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31st July, 1980

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 1980.

LOCAL DEMOCRATIC ORGANS BILL 1980

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A BILL

Intituled

N ACT to make provision for the institution of a country-wide system of local government through the establishment of organs of local democratic power as a vital aspect of socialist democracy, for the election of members of the National Assembly by regional democratic councils and the National Congress of Local Democratic Organs, for thereby and otherwise enabling the Constitution set out in the Schedule to the Constitution of the Co-operative Republic of Guyana Act 1980 to function on and after the day appointed for the coming into operation of that Constitution, and for purposes connected therewith.

Enacted by the Parliament of Guyana —

A.D. 1980

PART I

PRELIMINARY

1. This Act may be cited as the Local Democratic Organs Act 1980 and shall come into operation on the day appointed under section 4 of the Constitution of the Co-operative Republic of Guyana Act 1980 for the coming into operation of the Constitution. Short title and commencement.

2. (1) In this Act —

Inter-pretation.

“area”, in respect of any local democratic organ, means the area administered by that organ;

“casual vacancy” means any vacation of office for any cause other than a dissolution of the body in which the office is held, and includes any case in which a person, by reason of his having lost memberships of a body by which he was elected to another body, thereupon vacates, as he is hereby required to vacate, membership of the body to which he was elected;

“clerk” means the chief executive officer, however styled, of the National Congress of Local Democratic Organ or of a regional democratic council or of any other local democratic organ, as the case may be, and, if there is no such officer, then such officer as may be designated for the purpose by the Minister;

“Congress” means the National Congress of Local Democratic Organs established by article 79 of the Constitution;

“Constitution” means the Constitution of the Co-operative Republic of Guyana as set out in the Schedule to the Constitution of the Co-operative Republic of Guyana Act 1980;

“Constitution Order” means an order made pursuant to section 5;

“Council” means a regional democratic council established under section 5;

“Councillor” means a member of a council elected pursuant to the provisions of section 18;

“Court” means the High Court;

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“Local democratic organ” means any local government authority, and includes that of any city or town, and any council established under the Amerindian Act;

“Minister” means the Minister responsible for local government, save that in the case of sections 11 and 67 it means the Minister responsible for legal matters;

“region” means any of the regions into which Guyana has been divided under section 4;

“regional democratic council” means any regional democratic council established by a constitution order.

(2) The references in sections 51 and 57 to a day being appointed by the President under article 60(3) and article 60(4) respectively shall be construed as including a reference to a day being appointed by him under section 8(6) of the Constitution of the Co-operative Republic of Guyana Act 1980 in relation to the holding of the first election of members of a regional democratic council or of the National Congress of Local Democratic Organs, as the case may be.

Objectives
of local
government.

3. The general objectives of the system of local government established by and under this Act are to involve as many citizens as possible in the task of managing and developing the communities in which they live and ensuring popular participation in organising the political, economic, social and cultural life of those communities.

PART II

LOCAL DEMOCRATIC ORGANS

4.(1) The Minister may by order divide Guyana as he may deem fit into ten regions, and may in like manner divide a region into sub-regions, a subregion into districts, a district into communities, a community into neighbourhoods, and a neighbourhood into people's co-operative units.

Establishment of local government areas. First schedule.

(2) In establishing any area as a region under subsection (1) the Minister shall take into account the population, physical size, geographical characteristics, economic resources and the existing and planned infrastructure of the area, as well as the possibilities of facilitating the most rational management and use of such resources and infrastructure, with a view to ensuring that the area is or has the potential for becoming economically viable.

5. The Minister may by order provide for —

Constitution orders

- (a) the establishment or designation of local democratic organs for any area into which Guyana has been divided under section 4;
- (b) the name of any such area and its boundaries;
- (c) the name of any local democratic organ for the area;
- (d) the composition, constitution, location, rights, duties, obligations and responsibilities of each local democratic organ;
- (e) the election, rights, duties, obligations and responsibilities of members of each local democratic organ;
- (f) sanctions (including fines and public reprimands) against local democratic organs and any members and officers thereof for breach or dereliction of duty;
- (g) the due accountability of local democratic organs, members and officers thereof to the residents within their area, including provision for vacation of any office to which any person has been appointed or elected, on grounds of misconduct, inability (whether physical or mental) or loss of confidence of the electorate;
- (h) the good management and administration of any area by the local democratic organ thereof;

- (i) the holding of any public or private inquiry into the administration of any area by the local democratic organ thereof;
- (j) the dissolution of any local democratic organ (other than a regional democratic council) and the holding of fresh elections therefor;
- (k) the establishment of any interim local democratic organ during any dissolution effected under paragraph (j), or during any period prior to the establishment of an elected local democratic organ for the area;
- (l) the direct administration for a temporary period by the Government of any area (including any area otherwise forming part of the area of a local democratic organ);
- (m) the preservation of the status of any existing city or town, or of any council established under the Amerindian Act or of any other local democratic organ, and the regulation of their relationship with any other local democratic organ, including the making of provision for distinctions in the functions of members of a local democratic organ which are consistent with the preservation of any such status;
- (n) the modification of the boundaries of the area of any local democratic organ;
- (o) the financing of any local democratic organ, including the raising of revenue by the imposition of rates, taxes, dues and other means;
- (p) the transfer or secondment of officers and other employees from the service of the Government to that of any local democratic organ or the transfer or secondment of officers and other employees from the service of any local democratic organ to that of the Government, or of any other local democratic organ, and the regulation of the terms and conditions of any such transfer or secondment;
- (q) the establishment of any superannuation schemes relating to the workers of any local democratic organ;
- (r) the transfer of property, rights and obligations from any local democratic organ to any other such organ, or the vesting of any property or

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rights in, or the charging of any obligations on, any such organ;

- (s) the settlement of any disputes among local democratic organs.

6. Without prejudice to the generality of section 5, it shall be the duty of each local democratic organ and the members and officers thereof within its area — Duties of local democratic organs.

- (a) to maintain and protect public property;
- (b) to protect and improve the physical environment;
- (c) to improve working and living conditions;
- (d) to stimulate economic activities and improve production and efficiency;
- (e) to promote the social and cultural life of the people;
- (f) to raise the level of civic consciousness;
- (g) to preserve law and order;
- (h) to consolidate socialist legality;
- (i) to safeguard the rights of the people; and
- (j) to give advice, encouragement and support to the people in their daily activities and to give leadership by example.

7. Subject to the provisions of this Act, a local democratic organ may, with the approval of the Minister, make regulations for — Local democratic organ may make regulations.

- (a) the proper management and administration of its area;
- (b) the raising of revenues by tolls, rates, taxes and dues;
- (c) the conduct by it of any business which it may be authorised to carry on under its constitution order; or
- (d) acquiring land compulsorily for local government purposes.

8. Every local democratic organ shall be a body corporate by the name prescribed for it by its constitution order. Local democratic organs to be bodies corporate.

