

**THE OFFICIAL GAZETTE—20TH NOVEMBER, 1976
LEGAL SUPPLEMENT—C**

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

17th November, 1976.

The following Bills which will be introduced in the National Assembly are published for general information.

F. A. Narain
Clerk of the National Assembly.



GUYANA

BILL No. 14 of 1976

POST AND TELEGRAPH (AMENDMENT) BILL 1976

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Amendment of the Post and Telegraph Act.
3. Modification of the Public Corporations Act.
4. Amendment of section 35 of the National Insurance and Social Security Act.
5. Amendment of the Stamp Duties (Management) Act.
6. Power to amend enactments to remove difficulties.
7. Saving.

FIRST SCHEDULE

SECOND SCHEDULE

A BILL

Intituled

AN ACT to amend the Post and Telegraph Act in consequence of the establishment of the Post Office as a public corporation under the Public Corporations Act to carry out the functions of the Postal Department established by the Post and Telegraph Act and to make consequential amendments to other written laws.

A.D. 1976. Enacted by the Parliament of Guyana:—

Short title and commencement.

1. This Act may be cited as the Post and Telegraph (Amendment) Act 1976 and shall come into operation on 1st January, 1977.

Amendment of the Post and Telegraph Act. Cap. 47:01. First Schedule.

2. The Post and Telegraph Act is hereby amended in the manner and to the extent set out in the first schedule.

Modification of the Public Corporations Act No. 109 of 1976. Cap: 19:05.

3. In relation to the Post Office established as a public Corporation by the Public Corporation (Post Office) Order 1976, sections 15 and 22 of the Public Corporations Act shall be construed and have effect as if for every reference therein to the General Manager of a public corporation there were substituted a reference to the Postmaster General.

Amendment of section 35 of the National Insurance and Social Security Act. Cap. 36:01.

4. Section 35 of the National Insurance and Social Security Act is hereby amended by the substitution of the words "to the Post Office" for the words "into the Consolidated Fund".

Amendment of the Stamp Duties (Management) Act. Cap. 80:03. Second Schedule.

5. The Stamp Duties (Management) Act is hereby amended in the manner and to the extent set out in the Second Schedule.

Power to amend enactments to remove difficulties.

6. Without prejudice to the foregoing provisions of this Act, the Minister if he thinks it necessary or expedient to do so may, by order which shall be subject to negative resolution

of the National Assembly, amend any provision of any enactment (including the enactments amended by this Act) for the purpose of removing any difficulties which may arise in connection with, and for the purpose of giving effect to, the establishment of the postal department of Guyana as a public corporation under the Public Corporations Act and the vesting of functions in the Guyana Telecommunication Corporation and the Post Office, respectively, under the provisions of the Post and Telegraph Act as amended by this Act.

Saving.

7. Those persons who were officers of the Post Office immediately prior to the coming into operation of this Act and who become officers of the Post Office on its establishment as a public corporation under the Public Corporations Act and those persons who on the coming into operation of this Act are officers of the Corporation shall be deemed to have made the declaration as officers of the Post Office or of the Corporation, as the case may be, as required by section 8, of the Post and Telegraph Act as amended by this Act.

Section 2.

FIRST SCHEDULE

Amendment

Post and
Telegraph
Act (Cap.
47:01).

Section 2.

- (a) In the definition of the word "agents" substitute the words "Corporation or the Post Office" and "its" for the words "Minister" and "his" respectively;
- (b) insert the following definition immediately after the definition of the word "master" —
 " " officer of the Corporation" includes the General Manager and any other person employed with the Corporation; "
- (c) delete the word "line-man," from the definition of the expression "officer of the Post Office";
- (d) insert the following definition immediately after the definition of the expression "officer of the Post Office" —
 "the Post Office" means the public corporation established by the Public Corporation (Post Office) Order 1976; "
- (e) in the definition of the expression "post office" and "post office letter-box" substitute the words "Post Office" for the word "Minister";

Section 2

- (f) insert the definition of the expression "post office" —
 - (i) the word "aircraft," immediately before the word "vessel";
 - (ii) the words "any other place used for the purpose of the post office and" immediately after the word "includes"; and
- (g) substitute the words "Post Office" for the word "Minister" wherever it appears in the definition of the expression "post office letter-box".

Sections 4 to 10 (inclusive)

Substitute the following sections for sections 4 to 10 (inclusive) —

Postmaster General.

Cap. 19:05.

Functions of the Postmaster General.

Other officers.

Duties of officers.

