

Bill No. 10 of 1972



GUYANA

BILL NO. 10 OF 1972.

PUBLIC CORPORATIONS (AMENDMENT) BILL 1972.

Arrangement of Sections

Section

1. Short title.
2. Amendment of the Principal Ordinance.
3. Amendment of section 3 of the Public Corporations (Amendment) Act 1971.

A BILL

Intituled.

AN ACT to amend the Public Corporations Ordinance 1962. A.D. 1972
Enacted by the Parliament of Guyana:—

Short title.
No. 23 of
1962.

1. This Act, which amends the Public Corporations Ordinance 1962, may be cited as the Public Corporations (Amendment) Act 1972.

Amendment
of the
Principal
Ordinance.

2. (1) The Principal Ordinance is hereby amended in the following respects —

(a) by re-lettering paragraph (e) of section 2C(1) as paragraph (d) and by inserting the following paragraph therein as paragraph (c) —

“(c) to stimulate and facilitate economic development in Guyana by such means as the Corporation may consider to be requisite, advantageous or convenient for that purpose and, without prejudice to the generality of the foregoing, shall, in particular, include —

(i) entering into arrangements with other persons for that purpose;

(ii) performing the function of any other corporation dissolved under section 51, where provision transferring to the Corporation the functions of the corporation so dissolved is included in the order made pursuant to that section;”;

(b) by renumbering subsection (4) of section 32 as subsection (6) and the insertion of the following subsections as subsections (4) and (5) thereof —

“(4) An auditor appointed under this section shall have power to summon and examine all persons whom he shall think fit to examine for the purpose of obtaining information in connection with the examination and audit of the accounts of the corporation and respecting all other matters and things whatever necessary for the due performance of the functions vested in him; and if any person summoned as aforesaid is not a public officer or an officer or other employee of a corporation he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

- (5) Any person summoned under subsection (4) who without reasonable excuse makes default in obeying such summons shall be liable on summary conviction to a fine of fifty dollars or, in default of payment, to imprisonment for one month.”;

- (c) by the repeal of section 42 and the substitution therefor of the following section —

“Super-annuation benefits of public officers employed in public corporations. No. 36 of 1957.

42.(1) Where, with the approval of the appropriate authority, an officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions (Consolidation) Ordinance 1957, to an office with a corporation, section 5 of that Ordinance shall apply to him as if his service in such office were service in a public office.

(2) Where, with the approval of the appropriate authority, an officer has been transferred to an office with a corporation, his service with the corporation shall be other public service within the meaning of, and for the purposes of such provisions applicable in relation thereto as are contained in, the Pensions (Consolidation) Ordinance 1957, or of the Pensions Regulations 1957.

(3) In this section, “the appropriate authority” means the person or authority vested by the Constitution with power to make appointments to the pensionable office held by the officer.”;

- (d) by the deletion of the words “established under this Ordinance” appearing in subsection (1) of section 45;
- (e) by inserting the following words immediately after the word “may” in subsection (2) of section 45 —

“contain such provisions relating to the vesting of property, the transfer of assets and liabilities, monetary arrangements, the preservation of rights and liabilities existing immediately prior to the merger as well as such other provisions as the Minister considers necessary or

expedient to enable the provisions of this Ordinance to have full effect in relation to any such merger, and may”;

- (f) by the repeal of subsection (2) of section 51 and the substitution therefor of the following subsection —

“(2) An order dissolving a corporation may include such provisions relating to the vesting of property, the transfer of assets and liabilities, monetary arrangements, the preservation of rights and liabilities existing immediately prior to the dissolution as well as such other provisions as the Minister considers necessary or expedient to give full effect to the dissolution.”; and

- (g) by the addition of the following words after the word “accounts” in paragraph (c) of section 52 —
“including the charging of fees for the carrying out of an audit and examination of the accounts”.

(2) The amendment of the Principal Ordinance by subsection (1) (c) shall not affect any rights conferred by article 103 of the Constitution on any public officer to whom the provisions of section 42 of the Principal Ordinance applied immediately before the enactment of this section.

Amendment
section 3 of
the Public
Corporations
(Amendment)
Act 1971,
No. 14 of 1971

3. Section 3 of the Public Corporations (Amendment) Act 1971 shall, from the time of its enactment, be deemed to be amended as if the words “and shares in any body corporate held at the commencement of this section by any person” had been substituted for all the words beginning with the word “or” and ending with the word “Guyana”.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Public Corporations Ordinance 1962 to extend the functions of the Guyana State Corporation to include the stimulating and facilitating of economic development in Guyana. One of the means to achieve this may be by way of the taking over of the functions of any public corporation established under the Ordinance if the Guyana State Corporation considers it requisite for that purpose.

2. Provision is also made in clause 2 of the Bill by way of a proposed amendment of section 32 of the Ordinance to confer power on the auditor appointed to examine and audit the accounts of a public corporation to summon and examine persons in connection with the examination and audit.

3. Section 42 of the Ordinance is to be repealed and re-enacted to provide for service with a public corporation established under the Ordinance to be other public service for the purposes of the Pensions (Consolidation) Ordinance 1957.

4. The Bill also contains amendments to section 45 and 51 of the Ordinance to provide for a number of other matters for which provision may be made in the event of a merger of public corporations, or the dissolution of a public corporation, under sections 45 and 51, respectively, of the Ordinance.

5. The Bill includes a proposed amendment of section 52 of the Ordinance enabling the making of regulations authorising the payment of fees to the auditor of the accounts of a public corporation for his services.

L. F. S. BURNHAM.
Prime Minister.

(Bill No. 10/1972)
(GSG: 1/1/1)