Full-time officers.

9.(1) The following office-holders shall be full-time officers of their respective local democratic organs —

- (a) the Mayor and Deputy Mayor of any city or town; and
- (b) the chairman and vice-chairman of any regional democratic council; and
- (c) the chairman of any local democratic organ for any sub-division of a region who may by direction of the Minister be specified for the purpose.

(2) The Minister may by order prescribe the emoluments, if any, to be paid by a local democratic organ to any officer serving full-time as aforesaid.

Delegation of powers to local democratic organs.

10.(1) Subject to any conditions which the Minister may by order prescribe, any Minister, department of Government or statutory authority may, with the consent of the first mentioned Minister, delegate any of his or its statutory power or authority to a local democratic organ where the power or authority relates to matters within the responsibility of that organ.

(2) Subject to any conditions which the Minister may in writing specify, any local democratic organ may appoint any other local democratic organ as its agent for purposes agreed between them.

Petty courts.

11.(1) Subject to the Constitution, the Minister may by order, which shall be subject to affirmative resolution of the National Assembly, establish courts for the trial of petty offences committed within the area of any local democratic organ and any such order may prescribe —

- (a) the offences triable in any such court;
- (b) the punishment which any such court may impose;
- (c) a summary method of appeal from any decision of any such court;
- (d) the procedure relating to the functioning of any such court or the making of any such appeal from its decision; and
- (e) all other matters which the Minister deems it necessary or expedient to provide for in order to enable such courts to administer justice fairly, effectively, economically and speedily.

(2) In this section “petty offences” means any offence punishable on summary conviction by a fine not exceeding four hundred dollars or imprisonment for a term not exceeding two months, or by both such fine and such imprisonment, and, subject to such limitations on punishment, any offence punishable on summary conviction and relating to theft of or damage to any livestock, or any agricultural or dairy product, or any thing connected with the production thereof.

12. Where provision has been made by a constitution order for the local government of any area, any provision of any other law relating to the local government of that area shall cease to apply with effect from such day, to such extent and subject to such conditions as may be specified in the order.

Cessation of application of other laws.

13. In the case of a regional democratic council the provisions of this Part shall apply subject to the provisions of Part III.

Application of this Part to regional democratic councils.

PART III

REGIONAL DEMOCRATIC COUNCILS

14. A local democratic organ established for a region by an order made under section 5 shall be called a regional democratic council and shall have such functions as may be vested in it by or under this Act or any other law.

Regional democratic councils.

15. Every council shall consist of such number of members (including the chairman and the vice-chairman) as, being not less than twelve and not more than thirty-six, may be prescribed by its constitution order.

Composition of regional democratic councils.

16. Councillors shall be elected in accordance with the provisions of section 18.

Councillors to be elected.

17.(1) Subject to subsection (2), a person shall be qualified for election as a Councillor if, and shall not be so qualified unless, he is qualified for election as a member of the National Assembly under article 53 of the Constitution.

Qualifications for election as councillor.

(2) No person shall be qualified for election as a councillor, or, if so elected, to hold or continue in office as a councillor, if he is —

(a) disqualified for election as a member of the National Assembly under paragraphs (I), (6),

(7) and (8) of article 155 of the Constitution;

- (b) a member of the National Assembly other than a member thereof elected by the council to which he seeks election;
- (c) a magistrate;
- (d) a member of the Police Force;
- (e) a member of the Guyana Defence Force;
- (f) a local government officer;
- (g) the Chief Election Officer;
- (h) in relation to the election, a returning officer within the meaning of section 2(1) of the Representation of the People Act as applied by section 18;
- (i) any person who has within five years before election day been removed from any elected office pursuant to any provision made under section 5(g);
- (j) a person who has within five years before election day or since his election been surcharged under any law to an amount exceeding one thousand dollars;
- (k) a person who has been disqualified from holding office as a councillor pursuant to any law:

Cap. 1:03.

Cap. 36:02.

Provided that for the purpose of paragraphs (j) and (k) the ordinary date on which the period allowed for making an appeal or application with respect to an order imposing the surcharge or the disqualification respectively expires or, if such an appeal or application is made, the date on which the application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof, shall be deemed to be the date on which the surcharge or disqualification was imposed, as the case may be.

Election
councillors.
Cap. 1:03.
Cap. 1:03
of coun-

18-1) Subject to subsection (2), the provisions of the Representation of the People Act (as modified by the Constitution of the Co-operative Republic of Guyana (Adaptation and Modification of Laws) (Representation of the People) Order 1980) shall apply *mutatis mutandis* to the election of councillors as they apply to an election of members of the National Assembly under article 60(2) of the Constitution.

(2) Where the day appointed under article 73(2) of the Constitution for holding elections of councillors is the same as the day appointed under article 61 of the Constitution for holding an election of members of the National Assembly

under article 60(2) thereof, the Representation of the People Act, as applied by subsection (1), shall, for the purpose of such application, be construed subject to the following modifications —

- (a) any reference to a list of candidates shall be construed as including a reference to a list of candidates for election as councillors of the council of the region in respect of which their election is sought;
- (b) persons entitled to vote at an election of councillors shall be electors whose names appear on the official list of electors for any division within the region of the council in respect of which the election is held;
- (c) an elector who votes by proxy at one election shall, if he intends to vote at the other election, vote thereat by proxy and shall appoint one and the same person as his proxy in relation to both elections, and accordingly any cancellation of the appointment of a proxy shall be deemed to apply in relation to both elections;
- (d) an elector who votes as a postal voter at one election shall, if he intends to vote at the other election, vote thereat as a postal voter.
- (e) the ballot paper for each election shall be set out on the same sheet of paper and shall each bear the same serial number but shall be separated from each other by a perforated line and distinguished from each other by different colours, the sheet being in the form of Form 11 of the Schedule to the Act as amended by this subsection, the upper half thereof comprising the ballot paper for the election of members of the National Assembly and the lower half thereof comprising the ballot paper for the election of members of the council of the region;
- (f) an elector, whether acting for himself or as a proxy, shall only once enter the room where the poll is held, and, having entered, shall there and then vote in all his capacities and in respect of each election at which he intends to cast a vote, each step relating to one election being taken either simultaneously with or immediately after the corresponding step.

relating to the other, as may be practicable, and where any two corresponding steps are substantially the same (such as proof of identity or inking of fingers) a step taken in relation to one election shall be deemed to have been also taken in relation to the other;

- (g) an elector voting at both elections shall cast his ballots for both elections at the same time and in the same ballot box, but ballot papers for one election shall be separated from ballot papers for the other election immediately after removal from the ballot box and shall be counted separately:

Provided that a ballot paper shall not be invalidated by reason only that it has become separated from the other ballot paper on the same ballot sheet prior to its removal from the ballot box;

