



GUYANA.

BILL NO. 7 OF 1970.

INTERPRETATION AND GENERAL CLAUSES BILL, 1970.

Section	Arrangement of Sections.
	PART 1
	SHORT TITLE AND COMMENCEMENT
1.	Short title and commencement.

PART II

APPLICATION TO THE STATE

2. Act binding on State.

PART III

APPLICATION TO LAWS

3. Application of this Act. "Written law" and "Act".

PART IV

DEFINITION OF EXPRESSIONS IN GENERAL USE

Definition of expressions.

PART V

CERTAIN EXPRESSIONS IN WRITTEN LAWS AND PUBLIC DOCUMENTS

5. Reference to the President; the Minister.
6. Meaning of 'service by post'.
7. Meaning of 'rules of court'.

PART VI

REFERENCES IN WRITTEN LAWS

8. References in a written law to another written law.
9. References to Part, section etc., of Act, and to subsection or other division of section etc.

PART VII

COMMENCEMENT AND CITATION OF ACTS

10. Publication and Commencement of Acts.
11. Time of coming into operation of Acts.
12. Mode of citing Acts.

PART VIII

OPERATION OF ACTS

13. Judicial notice of Acts.
14. Every section of an Act a substantive enactment.

PART IX

SUBSIDIARY LEGISLATION

15. Provisions relating to subsidiary legislation.
16. Publication of subsidiary legislation. Retrospective operation.
17. Meaning of negative and affirmative resolution.
18. References and terms in subsidiary legislation.
19. Application of certain sections to subsidiary legislation.

PART X

POWERS

20. Exercise of powers between passing and coming into operation of Act.
21. Construction of provisions as to exercise of functions.
22. Delegation of functions.
23. Effect of delegation of functions.

PART XI

APPOINTMENTS.

BOARDS AND COMMITTEES

- 24. Powers incidental to appointment of boards etc.
- 25. Establishment of corporate bodies.
- 26. Continuance in office after dissolution of Parliament.
- 27. Power of majority.

PART XII

LAW OFFICERS

- 28. Functions of Attorney General may be performed by Solicitor General.
- 29. Functions of State Solicitor to be performed by Deputy State Solicitor.

PART XIII

TIME AND DISTANCE

- 30. Standard time.
- 31. Provision where no time prescribed.
- 32. Computation of time.
- 33. Power to extend time.
- 34. Measurement of distance.

PART XIV

OFFENCES, PENALTIES AND PROSECUTIONS

35. Penalties deemed to be maximum penalties.
36. Penalties may be cumulative or alternative.
37. Offence under two or more laws.

PART XV

APPLIED LAWS

38. Construction of applied laws.
39. Reference to allied laws.
40. Citation or description of a portion of an applied Act.

PART XVI

REPEAL OF WRITTEN LAW

41. Effect of substitutionary provisions.
42. Effect of repeal of repealing written law.
43. References to repealed written law.
44. Savings in cases of repeal.

PART XVII

MISCELLANEOUS PROVISIONS RELATING TO WRITTEN LAW

45. Saving rights of the State.
46. Division of written law into parts.
47. Deviation in forms.

48. Definitions subject to context. Cognate expressions.
49. Acts for benefit of particular persons.
50. Citation of another written law.
51. Evidence of signature of Attorney General and Director of Public Prosecutions.

PART XVIII

52. Meaning of "lands" and "statute".
53. Repeal of Cap. 5 and Ordinances 14 of 1961 and 1 of 1965.

A BILL

Intituled

AN ACT to consolidate the law relating to the construction and interpretation of Acts of Parliament, Subsidiary Legislation, applied Laws and Public documents and to make general provisions for matters connected with or similar to the purposes aforesaid.

Enacted by the Parliament of Guyana:--

PART I

SHORT TITLE AND COMMENCEMENT

Short title
and commence-
ment

1. This Act may be cited as the Interpretation and General Clauses Act, 1970, and shall come into operation on 23rd February, 1970.

PART II

APPLICATION TO THE STATE

Act binding on
State,

2. This Act shall be binding on the State.

PART III

APPLICATION TO LAWS

3.(1) This Act shall not apply to the constitutional instruments and to applied laws and, notwithstanding the definition of "written law" and "Act" in section 4, the expressions "written law" and "Act" in this Act, save where it is otherwise expressly provided, shall not include the constitutional instruments and applied laws.

