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GUYANA

Act No. 2 of 2000

CONSTITUTION (AMENDMENT) ACT 2000

*Samuel Hinds*

I assent,

SAMUEL HINDS,  
Prime Minister  
Performing the  
functions of the  
President.

11<sup>th</sup> April, 2000

ARRANGEMENT OF SECTIONS

SECTION

- 1 Short title.
- 2 Repeal and re-enactment of article 110 of the Constitution.
- 3 Repeal and re-enactment of article 161 of the Constitution.
- 4 Insertion of new article 161A in the Constitution.
- 5 Alteration of article 177 of the Constitution.
- 6 Repeal and re-enactment of article 184 of the Constitution.
- 7 Alteration of article 226 of the Constitution.

CON/GUY/2000/003/

ENG

AN ACT to alter the Constitution in accordance with  
articles 66 and 164.

A.D. 2000 Enacted by the Parliament of Guyana:-

Short title. 1. This Act may be cited as the Constitution  
(Amendment) Act 2000.

Repeal and 2. Article 110 of the Constitution is hereby  
re-enact- repealed and the following article substituted there-  
ment of for -

article

110 of the  
Constitution.

"Leader of the 110. (1) There shall be an  
Opposition. office of Leader of the  
Opposition, election to  
which office shall be in  
accordance with article  
184.

(2) Qualifications  
for election to the  
office of Leader of the  
Opposition and other  
matters connected there-  
with are regulated by  
article 184."

Repeal and 3. Article 161 of the Constitution is hereby  
re-enact- repealed and the following article substituted  
ment of therefor -

article

161 of the  
Constitut-  
ion.

"Elect- 161. (1) There shall be an  
ions Com- Elections Commission for  
mission. Guyana consisting of a  
Chairman, who shall be a full-  
time Chairman and shall not  
engage in any other form of  
employment, and such other  
members as may be appointed in  
accordance with the provisions  
of this article.

(2) Subject to the  
provisions of paragraph (4),  
the Chairman of the Elections  
Commission shall be a person  
who holds or who has held  
office as a judge of a court  
having unlimited jurisdiction  
in civil and criminal matters  
in some part of the  
Commonwealth or a court having  
jurisdiction in appeals from  
any such court or who is  
qualified to be appointed as  
any such judge, or any other  
fit and proper person, to be  
appointed by the President  
from a list of six persons,



not unacceptable to the President, submitted by the Leader of the Opposition after meaningful consultation with the non governmental political parties represented in the National Assembly.

Provided that if the Leader of the Opposition fails to submit a list as provided for, the President shall appoint a person who holds or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court or who is qualified to be appointed as any such judge.

(3) In addition to the Chairman, there shall be six members of the Commission who shall be appointed in the following manner -

- (a) three members to be appointed by the President, acting in

his own deliberate  
judgment; and

(b) three members to be  
appointed by the  
President acting in  
accordance with the  
advice of the Leader  
of the Opposition  
tendered after  
meaningful  
consultation with  
non governmental  
political parties  
represented in the  
National Assembly.

(4) A person shall be  
disqualified for appointment  
as the Chairman or other  
member of the Commission if he  
is an alien.

(5) The Chairman or any  
other member of the Elections  
Commission shall vacate his  
office if any circumstances  
arise that, if he were not a  
member of the Commission,  
would cause him to be  
disqualified for appointment  
as such.

(6) The provisions of article 225 (which relate to removal from office) shall apply to the office of the Chairman or other members of the Elections Commission and for the purposes of paragraphs (4) and (6) of that article, the prescribed authority shall be the Prime Minister:

Provided that in the case of the members referred to in paragraph (3)(b), the Prime Minister shall meaningfully consult the Leader of the Opposition before tendering any advice to the President under article 225(4).

(7) If, by reason of his illness, absence from Guyana, or suspension under article 225, the Chairman or any other member of the Elections Commission is unable to perform his functions as such, a temporary Chairman or other member, as the case may be, may be appointed in his place.

(8) The provisions of this article shall apply in relation to the appointment of a temporary Chairman or other member of the Elections Commission, and to a temporary Chairman or other member appointed in accordance with this article, as they apply in relation to the Chairman or other member, as the case may be, of the Elections Commission in whose place he is appointed:

Provided that his appointment shall have effect only for the period ending when the person in whose place he has been appointed resumes his functions as, or ceases to be, the Chairman or other member, as the case may be, of the Commission."

Insertion      4.    The Constitution is hereby altered by the  
of new      insertion immediately after article 161 of the  
article      following article -  
161A in  
the  
Constit-  
ion.

"Appoint- 161A.(1) The Elections Commission  
ment of shall be responsible for the  
staff by efficient functioning of the  
Elections Secretariat of the Commission, which  
Commiss- shall comprise the officers and  
ion; employees of the Commission, and  
Secre- for the appointment of all the  
tariat staff to the offices thereof  
of the inclusive of all temporary staff,  
Commiss- recruited for the purposes of  
ion. boundary demarcation, registration  
of persons and elections and shall  
have the power to remove and to  
exercise disciplinary control over  
such staff.

(2) The Elections Commission  
may, by directions in writing and  
subject to such conditions as it  
thinks fit, delegate any of its  
powers under paragraph (1) to any  
one or more members of the  
Commission, or by such directions  
and subject to such conditions as  
it thinks fit, delegate such powers  
to such officers of the Commission  
as the Commission may determine.

(3) Before the Elections  
Commission or any member thereof or  
other person exercising powers  
under this article appoints to or

to act in any office referred to in paragraph (1) any person who holds or is acting in any office, power to make appointments to which is vested under this Constitution in the Judicial, the Teaching, the Police or the Public Service Commission, the Elections Commission or that member or other person shall first seek and obtain the approval of the Commission in which that power is vested.

(4) Where a public officer is appointed to an office referred to in paragraph (1) he shall, subject to the said paragraph (1), remain a public officer unless the Commission determines that that office shall be independent of any other Commission.

(5) Nothing in this article shall be construed as precluding the Elections Commission from appointing any person who is not a public officer to an office referred to in paragraph (1)."

Alterat-            5. Article 177 of the Constitution is hereby  
ion of           altered by the substitution for paragraph (2) of the  
article       following paragraph -

177 of the  
Constitution.

“(2) Where -

(a) there is only one  
P r e s i d e n t i a l  
candidate at the  
election; or

(b) there are two  
or more Presidential  
candidates, if more  
votes are cast in  
favour of the list  
in which a person is  
designated as  
P r e s i d e n t i a l  
candidate than in  
favour of any other  
list,

that Presidential candidate  
shall be deemed to be  
elected as President and  
shall be so declared by  
the Chairman of the  
Elections Commission  
acting only in accordance  
with the advice of the  
Chief Election Officer,  
after such advice has  
been tendered to the  
Elections Commission at a  
duly summoned meeting.”.

Repeal and 6. Article 184 of the Constitution is hereby  
re-enact- repealed and the following article substituted therefor -  
ment of

article  
184 of the  
Constitution.

"Leader 184.(1) The Leader of the  
of the Opposition shall be elected by and  
Opposi- from among the non governmental  
tion. members of the National Assembly at  
a meeting held under the  
chairmanship of the Speaker of the  
National Assembly, who shall not  
have the right to vote:

Provided that this paragraph  
shall have effect in relation to  
any period between a dissolution of  
Parliament and the day on which the  
next election of members of the  
Assembly is held under the  
provisions of article 61, or between  
a dissolution of a regional  
democratic council and the day on  
which the next election by that  
council is held pursuant to the  
provisions of paragraph (3) of  
article 60, as if Parliament or that  
council, as the case may be, had not  
been dissolved.

(2) The Office of the Leader  
of the Opposition shall become  
vacant if -



- (a) the holder thereof ceases to be a member of the Assembly for any cause other than a dissolution of Parliament or of a regional democratic council or the operation of the provisions of article 156(1)(h);
- (b) he is not a member of the Assembly when the Assembly first meets after the dissolution of Parliament or after the holding of an election pursuant to the provisions of paragraph (3) of article 60;
- (c) by virtue of article 156(2) he is required to cease to exercise his functions as a member of the Assembly; or
- (d) his removal from office is effected under the provisions of the next following paragraph.