- 4. The Postmaster General for Guyana shall be the person appointed to that office pursuant to section 22(1) of the Public Corporations Act as modified for the purpose by section 3 of the Post and Telegraph (Amendment) Act 1976.
- 5. Subject to this Act and the Public Corporations Act, the Postmaster General shall be the chief executive officer of the Post Office which shall have the management and charge of, and shall exercise supervision over, the postal system established under this Act.
- 6. The number of other officers of the Post Office necessary for the service of the Post Office and for the transmission and reception of telegrams shall be those persons appointed as such by the Post Office pursuant to section 22(2) of the Public Corporations Act.
- 7. Every officer of the Corporation and every officer of the Post Office shall perform the duties in the Corporation and the Post Office respectively prescribed by this Act and any other law relating thereto and subject thereto, those assigned to them by the Minister.

8. Every officer of the Corporation and every officer of the Post Office, except the General Manager and the Postmaster General shall, on appointment, appear before a magistrate and make a declaration in the appropriate form set out in the Schedule, or in any other form for the time being prescribed by the Minister. Declaration to be made by officer on appointment.
Schedule
9. The Post Office shall constitute the postal department of Guyana. Postal Department.
- Powers and Privileges of the Post Office and the Corporation.*
10. (1) The Post Office may establish post offices in any places in Guyana where the public convenience requires them, and may collect, receive, despatch and convey, in the manner the Post Office deem convenient, all postal packets transmitted within, or to, or from, Guyana. General powers and rights of the Post Office and the Corporation.
- (2) The Corporation may establish telegram offices in any places in Guyana where the public convenience requires them.”.

The words “Post Office” shall be substituted for the word “Minister”. Sections 11, 16(1), 23 (except sub-section (4)), 25, 37(1), 41, 82(1) (a), 96 and 98.

(a) Substitute the word “Corporation” for the word “Minister”; Section 12

(b) substitute the words “telegram service” for the word “telegraph”.

Substitute the words “Post Office” for the words “Postmaster General on behalf of the State”. Section 13

Substitute the words “use of the Post Office” for the words “public use”. Section 16(1)

Substitute the words “Post Office” for the words “Postmaster General”; Sections 16 (2), 35(4) & 92.

Substitute the words “Post Office” for the words “Postmaster General or any postmaster designated in writing by the Postmaster General”. Section 20

- Section 22 Substitute the words "Post Office" for the word "State".
- Section 24 Insert a full stop after the word "postage" and delete all the words following thereafter in the section.
- Section 25 Substitute the words "Post Office" for the words "postal department".
- Section 27 (a) Substitute the words "Post Office" for the word "Minister" where it first appears in the section;
- (b) substitute the words "imposed by the Post Office" for the words "specified in an order of the Minister made on the representation of the Minister".
- Section 30 Insert the words "or any other officer of the Post Office authorised by him" after the words "Postmaster General".
- Section 33. Substitute the words "or the Post Office or any officer of the Post Office" for the words, "the Postmaster General or the Post Office revenue".
- Section 35. (a) Substitute the words "use of the Post Office" for the words "public use" in subsection (1);
- (b) substitute the words "Post Office" for the word "State" in subsection (4);
- (c) insert the words "the Post Office or" between the words "or" and "any" in subsection (5).
- Section 42. (a) Substitute the words "Post Office" for the word "Minister" where it first occurs;
- (b) substitute the words "an officer of the Post Office authorised by the Postmaster General" for the words "a person authorised by the Minister".
- Section 63 (4). Insert the words "the General Manager of the Corporation," after the word "Minister,".
- Section 81 (1). Substitute the words "Post Office or the Corporation, as the case may be," for the word "Minister".
- Section 82 (1) (b). (a) Substitute the words "in Guyana" for the words "under the Minister";
- (b) insert the words "of any post office" between the words "or" and "under".

Section 83A. Insert the following section as section 83A immediately after section 83 —

“Use of postage stamps for postal purposes.

83A(1) Adhesive postage stamps shall not be used to denote the payment of stamp duties other than duties of postage.

(2) A postal packet shall be deemed to be unstamped or insufficiently stamped, as the case may be, if it is not duly stamped for the purpose of denoting the payment of the duty of postage.”.

(a) Substitute the words “Post Office” for the word “Minister” wherever it appears; Section 84 (1).

(b) substitute the words “postal telegram office” for the words “postal telegraph office” in paragraph (a); and

(c) insert the word “colouring,” after the word “letters,” in paragraph (b).

(a) Insert the words “the Corporation or of” immediately after the words “officer of”; Section 86.

(b) substitute the words “Corporation or the Post Office” for the words “Postmaster General”.