Application of this Act. "Written law" and "Act".

(2) Subject to subsection (1), this Act shall, unless it is otherwise expressly provided, apply to this Act and to all written law whether made before or after the coming into operation of this Act.

PART IV

DEFINITION OF EXPRESSIONS IN GENERAL USE

4.(1) In any written law and in any public document the following expressions shall, unless the context otherwise requires or it is otherwise expressly provided, have the following meanings -

Definition of expression.

- "Act" means any Act of Parliament whether passed before or after the coming into operation of this Act and includes an Ordinance passed by a legislature of the former Colony of British Guiana and includes a resolution, Act or Ordinance within the meaning of the Statute Law Continuation Ordinance and an applied Act;
- "admiralty jurisdiction" means such admiralty jurisdiction as was vested in the Supreme Court of Judicature of Guyana on 22nd February, 1970;
- "applied Act" means an Act of Parliament of the United Kingdom, having effect or having had effect as part of the law of Guyana;
- "applied law" means an applied Act and any legislative instrument (other than the constitutional instruments) made thereunder otherwise than by an authority in Guyana, having effect or having had effect as part of the law of Guyana;

Cap. 1

"Commonwealth" has the meaning assigned to it by the Constitution;

"Commonwealth country" means Guyana or any country to which article 27 of the Constitution for the time being applies and any dependency of a Commonwealth country;

"constitutional instruments" means the Guyana Independence Act, 1966, of the United Kingdom and the Guyana Independence Order, 1966, of the United Kingdom;

"the Constitution" means the Constitution of Guyana set out in Schedule 2, of the Guyana Independence Order, 1966;

"Court of Appeal" means the Court of Appeal of the Supreme Court of Judicature established by the Constitution;

"enactment" means an Act of Parliament or an applied Act and does not include subsidiary legislation;

"financial year" means, in respect of any matters relating to the revenue and expenditure of Guyana, or the Local Government Board, Sea Defence Board, or any other public body, or in respect of the issue, duration, payment, or expiry of any licence required under any past or future written law, the twelve months beginning on the 1st January in any year;

"the Gazette" means the Official Gazette of Guyana;

"the Government" means the Government of Guyana;

"Guyana" has the meaning assigned by articles 1 and 125 of the Constitution;

"High Court" means the High Court of the Supreme Court of Judicature, established by the Constitution;

"local Government authority" means any authority responsible for the Government of any area by virtue of any Act relating to local Government;

"Parliament" where the written law in which the expression occurs was made after 26th May 1966, means the Parliament of Guyana;

"public account" includes any estimate of revenue and expenditure and any statement, summary or account of Guyana, or the Local

Government Board, Sea Defence Board or any other public body mentioned in an Act; "public office", "public officer" and "public service" have the meanings respectively assigned to them by article 125 of the Constitution;

"proclamation" means a proclamation of the President under the public seal;

"subsidiary legislation" or "statutory instrument" means any proclamation, rule, regulation, order, by-law, resolution, notice, notification, direction or other instrument, made under or by virtue of any Act, and having legislative effect, or made under or by virtue of any applied Act by an authority in Guyana and having legislative effect; and "rule" includes rule of court; "Service Commissioner" means the Public Service Commission, the Police Service Commission or the Judicial Service Commission, as the case may be, established by the Constitution;

"Summary Jurisdiction Ordinances", means any Ordinances and Acts for the time being in force regulating the summary jurisdiction of magistrates in respect of criminal and quasi-criminal offences and matters;

"the State" means the State of Guyana;

"Supreme Court" means the Supreme Court of Judicature established by the Constitution;

"written law" means the constitutional instruments, Acts of Parliament, subsidiary legislation and applied laws.

(2) In any written law and in any public document unless the context otherwise requires or it is otherwise expressly provided -

"dependency" includes a protected State, a protectorate and a trust territory administered under the trusteeship system of the United Nations;

"function" includes power and duty;

"peace officer" includes any magistrate or justice of the peace, and any police, rural or special constable;

"person" includes any body of persons corporate or unincorporate;
"police constable" includes any member of the Police Force;
"words" includes figures, punctuation marks, and typographical, monetary and mathematical symbols.