(3) Where one-third of the non governmental members of the Assembly represent to the Speaker that the Leader of the Opposition no longer enjoys their confidence, the Speaker shall call a meeting of all the non governmental members at which it shall be decided whether the Leader of the Opposition shall be removed from office; the removal shall be effected by the votes of a majority of all the non governmental members.

(4) The election and removal from office of the Leader of the Opposition shall be by a show of hands.

(5) For every reference in any provision in this Constitution to the term "Minority Leader" there shall be substituted the term "Leader of the Opposition" and any such provision shall be read and construed accordingly with such modification as may be necessary."

Alterat- 7. Article 226 of the Constitution is hereby  
ion of altered by the substitution for paragraph (5) of the  
article following paragraph -

226 of the

Constitut-

"(5) For the purposes of the preceding paragraph a quorum shall consist, in the

case of the Elections Commission, of the Chairman and not less than four members, two of whom have been appointed by the President in his own deliberate judgment and two from among members appointed on the advice of the Leader of the Opposition tendered in accordance with article 161(3)(b):

Provided that if at any stage of a duly summoned meeting a quorum is not present, due to the absence of members therefrom -

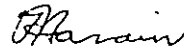
(i) without just cause, such just cause being determined by the Chairman, the meeting shall stand adjourned to a day not later than two calendar days; or

(ii) in the case of the declaration of the results of the election of the President, the meeting shall stand adjourned to the following day,

at the same time and place and notice of such adjournment shall be given to the

absent members; and if at the adjourned meeting a quorum is not present, the members then present, being not less than four including the Chairman, shall be deemed to constitute a quorum and any decision made at that or any such meeting shall be valid in law and binding.".

*Passed by the National Assembly on 10<sup>th</sup> April, 2000.*



F. A. Narain,  
Clerk of the National Assembly.

(Bill No. 5 of 2000)



GUYANA

ACT No. 9 of 2000

ELECTION LAWS (AMENDMENT) ACT 2000

I assent

Bharrat Jagdeo,  
President.  
3<sup>rd</sup> August, 2000

#### ARRANGEMENT OF SECTIONS

##### SECTION

1. Short title.
2. Repeal and re-enactment of section 15 of the Principal Act

AN ACT to amend the Election Laws (Amendment) Act 1996.

A.D. 2000

Enacted by the Parliament of Guyana:-

Short title  
No. 12 of  
1996

1. This Act, which amends the Election Laws (Amendment) Act 1996, may be cited as the Election Laws (Amendment) Act 2000.

Repeal and  
re-enactment  
of section 15  
of the  
Principal  
Act

2. Section 15 of the Principal Act is hereby repealed and the following section substituted therefor -

Permanent  
Secretariat  
of the  
Elections  
Commission,  
appointment  
of staff

15. (1) There shall be a Permanent Secretariat to the Elections Commission to ensure institutional memory and capacity and the Elections Commission shall be responsible for the efficient functioning of the Secretariat.

(2) The Elections Commission shall be responsible for appointing on such terms and conditions as may be determined by the Commission such permanent and temporary staff to the offices of the Commission as are considered by the Commission to be necessary for the discharge of its functions under the Constitution and any written law.

(3) The staff of the Commission shall be -

- (a) designated by the Commission on such terms and conditions as it deems fit with the consent of the appropriate authority, from among persons holding appointments in the public service;
- (b) appointed from among persons who had held appointments in the public service and had retired or resigned therefrom; or
- (c) appointed from among fit and proper persons who are not public officers.

(4) In subsection (3), "appropriate authority" means the authority vested by law with power to appoint the public officer in the public service.

*Passed by the National Assembly on 20<sup>th</sup> July, 2000.*

*F. A. Naram,*  
Clerk of the National Assembly

(BILL No. 8/2000)

LAWS OF GUYANA

REPRESENTATION OF THE PEOPLE ACT  
CHAPTER 1:03

	Act Reg. 24/1964 Amended by		
32/1964	32/1968	0. 15/1970	Reg. 6/1973
34/1964	16 of 1968	50/1980	9/1973
37/1964	4 of 1972	57/1980	13/1973
21/1968	16 of 1985	68/1980	14/1973
25/1968	R. 5/1964	80/1980	9/1980
30/1968	3/1968		
31/1968			

Current Authorised Pages

Pages (inclusive)	Authorised by L.R.O.	Pages (inclusive)	Authorised by L.R.O.
1—22	1/1975	47—52	1/1973
23—24	1/1973	53—54	1/1975
25—28	1/1975	55—66	1/1973
29—30	1/1973	67—68	1/1975
31—34	1/1975	69—106	1/1973
35—44	1/1973	107—114	1/1975
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LAWS OF GUYANA

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Cap. 1:03

*Representation of the People*

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Note

on

Repeal

This Act repealed Ordinances (3 of 1957), (10 of 1961) and (34 of 1961)

CHAPTER 1:03

REPRESENTATION OF THE PEOPLE ACT

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[DELETED]

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*del. 12*

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CHAPTER 1:03

REPRESENTATION OF THE PEOPLE ACT

Reg. 24/1964 An Act to make provision for the election of members of the National Assembly under a system of Proportional Representation and for purposes connected therewith.

(25TH SEPTEMBER, 1964)

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Representation of the People Act.

Interpretation. 2. (1) In this Act—

[16 of 1968  
4 of 1972  
Reg. 6/1973]

[o-50/1980]

"carriage" includes a mechanically propelled vehicle;

"certificate of employment" means a certificate issued under section 29(4);

"Commission" means the Elections Commission established by article 161 of the Constitution;

c. 1:01

"disciplined force" has the same meaning as in article 154 of the Constitution, and for the removal of doubts, it is hereby declared that that expression includes the Guyana National Service;

"district" means a polling district constituted under section 6(1);

"division" means a polling division as defined by section 6(2) of article 60(2) of

"election" means an election in accordance with the Constitution of members to the National Assembly, and "elector" shall be construed accordingly;

"election day", in relation to any election, means the day appointed under article 61 of the Constitution for the holding of the election;



"election expenses declaration" means a declaration as to election expenses as required by section 108;

"election officer" means—

- (a) the Chief Election Officer;
- (b) a returning officer;
- (c) a deputy returning officer;
- (d) an election clerk;
- (e) a presiding officer;
- (f) an assistant presiding officer;
- (g) a poll clerk; *para. VII B*

"elector", in Parts IV, V, VI, VII, ~~VIII~~ and IX, means an elector whose name is on the official list of electors;

"Form" means Form in the Schedule;

"group of candidates" means the candidates named in a list of candidates;

"Guyana National Service" means the organisation known as the Guyana National Service and established by the Government;

*Voter Identification Cards*

~~"identity paper"~~ means an identification card issued under the National Registration Act and includes a replacement identification card so issued; c. 19:08

"member", in relation to a disciplined force, has the same meaning as in article 154 of the Constitution, and, for the removal of doubts it is hereby declared that, in relation to the Guyana National Service, that expression includes every person who is an officer or other employee of that Service and every person who is enlisted therein;

"official list of electors" means the official list of electors for a polling division as prescribed by subsection (3);

"official mark" means such official mark as the Chief Election Officer shall approve for the purpose of stamping ballot papers;

"payment" includes any pecuniary or other reward;

"personal expenses", in relation to the expenses of a candidate, includes his reasonable travelling expenses and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;

"poll" means the poll, by voters whose names are on the official lists of electors, for the purpose of any election;

"presiding officer" means—

- (a) a presiding officer of a polling place;
- (b) an assistant presiding officer;

"registration card" has the same meaning as in the National c.19:08  
Registration Act;

"returning officer" means—

- (a) a returning officer of a polling district;
- (b) a deputy returning officer.

"region" means any of the ten regions  
which may be established under  
article 72(1) of the Constitution.