- (h) unless the Commission otherwise decides, where the same person has been named as representative of a list of candidates for election as members of a council for a region as well as representative of a list of candidates for election as members of the National Assembly or where the same symbol has been applied for in respect of both lists, and where any person holds an appointment as election agent, assistant agent, counting agent or polling agent in respect of the second mentioned list for any area within that region, no one other than that person may be appointed to, or, if previously appointed, no one other than that person may continue to hold, the corresponding post in relation to the first-mentioned list in respect of that area;
- (i) any person holding office as an election officer in relation to the election of members of the National Assembly shall be deemed to be holding the like office in relation to the holding of the election of councillors;
- (j) the administrative machinery and arrangements for the holding of the election of councillors shall as far as practicable be the same as those for the holding of the election of members of the National Assembly subject to due care being taken to ensure that there is no confusion between the holding of the two elections:

(k) where any form is prescribed or modified by this subsection so as to be capable of being used in relation to both elections, or partly in relation to one and partly in relation to the other, it shall be so used, and accordingly any corresponding form which would have been used if either election was held alone shall not be applicable; and

(1) the provisions of that Act specified in the first column of the First Schedule are hereby amended in the manner specified in the second column of that Schedule. *Cap. 1:03
Subsidiary
Legislation

19. (1) Within even days after the declaration under section 99 of the Representation of the People Act (as modified aforesaid) of the results of any election of councillor, the clerk of the council to which the election has been made shall call a meeting to be held not later than fourteen days after the date of the declaration, of the persons elected thereat to be councillors for the purpose of electing the chairman and the vice-chairman of the council. Convening
of meeting
to elect
chairman
and vice-
chairman.
Cap. 1: 03.

(2) The clerk shall, not less than three days before a meeting held pursuant to subsection (1), publish notice of the time and place of the intended meeting and cause a copy thereof to be served upon the persons elected as councillor:

Provided that want of service of a copy of a notice shall not affect the validity of the meeting.

20. (1) The election of the chairman shall be the first business transacted at a meeting called pursuant to section 19 and the election of the vice-chairman shall take place immediately thereafter. Election
of chair-
man and
vice-
chairman.

(2) The clerk shall, until the chairman has been elected, preside at and shall determine any question arising at the meeting during the election of the chairman, but shall not have any vote; and upon his election the person so elected shall preside at all meetings and determine any such question and shall have a second or casting vote whenever there is an equality of votes on any question.

(3) Every candidate for election as chairman and vice-chairman shall be a councillor proposed by another councillor and seconded by another, all of whom are present at the meeting.

(4) If there is only one candidate for election as chairman, the clerk shall declare that candidate to be elected; and if, the chairman having been elected, there is only one candidate for election as vice-chairman and vice-chairman shall declare that candidate to be elected.

(5) If there are two or more candidates for election as chairman, the clerk shall take the votes of the councillors present and shall declare the candidate who secures the greatest number of votes to be elected; and, if, the chairman having been elected, there are two or more candidates for election as vice-chairman, the chairman shall declare the candidate who secures the greatest number of votes to be elected.

(6) Where by reason of an equality of votes cast at an election of a chairman no person is elected chairman the Minister shall select one of the councillors receiving the greatest number of equal votes to be chairman.

21. (1) If any vacancy occurs under section 22 in the office of chairman or vice-chairman, the clerk shall call a meeting of the council to elect a councillor to the vacant office.

Election of chairman and vice-chairman on vacancy.

(2) Section 20 shall, in so far as it is applicable, apply to a meeting called under this section.

22. (1) A vacancy shall occur in the office of chairman or vice-chairman prior to normal retirement if the holder of the office —

Vacancy in office of chairman or vice-chairman.

- (a) dies;
- (b) resigns;
- (c) ceases to be a councillor;
- (d) does not within twenty-eight days after his election to the office take before the President the oath prescribed for his office by section 24, unless his failure to take such oath within the said period is for any reason approved by the council.

(2) A vacancy shall occur in the office of vice-chairman if the holder thereof is elected to the office of chairman.

23. (1) During any period when the chairman is for any reason unable to perform the functions of his office, those functions shall be assumed and performed by the vice-chairman.

Performance of chairman's duties when unable to act.

(2) If the vice-chairman is for any reason unable to perform the functions of the office of chairman in accordance with subsection (1), the clerk shall call a meeting of the council to elect a councillor to perform those functions, and the councillor so elected shall assume and perform those functions until such time as the chairman or vice-chairman, at the case may be, is able to act.

(3) Section 20 shall, in so far as it is applicable, apply to a meeting called under this section.

(4) Where at an election under subsection (2) two or more councillor secure an equal number of votes the Minister shall direct which of those councillor shall perform the functions of the office of chairman; and that councillor shall assume and perform those functions until such time as the chairman or vice-chairman, as the case may be, is able to act.

(5) In the event of the vice-chairman or a councillor performing the functions of the office of chairman for seven consecutive days or more, the vice-chairman or councillor, as the case may be, shall, during such period, have at his disposal, in lieu of the chairman, the funds placed under section 28 (1) at the disposal of the said office in the manner specified for the payment of such fund.

24. The chairman and vice-chairman shall, before performing any of the functions of their respective offices (save those referred to in section 20) take before the President an oath of office in the form set out in the Second Schedule.

Oath of Office.
Second Schedule.

25. The chairman and the vice-chairman, shall, by virtue of their offices, be justices of the peace for their region, but shall, before acting as such, take the oath required by law to be taken by such justices unless they are, on the day on which they become entitled to act as chairman or vice-chairman, such justices and have taken the oath required by law to be taken to act as such justices.

Chairman and vice-chairman to be justices of the peace.

26. A council may grant leave of absence to its chairman and vice-chairman for any period or periods not exceeding three months in the aggregate during any continuous twelve-month period of continuance in office.

Leave of absence of chairman and vice-chairman.

27. The chairman, the vice-chairman and other councillors shall, during their continuance in office, be exempted from jury service.

Chairman, vice-chairman and councillors exempted from jury service.

28. (1) A council may in each year appropriate out of its funds a sum not exceeding in amount any sum for the time being prescribed by its constitution order to be placed at the disposal of its chairman in any manner specified in the order.

Remuneration of chairman and councillors.

(2) A council may in each year, with the approval of the Minister, appropriate out of its funds a sum to be utilised for the remuneration of councillors other than travelling and subsistence expenses incurred in the course of duty and may, with such approval, determine what sum shall be payable to each councillor.

29. A vacancy shall occur in the office of a councillor if the holder thereof —

Vacancy in office of councillor

- (a) dies;
- (b) ceases to be qualified for election as a councillor;
- (c) is disqualified for being or is disqualified from continuing to be a councillor;
- (d) is removed from office pursuant to any provision made under section 5 (g);
- (e) resigns;
- (f) does not, within fourteen days of his election, take before the clerk the oath prescribed for his office by section 31, unless his failure to take such oath within that period is for a reason approved by the council.

Significa-
tion and
filling of
vacancy.