(3) In any written law made after 8th March, 1856, and in any public document made or executed after 15th July, 1891, unless the context otherwise requires or it is otherwise expressly provided -

- (a) words importing the masculine gender shall include females;
- (b) words in the singular shall include the plural and words in the plural shall include the singular;
- (c) "month" means calendar month.

(4) In any written law or in any public document unless the context otherwise requires or it is otherwise expressly provided -

- (a) "per cent" means "per centum" and when used in relation to a rate of interest payable in any circumstances, means the rate of interest specified payable in respect of a year, unless it is expressly provided that it is payable in respect of any other period;
- (b) "made" when used in relation to written law includes passed and enacted;
- (c) "prescribed" or "provided" when used in or with reference to any Act means prescribed or provided by that Act or, where appropriate, by subsidiary legislation made under that Act;
- (d) "or," "other," and "otherwise" shall be construed disjunctively

and not as implying similarity, unless the expression "similar", or some equivalent expression, is added.

(5) In any written law passed after 8th March, 1856, and in any public document made or executed after 15th July, 1891, unless the context otherwise requires or it is otherwise expressly provided -

"oath" and "affidavit", in the case of persons for the time being allowed by law to affirm or declare instead of swearing, includes affirmation or statutory declaration and "swear" in the like case includes affirm and declare.

(6) In any written law or in any public document a reference to writing shall be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in visible form.

CERTAIN EXPRESSIONS IN WRITTEN LAW AND PUBLIC DOCUMENTS

5. In any written law or in any public document

(a) a reference to "the President" (however expressed) shall be construed as a reference to the President of Guyana for the time being;

Reference to
the President.
the Minister.

(b) a reference to "the Minister" shall be construed as a reference to the Minister to whom responsibility for the subject matter of such law or document has been assigned by the President.

6. Where any written law authorises or requires any document to be served by post, whether the expression "serve", "give", or "send", or any other

Meaning of
'service by
post'.

Expression is used, then, unless the context otherwise requires or it is otherwise expressly provided, the service shall be deemed to have been effected by properly addressing, pre-paying, and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post:

Provided that when the place to which the letter is addressed is one in which there is no house to house delivery of letters, service shall not be deemed to have been effected unless - (a) the letter has been registered, and (b) a notice has been delivered to, or left at the residence of, the person upon whom service is to be effected stating that the letter is at the post office awaiting delivery to him, and (c) a declaration made before a justice of the peace and signed by the person who delivered the notice, stating that he duly delivered it, is produced, or other proof is given of the due delivery thereof.

Meaning of:
'rules of
court.'

7.(1) In any written law, unless it is otherwise expressly provided or the context otherwise requires, "rules of court", when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that court.

(2) The power of the authority to make rules of court as hereinbefore defined includes a power to make rules of court for the purpose of any written law directing or authorising anything to be done by rules of court.

PART VI

REFERENCES IN WRITTEN LAWS

References in a
written law to
another written
law.

8.(1) A reference in any written law to any other written law shall be construed as a reference to such other written law as the same may be amended from time to time.

(2) Any written law which amends another written law shall be read and construed as one with the amended written law.

(3) In an amending Act the amended Act shall be referred to as 'the Principal Act' and this subsection shall apply mutatis mutandis to subsidiary legislation.

(4) Where any written law which has been amended by any other written law is repealed, such repeal shall include the repeal of all those provisions of such other written law by which such first-mentioned written law was amended.

9.(1) Where in any Act reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other Act is intended, the reference shall be construed as a reference to the Part, division, section, schedule or form of the Act in which the reference is made.

References to Part, section etc. of Act and to subsection or other division of section etc.

(2) Where in a section or other provision of any Act reference is made to a subsection, paragraph, subparagraph or other division without anything in the context to indicate that a reference to a subsection, paragraph, subparagraph or other division of some other section is intended, the reference shall be construed as a reference to the subsection, paragraph, subparagraph or other division of the section in which the reference is made and this subsection shall apply mutatis mutandis to subsections, paragraphs, subparagraphs and other divisions.