(2) In this Act the expression "committee room" does not include any house or room occupied by a candidate at an election as a dwelling, by reason solely of the candidate there transacting general business with his agents in relation to the election; nor shall any room or building be deemed to be a committee room for the purposes of this Act by reason only of the candidate or any agent of the group of candidates addressing therein electors, committee men, or others.

c. 19:08

(3) The official list of electors for any division shall be the preliminary list of the electors resident in that division, prepared before election day in pursuance of section 14 of the National Registration Act or last prepared in pursuance thereof before such day, as the case may be, but with every such modification as may be necessary to bring that list into conformity with the divisional register—

(a) as altered under section 15(6) of the National Registration Act to give effect to claims and objections finally determined before the said election day;

(b) pursuant to any alteration thereto made under section 8 of the National Registration Act, prior to compliance with section 34(2)(a)(iv) in respect of the said official list, for the purpose of changing the registered address of any elector's residence within Guyana or the registered name or occupation of any elector; or

(c) pursuant to the cancellation of any elector's registration therein effected in contravention of section 11(1) of the National Registration Act, or relating to an elector who is dead, under section 8 of the National Registration Act,

and every reference made to the official list of electors in the provisions hereinafter contained shall, in relation to any time on or before election day, be construed as a reference to such preliminary list as aforesaid with such modifications thereto (if any) as, at that time, shall have been made in conformity with this subsection.

(4) In subsection (3) reference to a preliminary list is a reference to such list read in conjunction with any supplementary list prepared for a revision of that preliminary list pursuant to regulations made under the Act for the purpose of showing the aforementioned modifications.

Electoral  
system.  
[16 of 1968]

3. (1) An election shall be conducted by secret ballot in conformity with this Act.

(2) Throughout Guyana, votes shall be cast in favour of lists of candidates published in accordance with section 19.

4. The Commission shall have, in addition to the functions assigned to it by the Constitution, such functions as are assigned to it by this Act and, in the execution of this Act, such authority of the Commission as is exercised in pursuance of the provisions of the Constitution shall be duly deferred to.

Other  
functions of  
Commission.  
c. 19:08  
[16 of 1968]

5. Where under this Act any act is required to be done not later than a specified number of days before election day, the Minister may by direction under his hand, if he deems it requisite or desirable so to do, ~~with the approval of the Commission~~ extend the time allowed by reducing the number of days so specified; and the following provisions shall have effect in relation to that power—

*Elections Commission*

Extension  
of time.  
c. 19:08  
[16 of 1968]  
[12 of 1996]

- (a) the power may be exercised either generally or specially;
- (b) the power may be exercised so as to make valid anything already done after the expiration of the time allowed;
- (c) the Commission shall, as soon as practicable after any exercise of the power, publish in the *Gazette* a notification thereof, which shall include a brief statement of the reasons for, and the effect of, that exercise.

6. (1) Guyana shall be divided into polling districts, each of which shall consist of such polling divisions, and be distinguished by such names, as may be specified by order of the Minister *Electors Commission* *Provided that no polling district shall extend across the boundary of any region* *Electors Commission*

Polling  
districts and  
divisions.  
[16 of 1968  
4 of 1972]  
[0150/1980]  
[12 of 1996]

(2) Subject to any orders made by the Minister under subsection (1), every registration division as constituted under section 5(2) of the National Registration Act shall be a polling division for the purposes of this Act.

c. 19:08

*Subject to subsections (4) and (5)*  
(3) There shall be for each division such polling places as the returning officer of the district in which the division is situate, subject to the approval of the Chief Election Officer, may appoint; and each polling place shall bear such numerical or other designation as may be approved by the Chief Election Officer.

(4) Where the Chief Election Officer is satisfied that it is impracticable to appoint a polling place within a division or any part thereof, he may appoint some other place in another division within the same district as a polling place at which electors of the first-mentioned division or that part thereof shall be entitled to vote.

(5) The Chief Election Officer shall publish in the *Gazette* not later than the 20th day before election day a notice of any polling place appointed under subsection (4).

## 7. There shall be—

- (a) a Chief Election Officer;
- (b) for each district a returning officer and an election clerk;
- (c) for each polling place a presiding officer and a poll clerk;  
*and a Counting Assistant*
- (d) such deputy returning officers, assistant presiding officers and other staff as may be necessary or desirable for the implementation of this Act.

Election  
officers  
and staff.

[30/1/90]

L.R.O. 111975

LAWS OF GUYANA

12

Cap. 1:03

Representation of the People

Oaths.  
Form 1.

8. (1) Every election officer shall, before performing any of his functions under this Act, take and subscribe an oath in Form 1 before a Justice of the Peace or an election officer.

(2) Every Justice of the Peace and every election officer is authorised and empowered to administer any oath required by or under this Act:

Provided that no election officer shall administer an oath until he has himself taken the oath prescribed in pursuance of subsection (1).

(3) Forthwith upon taking the oath prescribed in pursuance of subsection (1), the returning officer of every district shall establish an office in his district and cause an advertisement to be inserted in a newspaper circulating in the district specifying the place at which he has established his office.

PART II

LISTS OF CANDIDATES

Notice of  
date for  
submission  
of lists.  
[16 of 1968  
Reg. 6/1973]  
[12.9.1996]

9. The <sup>*Election Commission*</sup> Minister shall, by notice published in the *Gazette*, appoint the day, being a day not later than the 32nd day before election day, on which lists of candidates may be submitted to the Chief Election Officer; and there shall be included in the notice particulars of the hours between which and the place at which the Chief Election Officer will attend to receive the lists.

Chief Election  
Officer to  
receive lists.

10. The Chief Election Officer shall attend in accordance with the notice given under section 9 to receive the lists of candidates; and no list shall be received at any other time or place.

Requirements  
of lists.  
[16 of 1968  
Reg. 32/1964  
Reg. 6/1973]  
[22.9.1997]

11. (1) A list of candidates may be submitted by not less than <sup>*three*</sup> two hundred and not more than <sup>*three*</sup> two hundred and <sup>*three*</sup> twenty persons whose names appear at the time of submission on the preliminary list mentioned in section 2(3), whether or not that list has at that date been modified as required by that section and shall be handed together with one copy thereof to the Chief Election Officer by the representative or the deputy representative of the list or by two of the persons named as candidates on the list at the time and place appointed; and the Chief Election Officer shall forthwith cause the copy of the list to be posted in a conspicuous place outside his office.

Form 2.

(2) A list of candidates shall be in Form 2; and the submission shall bear the signature of each person submitting the same together with his name and the serial number of his <sup>*Registration Card*</sup> registration card.

Provided that if any such person is unable to sign his name, his mark, made against his name written by some other person, shall be deemed to be his signature for the purposes of this paragraph but not for the purposes of section 12.

(3) A list of candidates shall set out the names, one below the other in the alphabetical order of the surnames, of not less than 53 nor more than 65 persons who are qualified to be elected to the National Assembly and who have consented to the inclusion of their names in the list as candidates for election, together with the address and occupation of each such person.

(4) Each list of candidates shall be accompanied by a statutory declaration, in Form 3, by each person named therein as a candidate of his qualifications and consent, made before a justice of the peace, commissioner of oaths, notary public or other person authorised by law to administer an oath in the place where the declaration is made. Form 3.

(5) Each list of candidates shall bear a title selected by the persons by whom it is submitted.

(6) No person shall be a candidate on more than one list of candidates and no person shall be a signatory to more than one list.

(7) For the avoidance of doubt it is declared that a person may be a signatory to a list of candidates notwithstanding that he is named therein as a candidate.

(8) Stamp duty shall not be chargeable on any statutory declaration made for the purposes of this section.

(9) In the event of the name of the person designated by any list of candidates as a Presidential candidate being deleted pursuant to section 21 from the list —

- (a) the representative of the list; or
- (b) if there is no representative or if the representative is unwilling or unable (by reason of absence, illness or any other cause) to act, the deputy representative of the list; or
- (c) in the case of any such unwillingness or inability on the part of the deputy representative or if there is no deputy representative, a majority of persons named as candidates in the list may designate in writing any such person able and willing to act, who

shall forthwith and before election day, by written notice signed by him and delivered to the Elections Commission, amend the list by designating any person whose name remains as a candidate on the list as the Presidential candidate designated by that list.

(10) On receipt of any notice of amendment pursuant to subsection (9), the Elections Commission shall forthwith and before election day give public notice of the amendment in such manner as it may in all the circumstances deem the most practicable, and with effect from the time when such notice is given the new Presidential candidate specified in the notice shall be the Presidential candidate designated by that list.