30. (1) Whenever a vacancy occurs in an office of councillor, the clerk shall report the same at the next meeting of the council and publish notice thereof.

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(2) Any such vacancy shall be filled pursuant to section 99A of the Representation of the People Act, as modified by section 18.

Oath of
office of
councillor.

Second
Schedule.

31. No councillor shall take part in the proceedings of a council or a committee thereof until he has taken before the clerk an oath of office in the form set out in the Second Schedule.

Application
of certain
provisions
of the
Municipal
and District
Councils Act,
Cap. 28: 01.

32. (1) The provision of the Municipal and District Councils Act specified in subsection (2) shall apply in relation to a regional democratic council as they apply in relation to a council under that Act and for that purpose shall be construed with any necessary modifications, adaptations, qualifications and exceptions, and, without prejudice to the generality of the foregoing, subject, in particular, for the purpose of such application, to the following modification —

- (a) where a provision applies to the City Council, the Town Council and any other council it shall apply to a regional democratic council as it applies to such other council;
- (b) any references to the clerk or treasurer shall be construed as a reference to the clerk or chief finance officer (however styled) respectively of a regional democratic council;
- (c) the power conferred by section 305 to suspend or dissolve a council shall be inapplicable to a regional democratic council;
- (d) the provisions specified in the first column of the Third Schedule are hereby amended in the manner specified in the second column of that Schedule.

Third
Schedule.

The provision of that act specified for the purposes of subsection (1) are —

sections 43 to 332 (inclusive) but exclusive of section 58(1) and (2), 72, 73, 81 to 89 (inclusive), 95 to 120 (inclusive), 123, 125 to 142 (inclusive), 153 to 154 (inclusive), 200 to 227 (inclusive), 265 to 300 (inclusive), 301, 319, 321 to 331A (inclusive).

33. In the management and development of its region, every council shall be guided by the general policies of the Government and the national objectives as set by the Government, and shall devise its development plans and programmes to ensure consistency with such policies and objectives; and in the performance of his functions each councillor shall endeavour to co-operate with every other councillor and with all socio-economic institutions in the area.

Duty of council to be guided by general policies of Government.

PART IV

THE NATIONAL CONGRESS OF LOCAL DEMOCRATIC ORGANS

34. (1) Subject to subsection (2), the National Congress of Local Democratic Organs shall consist of twenty members, two of whom shall be elected by each regional democratic council in accordance with the provision of sections 35 to 42 (inclusive).

Composition of the National Congress of Local Democratic Organs.

(2) The Minister may by order make provision for additional members of the Congress to be elected by and from among member of such other local democratic organs and for such purposes a may be pecified in the order.

35. A person shall be qualified for election as a member of the Congress if he is a member of a council.

Qualifications for election as a member of the Congress

36. The clerk of each council shall cause a meeting of the council to be held at a time fixed by him on the day appointed by the President under article 80 (2) of the Constitution for the purpose of electing two of the members of the council to serve as members of the Congress.

Convening election meeting.

37. (1) At the meeting the chairman shall call for nominations of candidates for election to each of two offices of member of the Congress, the election to the first office being completed before nomination are called for election to the second office.

Nominations.

(2) Each candidate shall be a member of the council proposed by another member and seconded by another member, all of whom are present at the meeting.

Election. 38. (1) If there is only one candidate for election to an office the chairman shall declare him to be duly elected to serve in that office as a member of the Congress.

(2) If there are two or more candidates for election to an office, the clerk shall take the votes of the members present and the chairman shall declare the candidate who secures the greatest number of votes to be duly elected a member of the Congress, the casting vote of the chairman being exercised in the event of an equality of votes.

Notification of election result to Elections Commission. 39. As soon as practicable after the election of the two members, the clerk of the council shall notify the Elections Commission of the results of the election, which the Commission shall thereupon cause to be published in the *Gazette*.

Certificates of election. 40. The Election Commission shall furnish each person who has been elected a member of the Congress with a certificate that he has been so elected.

Vacancies in office of member of Congress. 41. A vacancy shall occur in the office of a member of the Congress if the holder thereof —

- (a) vacates his office as a member of the council by which he was elected to the Congress;
- (b) resigns his office as a member of the Congress;
- (c) does not within fourteen days of his election as a member of the Congress take before the clerk thereof the oath prescribed by section 31 (as applied by section 47) unless his failure to take such oath within that period is for a reason approved by the Congress or by the clerk if the Congress is not in session;
- (d) is disqualified for being or is disqualified from continuing to be a member of the Congress.

Signification and filling of casual vacancy. 42. (1) Whenever a vacancy occurs in an office of member of the Congress the clerk thereof shall with all speed report the same to the chairman of the council by which the holder of the office was elected a member of the Congress as well as to the chairman of the Congress, and publish notice thereof.

(2) Any such vacancy shall be filled by such other member of that council as is not a member of the Congress, but is qualified for election as, such a member and is elected as such a member by the council (following as nearly as may be the like method as was observed at the preceding election held under sections 36, 37 and 38) on such day as the President may by proclamation appoint, being a day

which the President considers to be as early as practicable after the vacancy occurred.

43. (1) Within seven days after the date on which publication in the *Gazette* has been completed pursuant to section 39 or the results of elections by councils of members of the Congress, the clerk of the Congress shall call a meeting, to be held not later than fourteen days after that date, of the persons so elected for the purpose of electing the chairman and the vice-chairman of the Congress. Convening of meeting to elect chairman and vice-chairman.

(2) The clerk of the Congress shall, not less than three days before a meeting held pursuant to subsection (1), publish notice of the time and place of the intended meeting and cause a copy thereof to be served upon the persons elected as members of the Congress:

Provided that want of service of a copy of a notice shall not affect the validity of the meeting.

44. Section 20 shall apply *mutatis mutandis* in respect of the election of the chairman and vice-chairman of the Congress as it applies in respect of the election of the chairman and vice-chairman of a council. Election of chairman and vice-chairman.

45. (1) If any vacancy occurs under section 46 in the office of chairman or vice-chairman of the Congress, the clerk of the Congress shall call a meeting of the Congress to elect a member to the vacant office. Election of chairman and vice-chairman on vacancy.

(2) Section 20 shall, in so far as it is applicable, apply *mutatis mutandis* to a meeting called under this section.

46. (1) A vacancy shall occur in the office of chairman or vice-chairman of the Congress if the holder of the office — Vacancy in office of chairman and vice-chairman.

- (a) vacates his office as a member of the Congress;
- (b) resigns his office as such chairman or vice-chairman;
- (c) does not within twenty-eight days after his election to the office take before the President the oath prescribed by section 24 (as applied by section 47) unless his failure to take such oath within the said period is for any reason approved by the Congress or by the clerk thereof if the Congress is not in session.

(2) A vacancy shall occur in the office of vice-chairman of the Congress if the holder thereof is elected to the office of chairman of the Congress.

Application of certain provisions of part iii

47. Sections 23, 24, 25, 26, 27, 28 and 31 apply **mutatis mutandis** in respect of the Congress as they apply in respect of a council.

