

PARLIAMENT OFFICE,
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Georgetown,
Guyana.
23rd March, 1977.

The following Bill which will be introduced in the National Assembly is published for general information.

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



GUYANA

BILL No. 7 of 1977

CONSTITUTION (AMENDMENT) BILL 1977

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Alteration of article 5 of the Constitution.
3. Alteration of article 17 of the Constitution.
4. Alteration of article 20 of the Constitution.

- 5. Alteration of article 42 of the Constitution.
- 6. Alteration of article 89 of the Constitution.
- 7. Alteration of article 90 of the Constitution.
- 8. Alteration of article 93 of the Constitution.
- 9. Alteration of article 118 of the Constitution.
- 10. Alteration of article 125 of the Constitution.

A BILL

Intituled

AN ACT to alter the Constitution in accordance with Article 73 thereof.

Short title and commencement.

1.(1) This Act may be cited as the Constitution (Amendment) Act 1977.

(2) Sections 2 to 6 (inclusive) and sections 8 to 10 (inclusive) shall come into operation on such date as the President may by Order appoint and different dates may be appointed for different provisions.

Alteration of article 5 of the Constitution.

2. Article 5(3) of the Constitution is hereby altered by the substitution of the word "attorney-at-law" for the words "advocate or solicitor".

Alteration of article 17 of the Constitution.

3. Article 17(3) of the Constitution is hereby altered by the substitution of the word "attorneys-at-law" for the words "advocates or solicitors".

Alteration of article 20 of the Constitution.

4. Article 20 of the Constitution is hereby altered by the substitution of the word "attorney-at-law" for the word "advocate" in the definition of the expression "legal representative".

Alteration of article 42 of the Constitution.

5. Article 42(7) of the Constitution is hereby altered by the substitution of the word "attorney-at-law" for the word "advocate".

Alteration of article 89 of the Constitution.

6. Article 89(1) (b) of the Constitution is hereby altered by the substitution of the word "attorney-at-law" for the word "advocate".

Alteration of article 90 of the Constitution.

7. Article 90(2) of the Constitution is hereby altered by the substitution of the following proviso for the proviso thereto—

Provided that

- (i) the President, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may permit the Chancellor or the Chief Justice on attaining the age of sixty-five years to continue in office until he has attained such later age as may (before the Chancellor or the Chief Justice has attained the age of sixty-five years) have been agreed with the Chancellor or the Chief Justice, as the case may be;
- (ii) the President, acting in accordance with the advice of the Judicial Service Commission, may permit a Justice of Appeal who has attained the age of sixty-five years, to continue in office until he has attained such later age as may (before the Justice of Appeal has attained the age of sixty-five years) have been agreed with the Justice of Appeal;
- (iii) the President, acting in accordance with the advice of the Judicial Service Commission, may permit a Puisne Judge who has attained the age of sixty-two years, to continue in office until he has attained such later age not exceeding sixty-five years, as may (before the Judge has attained the age of sixty-two years) have been agreed with the Judge;
- (iv) the President, acting in accordance with the advice of the Judicial Service Commission, may permit any Judge to continue in office for such period after attaining the age at which he is required by the other provisions of this paragraph to vacate his office as may be necessary to enable him to deliver judgment or to do any other thing in relation to any proceedings heard by him before he attained that age."

8. Article 93(3) (b) of the Constitution is hereby altered by the substitution of the word "attorneys-at-law" for the words "advocates or solicitors" and "advocates and solicitors respectively", respectively.

Alteration
of article
93 of the
Constitution.

Alteration
of article
118 of the
Constitution.

9. Article 118(4) (a) of the Constitution is hereby altered by the substitution of the word "attorneys-at-law" for the words "advocates or solicitors".

Alteration
of article
125 of the
Constitution.

10. Article 125(1) of the Constitution is hereby altered by the substitution of the following definition for the definition of the word "advocate" —

‘ “attorney-at-law” means a person having a general right of audience in the Supreme Court of Judicature;’.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Constitution in anticipation of the proposed fusion of the branches of the legal profession and the creation of the new designation of attorneys-at-law in place of barrister and solicitor.

Clause 7 of the Bill seeks to amend article 90 of the Constitution to enable the tenure of office of Judges of the Court of Appeal to be extended beyond the age at which they are otherwise required by the Constitution to vacate office.

Frederick R. Wills,
Minister of Foreign Affairs and Justice.

(Bill No. 7/1977)