12. The persons submitting a list of candidates may nominate one of their number as representative of the list and another as deputy representative, both of whom shall be candidates named in that list, and—

Representatives of lists.  
[16 of 1968]

(a) where neither a representative nor a deputy representative is so nominated, the persons (other than persons who are not candidates) whose signatures appear first and second in the submission shall be deemed to have been nominated as representative and deputy representative respectively;

(b) where a representative is not so nominated, the person nominated as deputy representative shall be deemed to have been nominated as representative and the person (other than the person nominated as deputy representative and persons who are not candidates) whose signature appears first in the submission shall be deemed to have been nominated as deputy representative; and

(c) where a deputy representative is not so nominated, the person (other than the person nominated as representative and persons who are not candidates) whose signature appears first in the submission shall be deemed to have been nominated as deputy representative.

L.R.O. 1/1975



Examination  
of lists.  
[16 of 1968]

13. On receipt of the lists of candidates the Chief Election Officer shall examine them for the purpose of ascertaining whether they have been submitted in accordance with section 11, and shall, after examination, deliver them to the Commission together with his report thereon.

Defective lists.  
[16 of 1968  
Reg. 6/1973]

14. (1) If it appears to the Commission that a list of candidates is defective, that is to say, that the list or its submission does not comply in all respects with the requirements of section 11(1), (2), (3), (4) and (5) or bears a misleading title, the Chief Election Officer shall, not later than the 30th day before election day, so inform the representative and the deputy representative of the list, specifying the defects:

Provided that if the list does not bear a title the Commission may, if it seems to them just and proper to do so, instead of treating the list as defective, allocate a title thereto.

(2) If the name of any person appears as a candidate on two or more lists of candidates the Chief Election Officer shall—

(a) not later than the 30th day before election day inform the representatives and deputy representatives of the lists concerned;

(b) delete the name of that person from any list on which the Commission are satisfied he did not consent to the inclusion of his name;

(c) delete his name from each list on which it appears if the Commission are satisfied that he consented to the inclusion of his name on more than one list.

(3) If the name of any person appears as a signatory to the submission of more than one list, his signature shall be inoperative on any list other than the one first delivered to the Chief Election Officer and the Chief Election Officer shall delete his name from each other list, and if by reason of such deletion it appears to the Commission that any list is defective in that there remain less than two hundred signatories thereto, such list shall be treated as defective.

Corrections  
to lists.  
[16 of 1968  
Reg. 6/1973]

15. The representative and deputy representative of a list of candidates, or either of them, may, not later than the 29th day before election day, submit to the Chief Election Officer corrections of any defects in the list (whether or not those defects are defects which have been notified under section 14); and the Chief Election Officer shall forward the corrections to the Commission together with his report thereon.

16. (1) The representative and deputy representative of a list of candidates, or either of them, may, not later than the 32nd day before election day, make application in writing addressed to the Chief Election Officer for the allocation of a symbol which shall be a symbol approved by the Commission.

Applications  
for symbols.  
[16 of 1968  
Reg. 6/1973]

(2) Applications for symbols shall be considered by the Commission in the order in which they have been received but no right shall be conferred by priority of application to the allocation of the symbol for which application is made or for any particular symbol.

17. (1) Subject to section 18 no list of candidates shall be valid unless it has been approved by the Commission not later than the 28th day before election day.

Approval  
of lists.  
[16 of 1968  
Reg. 6/1973]

(2) If it appears to the Commission that a list of candidates is not defective or that defects in it have been cured by corrections submitted in accordance with section 15, they shall approve it and allocate thereto such symbol as they in their discretion decide; and if it appears to the Commission that a defective list has not been so corrected, they shall refuse to approve it.

[to 50/1980]

(3) Not later than the 28th day before election day, the Commission shall notify the representative and deputy representative of each list that the list is or is not approved and shall publicly declare the titles of the approved lists and the names of candidates thereon.

(4) The refusal of the Commission to approve a list shall not be called in question in any court except by appeal under section 18, and the approval of a list by the Commission shall not be called in question in any court except in accordance with a law made under article 162 of the Constitution.

18. (1) Where the Commission have refused to approve a list of candidates, the representative and deputy representative of the list, or either of them, may, not later than the 26th day before election day, appeal to the High Court against such refusal.

Appeal against  
refusal of  
approval.  
[16 of 1968  
Reg. 6/1973]

(2) The High Court shall hear the appeal and deliver judgment within such time before election day as will enable the Commission duly to comply with the requirement of section 19 relating to publication of the list; and the judgment of the court shall not be subject to appeal.

(3) The court may—

(a) dismiss the appeal; or

(b) approve the list to which the Commission have refused to give their approval; or

(c) approve that list with such modifications as to the court may seem just;

and when the court approves a list, with or without modification, the list as approved by the court shall have effect as if it had been approved by the Commission under section 17.

Publication  
of lists.  
[16 of 1968  
Reg. 6/1973]

19. The Commission shall, not later than the 23rd day before election day, cause to be published in the *Gazette* the titles and symbols of the lists approved by them or the High Court and the names of the candidates on those lists and may cause such further publication of the same, for the information of electors, as the Commission considers desirable.

Withdrawal  
of lists.

20. A list of candidates may be withdrawn by notice in writing addressed to the Chief Election Officer and signed by both the representative and deputy representative of the list:

Provided that a list shall not be withdrawn after the Commission have notified the representative and deputy representative thereof that it has been approved.

Death or  
withdrawal  
of candidate.  
[16 of 1968  
Reg. 6/1973]

21. (1) If a person whose name is included in a list of candidates which has been submitted to the Chief Election Officer dies or, by notice in writing signed by him and addressed and delivered to the Chief Election Officer, withdraws his candidature, his name shall be deleted from the list and, if the list has already been published under section 19, the Commission shall cause notification of the deletion to be published in like manner:

Provided that no such notice shall be delivered as aforesaid after the 31st day before election day.

(2) The deletion of the name of any candidate by reason of his death from any list of candidates after its approval by the Commission shall not render the list defective; and correction of any defect caused by deletion of a dead candidate's name from any list of candidates may, notwithstanding anything to the contrary provided in section 15, be submitted at any time before the approval of such list:

Provided that where, by reason of any deletion first mentioned in this paragraph no names remain on a list of candidates, such list shall cease to have effect.

Joinder  
of lists.  
[16 of 1968  
Reg. 6/1973]

22. (1) Subject to subsection (2), two or more lists of candidates shall be joined for the distribution of seats (but not for the purpose of voting) if the representative and deputy representative of each list

to be so joined gives notice accordingly in writing to the Chief Election Officer not later than the 25th day before election day; and lists so joined are hereinafter referred to collectively as a combination of lists.

(2) No list of candidates shall be included in more than one combination of lists and if any notice given under subsection (1) would, if given effect, result in a contravention of this section, that list shall not be included in any combination of lists.

(3) The Commission shall cause a notification of combinations of lists to be published not later than the 23rd day before election day in the *Gazette* and may cause such further publication of the same, for the information of electors, as the Commission considers desirable.

### PART III

#### AGENTS

23. (1) The representative of each list of candidates shall not later than the 32nd day before election day give notice in writing to the Chief Election Officer appointing himself or some other person to be the election agent of the candidates in the list and if the appointment of an election agent is revoked or the election agent dies and no further appointment is made, the representative of the list of candidates shall be deemed to have been appointed to be the election agent of the candidates.

Appointment  
of election  
agents.  
[Reg. 6/1973]

(2) The Chief Election Officer shall cause a notice to be published in the *Gazette* of the name and address of the person appointed or deemed to be appointed as election agent.

24. (1) An election agent may appoint—

- (a) an assistant agent for each district;
- (b) a counting agent for each district;
- (c) a polling agent for each polling place.

Appointments  
of assistant  
agents,  
counting  
agents and  
polling agents.

(2) Notice in writing of every appointment of an assistant agent, counting agent and polling agent, stating the name and address of the person appointed shall be given not later than the 7th day before election day by the election agent to the returning officer of the district for which the assistant agent or counting agent is appointed or in which is situate the polling place for which the polling agent is appointed.

(3) The returning officer shall upon receiving a notice of an appointment of an assistant agent give public notice of the name and address of the person appointed.

(4) There shall not be, at the same time, more than one assistant agent or more than one counting agent of a group of candidates for any one district nor shall there be more than one polling agent of that group for any one polling place.

(5) Upon the revocation of the appointment of or upon the death of an assistant agent, counting agent or polling agent the election agent shall forthwith give notice in writing thereof to the returning officer to whom notice of appointment was given and shall give notice in writing of any further appointment made in accordance with subsection (2):

Provided that the appointment of an assistant agent, counting agent or polling agent shall not be vacated solely by reason of the revocation of the appointment or the death of the election agent who appointed him.