Application of certain provisions of the Municipal and District Councils Act. Cap. 28:01.

48. Section 32, as it applies to a council, applies **mutatis mutandis** to the Congress, but subject to the following modifications —

Cap. 28:01.

- (a) any reference in the Municipal and District Councils Act to a council area shall be construed as a reference to any area in respect of which there are representatives in the Congress;
- (b) sections 67, 155, 302 and 320 of that Act shall not apply to the Congress;
- (c) sections 153 and 154 of that Act shall apply to the Congress as they apply to the City Council.

Duty of Congress to be guided by general policies of Government.

49. In the management of its affairs and the discharge of its responsibilities the Congress shall be guided by the general policies of the Government and the national objectives as set by the Government.

Power of Minister to provide for other matters relating to the Congress.

50. Subject to the provisions of this Act, the Minister may by order provide for any other matter which he considers to be necessary or expedient to provide for in relation to the establishment, membership and functions of the Congress, for the election of the members thereof and by them of members of the National Assembly, and for the effective participation by them through the Congress in the decision-making processes of the State.

PART V

ELECTION OF CERTAIN MEMBERS OF THE NATIONAL ASSEMBLY

Election of members of the National Assembly by regional democratic councils

Convening of meeting of regional democratic councils to elect members of the National Assembly.

51. The clerk of each regional democratic council shall cause a meeting of the council to be held at a time fixed by him on the day appointed by the President under article 60 (3) of the Constitution for the purpose of electing to serve as a member of the National Assembly one of the councillors qualified to be so elected.

Nominations.

52. At the meeting the chairman shall call for nominations of candidates for the purpose. Each candidate shall be proposed by another councillor and seconded by another councillor; all of whom are present at the meeting.



53. (1) If there is only one candidate, the chairman shall declare ^{Election.} him to be duly elected as a member of the National Assembly.

(2) If there are two or more candidates, the clerk shall take the votes of the members present and the chairman shall declare the candidate who secures the greatest number of votes to be duly elected as a member of the National Assembly, the casting vote of the chairman being exercised in the event of an equality of votes.

54. As soon as practicable after the election, the clerk shall ^{Publication of results.} notify the Elections Commission of the results of the election, which the Commission shall thereupon cause to be published in the *Gazette*.

55. The Elections Commission shall furnish the ^{*}councillor who has been elected as a member of the National Assembly with a certificate that he has been so elected. ^{Certificate of election.}

56. Section 42 applies *mutatis mutandis* to the filling ^{Filling of casual vacancies amongst members of the National Assembly elected by councils.} of casual vacancies amongst members of the National Assembly who were elected by a council.

Election of members of the National Assembly by Congress

57. The clerk of the Congress shall cause a meeting ^{Convening of meeting of Congress to elect members of National Assembly.} of the Congress to be held at a time fixed by him on the day appointed by the President under article 60(4) of the Constitution for the purpose of electing to serve as members of the National Assembly two of the members of the Congress who are qualified to be so elected.

58.(1) At the meeting the chairman shall call for ^{Nominations.} nominations of candidates for election to each of the two offices of members of the National Assembly, the election to one office being completed before nominations are called for election to the other.

(2) Each candidate shall be proposed by another member of the Congress and seconded by another such member, all of whom are present at the meeting.

59.(1) If there is only one candidate for election to an ^{Election.} office the chairman shall declare him to be duly elected to serve in that office as a member of the National Assembly.

(2) If there are two or more candidates for election to an office the clerk shall take the votes of the members present

and the chairman shall declare the candidate who secures the greatest number of votes to be duly elected to serve in that office as a member of the National Assembly, the casting vote of the chairman being exercised in the event of an equality of votes.

Publication of results. 60. As soon as practicable after the election of the two members, the clerk shall notify the Elections Commission of the results of the election, which the Commission shall thereupon cause to be published in the *Gazette*.

Certificates of election. 61. The Elections Commission shall furnish each person who has been elected as a member of the National Assembly with a certificate that he has been so elected.

Filling of casual vacancies amongst members of the National Assembly elected by Congress. 62. Section 42 applies *mutatis mutandis* to the filling of casual vacancies amongst members of the National Assembly who are elected by the Congress.

PART VI

ELECTION DISPUTES

Disputed elections to regional democratic councils

Determination of questions as to membership and elections relating to councils.

63.(1) Any question —

- (a) regarding the qualification of any person to be elected as a member of a council;
- (b) whether —
 - (i) either generally or in any particular place, an election to a council has been lawfully conducted or the result thereof has been, or may have been, affected by any unlawful act or omission;
 - (ii) the seats in a council have been lawfully allocated;
 - (iii) a seat in a council has become vacant; or
 - (iv) any member of a council is required under the provisions of any law to cease to exercise any of his functions as a member thereof;
- (c) regarding the filling of a vacant seat in a council; and

- (d) whether any person has been validly elected as chairman or vice-chairman of a council or, having been so elected, has vacated the office of chairman or vice-chairman, as the case may be, may, with a view to securing any appropriate remedial orders, be dealt with as provided in subsection (2) or (3) as the case may be.

(2) Any such question as is referred to in subsection (1) (a), (b) and (c) may be referred to the Court, and shall thereupon be determined by it, in accordance with the provisions of the National Assembly (Validity of Elections) Act which shall apply for that purpose with any necessary modifications, adaptations, qualifications and exceptions. and, without prejudice to the generality of the foregoing, subject in particular, for the purpose of such application, to the following modifications —

- (a) any references however made in that Act to —
 - (i) an election;
 - (ii) an elector;
 - (iii) a candidate;
 - (iv) a list of candidates;
 - (v) any person being elected as a member of the National Assembly;
 - (vi) Parliament or the National Assembly; or
 - (vii) the Speaker;

shall be construed as a reference respectively to —

- (i) an election of members of the council for the region in respect of which the election petition is brought;
 - (ii) an elector at that election;
 - (iii) a candidate at that election;
 - (iv) a list of candidates for that election;
 - (v) any person being elected as a member of such council;
 - (vi) such council; and
 - (vii) the person for the time being presiding over such council;
- (b) the provisions of that Act specified in the first column of the Fourth Schedule are hereby amended in the manner specified in the second column of that Schedule.

(3) Any such question as is referred to in section 63(1)(d) may be referred to the Court, and shall thereupon be determined by it, in accordance with the provisions of section 64.

**Disputed elections to Congress and to chairmanship
and vice-chairmanship of Congress and councils**

Disputed
elections
to Congress,
tc.

64.(1) Any question whether any person has been validly elected by a council as a member of the Congress or whether any person has been validly elected as chairman or vice-chairman of a council or of the Congress or, whether any person, having been elected to any such office, has vacated it, may, with a view to securing appropriate remedial orders, be referred to the Court, and shall thereupon be determined by it, in accordance with this section.

