translate votes for a contesting party into seats for that party in the National Assembly;
- (iii) for the minimum number or proportion of female candidates on a party's list and in all a party's lists taken together;
- (iv) for the minimum number or proportion of female candidates on a party's lists for geographical constituencies taken individually or together;
- (v) for the maximum percentage or the number of geographical constituencies a party can contest in which its lists contain no female candidate.

(4) The total number of seats in the National Assembly that are derived from geographical constituencies shall be such that the number of seats not derived from geographical constituencies is sufficiently large to correct any overall disproportionalities that might arise from the allocations of seats to geographical constituencies."

10. The Constitution is hereby altered by the insertion immediately after article 160 of the following article -

160A. (1) All persons, institutions and political parties are prohibited from taking

"Political parties prohibited

Insertion of new article 160 A in the Constitution.

from causing
ethnic
division.

any action or advancing, disseminating or communicating any idea which may result in racial or ethnic division among the people.

(2) For the purposes of paragraph (1), Parliament shall by law make provision for offences and penalties, including penalties preventing or disbaring any person or political party from contesting any election for membership or being a member, as the case may be, of the local democratic organs or of the National Assembly."

Insertion of
new article
161B in the
Constitution.

11. The Constitution is hereby altered by the insertion immediately after article 161A of the following article -

"Role of
political
parties in the
conduct of
elections
through the
Elections
Commission.

161B. It is hereby declared that the role of political parties and their nominees in the conduct of elections by the Elections Commission shall be limited to their participation in determining policy, monitoring the electoral process and the conduct of the election, but does not include active management of the electoral process."

Alteration of
article 162
of the
Constitution.

12. Article 162(2) of the Constitution is hereby altered by the deletion of the words "or (3) or (4)" and by the substitution for the words "Minority Leader" of the words "Leader of the Opposition".

Alteration of
article 163
of the
Constitution.

13. Article 163 of the Constitution is hereby altered in the following respects -

- (a) by the substitution for the words "156(2)" in paragraph (1)(b)(iv) of the words " 156(2) and (3)";
- (b) by the deletion of the words "or (3) or (4)" in paragraph (5).

Alteration of
article 178
of the
Constitution.

14. Article 178(3) of the Constitution is hereby altered by the deletion of the words "member of the National Congress of Local Democratic Organs,".

Alteration of
article 183
of the
Constitution.

15. Article 183(2) of the Constitution is hereby altered in the following respects -

- (a) by the deletion of the words "or of a regional democratic council or of the National Congress of Local Democratic Organs or the operation of the provisions of article 156(1) (h)" in subparagraph (a);
- (b) by the deletion of the words "or after the holding of an election pursuant to the provisions of paragraph (3) or (4) of article 60" in subparagraph (b);
- (c) by the substitution for the words "article 156(2) of the words article 156(2) or (3)" in subparagraph (c).

16. Article 184 of the Constitution is hereby repealed and the following article substituted therefor –

Repeal and re-enactment of article 184 of the Constitution.

184. (1) The Leader of the Opposition shall be elected by and from among the non governmental members of the National Assembly at a meeting held under the chairmanship of the Speaker of the National Assembly, who shall not have the right to vote.

"Leader of the Opposition.

(2) The office of the Leader of the Opposition shall become vacant if -

- (a) the holder thereof ceases to be a member of the Assembly for any cause other than a dissolution of Parliament;
- (b) he is not a member of the Assembly when the Assembly first meets after the dissolution of Parliament;

- (c) by virtue of article 156 (2) or (3) he is required to cease to exercise his functions as a member of the Assembly; or
- (d) his removal from office is effected under the provisions of the next following paragraph.

(3) Where one-third of the non governmental members of the Assembly represent to the Speaker that the Leader of the Opposition no longer enjoys their confidence, the Speaker shall call a meeting of all the non governmental members at which it shall be decided whether the Leader of the Opposition shall be removed from office; the removal shall be effected by the votes of a majority of all the non governmental members.

(4) The election and removal from office of the Leader of the Opposition shall be by a show of hands.

(5) For every reference in any provision in this Constitution to the term "Minority Leader" there shall be substituted the term "Leader of the Opposition" and any such provision shall be read and construed accordingly with such modification as may be necessary."

Alteration of
article 192
of the
Constitution.

17. Article 192(2)(b) of the Constitution is hereby altered by the deletion of the words "or of the National Congress of Local Democratic Organs".

Alteration of
article 194
of the
Constitution.

18. Article 194(2) in the opening part of the said article, of the Constitution is hereby altered by the deletion of the words "or the National Congress of Local Democratic Organs".

Alteration of
article 232
of the
Constitution.

19. Article 232 of the Constitution is hereby altered in the following respects -

- (a) by the deletion of the words "or (3) or (4)" in the definition of "elected member of the National Assembly";
- (b) by the deletion of the words "the National Congress of Local Democratic Organs" in the definition of "election";

- (c) by the substitution for the definition of “session” of the following definition - “session” means, in relation to the National Assembly, the sittings of the Assembly, commencing when it first meets after this Constitution comes into force or after the prorogation or dissolution of Parliament at any time and terminating when Parliament is prorogued or is dissolved without having been prorogued;’;
- (d) by the substitution for the definition of “sitting” of the following definition – “sitting” means, in relation to the National Assembly a period during which the Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in committee; and’;
- (e) by the deletion of the words “or of the Supreme Congress of the People or of the National Congress of Local Democratic Organs” in paragraph (5)(a).

Passed by the National Assembly on 23rd October, 2000.

F. A. Narain,
Clerk of the National Assembly.