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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



GUYANA

BILL No. 14 of 1977

REGIONAL DEVELOPMENT AUTHORITIES BILL 1977

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title.
2. Interpretation.
3. Establishment and incorporation of development authorities.

4. Conduct of business by an authority.
5. Functions of authorities.
6. Conferment of special powers upon an authority.
7. Constitution of Board of an authority.
8. Meetings and procedure of an authority.
9. Functions of Boards of authorities.
10. Policy directions to authorities.
11. Powers of authority to make rules.
12. Employment of staff.
13. Protection of members of a Board.
14. Estimates of an authority.
15. Funds and resources of an authority.
16. Borrowing and investment powers of an authority.
17. Financial year and accounts of an authority.
18. Dissolution of an authority.
19. Superannuation benefits of public officers employed with an authority.
20. Minutes receivable in evidence.
21. Limitation provisions excluded.
22. Power to make regulations.

A BILL

Intituled

AN ACT to provide for the establishment of regional development authorities.

A.D. 1977. Enacted by the Parliament of Guyana:—

Short title. 1. This Act may be cited as the Regional Development Authorities Act 1977.

**Interpre-
tation.**

2. In this Act —

“authority” means a development authority established by an order made under section 3(1);

“Board” means the board of an authority referred to in section 3(2);

“Minister” means the Minister charged with the responsibility for regional development;

“the area” means the area of Guyana in respect of which an authority has been established.

3. (1) The Minister may by order, which shall be subject to negative resolution of the National Assembly, establish in respect of any area in Guyana a development authority with such name as is mentioned in the order.

Establishment and incorporation of development authorities.

(2) An authority shall be a body corporate with a board in which the management and control of the authority shall vest.

4. (1) An authority shall have its principal place of business at such place as is provided for by an order made under section 3 and may establish branches in any place in the area.

Conduct of business by an authority.

(2) The seal of an authority shall be authenticated by the signature of the Chairman or the Deputy Chairman and the Secretary of the authority, or in such other manner as may be authorised by resolution of the authority, and every document purporting to be an instrument duly executed under the seal of an authority shall be received in evidence and deemed, without further proof, to be so executed unless the contrary is proved.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, an authority may be signified under the hand of the Chairman, or Deputy Chairman, or the Secretary, of the authority.

(4) Upon the coming into operation of an order establishing an authority the provisions of this Act shall apply to the authority so established:

Provided that the Minister may by an order made under section 3 —

- (a) modify or exclude the application of any provision of this Act in relation to an authority;
- (b) make special provision in relation to an authority in respect of any particular matter;
- (c) exclude from within the functions of an authority the functions which the Minister is satisfied shall be discharged by any other person.

5. Without prejudice to section 6, an Order made under section 3 shall prescribe the functions of the authority, and, notwithstanding anything to the contrary in any other enactment, may, for the purpose of promoting the orderly, balanced and rapid development of the area and of progressively enhancing the economic and social welfare of the community therein, contain such other provisions as will enable the authority to

Functions of authorities.

carry out its functions or as appear requisite, advantageous or convenient for or in connection with the exercise of those functions and without prejudice to the generality of the foregoing, it shall be the function of an authority within the area to —

- (a) stimulate, facilitate and accelerate, the development of agricultural, industrial and socio-economic activities in accordance with the national socialist objectives by such means as the authority may consider requisite, advantageous, or convenient for that purpose;
- (b) develop and maintain infrastructural services including electricity and pure water supply and adequate educational, medical and social facilities and services;
- (c) encourage, organise, administer and provide the facilities for settlement of persons;
- (d) develop and facilitate the promotion of adequate housing and associated services;
- (e) secure the provision of a network of roadways in keeping with the national plan for improved regional transportation;
- (f) stimulate and promote the development of co-operatives.

(2) The Minister may by an order made under section 3 make provision relating to the vesting of property (including property of the State), the transfer of assets and liabilities, monetary arrangements and the preservation of rights and liabilities subsisting immediately before the coming into force of the order and where immovable property vests in an authority by virtue of that order, the order shall be treated for all purposes as if it were a transport or other document effecting the conveyance of immovable property and the Registrar of Deeds shall make such annotations on the records as may be necessary.