(2) No such question shall be referred to the Court except —

- (a) in the case of a person elected as chairman or vice-chairman of the Congress, by the clerk of the Congress when so authorised by a resolution of the Congress, or by a member of the Congress;
- (b) in the case of a person elected as chairman or vice-chairman of a council, by the clerk of the council when so authorised by a resolution of the council, or by a member of the council; and
- (c) in the case of a person elected by a council as a member of the Congress, by the clerk of the council or of the Congress when so authorised by the council or the Congress, as the case may be, or by a member of the council or of the Congress.

(3) Any such reference shall be determined by the Court in accordance with the provisions of the National Assembly (Speaker's Election and Vacation of Office) Act which shall apply for that purpose with any necessary modifications, adaptations, qualifications and exceptions, and, without prejudice to the generality of the foregoing, subject, in particular, for the purpose of such application, to the following modifications —

Cap. 1:05

- (a) any reference in that Act to the Speaker shall be construed as a reference to the office of member of the Congress or chairman or vice-chairman of the Congress or of the council, in respect of which the question is raised;
- (b) any reference in that Act to the National Assembly or the Clerk shall be construed —

- (i) in the case of a question concerning a member or the chairman or vice-chairman of the Congress, as a reference to the Congress or the clerk thereof respectively; and
- (ii) in the case of a question concerning the chairman or vice-chairman of a council, as a reference to the council or the clerk thereof respectively.

**Disputed elections by Congress and councils of members
of National Assembly**

65.(1) Any question referred to in article 163 (1) (a), (b) and (c) of the Constitution may, in respect of an election referred to in article 60(3) or (4) of the Constitution and with a view to securing appropriate remedial orders, be referred to the Court, and shall thereupon be determined by it, in accordance with this section. Disputed elections to National Assembly under art. 60(3) and (4).

- (2) Any such question may be referred to the Court —
 - (a) by any person competent to do so under article 163(2) of the Constitution;
 - (b) by the Clerk of the National Assembly when so authorised by a resolution of the Assembly, or by a member of the Assembly;
 - (c) where the question relates to an election held by a council, by the clerk of the council when so authorised by a resolution of the council, or by a member of the council;
 - (d) where the question relates to an election held by the Congress, by the clerk of the Congress when so authorised by a resolution of the Congress, or by a member of the Congress;
 - (e) by an elector; or
 - (f) by any person who was a candidate at the election at which any person in respect of whom the question is raised was elected.

(3) Any such question may be referred to the Court in accordance with the provisions of the National Assembly (Speaker's Election and Vacation of Office) Act which shall apply for that purpose with any necessary modifications, adaptations, qualifications and exceptions, and, without prejudice to the generality of the foregoing, for the purpose of such application any reference in that Act to the Speaker shall be construed as a reference to the office of member of the Assembly in respect of which the question is raised. Cap. 1:05

Appeals.

66. An appeal shall lie to the Court of Appeal —
- (a) from the decision of a judge of the Court granting or refusing leave under any law to institute proceedings for the determination of any question referred to in this Part;
 - (b) from the determination by the Court of any such question, or against any order of the Court made in consequence of such determination.

Rules of procedure.

67. Subject to the provisions of this Act and of article 163 of the Constitution, the Minister may by order make provision with respect to the practice and procedure of the High Court in relation to the jurisdiction and powers conferred upon it by or under this Part and of that Court and the Court of Appeal in relation to appeals to the Court of Appeal under this Part, and, subject to any provision so made, provision may be made with respect to the matters aforesaid by rules of court.

PART VII MISCELLANEOUS

Regulations.

68. The Minister may make regulations —
- (a) where by this Act any provision of any other law is applied with or without modification to a council or the Congress, for rescinding, varying, modifying or otherwise amending such application of any such provision (inclusive of any such modification);
 - (b) for amending any Schedule to this Act;
 - (c) for prohibiting, wholly or partially, the receipt by any person of separate payments in respect of any separate offices held by him under this Act;
 - (d) generally for giving effect to the provisions of this Act.

Saving of power to amend subsidiary legislation amended by or under this Act.

69. Any amendment by or under this Act of any subsidiary legislation shall be without prejudice to any power conferred by any law upon any person or authority to make, amend, modify or revoke such legislation, and any such power shall be exercisable even in respect of any such amendment.

Authority of Elections Commission.

70. The exercise by the Election Commission of any authority in pursuance of the provisions of the Constitution shall be duly deferred to in the operation of this Act and by each and every person or authority acting under this Act.

Negative resolutions.

71. Any regulations made by the Minister under this Act and, except as provided in section 11, any order made by him under this Act shall be subject to negative resolution of the National Assembly.

Section 18

FIRST SCHEDULE

**AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT,
Cap. 1:03**

Provision	How amended
Section 2 (1)	<p>(a) For the definition of “election” substitute the following —</p> <p>“election” means an election of members of a regional democratic council under section 18 of the Local Democratic Organ Act 1980, and ‘elector’ shall be construed accordingly’.</p> <p>(b) In the definition of “election day” for “61” substitute “73 (2)”.</p> <p>(c) In the definition of “elector” delete “VI, VII,” and before the semicolon insert “for any division within the region of the council in respect of which the election is</p> <p>(d) Insert in their proper alphabetical order the following new definitions:</p> <p>“council” means a regional democratic council;</p> <p>“councillor” means a member of a council;</p> <p>“regional democratic council” means a regional democratic council established for any region under section 5 of the Local Democratic Organs Act 1980.’</p>
Section 2 (3)	<p>After “division” in the first line insert “within a region in respect of which the election is held.”</p>
Section 3 (2)	<p>Substitute the following —</p> <p>“(2) The region of the council to which the councillors are to be elected shall form one electoral area for determining the result of the election; and votes shall be cast in favour of lists of candidates published in accordance with section 19.”</p>
Section 8 (1)	<p>Substitute a colon for the full stop at the end, and insert the following proviso —</p> <p>“Provided that an officer shall be required to take only one oath where he is acting both in respect of an election of member of the National Assembly and in respect of an election of member of a council.”</p>