PART VII

COMMENCEMENT AND CITATION OF ACTS

10. Every Act shall be published in the Gazette and shall come into operation on the date of publication unless it is provided in that Act or some other written law that it shall come into operation on some other date.

Publication and Commencement of Acts.

Time of coming
into operation
of Acts.

11. Where any Act passed after 15th July 1891 is expressed to come into operation on a particular day, it shall, unless it is otherwise expressly provided, be construed as coming into operation immediately on the expiration of the previous day.

Mode of citing
of Acts.

12. Where any Act contains a short title, it shall be sufficient in all courts and all purposes to cite the Act by the short title.

PART VIII

OPERATION OF ACTS

Judicial notice
of Acts.

13. Every Act passed after 15th July 1891 shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

Every section of
an Act a sub-
stantive enactment.

14.(1) Every section of an Act shall have effect as a substantive enactment without introductory words.

(2) An Act may be altered, amended or repealed in the same session of Parliament in which it is enacted.

PART IX

SUBSIDIARY LEGISLATION

Provisions
relating to
subsidiary
legislation.

15.(1) Where any written law confers power on any authority to make subsidiary legislation, the following provisions shall, unless it is otherwise expressly provided or the context otherwise requires, have effect with reference to the making and operation of such subsidiary legislation:

- (a) Where subsidiary legislation purports to be made in exercise of a particular power, it shall be deemed also to be made in exercise of all other powers thereunto enabling.

- (b) No subsidiary legislation shall be inconsistent with the provisions of any Act.
- (c) Where subsidiary legislation is in excess of the power under which it is made, it shall nevertheless be valid to the extent to which it is not in excess of that power.
- (d) Any subsidiary legislation may at any time be amended, varied, suspended, rescinded or revoked by the same authority and in the same manner by and in which it was made:

Provided that where such authority has been replaced wholly or in part by another authority, the power conferred upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority.

- (e) There may be annexed to the breach of any rule, regulation, by-law or order, any penalty not exceeding one hundred dollars and if the authority making such subsidiary legislation thinks fit the penalty may be used for and recovered under the Summary Jurisdiction Ordinances.

(2) Where in any written law a provision conferring a power to make subsidiary legislation is amended or replaced (whether before or after the coming into operation this Act) by any written law but the written law containing such provision is not itself repealed, then all subsidiary legislation made under the provision and in force at the time of such amendment or substitution, shall, unless the context otherwise requires or it is otherwise expressly provided and so far as it is capable of being made under the amended or the substituted provision, continue

in force as if made under such provision, subject to amendment or repeal by subsidiary legislation made under such provision.

16.(1) All proclamations, rules (including rules of court regulations, orders and by-laws shall be published in the Gazette and shall come into operation on the date of publication unless it is otherwise expressly provided that they shall come into operation on some other date.

(2) Statutory instruments other than those specified in subsection (1) need not be published unless expressly required by the Act conferring power to make them, and, whether published or not, such instruments shall come into operation at the time of their making or at such other time as may be made specified therein.

(3) Subsidiary legislation may be made to operate retrospectively to any date which is not earlier than the coming into operation of the Act under which the subsidiary legislation is made:

Provided that no person shall be made or shall become liable to any penalty whatsoever in respect of any act committed or the failure to do any thing before the date on which such subsidiary legislation was published in the Gazette.

17.(1) The expression "subject to negative resolution" when used in relation to the making of subsidiary legislation shall mean that such subsidiary legislation shall be laid before the National Assembly with all convenient speed after the making thereof and if the National Assembly within such period as shall be prescribed by the standing orders of the Assembly resolves that the subsidiary legislation shall be annulled the subsidiary legislation shall be void as from the date of the resolution but without prejudice to the validity of anything done thereunder or to the making of new subsidiary legislation.

(2) The expression "subject to affirmative resolution" used in relation to the making of subsidiary legislation shall mean that such subsidiary

legislation shall not have the force of law unless and until affirmed by a resolution of the National Assembly.

18.(1) Any reference in subsidiary legislation to "the Act" shall be construed as a reference to the Act under which such subsidiary legislation was made.

References and terms in subsidiary legislation.

(2) In any written law a reference to an Act shall be deemed to include a reference to any subsidiary legislation made under the Act to which reference was made.