(a) Insert the words “the Corporation or of” immediately after the words “officer of”; Section 87.

(b) substitute the words “Corporation or the Post Office” for the words “Postmaster General” in paragraph (a).

The following section is hereby substituted for section 91 — Section 91.

“Provisions as to property in offences relating to the Corporation or the Post Office.

- 91.(1) In any legal proceeding for any offence committed or attempted to be committed, or any malicious, injurious, or fraudulent act or thing done in, upon, or with respect to the Corporation or the Post Office or the revenue of the Corporation or the Post Office, or any mail bag, postal packet, contents of a postal order, or telegraphic message or telegram, or in anywise concerning any property under the management or control of the Corporation or the Post Office, it shall be sufficient to allege the property to belong to the Corporation or the Post Office, as the case may be, and to allege the act or thing to have been done with intent to injure or defraud the Corporation or the Post Office, as the case may be, and it shall not be necessary to allege or to prove at the trial or otherwise that the mail bag, postal packet, contents, order, telegraphic message, telegram, or property was of any value.
- (2) In any legal proceeding against any officer of the Corporation or the Post Office for any offence committed against this Act, it shall be sufficient to allege that the offender was an officer of the Corporation or the Post Office, as the case may be, at the time of the commission of the offence, without stating further the nature or particulars of his employment.”.

Section 93.

The following section is hereby substituted for section 93 —

“Power to compound action.

93. The General Manager of the Corporation or the Postmaster

General may compromise and compound any legal proceeding commenced by or on behalf of the Corporation or the Post Office, as the case may be, against any person for recovering any penalty or forfeiture incurred under this Act on any terms and conditions the General Manager or the Postmaster General as the case may be, thinks proper, with full power for them, or any of their officers or agents authorised by them to accept any penalty or forfeiture so incurred or alleged to be incurred, or any part thereof, without any legal proceeding for the recovery thereof.”.

(a) Substitute the following paragraph for paragraph (c) of subsection (2) — Section 96

“(c) such other information as the Post Office may deem fit to include.”; and

(b) substitute the word “practicable” for the words “he can conveniently do so” in subsection (3).

Insert the following section as section 96A — Section 96A

“Applica-
tion of
certain pro-
visions of
the Stamp
Duties
(Manage-
ment)
Act, Cap.
80:03

96A. Sections 10 to 18 (both inclusive) and 41, 42 and 43 of the Stamp Duties (Management) Act shall, as they apply in relation to stamps to which that Act applies, apply *Mutatis Mutandis* to postage stamps.”.

Section 99 is hereby repealed and the following section substituted therefor — Section 99

“Delega-
tion of
functions.

99. The Minister, may by order, delegate to the Corporation any function relating to telegraphs

vested in him by any provision of this Act.”.

Schedule

Insert the following declaration at the end of the schedule —

“DECLARATION OF OFFICER OF THE CORPORATION

I, _____, do solemnly and sincerely

declare that I will not, contrary to my duty, improperly divulge any knowledge by reason of my employment as an officer of the Guyana Telecommunication Corporation

(Signed)

Declared Before me

this _____ day

of _____ 19

Magistrate”

Section 5

SECOND SCHEDULE

Stamp
Duties
(Management) Act
(Cap. 80:03)

Amendment

Section 5

Delete subsection (2) and insert the following subsections as subsections (2) and (3) respectively —

“(2) The stamps and dies shall be deposited with the commissioners who shall, subject to subsection (3), be responsible for their safe keeping, and all stamps to be impressed shall be impressed under the supervision of the commissioners, or in any other manner from time to time directed by the Minister.

(3) The commissioners may direct that the stamps shall be deposited with any other person or authority.”.

Section 7

Substitute the following subsection for section 7(1) —

“(1) The stamps to be used under any Act imposing a stamp duty shall be impressed or adhesive as the Minister from time to time directs.”

Substitute the word “arrangements” for the word Section 10 “regulations”

Substitute the words “not later than the end of Section 11(5) February” for the words “in the month of January”.

EXPLANATORY MEMORANDUM

This Bill seeks to make amendments to the Post and Telegraph Act (Cap. 47:01) as a consequence of the establishment of the Post Office as a public corporation under the Public Corporations Act (Cap. 19:05) and to assign to the Post Office and the Guyana Telecommunication Corporation, respectively, statutory functions under the Act.

The Bill also seeks to make consequential amendments to the National Insurance and Social Security Act (Cap. 36:01) and the Stamp Duties (Management) Act (Cap. 80:03).

S. S. Naraine,
Minister of Works and Housing

(Bill No. 14/1976)
(GN — 1/42)