

THE OFFICIAL GAZETTE — 9TH SEPTEMBER, 1976  
LEGAL SUPPLEMENT — C

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana,  
9th September, 1976.

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. 12 of 1976

CONSTITUTION (AMENDMENT) BILL 1976

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Alteration of article 8 of the Constitution.
3. Alteration of article 11 of the Constitution.
4. Amendment of the Education Act.

A BILL

Intituled

AN ACT to alter the Constitution in accordance with Article 73 thereof and to amend the Education Act.

Enacted by the Parliament of Guyana:—

Short title and commencement.

1. (1) This Act may be cited as the Constitution (Amendment) Act 1976.

(2) Section 4 shall come into operation on the day next following after the date on which sections 2 and 3 come into operation.

Alteration of article 8 of the Constitution.

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

- (a) by the deletion of the word “or” at the end of paragraph (2) (b) (iv);
- (b) by the substitution of a semi-colon for the full stop at the end of paragraph (2) (b) (v) and the addition of the word “or” thereafter; and
- (c) by the addition of the following provision to paragraph (2) (b) —

“(vi) property to be used by the State for the purpose of providing, maintaining and managing any place of education, where the property was being used as a place of education at any time during 1976 and prior to the coming into operation of the law in question.”.

Alteration of article 11 of the Constitution.

3. Article 11 of the Constitution is hereby amended by the deletion therefrom of paragraphs (2) and (3).

Amendment of the Education Act. Cap. 39:01.

4. The Education Act is hereby amended in the following respects —

- (a) by the substitution of the following long title for the long title of the Act —

“AN ACT to make better provision for the promotion of education in Guyana.”;

- (b) by the substitution of the words "government school" for the words "school receiving aid from moneys provided by Parliament" in section 6(1);
- (c) by the insertion of the following sections as sections 34A and 34B, respectively, immediately after section 34 —

"Provision of system of education.

34A (1) Except with the permission in writing of the Minister, no person other than the Chief Education Officer, shall establish, maintain or manage any school or other place of education for the provision of nursery, elementary, secondary or further education, and any permission granted by the Minister shall be subject to such terms and conditions as the Minister may deem fit to impose.

(2) Any person who contravenes the provisions of sub-section (1), or breaches any term or condition imposed by the Minister pursuant to that sub-section, shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months, and, in the case of a continuing offence, to an additional fine of one hundred dollars for every day during which the offence continues subsequent to the date to which the conviction relates.

Certain aided schools to become government schools.

34B (1) On the date on which this section comes into operation (hereinafter in this section referred to as "the appointed date") every school which at any time during 1976 and prior to that date was an aided school shall thereupon be deemed to be a government school.

(2) Where an aided school is deemed to be a government school by virtue of subsection (1) —

- (a) the Chief Education Officer shall thereupon become responsible for the control and management of the school and section 34 shall apply in relation thereto;
- (b) there shall be vested the State, without further assurance —
  - (i) the schoolhouse;
  - (ii) Such land appurtenant to any schoolhouse, as is described in an order made by the Minister

under subsection (4), subject to such interests in or rights over such land used exclusively for public religious worship or any building used in connection therewith, as may be set out and described in the said order;

- (iii) all records, furniture and other equipment, used in connection with and for the purpose of carrying on the school,

notwithstanding any written law or rule or law.

(3) The provisions of subsection (2) (b) (i) and (ii) shall, as the same apply to an aided school which is deemed to be a government school by virtue of subsection (1), apply *mutatis mutandis* on the appointed date in relation to every school in respect of which an order was made under section 32(1) prior to the appointed date.

(4) The Minister shall, as soon as practicable, by order, prescribe the boundaries of any land appurtenant to a schoolhouse for the purposes of subsection (2) subject to any easements or other interests as may be specified in the order and notwithstanding anything to the contrary in any other law the Registrar of Deeds shall take due notice thereof and shall make such annotations on the records as may be necessary to give effect to such order.

(5) Where property has vested in the State by virtue of subsection (2)(b), the Minister may, in such circumstances as he thinks just, pay compensation in such amount and in such manner as may be determined by him for any such property and any determination made by him under this subsection shall be final and conclusive and shall not be called in question in any court on the ground that the compensation is not adequate.

(6) Every governing body or manager of an aided school that is deemed to be a government school by virtue of this section shall not later than one month after the appointed date or within such further period as may be allowed by the Chief Education Officer render to him an account for every government grant made in connection with the control and management of the school since the last account was rendered.

(7) On the appointed date, or later with the approval of the Chief Education Officer, every governing body or manager aforesaid, or any person duly authorised by either of them, or any other person having the possession or control of the records, furniture and other equipment, used in connection with the carrying on of the aided school and vested in the State under subsection (2)(c) shall, at the said school deliver them or cause them to be delivered to the Chief Education Officer or any person authorised by him to act on his behalf.

(8) On the appointed date, the provisions of any regulations made under this Act, in so far as they relate to aided schools and the governing bodies and managers thereof, shall, except for the purposes of subsection (6), or (7) or (11), cease to have effect and the regulations shall accordingly be construed and have effect with such adaptations, exceptions, modifications and qualifications, as may be necessary for the purpose.

(9) For the purposes of this section, the expression "aided school" includes the schools known as the Christ Church Secondary School, the Stewartville Government School and the David Rose School for Handicapped Children.

(10) The Minister may, by order which shall be subject to negative resolution of the National Assembly, extend the application of this section to any other school or place of education, whether or not in receipt of aid from moneys provided by Parliament, with such adaptations, exceptions, modifications and qualifications as the Minister considers necessary for the purpose and the order may, in addition, contain such incidental or consequential provisions as may be necessary for the purpose of giving full effect to the order.

(11) If any person fails to comply with the provisions of subsection (6) or (7) he shall be liable on summary conviction to a fine of five hundred dollars and imprisonment for six months.";

- (d) by the repeal of sections 27 to 29 (inclusive) and Part III (sections 48 to 53 inclusive);

- (e) by the insertion of the words “nursery,” immediately after the words “relating to” in section 45; and
- (f) by the deletion of the words “or in receipt of aid” and “of Guyana” from section 54(2)(c).

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Constitution in order to facilitate the implementation of the Government's declared policy to assume full responsibility for education in Guyana.

Clause 2 of the Bill seeks to amend article 8 of the Constitution for the purpose of enabling the Government to implement its policy unhindered by the constraints of the existing constitutional requirement to pay compensation, for property acquired for the purpose of implementing the policy of the Government on education.

Clause 3 of the Bill seeks to amend article 11 of the Constitution as a necessary consequence of the Government's policy to assume full responsibility for education.

Clause 4 seeks to amend the Education Act (Cap. 39:01) enabling the Government to assume ownership and control of all schools in the execution of its policy on education and the discharge of its responsibility for the educational system in Guyana.

*Cecilene L. Baird*  
Minister of Education and Social Development.