(3) Terms and expressions used in subsidiary legislation shall have the same meaning as in the Act under which such subsidiary legislation was made.

19. Sections 9, 11, 12 and 52 shall apply mutatis mutandis and so far as they are not inapplicable to subsidiary legislation as they apply to Acts.

Application of certain sections to subsidiary legislation. abl

PART X

POWERS

20. Where in any Act which is not to come into operation immediately on the publication thereof, there is conferred

Exercise of powers between passing and coming into operation of Act.

- (a) a power to make, or a power exercisable by making, subsidiary legislation; or
- (b) a power to make appointments; or
- (c) a power to do any other thing under or for the purposes of the Act.

that power may, unless it is otherwise expressly provided, be exercised at any time after the date of publication of the Act:

Provided that no subsidiary legislation, appointment, act or thing done under that power shall, unless it is necessary to bring the Act into operation, have any effect until the Act comes into operation.

Construction of provisions as to exercise of functions.

21.(1) Where any written law confers a power or imposes a duty, unless it is otherwise expressly provided, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where any written law confers a power or imposes a duty on the holder of an office, unless it is otherwise expressly provided, the power may be exercised and the duty shall be performed by the holder for the time being of the office or by a person appointed to act for him or by a person lawfully performing the functions of such office.

(3) Where under any written law any authority or person is empowered to appoint a person -

- (a) to perform any function; or
- (b) to be a member of any board, tribunal, commission, committee or similar body; or
- (c) to be or do any other thing;

that authority may make the appointment either by appointing the holder of an office by the term designating his office.

Delegation of functions.

22.(1) Where any written law confers any function on the President, a Minister or a specified public officer, the President, the Minister or the specified public officer may, by order delegate any other public officer to exercise such function on his behalf and thereupon or from the date specified, the person delegated shall have and may exercise such function.

(2) Nothing in subsection (1) shall authorise the President, any Minister or any specified public officer to delegate any person to make subsidiary legislation or to hear any appeal.

(3) In this section "specified public officer" means the person for the time being holding any public office which has been specified, either generally or for the purposes of a particular Act, under this section by the President by notice in the Gazette.

23.(1) Where any written law confers power any person to delegate the exercise on his behalf of any function conferred upon him under any written law -

Effect of delegation of functions.

- (a) such delegation shall not preclude the person so delegating from exercising the functions so delegated;
- (b) such delegation may be conditional, qualified or limited in such manner as the person so delegating may think fit;
- (c) where the delegation may be made only with the approval of some person, such delegation may be conditional, qualified or limited in such manner as the person whose approval is required may think fit; and
- (d) the delegation may be to a named person or to the person for the time being holding any office designated by the person so delegating.

(2) The delegation of any power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of any duty shall be deemed to include the delegation of any power incidental thereto or connected therein.

PART XI

APPOINTMENTS

BOARDS, COMMITTEES AND CORPORATIONS.

24.(1) Where any written law confers a power or imposes a duty upon any person to make any appointment or to constitute or establish any board then the person having such power or duty shall also have power -

Powers incidental to appointment of boards etc. Power to relate back appointment

- (a) to remove, suspend, dismiss or revoke the appointment of, any person appointed in the exercise of such power or duty and to reappoint or reinstate such person;
 - (b) to appoint a person to act temporarily for any person appointed who is unable to perform his functions through absence or illness or other cause;
- to specify the period for which any person appointed in exercise of such power or duty shall hold such appointment;

Provided that where the first-mentioned power or duty is only exercisable upon the recommendation or is subject to the approval or consent to some other person, then the powers under this section shall only be exercisable upon such recommendation or subject to such approval or consent.

(2) Any appointment under the provisions of any written law may be made to have effect retrospectively as from the date upon which the person appointed in fact began to exercise the powers and perform the duties of his appointment, not being a date earlier than coming into operation of the written law under which the appointment is made.

(3) Where under any written law a power is conferred upon any person or any authority to appoint the members of any board, that person or authority may appoint a chairman, vice-chairman and secretary of such board.