(6) Nothing in this section shall preclude the appointment of a person as an assistant agent for two or more districts or as polling agent for two or more polling places or as both assistant agent and counting agent, or as both assistant agent and polling agent, or as both counting agent and polling agent, or as assistant agent, counting agent and polling agent.

**Actions of  
assistant  
agents, polling  
agents and  
counting  
agents.**

25. (1) Every election agent may act, in relation to any matter required to be done in any district, by the assistant agent for that district; and anything done for the purposes of this Act by an assistant agent in his district shall be deemed to have been done by the election agent.

(2) Any act or default by an assistant agent which, if he were an election agent, would be an illegal practice or other offence against this Act, shall be an illegal practice or other offence against this Act committed by the assistant agent who shall be liable to punishment accordingly.

(3) Where in this Act any action or thing is required to be done in the presence of candidates, polling agents or counting agents, the non-attendance of any such candidate, polling agent or counting agent at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

**Liability of  
candidates  
for offences  
by election  
agents.**

26. Where any corrupt or illegal practice or any illegal payment, employment or hiring, or other offence under this Act, is proved to have been committed by an election agent or assistant agent, with the consent or connivance of a candidate, such candidate shall also be deemed to have been guilty of such corrupt or illegal practice or illegal payment, employment or hiring or other offence.

## PART IV

## ENTITLEMENT TO VOTE

27. (1) An elector shall be entitled to vote in a polling place at an election if he complies with this Act and with requirements made and directions given thereunder and if the presiding officer of the polling place at which he applies for a ballot paper is satisfied as to the matters specified in section 70(1).

Electors to have one vote and to vote in person. [16 of 1968]

(2) No person shall be entitled to vote in a polling place at an election unless he is entitled to do so under subsection (1).

(3) Every elector who votes at an election shall, subject to the provisions of this Act relating to voting by proxy and to the marking of ballot papers on behalf of blind and incapacitated electors, vote at a polling place in person.

(4) Without prejudice to the provisions of this Act relating to voting as a proxy and to the marking of ballot papers on behalf of blind and incapacitated electors, no elector shall vote more than once at the election.

28. An elector shall be entitled to vote (whether in person or as a proxy on behalf of another elector) at the polling place where is displayed in pursuance of section 36 the official list of electors or part thereof, as the case may be, on which his name appears; and no elector shall, subject to section 29, be entitled to vote (either in person or as a proxy on behalf of another elector), at any other polling place.

Voting to be at polling place where elector's name displayed. [16 of 1968 Reg. 6/1973]

*Elections Commission*

29. (1) The Minister may by notice published in the Gazette specify divisions or groups of divisions to which subsections (2) and (3) shall apply: *provided that divisions which form part of different districts shall not be grouped together.*

Right of electors in certain cases to vote at other polling places. [16 of 1968]

(2) An elector whose name appears on the official list of electors of a division which is one of a group of divisions specified by the Minister by notice under this section may vote at any polling place in that group of divisions.

[0-50/1980]  
[12/1996]

(3) An elector whose name appears on the official list of electors of a division which is specified by the Minister by notice under this section may vote at any polling place in that division.

*Elections Commission*

(4) An elector who, in the district in which his address as entered in the official list of electors affixed under section 34(2)(a)(iv) is situated

Form 4.

is employed as an election officer, member of the Police Force or of the Guyana Defence Force for a purpose connected with the election at a polling place other than that where his name is displayed under section 28 may vote at that polling place if, not later than the day before election day, he obtains from the returning officer of that district a certificate under his hand, in Form 4, authorising him to vote at that polling place, which certificate shall state the name of the elector, the number of his identity paper and the fact that he is to be so employed.

Entitlement to  
vote by proxy.  
[16 of 1968  
Reg. 21/1968  
6/1973]

30. (1) The following electors shall be entitled to vote by proxy at an election —

- (a) those unable, or likely to be unable, to go in person to the polling place, at which they are entitled to vote, for any of the following reasons —
  - (i) the particular circumstances of that person's employment on the election day either as a member of a disciplined force, or as a rural constable, or for a purpose connected with the election, by a returning officer;
  - (ii) the fact that at the election that person is acting as returning officer for a district other than the district in which his address as entered in the official list of electors is situate;
  - (iii) the particular circumstances of that person's employment on the election day by the returning officer for a district, other than the district in which his address as entered in the official list of electors is situate, for a purpose connected with the election in that district;
  - (iv) the fact that that person is an employee of the Transport and Harbours Department engaged in running a vessel on the election day;
- (b) a candidate at the election, where he is unable, or likely to be unable, to go in person to the polling place at which he is entitled to vote, by reason of being engaged in any activity connected with the election in a district other than the district in which that polling place is situate;
- (c) those unable, or likely to be unable, by reason either of blindness or any other physical incapacity, to go in person to the polling place or, if able to go, to vote unaided.

(2) Not more than one person shall be appointed to vote as a proxy on behalf of any one elector.

(3) No person shall be appointed to vote as a proxy—

(a) on behalf of another elector *unless* he is himself an elector who is entitled to vote at the same polling place as that at which the elector on whose behalf his appointment is sought is entitled to vote;

(b) for more than two electors.

(4) An elector voting as a proxy on behalf of another elector so shall do at the same polling place and at the same time as he votes on his own behalf.



31. Every application for any such appointment of an elector to vote as proxy at an election shall—

Application for  
appointment  
of proxy.  
[16 of 1968]  
Form 5.

(a) be in writing in the Form 5;

(b) be addressed to the returning officer of such district as shall comprise the division in which the applicant's name is displayed under section 34(2)(a)(iv) and be sent to that officer so as to be received by him not later than the 10th day before election day;

(c) be accompanied by the consent in writing of the elector, named as proxy therein to his appointment.

32. (1) If a returning officer is satisfied that an application for the appointment of another elector to vote as a proxy on behalf of the applicant has been duly submitted in accordance with section 31 and that the person whose appointment is sought is entitled to vote as a proxy on behalf of the applicant and consents to his appointment, he shall issue to that person a notice of appointment as a proxy in Form 6 and shall notify the applicant accordingly.

Notice of  
appointment  
as proxy and  
lists of proxies.  
[16 of 1968]

[22/1/97]

Form 6.

(2) If the returning officer refuses the application he shall notify the applicant of his refusal and of his reasons therefor.

(3) The returning officer of each district shall keep a list of proxies which shall be in Form 7 and shall set out the names, addresses and the serial numbers of the ~~registration~~ <sup>proxy</sup> cards of the electors for whom the proxies have been appointed and of the electors who have been appointed to vote as proxies on their behalf; and the returning officer shall on the request of an election agent allow him, on the 4th day before election day, to inspect and copy the list.

33. An elector may cancel the appointment of another person to vote as a proxy on his behalf by giving notice in writing in Form 8 addressed and sent to the returning officer who issued the notice of appointment so that the notice of cancellation is received by the returning officer not later than the 10th day before election day; and thereupon the notice of appointment shall be void and the returning officer shall—

Cancellation of  
appointment  
as proxy.  
Form 8.

(a) so notify the elector whose appointment as a proxy is cancelled;

(b) delete the names of both electors from the list of proxies.

## PART V

## PREPARATIONS FOR THE POLL

34. (1) Not later than the 20th day before election day the returning officer of each district shall give a notice of poll which shall be in Form 9 and which shall specify—

Notice of poll.  
[Reg. 6/1973]  
16.2.1983  
Form 9.

[12.9.1996]

(a) the day on and the hours between which the poll will be taken; and

(b) the situation of each polling place in the district.

(2) Not later than the 14th day before election day the returning officer shall—

(a) cause to be affixed to one building in each division of his district the following:

- (i) a copy of the notice of poll;
- (ii) a copy of each list of candidates published in accordance with section 19;
- (iii) notification of joinder of any such lists; and
- (iv) a copy of the official list of electors for that division;

(b) cause such further publication of such lists and notification as he may think desirable to bring their contents to the attention of electors in his district.

(3) The hours between which the poll shall be taken shall be from 6 o'clock in the forenoon until 6 o'clock in the afternoon at all polling places in all districts unless the Minister shall prescribe different hours, being twelve consecutive hours, for any polling place.