Conferment
of special
powers
upon an
authority.

6. (1) Notwithstanding any provision to the contrary in any other law, the Prime Minister may by order provide that the authority may, in such manner as is specified in the order, exercise with respect to the area on behalf of any Minister, public officer, board or committee the functions (other than any function to make subsidiary legislation or to hear any appeal) vested by any other law in that Minister, officer, board or committee.

(2) Anything done by an authority pursuant to an order made under subsection (1) shall be construed and have effect as if done by the Minister, public officer, board or committee, as the case may be.

7. (1) The Board shall, without prejudice to subsection (2), consist of those persons as are referred to in an order made under section 3(1) and from among whom there shall be appointed a Chairman and a Deputy Chairman. ^{Constitution of Board of an authority.}

(2) The Secretary of the authority shall, ex officio, be a member of the Board.

(3) The names of the members of the Board when appointed and any change thereof shall be published in the Gazette.

8. (1) An authority shall meet at least once in every month and at such other times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the authority may determine. ^{Meetings and procedure of an authority.}

(2) In the absence of the Secretary at a meeting, the Chairman may request any other employee of an authority to perform the duties of Secretary at that meeting.

(3) One-half of the members of the Board (of whom one shall be the Chairman or the Deputy Chairman) present at any meeting shall constitute a quorum for the transaction of business.

(4) The Permanent Secretary of the Ministry who has been assigned responsibility to the Minister for regional development is entitled to receive notices of all meetings of the Board and to attend thereat without the right to vote and he is entitled to be furnished by the Secretary with at least one copy of the records of the proceedings at the meetings showing the matters discussed and conclusions reached by the Board.

(5) The Chairman of an authority may at any time call a special meeting of the authority within seven days of a requisition for that purpose addressed to him by any three members of a Board of an authority.

(6) An authority may co-opt any one or more persons to attend any particular meeting of the authority at which it is dealing with a particular matter, for the purpose of assisting or advising the authority, but no such person shall be entitled to vote thereat.

Functions of
Boards of
authorities.

9. (1) For the purpose of ensuring the effective carrying out of the functions of the authority and the expeditious attainment of the objectives thereof the Board of an authority shall —

- (a) exercise general supervision and control over all the operations of the authority and accordingly be responsible for the efficiency thereof;
- (b) ensure that the authority carry out all activities which appear requisite, advantageous or convenient for the discharge and exercise of the specific functions of the authority;
- (c) ensure that the authority, in discharging the functions imposed upon it by this Act, does so within the policies and objectives of the Government;
- (d) advise the Minister generally on any matter pertaining to regional development and specifically on any matter referred to the authority by him.

(2) Without prejudice to the generality of subsection (1) a Board may seek the assistance and advice of any organisation or institution for the purpose of securing the attainment of the objectives of the authority.

Policy
directions
to
authorities.

10. (1) The Minister may give an authority directions of a general or of a special character as to the policy to be followed by the authority in the exercise and performance of its functions and the authority shall give effect to the directions.

(2) An authority shall afford to the Minister facilities for obtaining information with respect to the business of the authority and shall furnish him and the Ministry with such returns or statements and other information in such manner and at such times as the Minister may require.

(3) An authority shall provide such facilities to the Minister as will enable verification of the information furnished in pursuance of this section.

Powers of
authority
to make
rules.

11. (1) An authority with the approval of the Minister may make rules —

- (a) governing the proceedings of the Board and the manner and transaction of its business;

- (b) prescribing the circumstances in which members of the Board may receive travelling and subsistence allowances and fixing the rates of such allowances;
- (c) imposing fees, rent or other charges in such cases as may be determined by the Board in respect of services rendered by, or the use of property of, the authority;
- (d) generally for the exercise of its powers and functions.

(2) Notwithstanding anything contained in section 21 of the Interpretation and General Clauses Act, it shall not be ^{Cap. 2:01} necessary for any such rules to be published in the Gazette.