Provision	How amended
Section 11 (1)	<p>(a) For “two hundred and not more than two hundred and twenty” substitute “one hundred and not more than one hundred and twenty.”</p> <p>(b) After “section 2 (3)” insert “for any division in the region of the council in respect of which the election is held.”</p>
Section 11 (3)	<p>Substitute the following</p> <p>“(3) A list of candidates shall set out the names, one below the other in the alphabetical order of the surnames, of a number of persons who are qualified to be elected to the council in respect of which the election is held and who have consented to the inclusion of their names in the list a candidates for election, together with the address and occupation of each such person, such number being not less than the number of members prescribed under section 15 of the Local Democratic Organs Act 1980 for that council and not more than the number so prescribed plus ten.”</p>
Section 12	<p>(a) For “one of their number” substitute “any elector whose name is on the official list of elector for any division of any region.”</p> <p>(b) In paragraph (a) delete “(other than persons who are not candidates)”.</p> <p>(c) In paragraphs (b) and (c) delete “and person who are not candidate.”</p>
Section 14 (3)	<p>After “more than one list” insert “in respect of the same region.”</p>
Section 22	<p>Delete.</p>
Section 34 (2) (a) (iii)	<p>Delete.</p>
Section 40 (1) (c)	<p>Before the semicolon insert “and of the Local Democratic Organs Act 1980.”</p>
Section 87 (1) (b)	<p>Before the semicolon insert “and separate them, if they have not yet become separated, from any ballot papers relating to the election of members of the National Assembly.”</p>
Section 97 (1)	<p>After “candidates” insert “in a region” and for “fifty-three” substitute “such number as may be prescribed for the membership of the council of that region under section 15 of the Local Democratic Organs Act 1980.”</p>
Section 97 (4)	<p>Delete.</p>
Section 97 (5)	<p>Delete.</p>
Section 98	<p>After “including his own name” insert “if he is a candidate”.</p>

Provision

How amended

Section 99

- (a) In paragraph (d) for “National Assembly” substitute “council in respect of which the election was held.”
- (b) Substitute a full stop for the semicolon at the end of paragraph (d) and delete the remainder of the section.

Section 99A

Substitute the following —

“Filling of casual vacancies in the case of members of a regional democratic council

99A.(1) If the seat of a member of a council is vacant for any cause other than a dissolution of the council, the vacancy shall be filled by the person who is not a member of the council but is qualified for election as, and willing to become, such a member and whose name is taken from the relevant list of candidates by way of further extraction therefrom in accordance with the provisions of section 98 by the representative or deputy representative of such list or a person designated by a majority of persons named in such list, as the case may be, as shall be called upon so to do by the chairman of the council, following as nearly as may be the like method as was observed at the preceding election of members under that section, the name of every person who became a member of the council at that preceding election, or has since become a member, being ineligible for extraction under the foregoing provisions of this subsection; and if there is no person whose name is eligible therefor the seat shall remain vacant until it is filled consequent upon an ensuing election under that section.

(2) In subsection (1) “relevant list of candidates” means the list in which was included the name of the member of the council vacating his seat or, where the vacancy exists because a person is held in proceedings under section 63 of the Local Democratic Organs Act, 1980, not to have been qualified to be elected such

Provision**How amended**

a member, the name of that person.”

- Section 100 For “the National Assembly” substitute “the council.”
- Section 104(2) For “one thousand” substitute “five hundred.”
- Section 104(3) For “one thousand” substitute “five hundred”.
- Section 106(1) (a) Substitute the following —
 “(a) in excess of the sum of five hundred dollars multiplied by the number of candidates on the list of candidates but not exceeding the number of members prescribed under section 15 of the Local Democratic Organs Act 1980 for the council in respect of which the election is held;”.
- Section 131 (e) For “the National Assembly” substitute “any council.”
- Section 131 (f) For “the National Assembly” substitute “any council.”
- Section 135(1) (b) For “the National Assembly” substitute “any council or any other local democratic organ.”
- Section 151 Delete.
- Section 152 Substitute a colon for the full stop and insert the following proviso —
 “Provided that no person shall be entitled to any additional emoluments in respect of any election of members of any council which is held on the same day as any election of members of the National Assembly.”

SCHEDULE

- Forms 1, 4, 5, 6, 7, 8, 9, 12, 13, 19, 20, 21 and 22. For the subheading “General Elections” (as inserted by the Constitution of the Co-operative Republic of Guyana) (Adaptation and Modification of Laws) (Representation of the People) Order, 1980) substitute the subheading “General and Regional Elections.”
- Forms 2, 3, 23, 24, 26, 27 and 28. For the subheading “General Elections” (as inserted by the Constitution of the Co-operative Republic of

Provision

How amended

Guyana) (Adaptation and Modification of Laws) (Representation of the People) Order, 1980) substitute the subheading "Regional Elections."

Form 2

- (a) In the heading, after "List of Candidates" insert "for Region No. ."
- (b) For "National Assembly" substitute "regional democratic council for Region No. "

Form 3

- (a) For "Members of the National Assembly in the general" substitute "members of the regional democratic council for Region No. in the regional."
- (b) For the paragraph numbered (2) in the declaration substitute —

"(2) that I am aware of the provisions of section 17 of the Local Democratic Organs Act 1980 with respect to the qualifications and disqualifications for election as a member of a regional democratic council;".

- (c) In paragraph (3) of the declaration for "Member of the National Assembly" substitute "member of the regional democratic council for Region No. "

Form 4

For "the election" substitute "the elections."

Form 5

For note 1 in Part A substitute —

"1. This application, if approved, entitles the proxy to vote for you at both elections and disentitles you from voting in person at either of the two elections."

Forms 6 and 8

For "the election" substitute "the elections."

Form 9

After "National Assembly" insert "and the members of the regional democratic council for each region of Guyana".

Provision

How amended

Form 10

Substitute the following —

“FORM 10”

**GENERAL AND REGIONAL ELECTIONS
DIRECTIONS FOR VOTING**

1. The ballot sheet that is issued to you is divided by a horizontal perforated line into two ballot papers of different colours. The top ballot paper relates to the National Assembly election and the bottom ballot paper relates to the Regional Democratic Council election.

2. You can vote for only one list of candidates on each ballot paper.

3. You should see that each ballot paper before it is handed to you has been stamped with the official mark at the back.

4. You are to go into one of the compartments and there place a cross within the blank space opposite the name and symbol of the list of candidates for which you wish to vote on each ballot paper.

You are to make the cross like this: X.

5. When you have marked both of your votes, fold your ballot sheet so as to conceal your two votes but so as to show the official mark appearing at the back of each ballot paper. Then show that mark to the officer presiding and permit your finger to be immersed in electoral ink. After that fold the folded ballot sheet a second time and put it in the ballot box and leave the polling place

6. If you accidentally spoil a ballot paper you may return your ballot sheet to the presiding officer who, on being satisfied of that fact, will give you another.

7. If you vote on any ballot paper for more than one list of candidates your vote on that ballot paper will be void and will not be counted. Likewise, both of your votes will be void and will not be counted if you place any mark on the ballot sheet by which you can afterwards be identified.

8. You must not tear or cut the ballot sheet.

Chief Election Officer.



Provision

How amended

Form 11

Substitute the following —

“FORM 11”

**THE REPRESENTATION OF THE PEOPLE ACT
FORM OF BALLOT PAPER
GENERAL ELECTIONS**

	C.O.N
Counterfoil	1. The Conservative Party Candidates' List

No.