(4) Where any board, is established under any written law, the validity of any act or thing done in pursuance of any of the powers of such board, shall not be affected by -

- (a) any vacancy in the membership thereof, or

THE OFFICIAL GAZETTE (Extraordinary) - Legal Supplement

- (b) any defect in the appointment or qualifications of a person purporting to be a member thereof, or
- (c) the presence at or participation in any proceedings, of any person not entitled to be present thereat or to participate therein; or
- (d) any minor irregularity (not calculated to cause any prejudice, injustice or hardship to any person) in the convening or conduct of any meeting thereof.

(5) In this section the term "board" includes tribunal, commission, committee and other similar body.

25. Where any written law contains words establishing or providing for the establishment of a body corporate, those words shall operate -

Establishment
of corporate
bodies.

- (a) to vest in that body when established-
 - (i) the power to sue in its corporate name;
 - (ii) the power to enter into contracts in its corporate name, and to do so that, as regards third parties, the body shall be deemed to have the same power to make contracts as an individual has;
 - (iii) the right to have a common seal and to alter or change that seal;
 - (iv) the right to acquire and hold any movable or immovable property for purposes for which the body is constituted and to dispose of, or charge, such property;
 - (v) the right to regulate its own procedure and business.
- (b) to make that body liable to be sued in its corporate name.

(2) Section 24(3) shall apply to a body corporate as it applies to boards.

Continuance in office, after dissolution of Parliament, of a Member thereof of as members of certain Boards.

26.(1) Where at any time Parliament is dissolved, no person who was a member thereof at the time of such dissolution shall, by reason only of such dissolution, cease to be a member, director, chairman, or vice-chairman of any board to which he was appointed or of which he was a member, director, chairman or vice-chairman by virtue of his being a member of Parliament, and any such person shall, notwithstanding such dissolution, continue to be a member, director, chairman or vice-chairman, as the case may be, of such board until the first meeting of Parliament held after such dissolution.

(2) In this section the expression "board" includes advisory council, committee and any body or authority, however created.

Power of majority.

27.(1) Where any written law confers functions upon a body or a number of persons consisting of or not being less than three, such functions may be performed in the name of that body or number of persons by a majority of those persons;

(2) Whenever such body or number of persons is assembled, the chairman or other member presiding shall have a casting as well as an original vote, in all matters in which a decision is taken by vote.

(3) The exercise of any power vested in such body or number of persons may be signified either by the chairman or other person presiding at the meeting or other proceeding at which such power was exercised or at which, as the case may be, authority to exercise it was confirmed, or by any person from time to time authorised by such body or number of persons to signify the exercise of such power.

PART XII

LAW OFFICERS

Functions of Attorney General may be performed by Solicitor General.

28.(1) Subject to subsection 4, any functions authorised or required by or under any written law to be discharged by the Attorney General may be discharged by the Solicitor General:

Provided that, save where the office of Attorney General is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to act, the Solicitor General shall discharge such only of the said functions as the Attorney General may assign to him.

(2) During any period when the office of Attorney General is vacant, any certificate, petition, direction, notice, proceeding or other document, matter or thing whatsoever authorised or required, by or under any written law to be given, delivered, served, taken or written law to be given, delivered, served, taken or done to, on or against the Solicitor General.

(3) For the avoidance of doubt it is hereby declared that, subject to the provisions of the following subsection, where the office of Attorney General is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to act, the functions of that office at common law shall be discharged by the Solicitor General.

(4) Where the office of Attorney General is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to act, the Prime Minister may direct the solicitor General not to discharge all or any of the aforesaid functions of that office.

29. The Deputy State Solicitor shall have and may exercise and perform all the functions of the State Solicitor.

Functions of State Solicitor to be performed by Deputy State Solicitor.

PART XLIII

TIME AND DISTANCE

30. Where any expression of time occurs in any written law or public document, the time referred to shall signify the standard time of Guyana which, unless the President prescribes otherwise by order, shall be three hours and forty-five minutes behind Greenwich Mean Time.

Standard Time

Provisions where
no time pre-
scribed.

31. In any written law where no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion arises.

Computation of
time.

