



GUYANA

BILL No. 34 OF 1975

CONSTITUTION (AMENDMENT) BILL 1975

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Alteration of article 8 of the Constitution.
3. Alteration of article 92 of the Constitution.
4. Amendment of the Acquisition of Lands for Public Purposes Act.
5. Savings.

A BILL

Intituled

AN ACT to alter the Constitution in accordance with Article 73 thereof and to effect amendments to the Acquisition of Lands for Public Purposes Act.

A.D. 1975. Enacted by the Parliament of Guyana:—

Short title
and com-
mencement.

1.(1) This Act may be cited as the Constitution (Amendment) Act 1975.

(2) Sections 2, 3 and 4 shall come into operation on such date as the President may by order appoint and different dates may be appointed for different provisions:

Provided that section 4 shall not come into operation earlier than paragraph (a) of section 2, and section 3.

Alteration
of article
8 of the
Constitu-
tion.

2. Article 8 of the Constitution is hereby altered in the following respects —

(a) by the deletion of paragraph (1) thereof and the substitution of the following paragraph therefor —

“(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 which provides for compensation for the property or any interest in or right over property so possessed or acquired and either fixes the amount of compensation or specifies the principles on which the compensation is to be determined and given and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate.”;

(b) by the addition of the following paragraph as paragraph (7) —

“(7) For the purposes of this article, the provisions contained in the Acquisition of Lands for Public Purposes Act shall be deemed to specify the principles on which and the manner in which the payment of

compensation is to be determined and given for property compulsorily acquired thereunder."

3. Article 92 of the Constitution is hereby altered by the substitution of a full stop for the semicolon at the end of subparagraph (b) of paragraph (1) and the deletion of all the words following thereafter in that paragraph.

Alteration of article 92 of the Constitution.

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

Amendment of the Acquisition of Lands for Public Purposes Act. Cap. 62-05.

- (a) by the insertion of the words ", subject to this Act," between the words "shall" and "assess" in section 15;
- (b) by the substitution of the following paragraph for paragraph (a) of section 18 —
 - "(a) the market value of the land ascertained by reference to prices current at the 31st March, 1939;"
- (c) by renumbering section 18 as section 18(1) and by the addition of the following subsection as subsection (2) thereof —
 - "(2) The certificate of the Chief Valuation Officer certifying the market value of land ascertained as provided in paragraph (a) of subsection (1) shall be *prima facie* evidence of the market value so ascertained."; and
- (d) by the repeal of section 19 and the substitution of the following section therefor —

"Award of additional amount as compensation.

19. (1) In determining claims for compensation for lands acquired under this Act, the Court shall have power to consider and award to the claimant, in addition to the matters herein specified, a sum being such percentage of the market value of the land, ascertained as provided in section 18(1) (a), as may be certified for the purpose by the Minister.

- (2) In determining the additional sum to be awarded to the owner of land pursuant to subsection (1) the Minister may, in his discretion, have regard to —
- (a) the cost of acquisition of the land to the owner;
 - (b) any outlay or improvements on the land since 31st March, 1939, not being any outlay or improvements mentioned in section 18(1) (a) (vi).
- (3) In any proceedings for the determination of claims for compensation for lands acquired under this Act, a document purporting to be a certificate given under the hand of the Minister for the purposes of subsection (1) shall, without any proof, be received as **prima facie** evidence of the fact that the certificate was given by him and shall be conclusive evidence of the matters stated therein relating to the additional sum to be awarded to the claimant under this section."

Saving.

5. Nothing in this Act shall be construed as affecting article 8 of the Constitution as in force immediately before the commencement of section 2 in so far as that article applied for the purposes of the Bauxite Nationalisation Act.

Cap. 65:06.

EXPLANATORY MEMORANDUM

Clause 2 of this Bill seeks to make provision for the alteration of article 8 of the Constitution to provide for the compulsory acquisition or taking possession of property by the State to be effected at valuations which exclude speculative considerations.

Clause 3 seeks to make provision for the alteration of article 92 of the Constitution as a consequence of the alteration of article 8.

Clause 4 seeks to make amendments to the Acquisition of Lands for Public Purposes Act to exclude speculative elements from the assessment of valuations under the Act.

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

(Bill No. 34/1975)

(C 16/6)