	L.A.B.
	2. The Labour Party Candidates' List



Elector's
No. in
Official List

	L.I.B.
	3. The Liberal Party Candidates' List





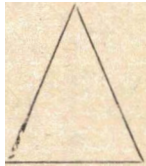
.....
(Perforated line)



Provision

How amended

**REGIONAL ELECTIONS
FOR REGION No.....**

<p style="text-align: center;">1</p>	<p style="text-align: center;">F.A.R. The Farmers' Party Candidates' List</p>	
<p style="text-align: center;">2</p>	<p style="text-align: center;">M.I.N. The Miners' Party Candidates' List</p>	
<p style="text-align: center;">3</p> <p style="text-align: center;">Elector's No. in Official List</p>	<p style="text-align: center;">L.O.G. The Loggers' Party Candidates' List</p>	

Provision	How amended
Form 19	For “this election” substitute “either of these two elections”
Form 22	For “list”, “paper” (where it first occur) and “this election” substitute respectively “lists”, “papers” and “either of the two elections.”
Form 23	For “General Election, 19....” substitute “Regional Election, 19....”
Form 26	For “general election held on the day of , 19 ,” substitute “regional election held on the day of , 19 , for Region No. ”
Form 27	In the second line of the first paragraph for “general election” substitute “regional election for Region No. ”
Form 28	In the second line of the first paragraph for “general election” substitute “regional election for Region No. ”

**ELECTIONS
(FORMS FOR
POSTAL
VOTERS)
REGULATIONS**

Forms 1, 2, 3 and 4 For the subheading “General Elections” (as inserted by the Constitution of the Cooperative Republic of Guyana) (Adaptation and Modification of Laws) (Representation of the People Order 1980) substitute the subheading “General and Regional Elections.”

Form 1 For “National” substitute “General and Regional.”

Form 3 (a) In the statement by the witness, for “ballot paper” substitute “ballot sheet.”

(b) For the back of the form substitute the following —

“(Back of Form)”

Instructions to Postal Voter

1. Enclosed herewith for the exercise of your votes at the General Election and the Regional Elections, respectively, are —

- (i) a ballot sheet;
- (ii) an envelope marked “for ballot sheet only”;
- (iii) a larger envelope addressed to the Chief Election Officer who issued the ballot sheet to you; and
- (iv) a form of Declaration of Identity.

2. The ballot sheet is divided by a horizontal perforated line into two ballot papers of different colour. The top ballot paper relates to the General Elections and the bottom ballot paper relates to the Regional Election .

Provision**How amended**

3. You may vote in the following manner —
 - (i) sign the Declaration of Identity in the presence of the witness;
 - (ii) secretly mark the ballot paper in the manner set out below, fold it so as to conceal your vote, enclose it in the envelope marked “for ballot sheet only” and seal the envelope;
 - (iii) enclose the signed Declaration of Identity together with the ballot envelope in the larger envelope addressed to the Chief Election Officer;
 - (iv) seal the last mentioned envelope and post or deliver it to the office of the Chief Election Officer or deliver it to any returning officer for transmission to the Chief Election Officer;
 - (v) obtain a receipt from the postal employee, returning officer or Chief Election Officer, for addressed envelope.
4. If you vote on any ballot paper for more than one list of candidate your vote on that ballot paper will be void and will not be counted. Likewise, both of your votes will be void and will not be counted if you place any mark on the ballot sheet by which you can afterwards be identified.
5. You should see that the ballot paper received has been stamped with the official mark.
6. You vote by making a cross like this “X” within the blank space on the right opposite the name and symbol of the List of Candidates for which you wish to vote on each ballot paper.
7. You should mark each ballot paper secretly; if you cannot vote without the assistance of some other person, that person must not disclose how you have voted.
8. If you receive more than one ballot paper in respect of the same election, remember that it is illegal to vote more than once.
9. As a postal voter at these elections you cannot vote at the polling place or by proxy.
10. Your vote to be counted should reach the returning officer or the Chief Election Officer not later than.
11. You must not tear or cut the ballot sheet.”

Form 4

For “GENERAL ELECTIONS 1980” substitute “GENERAL AND REGIONAL ELECTIONS 1980”

Sections 22, 24, 31

SECOND SCHEDULE

FORMS OF OATHS OF OFFICE

I,do hereby
 solemnly declare that I will faithfully execute the office of
without fear or favour, affection or ill-will,
 according to the best of my judgment and ability.

Section 32

THIRD SCHEDULE

**AMENDMENTS TO THE MUNICIPAL AND DISTRICT COUNCILS ACT,
 CAP. 28:01.**

Provision	How amended
Section 48 (2)	Delete "Mayor, Deputy Mayor".
Section 51	For the words before the semicolon substitute the following— "For the transaction of general business a council shall hold meetings at such intervals as may be specified under its constitution order or as it or the Minister may determine".
Section 170 (c)	For "the City Council or the Town Council" substitute "a council".
Section 189 (1)	For "section 40 of the Local Authorities (Elections) Act" substitute "section 17 (i) of the Local Democratic Organs Act 1980".
Section 190 (2)	For "section 40 of the Local Authorities (Elections) Act" substitute "section 17 (i) of the Local Democratic Organs Act 1980".
Section 257	Substitute the following — "257. A person who has a right to compensation under section 241 shall be paid compensation in accordance with article 142 of the Constitution".

EXPLANATORY MEMORANDUM

This Bill seeks to establish the framework for a completely new and radical system of local government in Guyana and to formalise all enabling legal powers in connection therewith. Its intent is to give practical effect to certain basal principles in the People's new Constitution which are intended to inform and influence the political organisation of the State and the objective of the political system. More specifically, its purpose is to institute a countrywide system of local democracy in accordance with the directive contained in article 71(1) and the scheme outlined in Chapter VII of the Constitution.

The Constitution enshrines local government as an integral part of the political organisation of the State and as a vital aspect of socialist democracy. It defines the objective of the political system in terms of the extension of socialist democracy and consequently directs that local government be organised in such a way as to involve as many people as possible in the task of managing and developing the communities in which they live. Local government, then, is envisaged as one of the most important institutions for the practice of socialist democracy. The scheme of the new local government arrangements, as set out in the Bill, has been designed to facilitate the practice and the extension of socialist democracy.

Part I of the Bill deals with matters of interpretation and spells out the general objectives of the local government system; while Part II provides for the division of the country into ten Regions and for the subdivision of these Regions for the purpose of local government as directed by article 72 of the Constitution. Part II empowers the establishment of local democratic organs for the various divisions in each Region and defines the duties, responsibilities and powers of local democratic organs.

Part III of the Bill makes provision for the constitution of regional Democratic Councils and prescribes qualifications for election thereto, the system of elections and related matters.

Part IV makes provision for the composition of the National Congress of Local Democratic Organs established by article 79 of the Constitution and deals with the question of qualification for election thereto and ancillary matters.

Part V makes provision for the election of certain members of the Regional Democratic Councils and the National Congress of Local Democratic Organs to the National Assembly.

Part VI provides for election disputes to be referred to the Courts.

H. D. Hoyte,
Minister of Economic Development and Co-operatives.

(Bill No. 12/1980)