32.(1) In computing time for the purpose of any written law unless the context otherwise requires or it is otherwise expressly provided -

- (a) a reference to days shall be construed as a reference to clear days;
- (b) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
- (c) if the last day of the period is a public holiday the period shall include the next following day, not being a public holiday;
- (d) when any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be a public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day following not being a public holiday;
- (e) when an act or proceeding is directed or allowed to be done or taken -
 - (i) within any time not exceeding six days, public holidays shall not be reckoned in the computation of the time;
 - (ii) within any time exceeding six days, public holidays shall not be reckoned so as to reduce the time to less than six days not being public holidays.

33. Where in any written law a time is prescribed for doing any act or taking any proceeding and power is given to a court, public body, public officer or other authority to extend such time, then the power may be exercised by the court, public body, public officer or other authority notwithstanding the expiration of time prescribed.

Power to extend time.

34. In the measurement of any distance for the purposes of any written law, that distance shall be measured in a straight line on a horizontal plane.

Measurement of Distance.

PART XIV

OFFENCES, PENALTIES & PROSECUTIONS

35. Where in any written law a penalty is prescribed for an offence, unless it is otherwise expressly provided, such provision shall imply -

Penalties deemed to be maximum penalties.

- (a) that such offence shall be punishable upon conviction by a penalty not exceeding the penalty prescribed; and
- (b) if the amount of the fine is unspecified, that such offence shall be punishable by a fine of any amount in the discretion of the court provided that the amount of the fine shall not be excessive.

36. Where in any Act more than one penalty is prescribed for an offence, the use of the word "and" shall mean that the penalties may be inflicted alternatively or cumulatively.

Penalties may be cumulative or alternative.

37. Where an act or omission constitutes an offence under two or more written laws, the offender shall, unless it is otherwise expressly provided, be liable to be prosecuted and punished under either or any of those laws, but a conviction or an acquittal upon such prosecution shall be a bar to prosecution for the same offence, or for an offence which substantially the same offence, under any other of such laws.

Offence under two or more

PART XV

APPLIED LAWS

Construction of applied laws.

38. An applied law shall be deemed to extend to Guyana so far only as local laws and circumstances permit; and in applying that law or portion thereof it shall be construed with any verbal alteration, not affecting the substance, necessary to render it applicable to the particular matter in question.

Reference to applied laws.

39.(1) Where in any written law or in any public document made after 15th July, 1891, reference is made to an applied Act, the applied Act may be cited by its short title, if any, either with or without reference to the chapter, or by reference to the regnal year in which it was passed and where necessary either by a reference to a particular chapter or to a particular session of Parliament of the United Kingdom or by reference to a section of the applied Act.

(2) That reference shall, unless the context otherwise requires, be read as referring, in the case of applied laws included in any revised edition of the laws of Guyana purporting to be printed by authority, to that edition, and in the case of applied laws not so included and made before the reign of George I, King of Great Britain and Northern Ireland, to the edition prepared under the direction of the Record Commission of the Government of the United Kingdom; and in other cases to the copies of such applied laws purporting to be printed by the Queen's printer or under the superintendence of Her Majesty's stationery office in the United Kingdom.

Citation or description of a portion of an applied Act.

40. In any applied law made after 15th July, 1891, a description or citation of a portion of an applied Act shall, unless the context otherwise requires, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

PART XVI

REPEAL OF WRITTEN LAW

Effect of substitutionary provisions.

41. Where a written law made after the 8th March, 1856, whether before or after the coming into operation

of this Act, repeals in whole or in part any former written law and substitutes provisions for the written law repealed, the repealed written law shall, unless the context otherwise requires or it is otherwise expressly provided, remain in force until the substituted provisions come into operation.

Effect of repeal of repealing written law.

42. Where a written law made after the 8th March, 1856, repeals a repealing written law, it shall not be construed as reviving any written law previously repealed, unless words are added reviving that written law.

References to repealed written law.

43. Where a written law made after 15th July, 1891, repeals and re-enacts, with or without modification, any provisions of a former written law, references in any other written law or in any public document to the provisions so repealed shall, unless the context otherwise requires or it is otherwise expressly provided, be construed as references to the provisions so re-enacted.

Savings in cases of repeal.

44. Where a written law made after 15th July, 1891, repeals any other written law then, unless the context otherwise requires or it is otherwise expressly provided, the repeal shall not substitute - for.