12.(1) An authority shall appoint and employ at such remuneration and on such terms and conditions (including the payment of pensions, gratuities or other like benefits by reference to the service of its officers and employees) as it thinks fit, a secretary and such other officers and servants as it deems necessary for the purpose of the carrying out of the functions of the authority. ^{Employment of staff.}

Provided that —

- (a) no salary in excess of such amount as may be specified in directions issued by the Minister shall be assigned to any post without the prior approval of the Minister;
- (b) no appointment shall be made to any post to which a salary, in excess of such amount as may be specified in such directions, is assigned without the prior approval of the Minister; and
- (c) no provision shall be made for the payment of any pensions, gratuities or other like benefits to any secretary, officers, or employees or to others by reference to their service without the prior approval of the Minister.

(2) Subject to subsection (1) the Secretary shall be the chief executive officer of the authority and subject to any general or special directions of the Board shall be responsible for the administration of the business of the authority, including the recruitment, appointment and suspension of the staff in accordance with the general terms and conditions of service established by the Board and in respect thereof the Secretary shall be answerable to the Board.

(3) Subject to subsections (1) and (2), a Board may delegate to any of the officers of the authority any of its powers in respect of the appointment of the staff of the authority.

Protection
of members
of a
Board.

13. (1) Subject to subsection (2) no action, suit, prosecution or other proceedings shall be brought or instituted personally against a member of a Board in respect of any act done **bona fide** in pursuance or execution or intended execution of his duties.

(2) Where a member of a Board is exempt from liability by reason only of subsection (1), the authority is liable to the extent that they would be if the member was a servant or agent of the authority so, however, that if in any case an authority is not liable for any of the above mentioned acts, then subsection (1) does not operate to exempt such member as therein stated.

Estimates
of an
authority.

14. An authority shall, on or before the 31st March in each year commencing with the year next following that in which it was established submit to the Minister in respect of the ensuing financial year draft estimates of revenue and expenditure and of net deficiency or surplus of the authority on the current account and also the estimates of capital account for the ensuing year.

Funds and
resources
of an
authority.

15. (1) The funds and resources of an authority consist of —

- (a) such sums as may be provided by or under an appropriation law;
- (b) such sums as may be allocated from time to time to the authority from loan funds;
- (c) all sums from time to time received by or falling due to the authority in respect of the repayment of any loan made by the authority and the interest payable in respect of any such loan;
- (d) moneys earned or arising from any property, investments, mortgages and debentures acquired by or vested in the authority;
- (e) any property, mortgages, debentures, or investments acquired by or vested in the authority;

- (f) sums borrowed by the authority for the purpose of meeting any of its obligations or discharging any of its functions;
- (g) all other sums or property which may in any manner become payable to or vested in the authority in respect of any matter incidental to its powers and duties.

(2) The charges on any amount which may be allocated to an authority from loan funds shall be met by the authority except that all or any part of such charges may be met out of moneys provided by Parliament.

(3) For the purposes of this section, the expression "loan funds" means such sums as may be made available from time to time to the Government by way of loan.

(4) Where there is a net deficiency in the funds of the authority such deficiency shall be met out of moneys provided by Parliament.

16. (1) For the purpose of meeting current requirements, an authority is authorised to borrow in whole or in part, by means of advances from a Bank not exceeding such sum as the Minister in consultation with the Minister responsible for finance, may authorise. Borrowing and investment powers of an authority.

(2) The Minister responsible for finance, after consultation with the Minister, may in writing in the name of the Government guarantee on such conditions as he may think fit, the payment of the principal and of interest on any authorised borrowings of an authority.

(3) The aggregate amount of the liability of the Government in respect of guarantees given under subsection (2) shall not at any time exceed the sum of twenty-five million dollars or such greater sum as may from time to time be specified by resolution of the National Assembly.

(4) The reference in subsection (3) of the liability of the Government in respect of a guarantee shall be construed exclusively of any liability in respect of interest on any principal moneys the payment of which is the subject of the guarantee.

(5) So long as any guarantee or other undertaking given in exercise of the powers conferred by subsection (2) is in force in respect of any borrowing by an authority, the authority shall not, without the consent of the Minister, exercise any other power to borrow possessed by it except any power to

borrow by way of overdraft or otherwise in the ordinary course of business for a period not exceeding twelve months.