(Electors Commission for Ministry)

(4) Nothing in subsection (2) shall be construed as precluding the returning officer from annexing to the copy of the official list of voters affixed under that subsection copies of such supplementary lists as are mentioned in section 2(4).

35. Where more than one polling place is established for any division the returning officer of the district in which the division is situate shall apportion in such manner as he thinks fit, between the polling places so established, the entries in the official list of electors for that division and shall compile such lists of electors as comprise the entries allotted to such polling places, respectively; and each list so compiled shall be regarded and dealt with as a part of the said official list.

Division of  
official list  
of electors.  
[16 of 1968]

Display of lists  
at polling  
places.  
[16 of 1968]  
068/80

36. The returning officer for each district shall cause to be displayed at every polling place therein a copy of the official list of electors for the division in which that polling place is situate or, as the case may be, a copy of such part of the said list as has been allotted to that polling place under section 35

and the foregoing provisions of this section shall apply *mutatis mutandis* in the case of any polling place established under Subsections (4) and (5) of section 6.

Preparation of  
polling places.  
[16 of 1968]

37. The returning officer of each district shall before election day cause every polling place in his district to be provided with—

(a) such doors, barriers, tables, chairs and other conveniences as are necessary or desirable, or as the Chief Election Officer may direct, for the purpose of implementing this Act;

(b) such number of compartments as are necessary or desirable and in which electors can vote free from observation.

38. The Chief Election Officer shall cause to be printed in Forms 10, 11 and 12 and sent to the returning officer of each district before election day a sufficient number of the following documents—

Printing of  
directions for  
voting and  
ballot papers.  
Form 10.  
Form 11.  
Form 12.

- (a) directions for voting;
- (b) ballot papers;
- (c) tendered ballot papers.

39. (1) Every such ballot paper shall—

Requirements  
of ballot  
papers.  
[16 of 1968]

(a) contain, serially numbered on the left hand side and in alphabetical order of the initial letters of the title of each list of candidates, the initial letters, title and symbol of each list of candidates;

(b) be capable of being folded up;

(c) be attached to a counterfoil bearing, printed on the face, a serial number and the words and dots "Elector's number . . .".

(2) In the printing of the ballot paper—

(a) no letter, word or design shall be printed on the face except the initial letters, titles and symbols of the lists of candidates;

(b) no rule shall be printed on the face except the horizontal rules separating the particulars of the lists of candidates from one another and the vertical rules separating those particulars from the numbers on the left hand side and from the spaces on the right where the symbols are shown and separating the spaces for symbols from the spaces on their right where the vote is to be marked;

(c) the whole space between the top and bottom of the paper shall be equally divided between the lists of candidates by rules separating their particulars;

(d) the initial letters of each list of candidates shall be printed in large capitals and the full titles of each list in small capitals.

(3) Tendered ballot papers shall be of a different colour from ordinary ballot papers but, subject to such difference of colour, this section shall apply to tendered ballot papers as it does to ordinary ballot papers.

40. (1) The returning officer of each district shall supply to every presiding officer in his district the following—

Supplies of  
election  
material.  
[16 of 1968]  
065/87  
L.R.O. 1/1973

(a) a sufficient number of ballot papers and tendered ballot papers, together with a statement showing the numbers supplied and their serial numbers;

(b) a sufficient number of copies of the directions for voting;

(c) a sufficient number of copies of this Act (including any amendments made thereto for the purpose of holding any election pursuant to article 60(2) of the Constitution but not yet incorporated in the text thereof as published in any revision thereof made pursuant to the Law Revision Act);

(d) a sufficient number of copies of the official list of electors or part thereof, as the case may require, containing the names of the electors entitled to vote at the polling place;

(e) a sufficient number of copies of the list of proxies;

(f) a ballot box and materials for affixing thereto or stamping thereon the seal of the presiding officer;

(g) the several forms of oaths to be administered to electors;

(h) a poll book;

(i) the necessary envelopes and such other forms, documents and supplies as may be authorised by, or furnished at the direction of, the Chief Election Officer;

(j) a sufficient number of copies of each list of candidates published in accordance with section 19.

(2) The ballot box shall be of convenient size and so constructed that the ballot papers can be placed therein, but cannot be withdrawn therefrom, without the box being unlocked.

Form 13.

(3) The poll book shall be in Form 13.

Display of lists of candidates and directions for voting.

41. The presiding officer of each polling place shall before the opening of the poll post up in a conspicuous position outside the polling place a copy of—

(a) the directions for voting;

(b) the lists of candidates published in accordance with section 19.

Safe custody of election material.

42. The presiding officer of each polling place shall, until the opening of the poll, keep the documents supplied to him in pursuance of section 40 (other than those required to be posted up by section 41) locked in the ballot box or other depository and shall take every precaution to prevent any person having unauthorised access thereto.

Application of section 12 of the National Registration Act, c. 19:08 (16 of 1968 Reg. 30/1968)

43. Section 12 of the National Registration Act shall apply in relation to every person who is an elector but, in such application, shall have effect as if—

[22/1997]

(a) the words, "and cause them to be issued in such manner as he thinks fit to," had been deleted therefrom; and

(b) the words "and shall cause every such  <sup>voter identification</sup> card to be issued in such manner as the Commissioner thinks fit to the person for whom it has been prepared, or to be made available for his procurement in such manner as the Commissioner may specify by notice published in the *Gazette*" had been inserted immediately after the word "Act" therein:

Provided that if the Commissioner of Registration finds it for any reason impracticable—

<sup>voter</sup> (a) for a print of the photograph of any elector to be affixed to such identification card of that elector as may be required for the purposes of this Act;

(b) for any such  <sup>voter</sup> identification card of an elector as aforesaid to be prepared in conformity with regulation 20(2)(b) of the National Registration (Residents) Regulations: Sub. Leg. c. 19:08

the lack of any such print or preparation, as the case may be, shall not invalidate the identification card for the said purposes.

## PART VI

### PREPARATION FOR NON-RESIDENTS' BALLOT

#### 44. (1) In this Part—

"ballot officer" means

(a) an ambassador or High Commissioner resident in any country and representing Guyana therein;

(b) any person appointed to be a ballot officer in any other country in which ~~any~~

~~(i) no ambassador or High Commissioner is accredited to represent Guyana;~~

~~(ii) an ambassador or High Commissioner is so accredited but is not resident therein;~~

~~"non-resident" means an elector whose name is on the non-residents' roll;~~

"non-resident elector" means an elector whose name is on the non-resident electors' roll;

"non-resident electors' roll" means the non-resident electors' roll ~~prepared under section 45A:~~ <sup>prescribed by subsection (2).</sup>

~~"non-residents' roll" means the non-residents' roll as prescribed by subsection (2).~~

(2) The non-residents' roll shall be the preliminary list of the electors not resident in Guyana <sup>electors</sup> prepared before election day in pursuance of section 14 of the National Registration Act or last c. 19:08

Interpretation  
of Part VI.  
[Reg. 25/1968  
Reg. 6/1973]

4 Oct 16/85

[3 of 1991]

[11 of 1992]

comprising the  
persons specified  
in subsection  
(2A),

prepared in pursuance thereof before such day, as the case may be, but with every such modification as may be necessary to bring that list into conformity with the central register (to the extent to which it consists of the registration cards of electors aforesaid)—

(a) as altered under section 15(6) of the National Registration Act to give effect to claims and objections finally determined before the said election day;

(b) pursuant to any alteration thereto made under section 8 of the National Registration Act, prior to the date of publication in the *Gazette* under section 19 of the names of candidates, for the purpose of changing the registered address, name or occupation of an elector;

(c) pursuant to the cancellation therein under section 8 aforesaid of an elector's registration effected in contravention of section 11(1) of the National Registration Act, or of relating to an elector who does not exist by reason of death or otherwise ought not to be registered;

c. 19:08

and every reference made to the non-residents' <sup>electors</sup> roll in the provisions hereinafter contained shall, in relation to any time on or before election day, be construed as a reference to such preliminary list as aforesaid with such modifications thereto (if any) as, at that time, shall have been made in conformity with this subsection.

(2A) The preliminary list of electors not resident in Guyana shall consist of the names of every elector not resident in Guyana who is —

- (i) an Ambassador or a High Commissioner;
- (ii) the wife or husband or child of an Ambassador or a High Commissioner;
- (iii) a member of the staff of an Embassy or High Commission;
- (iv) the wife or husband or child of a member of the staff of an Embassy or High Commission.