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any written law so repealed or anything duly done or suffered under any written law so repealed; or
- (c) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any written law so repealed; or
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any written law so repealed; or
- (e) affect any investigation, legal proceeding, or remedy in respect of any right,

and the investigation, legal proceeding, or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment may be imposed as if the repealing written law had not been made.

PART XVII

MISCELLANEOUS PROVISIONS RELATING TO WRITTEN LAW

Saving rights
of the State.

45. No written law shall in any manner whatsoever affect the rights of the State unless it is therein expressly provided or unless it so appears by necessary implication.

Division of
written law
into Parts,
Preambles
Schedules etc

46.(1) Where any written law is divided into Parts, Titles or divisions, the fact and particulars of such divisions shall be taken notice of in all courts and for all other purposes whatsoever.

(2) The preamble of any written law may be referred to for assistance in explaining the scope and object of the written law.

(3) Every schedule, table or marginal note to any written law, together with any notes to any Act or note to any Part thereof shall be construed and have effect as part of the written law.

Deviation in
Forms.

47. Whenever forms are prescribed in any written law, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them.

Definitions
subject to
context.
Cognate expres-
sions.

48.(1) Where expressions are defined for the purposes of or used in any written law, such expressions shall have the meanings assigned to them, unless there is anything in the subject or context repugnant to or inconsistent with such meaning.

(2) Where a word is defined in or for the purposes of any written law, other parts of speech and grammatical variations of that word and cognate expressions, shall have corresponding meanings in or for the purposes of such written law.

49. Every Act which affects or benefits some particular person or association or body corporate shall be deemed to contain provision saving the rights of the State, of all bodies politic and corporate and of all other persons except persons affected or benefited by the Act and those claiming by or under them.

Acts for benefit of particular persons.

50. In any written law a description or citation of a portion or any other written law shall, unless it is otherwise expressly provided or the context otherwise requires, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Citation of another written law.

51. (1) Where under a written law the consent or authority of the Attorney General or the Director of Public Prosecutions is necessary before any action or prosecution is commenced, any document purporting to be the consent or authority of the Attorney General or Director of Public Prosecutions shall be received as prima facie evidence in any proceeding without proof being given that the signature to such consent or authority is that of the Attorney General or the Director of Public Prosecutions, as the case may be.

Evidence of signatures of Attorney General and Director of Public Prosecutions.

(2) Where under section 28 of this Act the Solicitor General is exercising the powers of the Attorney General, the provisions of this section shall apply to the Solicitor General as they apply to the Attorney General.

PART XVIII

SUPPLEMENTAL PROVISIONS

Meaning
of "Lands"
and "Statute"
"Statute"

52.(1) The meaning of the word "lands" in any Ordinance passed after the 8th March 1856 and before the 15th July, 1891 shall not be affected by this Act.

(2) In any written law made before the coming into operation of this Act, the expression "statute" shall continue to have the same meaning as under the interpretation Ordinance, 1891 (hereinafter repealed).

Repeal of
Cap. 5 and
Ordinances
14 of 1961
and
1 of 1965.
Saving.

53. The Interpretation Ordinance, 1891, the Deputy Crown Solicitor (Powers) Ordinance, 1961, and the Law Officers Ordinance, 1965 are hereby repealed.

*
Provided that all delegations of functions vested in the President at the date of commencement of this Act -

(a) made under section 39 of the Interpretation Ordinance and published in the Gazette; or

(b) * made by order under section 40 of the Interpretation Ordinance,

and still in force at the date of the commencement of this Act shall continue to have effect after such date as if made under section 22 of this Act.

EXPLANATORY MEMORANDUM

This Bill seeks to consolidate the law relating to the interpretation of Acts of Parliament. The Provisions of the existing Ordinance have been amplified with a view to further shortening and simplifying the language used in legislation and to rendering its interpretation simpler and more certain.

2. This Bill relates exclusively to interpretation and does not alter any substantive law nor affect any substantive rights. Its enactment at this time will greatly facilitate the preparation of the new revised edition of the laws of Guyana which will contain the the statutes of Guyana as in force on the 23rd February, 1970. The Bill provides that the Act will come into force on that date and its provisions are designed to reflect the changes involved in the Republican form that the Constitution will take on that date.

~~22~~