

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.

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

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



BILL No. 24 of 1990

CONSTITUTION (AMENDMENT) BILL 1990

ARRANGEMENT OF SECTIONS

**SECTION**

1. Short title and commencement.
2. Amendment of section 7 of the Constitution of the Co-operative Republic of Guyana Act 1980.
3. Alteration of article 142 of the Constitution.
4. Amendment of the Acquisition of Lands for Public Purposes Act.
5. Application.

## A BILL

## Intituled

AN ACT to amend the Constitution of the Co-operative Republic of Guyana Act 1980 in accordance with article 164 of the Constitution, to alter article 142 of the Constitution in accordance with articles 66 and 164 thereof and to amend the Acquisition of Lands for Public Purposes Act.

A.D, 1990

Enacted by the Parliament of Guyana:—

Short title and commencement.

1. This Act may be cited as the Constitution (Amendment) Act 1990 and shall come into operation on such date as the President may by order appoint.

Amendment of section 7 of the Constitution of the Co-operative Republic of Guyana Act 1980.  
Act No. 2 of 1980

2. Section 7 of the Constitution of the Co-operative Republic of Guyana Act 1980 is hereby amended by the deletion therefrom of subsection (9).

Alteration of article 142 of the Constitution.

3. Article 142 of the Constitution is hereby altered by the substitution for paragraph (1) of the following paragraph —

“(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except by or under the authority of a written law —

- (a) providing for compensation for the property or any interest in or right over property so possessed or acquired and specifying the principles on which the compensation is to be determined and given; and
- (b) giving to any person claiming such compensation a right of access, either directly or by way of appeal, for the determination of his interest in or right over the property and the amount of compensation, to the High Court.”.

Amendment of the Acquisition of Lands for Public Purposes Act.

4. The Acquisition of Lands for Public Purposes Act is hereby amended in the following respects —

- (a) in section 7, subsection (1), by the substitution of a full stop for the colon and by the deletion of the proviso;
- (b) in section 18,
  - (i) in subsection (1), by the substitution of the following paragraph for paragraph (a) —
    - “(a) the market value of the land on the date of the publication in the **Gazette** of the order under section 3 declaring the work on the land to be a public work;”;
    - (ii) by the deletion of subsection (2);
- (d) by the repeal of section 19 and the substitution of the following section therefor —

“Additional  
award

19. In determining claims for compensation the court shall have power to consider and award to the claimant in respect of compensation for compulsory purchase, in addition to the matters herein specified, any sum not exceeding such per cent of the market value of the land at the time of awarding compensation to the Court seeming fit”.

5.(1) This Act shall apply only to a compulsory acquisition of property or any interest in or right over property in respect of which negotiations for such compulsory acquisition commenced on or after the date of the coming into operation of this Act.

**Application.**

(2) Nothing in this Act shall be construed as affecting article 142 of the Constitution as in force immediately before the coming into operation of this Act in so far as that article applied for the purposes of any compulsory acquisition of property or any interest in or right over property.

(3) Nothing in this Act shall be construed as affecting a compulsory acquisition of land or any interest in or right over land in respect of which the order under section 3 of the Acquisition of Lands for Public Purposes Act declaring the work on the land to be a public work was published in the **Gazette** on or before the date immediately preceding the date of the coming into operation of this Act.

**EXPLANATORY MEMORANDUM**

This Bill seeks to amend the Constitution of the Co-operative Republic of Guyana Act (Act No. 2 of 1980), the Constitution of Guyana and the Acquisition of Lands for Public Purposes Act, Cap. 62:05.

Generally, the amendments in effect repeal the provisions of the Constitution (Amendment) Act of 1975, incorporated in the corpus of our law, in so far as they relate to compensation for property compulsorily acquired and reinstate the position as obtained before its passing.

The Bill by seeking to alter article 142 of the Constitution restores the right of a person in a compulsory acquisition of his property of access to the High Court for the determination of his right over the property and the amount of compensation (clause 3) and by amending section 18 (1) of the Acquisition of Lands for Public Purposes Act reinstates his right to adequate compensation by having his land valued to take into account its current market value (clause 4). The Bill repeals section 7 (9) of the Constitution of the Co-operative Republic of Guyana Act (clause 2) as there is no need for the provision in view of the amendment to section 18 (1) of the Acquisition of Lands for Public Purposes Act.

Clause 4 of the Bill also repeals section 18 (2) and the proviso to section 7 (1) of the Acquisition of Lands for Public Purposes Act. The repeal of section 18 (2) denudes the certificate of the Chief Valuation Officer of its value as *prima facie* evidence of market value while the repeal of the proviso to section 7 (1) makes it unnecessary for the National Assembly to vote or agree to vote the sum necessary for the public work as such work can be effected by private funds. Further, the Bill by re-introducing the old section 19 in the said Act, gives the court a wide discretionary power to award in addition to the compensation such per cent of the market value of the land as the Court seems fit.

Clause 5 seeks to limit the application of this Act to a compulsory acquisition of property where negotiations therefor commenced on or after the coming into operation of this Act. The Act does not effect the operation of article 142 of the Constitution as in force before its coming into operation. Neither does it affect a compulsory acquisition under the Acquisition of Lands for Public Purposes Act where the order declaring work on land to be a public work was published in the Gazette before the coming into operation of this Act.

**K. S. Massiah,**  
Attorney General and Minister of Legal Affairs.