(2A)  
 (3) In subsection (2) reference to a preliminary list is a reference to such list read in conjunction with any supplementary list prepared for a revision of that preliminary list pursuant to regulations made under the National Registration Act for the purpose of showing the aforementioned modifications.

Display of  
 non-residents  
 roll.

[3 9 1991]

45. The Chief Election Officer shall cause a copy of the non-residents' roll to be displayed for public information, or for the information, of non-residents, at every such place as the Commission may appoint by notice published in the *Gazette*.

Non-  
 resident  
 electors' roll.

16/85

45A.(1) The Chief Election Officer shall cause to be prepared a non-resident electors' roll and the preparation of it shall be completed not later than the twenty-first day before the election day.

(2) The non-resident electors' roll shall consist of the names of every elector whose name is on the non-residents' roll and who is —

- (i) employed by the Government, or any public corporation, or a corporate body in which the controlling interest vests in the State or any agency on behalf of the State; or



- (ii) a student engaged in any full-time course of study in any educational institution in any country other than Guyana.

if he applies for the inclusion of his name in the non-resident electors' roll and his application is allowed under this section.

(3) An application by any person for the inclusion of his name in the non-resident electors' roll shall —

- (a) be made to the Chief Election Officer, through the ballot officer in the country outside Guyana where the applicant is living, in writing in Form 12A;
- (b) be made within such day as may be notified in the *Gazette* by the Chief Election Officer in relation to the country outside Guyana where the applicant is living, being not earlier than five days after the date on which the non-residents' roll is displayed in accordance with section 45 in any place in the country outside Guyana where the applicant is living, nor later than thirty days before the election day; and

(c) be accompanied by, in the case of a person referred to in subsection (2) (i), a certificate from his employer about his employment or, in the case of a person referred to in subsection (2) (ii), a certificate from the educational institution, where he is studying, as to his being a full-time student in that institution.

(4) Every ballot officer shall as soon as possible forward to the Chief Election Officer any applications received by him under subsection (3).

(5) If the Chief Election Officer is satisfied that the applicant is entitled to have his name included in the non-resident electors' roll, the Chief Election Officer shall include his name in that roll.

(6) The Chief Election Officer shall cause a copy of the non-resident electors' roll to be displayed for public information, or for the information of non-residents, at every such place as the Commission may appoint by notice published in the *Gazette*.

Printing of  
ballot officers'  
supplies.

[16/9/85]

46. The Chief Election Officer shall cause to be printed and supplied to each ballot officer a sufficient number of the following:

- (a) copies of directions for balloting by non-resident electors;
- (b) ballot papers;
- (c) such envelopes and forms as are requisite;

to enable the ballot officer to carry out his functions under this Act; and the Chief Election Officer shall make the necessary arrangements to be provided with a sufficient number of the same for the purpose of carrying out his like functions under Part VII.

47. (1) Ballot papers supplied to ballot officers and used by non-resident <sup>electors</sup> shall be of a different colour from all other ballot papers conforming to the requirements of section 39 but, subject to such difference of colour, shall conform to those requirements in the like manner as such other ballot papers. Non-resident electors' ballot papers.  
[16/1985]

(2) Reference in subsection (1) to ballot papers supplied to ballot officers shall be construed to include reference to ballot papers with which the Chief Election Officer is provided under section 46. Additional supplies for ballot officers.

48. In addition to the supplies to be furnished under section 46, the Chief Election Officer shall provide every ballot officer with— Additional supplies for ballot officers  
[16/1985]

(a) a sufficient number of copies of this Act;

(b) a sufficient number of copies of the non-resident <sup>electors'</sup> roll in so far as it comprises entries relating to electors resident in the country in which that ballot officer is accredited to represent Guyana or appointed to be a ballot officer, as the case may be;

(c) a statement showing the number of ballot papers supplied to him under section 46(b) and their serial numbers; and

(d) such other documents and supplies as the Chief Election Officer may consider expedient;

for use by that ballot officer in the execution of his functions; and the Chief Election Officer shall record every such statement and the number of ballot papers with which he is provided under arrangements mentioned in section 46 and the serial numbers of the ballot papers so provided.

49. Every officer shall be responsible for the safe custody of all supplies with which he is furnished or provided under section 46 or 48 and shall take every precaution to prevent any person having unauthorised access thereto. Safe custody of officers' supplies.

## PART VII

### NON-RESIDENT ELECTORS' BALLOT

50. (1) In this Part—

"ballot attendant" means an officer appointed under section 53(1);

"ballot officer", "non-resident <sup>elector</sup>" and "non-resident <sup>electors'</sup> roll" shall have the meanings assigned to them, respectively, by section 44. Interpretation of Part VII.  
[Reg. 31/1968]  
[16/1985]  
[22/1997]

(2) Reference in this Part to the serial number of a non-resident <sup>elector</sup> shall be construed as reference to the serial number of his <sup>vote</sup> registration card. [16/1985]

(3) A ballot officer may exercise any powers, and perform any duties, of a ballot attendant under any provisions of Part VII and references in any such provisions to a ballot attendant shall be construed accordingly with such modifications to the context as may be necessary for the purpose.

Issue of ballot  
papers to  
non-resident  
electors.

[Reg. 6/1973]  
[16/1985]

51. Not later than the 14th day before election day, there shall be posted to every non-resident <sup>elector</sup>—

(a) by such ballot officer as shall be provided under section 48(b) with copies of entries in the non-resident <sup>elector</sup> roll which include the name of that non-resident <sup>elector</sup>; or

(b) in any case where there is no such ballot officer, by the Chief Election Officer;

a sealed envelope, which shall be directed to the non-resident <sup>elector</sup> at his address appearing on the non-resident <sup>elector</sup> roll and shall contain the following—

(i) an unsealed envelope (hereafter referred to in this Part as the addressed envelope) addressed in the name, and to the office, of the officer issuing the same, which shall be recognisable by him on its return as having been issued under this paragraph;

Form 14.

(ii) a declaration of identity in Form 14 which shall bear the serial number of the non-resident <sup>elector</sup> on its reverse side;

(iii) an unsealed envelope (hereinafter referred to in this Part as the ballot envelope) addressed with the words "To the Chief Election Officer" and capable of containing a ballot paper and of being enclosed, together with the last-mentioned form, in the addressed envelope;

Form 15.

(iv) a copy of the directions for balloting by non-resident <sup>electors</sup> as set out in Form 15;

(v) a ballot paper stamped with the official mark.

Notes of ballot  
papers issued.

[16/1985]

52. Upon issuing a ballot paper to any non-resident <sup>elector</sup> under section 51, a ballot officer or the Chief Election Officer, as the case may be, shall—

(a) to show that a ballot paper has been issued to the non-resident <sup>elector</sup>, but without showing the particular ballot paper issued, place a mark on such copy of entries in the non-resident <sup>electors</sup> roll as shall be used by him for the purposes of this paragraph; and

(b) enter on the counterfoil of the ballot paper the serial number of the non-resident <sup>elector</sup>.

53. (1) There shall be appointed such number of officers as the Chief Election Officer may consider requisite for the performance in any country of the functions of ballot attendants under this Act. Ballot attendants.  
[16/1985]

(2) The Chief Election Officer shall cause notice of the name and address of every ballot attendant to be published in the *Gazette* and may cause such further publication of the same, for the information of non-resident <sup>electors</sup>, as the Chief Election Officer considers desirable; and the address of the office of each ballot officer shall be notified under the foregoing provisions of this subsection as being also the address of a ballot attendant.

(3) The ballot attendant at every such office as aforesaid shall permit any person having authority by virtue of section 118(1)(f) for promotion of the election of a group of candidates, and designated in writing by their election agent, to attend the balloting there by non-resident<sup>elector</sup> in the presence of the ballot attendant and shall afford that person, if and when he attends, all such reasonable facilities for observing the said balloting as that attendant can afford consistently with the orderly conduct of the proceedings, the discharge of his duties in connection therewith and the maintenance of the secrecy of the ballot.

(4) There shall not be more than one person designated as aforesaid by the election agent of each list of candidates to attend at the same office.

