

BILL No. 32 of 2009

Wednesday 8th July, 2009

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

8th July, 2009.

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 32 of 2009

ADMINISTRATION OF JUSTICE (No. 2) BILL 2009

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Repeal and re-enactment of section 61 of the Summary Jurisdiction (Offences) Act.
3. Amendment of section 101 of the Motor Vehicles and Road Traffic Act.

A BILL
Intituled

AN ACT to amend the Summary Jurisdiction (Offences) Act and the Motor Vehicles and Road Traffic Act to extend and specify the meaning of property and increase the penalty for damage to property.

A.D. 2009

Enacted by the Parliament of Guyana:-

Short title.

Cap. 8:02
Cap. 51:02

1. This Act, which amends the Summary Jurisdiction (Offences) Act and the Motor Vehicles and Road Traffic Act, may be cited as the Administration of Justice (No. 2) Act 2009.

Repeal and re-enactment of section 61 of the Summary Jurisdiction (Offences) Act.

Cap. 8:02

2. Section 61 of the Summary Jurisdiction (Offences) Act is repealed and re-enacted by the following section -

"Recovery of damage to property.

61. Notwithstanding anything in this Act, or any other law, of everyone who unlawfully and maliciously commits any damage, injury or spoil, to or upon any road, road structure, bridge, walkway, rail, traffic lights installation or equipment, drainage structures, including culverts and water supply structures or any movable or immovable property, either of a public or private nature, shall be liable to a fine of not less than thirty thousand dollars nor more than fifty thousand dollars and to imprisonment for ten months and bear the cost of the damage, injury or spoil to the property."

Amendment of section 101 of the Motor Vehicles and Road Traffic Act.

Cap. 51:02

3. Section 101 of the Motor Vehicles and Road Traffic Act is amended by the substitution for subsection (1) and the marginal note of the following -

"Recovery of damage to roads, bridges, traffic lights and other structures.

101. (1) If by reason of an offence against this Act any damage is caused to any road, road structure, bridge, walkway, rail, traffic lights installation or equipment or drainage structure, including culverts and water supply structures, the road authority may cause such damage to be made good, and may, either before or after the damage is made good, recover the estimated or actual cost thereof from the owner or driver of the motor vehicle by the use of which the offence was committed.

(1A) If by reason of any act or conduct of the owner or driver of a motor vehicle any damage is caused to any road, road structure, bridge, walkway, rail, traffic lights installation or equipment or drainage structure, including culverts and water supply structures, the road authority may cause such damage to be made good, and may, either before or after the damage is made good, recover the estimated or actual cost of the damage from the owner or driver of the motor vehicle by the use of which the damage was done.”

A handwritten signature in dark ink, appearing to be 'G. J. ...', is written across the lower portion of the page. The signature is somewhat stylized and partially overlaps the faint text below it.

Minister of Transport and Public Works

EXPLANATORY MEMORANDUM

This Bill seeks to amend section 61 of the Summary Jurisdiction (Offences) Act, Cap 8:02, to increase the penalty for damage to any movable or immovable property, either of a public or private nature. In section 61, property referred to, includes certain structures, a bridge, a traffic light and a culvert built on or near the road. A person who damages any of these properties shall be liable for the damage.

The Bill also seeks to amend section 101 of the Motor Vehicles and Road Traffic Act, Cap 51:02. It substitutes for 101(1) two subsections –

- (1) subsection 101(1) which extends the meaning of damage to property for which a person is liable to include road structures, walkways, rails, traffic lights installation or equipment and drainage structures such as culverts and water supply structures; and
- (2) subsection 101(1A) which is along the lines similar to subsection 101(1) but liability for damage to the property mentioned in the subsection does not necessitate the conviction for any offence. The relevant requirement is any act or conduct of any person causing damage to property.



Attorney General and Minister of Legal Affairs