(6) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal monies or interest guaranteed under the provisions of this section, the amount shall be charged on the Consolidated Fund and he shall direct the repayment out of the Consolidated Fund of the amount in respect of which there has been such default.

(7) An authority shall make to the Accountant General, at such times and in such manner as the Minister may, after consultation with the Minister responsible for finance, direct, payments of such amounts as may be so directed in or towards repayment of any sum issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interests may be directed as respects different sums and as respects interests for different periods.

(8) The power to give guarantees conferred by subsection (2) is in addition to any like power conferred by any other law.

(9) Monies standing to the credit of an authority may, from time to time, be invested in securities approved either generally or specifically by the Minister, after consultation with the Minister responsible for finance, and the authority may, from time to time, with like approval, sell all or any of such securities.

Financial
year and
accounts
of an
authority.

17. (1) The financial year of an authority shall close at 31st December or such other date as the Minister may direct.

(2) An authority shall keep accounts of its transactions on an accrual basis and in the manner as may be prescribed by the Minister and to his satisfaction and such accounts shall be examined by the Director of Audit and annual financial statements in a form approved by the Minister shall be presented to the Director of Audit for audit within four months after the close of each financial year.

(3) The members, officers and employees of an authority shall grant at all reasonable times to the Director of Audit or his duly authorised representatives access to all books, records, vouchers, documents, returns, cash, securities, stores and other property of the authority and shall give to him on request all such information as may be within their knowledge in relation to the operation of the authority.

(4) The Director of Audit 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 an authority 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 an authority or of any public corporation or other body corporate in which the controlling interests vests in the State he is 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 the summons is liable on summary conviction to a fine of one thousand dollars or, in default of payment, to imprisonment for six months.

(6) The Director of Audit in the exercise of his duties under this section shall on the request of the Minister, authorise any person publicly carrying on the profession of accountant to inspect, examine or audit the books and accounts of the authority and such person shall report thereon to the Director of Audit in such manner as the Director of Audit may direct and the Director of Audit shall transmit the report promptly to the Minister with such comments as he may consider necessary.

(7) The authority may write off bad debts with the approval of the Minister.

18. (1) The Minister may, by order which shall be subject to affirmative resolution of the National Assembly, dissolve an authority.

(2) An Order dissolving an authority may, notwithstanding any enactment (including any subsidiary legislation made thereunder) or any rule of law, include any 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.

19. (1) Where, with the approval of the appropriate authority, an officer —

(a) is seconded or temporarily transferred from a pensionable office within the meaning of the

Superannuation benefits of public officers employed with an authority.
Cap. 27:02

Pensions Act to an office with an authority, section 5 of that Act shall apply to him as if his service in the office with an authority, as the case may be, were service in a public office;

- (b) is transferred from a pensionable office within the meaning of the Pensions Act to a substantive appointment in an office with an authority, his service with an authority, as the case may be, shall be other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in the Pensions Act.

(2) In this section, "appropriate authority" means the person or authority vested by law with power to appoint the officer to the pensionable office held by him (and to which the Pensions Act applies).

Minutes
receivable
in evidence:

20. Any minutes made of meetings of an authority shall if duly signed by the Chairman or the Deputy Chairman or other member elected to preside at a meeting of an authority, without further proof of any other matter or thing, be receivable in all legal proceedings as *prima facie* evidence of the proceedings of an authority of which minutes have been made and that every meeting of an authority in respect of the proceeding of which minutes have been so made to have been duly convened and held.

Limitation
provisions
excluded:

21. No written law prescribing a period of limitation within which a sum of money may be recovered or within which title or possession to land may be established shall apply to a claim by an authority for a sum of money or to title or possession of land, as the case may be.

Power to
make
regulations:

22. Subject to this Act, the Minister may make regulations for carrying into effect the purposes of this Act, and in particular, but without prejudice to the generality of the foregoing, regulations may be made in relation to the regulation and management of the affairs of an authority.

EXPLANATORY MEMORANDUM

Pursuing the policy of the Government to promote the welfare of the people in the various regions of Guyana this Bill seeks to enable regional development authorities to be established for, and carried on in, specific areas within a ministerial region.