



GUYANA

ACT No. 17 of 2000

CONSTITUTION (AMENDMENT) (No. 4) ACT 2000

I assent,

**Bharrat Jagdeo,
President**

29th December, 2000

ARRANGEMENT OF SECTIONS

SECTION

- 1 Short title.
2. Repeal and re-enactment of article 90 of the Constitution.

3. Alteration of article 101 of the Constitution.
4. Alteration of article 103 of the Constitution.
5. Alteration of article 106 of the Constitution.
6. Alteration of article 107 of the Constitution.
7. Repeal and re-enactment of article 120 of the Constitution.
8. Alteration of article 170 of the Constitution.
9. Alteration of article 180 of the Constitution.
10. Alteration of article 225 of the Constitution.
11. Repeal of article 231 of the Constitution.
12. 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. 4) Act 2000.

Repeal and 2. Article 90 of the Constitution is
re-enactment hereby repealed and the following article
of article 90 substituted therefor -
of the
Constitution.

"Qualificat- 90. (1) A person shall be
ions for qualified for election as President
election. and shall not be so qualified
unless he or she -

(a) is a citizen of
Guyana and is
Guyanese by birth or

parentage as defined
in articles 43 and
44;

(b) is residing in
Guyana on the date
of nomination for
election and was
continuously
residing therein for
a period of seven
years immediately
before that date;
and

(c) is otherwise
qualified to be
elected as a member
of the National
Assembly.

(2) A person elected as
President after the year 2000 is
eligible for re-election only once.

(3) A person who acceded to the Presidency after the year 2000 and served therein on a single occasion for not less than such period as may be determined by the National Assembly is eligible for election as President only once.

(4) In determining continuity of residence absence from Guyana to -

(a) seek medical help;

(b) study at a university or an institution of higher learning for not more than four years;

(c) work for the
Government,
shall be disregarded.

Alteration of article 101 of the Constitution.

3. Article 101(1) of the Constitution is hereby altered in the following respects -

(a) by the substitution for the full stop at the end of a colon;

(b) by the insertion of the following proviso thereto -

"Provided that a person who is not eligible to be elected as President shall not be eligible for appointment as Prime Minister."

Alteration of article 103 of the Constitution.

4. (1) Article 103 of the Constitution is hereby altered in the following respects

(a) by the substitution for the

words "National Assembly or"
in paragraph (2) of the words
"National Assembly or subject
to subparagraph (vii) of
paragraph (3) (a) of article
160";

- (b) by the insertion immediately
after paragraph (2) of the
following paragraph -

"(3) Not more than four
Ministers and two
Parliamentary
Secretaries shall be
appointed by the
President from among
persons who are
qualified to be
elected as members
of the National
Assembly."

(2) Paragraph (3) of article 103 shall
not affect or apply to any appointment made
before the commencement of the said
paragraph.

Alteration of article 106 of the Constitution.

5. Article 106 of the Constitution is hereby altered by the insertion immediately after paragraph (5) of the following paragraphs -

“(6) The Cabinet including the President shall resign if the Government is defeated by the vote of a majority of all the elected members of the National Assembly on a vote of confidence.

(7) Notwithstanding its defeat, the Government shall remain in office and shall hold an election within three months, or such longer period as the National Assembly shall by resolution supported by not less than two-thirds of the votes of all the elected members of the National Assembly determine, and shall resign after the President

takes the oath of office
following the election.”.

Alteration 6. Article 107 of the Constitution is
of article hereby altered by the substitution for that part
107 of the above the proviso of the following -
Constitution.

“107. The President
may assign to any Minister
responsibility for any
business of the Government of
Guyana, including the
administration of any
department of Government, and
shall be charged with all
responsibility not assigned to
any Minister; in respect of
responsibility so charged, the
President shall appoint a
Minister or Parliamentary
Secretary to be answerable
to the National Assembly
therefor on his or her
behalf:”.

Repeal and re-enactment of article 120 of the Constitution.

7. Article 120 of the Constitution is hereby repealed and the following article substituted therefor -

"Constitution 120. Subject to the provisions of this Constitution and of any other law, the President may constitute offices for Guyana, make and terminate appointments to such offices, save that where the constitution of, and making of appointments to, such offices involve expenditure chargeable to the Consolidated Fund, such expenditure shall be subject to the approval of the National Assembly."

Alteration of article 170 of the Constitution.

8. Article 170(5) of the Constitution is hereby altered by the substitution for the words "twenty-one days of its presentation, unless he sooner dissolves Parliament" of the words

"ninety days of its presentation".

Alteration of 9. Article 180(5) of the Constitution
 article 180 is hereby altered -
 of the
 Constitution.

(i) by the substitution for the
 words "three-quarters" of the
 words "two-thirds";

(ii) by the deletion of the words
 "unless he sooner dissolves
 Parliament".

Alteration 10. Article 225(4) (a) of the
 of article Constitution is hereby altered by the substitution
 225 of the for words beginning with the words "the President"
 Constitution. and ending with the word "Commission" of the
 words -

"the President shall act in
 accordance with the advice of
 the Judicial Service
 Commission, in appointing a

tribunal which shall consist of a Chairman and not less than two other members, selected by the Judicial Service Commission".

Repeal of article 231 of the Constitution. 11. Article 231 of the Constitution is hereby repealed.

Alteration of article 232 of the Constitution. 12. Article 232 of the Constitution is hereby altered -

(a) by the insertion immediately after the definition of "local democratic organ" of the following definition -

"consultation" or "meaningful consultation" means the person or entity responsible for seeking consultation shall -

- (a) identify the persons or entities to be consulted and specify to them in writing the subject of the consultation and an intended date for the decision on the subject of consultation;
- (b) ensure that each person or entity to be consulted is afforded a reasonable opportunity to express a considered opinion on the subject of the consultation; and
- (c) cause to be prepared and archived a written record of the consultation and circulate the decision to each of the persons or entities consulted;'

- (b) by the substitution for paragraph(7)of the following paragraph -

"(7) Any provision in this Constitution that vests in any person or authority the power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish that office or to any law providing for the compulsory retirement of public officers generally or any class of public officers on attaining an age specified by or under that law."

Passed by the National Assembly on 15th December, 2000.

F. A. Narain,
Clerk of the National Assembly

(BILL No. 14 of 2000)