54. Every non-resident<sup>elector</sup> in receipt of the addressed and ballot envelopes, Form 13 and ballot paper issued to him under section 51(i), (ii), (iii) and (v)—

Recording of  
non-resident<sup>electors</sup>  
vote.  
Form 13.

(a) may upon satisfying any ballot attendant as to his identity by way of production of his passport, travel document or other proof of such identity, and of the envelope directed to him under section 51, not later than the 9th day before election day—

[16/988]

(i) exhibit the said envelopes, Form 14 and ballot paper (unmarked) to the ballot attendant;

(ii) secretly mark and fold the ballot paper in the like manner as provided by section 72(2), enclose it in the ballot envelope and seal that envelope, in the presence of the ballot attendant, but so that the ballot attendant does not observe the said manner of marking the ballot paper; and

(iii) give the ballot envelope so sealed and Form 14 to the ballot attendant, who shall forthwith complete the said Form in the presence of the non-resident<sup>elector</sup> and issue to him a receipt in Form 16:

Form 14.

Form 16.

Provided that—

(a) if the non-resident<sup>elector</sup> is incapacitated by blindness or other physical cause from personally complying with the foregoing provisions of this paragraph, the ballot attendant may, at the request of the non-resident<sup>elector</sup>, comply or permit a person appointed by the non-resident<sup>elector</sup> to comply with any such provisions on his behalf, in his presence and according to his directions;

(b) the person so appointed shall be a non-resident<sup>elector</sup>, who shall, before the form of declaration is given to the ballot

attendant under subparagraph (iii) of this paragraph, endorse on the reverse side of the form a certificate in the following terms:

"I, .....  
(names in block letters)  
<sup>elector</sup>

hereby certify that the non-resident, whose serial number appears next hereto is physically incapacitated and voted with my assistance rendered at his request.

.....  
(Signature)"; or

(b) if he prefers so to do, or if no ballot attendant is available, may—

(i) secretly mark and fold the ballot paper in the like manner as provided by section 72(2) and enclose it in the ballot envelope;

(ii) seal the ballot envelope;

Form 13.

(iii) complete Form 13 and enclose it, together with the ballot envelope, in the addressed envelope for posting under section 55(b).

Transmission  
of non-  
resident's vote  
to ballot  
officer.

[16/2/1985]

55. For the purpose of causing the vote recorded by him to be cast in the manner provided by section 62(1), every non-resident<sup>elector</sup>—

(a) having complied with section 54(a), shall thereupon surrender to the ballot attendant the addressed envelope exhibited under subparagraph (i) of that paragraph to such attendant, who shall—

(i) forthwith, in the presence of the non-resident<sup>elector</sup>, enclose therein the ballot envelope, and the declaration in the form, given by him under subparagraph (iii) of the said paragraph and seal the addressed envelope;

(ii) until its delivery to the officer mentioned in the next following subparagraph, keep the addressed envelope so sealed in safe custody and take every precaution to prevent its being opened or unauthorised access being had thereto; and

(iii) be responsible for delivering the addressed envelope not later than the 5th day before election day to the officer to whose office it is so addressed;

(b) having complied with section 54(b), shall seal the addressed envelope containing its enclosures under that paragraph and post

it so as to be received by the officer to whose office it is so addressed not later than the 7th day before election day.

56. (1) Each officer to whom the addressed envelope issued by him in pursuance of section 51(a) or (b) to any non-resident is returned as having been duly sealed by a ballot attendant, or as a sealed envelope presumably with enclosures under section 54(b), shall keep it in safe custody, and take every precaution to prevent its being illegally opened or unauthorised access being had thereto, prior to the discharge of his other duties and responsibilities in respect thereof:

Safe custody of  
votes returned.

[16/1985]

Provided that any such envelope returned after the time allowed for its delivery or receipt under section 55(a)(iii) or (b), as the case may be, shall be kept separately from all other such envelopes returned in due time; and every ballot officer to whom any such envelope is returned after the time allowed as aforesaid shall cause it to be delivered to the Chief Election Officer as soon as practicable after such return thereof.

(2) For the purposes of section 137, and without prejudice to the generality of the provisions thereof, every envelope which has been sealed by a ballot attendant under section 55(a)(i), or has been returned to any officer as a sealed envelope mentioned in subsection (1) of this section, shall be deemed to be, until removal of the ballot paper therefrom according to law, a packet referred to in section 137(1)(d).

(3) Where the addressed envelope, form (whether completed or not), marked or unmarked ballot paper and the ballot envelope therefor, or any of the foregoing, issued by any officer in pursuance of section 51(a) or (b) are returned to him in such manner or condition as to preclude the application of subsection (1) in relation thereto, such officer shall nevertheless keep them in safe custody, and take every precaution to prevent unauthorised access being had thereto or any such envelope (if sealed) from being illegally opened, prior to the discharge of his other duties and responsibilities in respect thereof and, if he is a ballot officer, shall cause the same to be delivered to the Chief Election Officer as soon as practicable after their return as aforesaid.

57. (1) Each officer referred to in section 56 shall make up into separate packets, sealed with his seal—

Officers'  
responsi-  
bilities.

(a) all the addressed envelopes returned to him as mentioned in section 56(1) and to which the proviso to that paragraph does not apply;

[16/1985]

(b) such copy of entries in the non-resident <sup>electors'</sup> roll as has been used by him for the purposes of section 52(a);

(c) the counterfoils with entries made thereon by him under section 52(b);

(d) any ballot papers with which he was furnished under section 46 and which have not been issued to non-resident *electors* pursuant to section 51;

Form 17. (e) a statement in writing, to be called "the non-resident *electors* ballot papers account" prepared by him in Form 17,

and, if he is a ballot officer, shall deliver such packets, so sealed, not later than the day next preceding election day to the Chief Election Officer and be responsible for their safe custody until such delivery.

(2) The Chief Election Officer shall keep each packet sealed by him under subsection (1)(a), or delivered to him pursuant to compliance with paragraph (a) aforesaid, in safe custody and shall take every precaution to prevent any person from having unauthorised access to it, or from opening it except for the purposes of section 61.

(3) For the purposes of section 137, and without prejudice to the generality of the provisions thereof, each packet made up in pursuance of subsection (1)(a) of this section shall be deemed to be, until it is opened for the purposes of section 61, a packet referred to in section 137(1)(d).

*electors* Balloting by non-resident in particular cases. [Reg. 6/1973] [16/1/985]

58. (1) Notwithstanding anything in the foregoing provisions of this Part, where any non-resident *elector* present in Guyana has reason to apprehend his being unable to vote (apart from subsection (4)) on account of his absence from the address to which any sealed envelope is required by section 51 to be directed to him by post, such address being situated outside Guyana, the non-resident *elector* may apply to the Chief Election Officer for a ballot paper.

Form 18.

(2) Such application shall be in Form 18 and shall be posted to the office of the Chief Election Officer so as to be received by him not later than the 7th day before election day.

(3) Unless the Chief Election Officer is not satisfied as to the identity of the applicant upon comparison of his signature with that of the said non-resident *elector* on his registration card, which shall be made available for the purpose by the Commissioner of Registration, the Chief Election Officer shall grant the application and comply with sections 51 and 52, whether or not previously complied with, in relation to that non-resident *elector* as if—

(a) for the reference in section 51 to the 14th day before election day there had been substituted a reference to the 5th day before election day; and



(b) his address appearing in the non-resident<sup>electors</sup> roll were, by virtue of section 44(2)(b), such address in Guyana as shall be given by him in the said application.

(4) Where a non-resident<sup>elector</sup> is in receipt of a sealed envelope directed to him at an address in Guyana by virtue of the last preceding subsection, sections 54 and 55 apply in relation to such non-resident<sup>elector</sup> as if—

(a) reference in section 54(a) to proof of identity in lieu of (but not in so far as it may be requisite in addition to) a passport or travel document had been omitted;

(b) for every reference in section 54 or 55 to a ballot attendant there had been substituted a reference to the returning officer for the district in which that non-resident<sup>elector</sup> address given as mentioned in subsection (3)(b) is situated;

(c) for the reference in section 54(a) to the 9th day before election day there had been substituted a reference to the second day next before election day;

(d) for the reference in section 55 to the 5th day before election day there had been substituted a reference to election day:

Provided that section 54(b) or 55 does not apply to any non-resident<sup>elector</sup> in receipt of a sealed envelope directed to him as aforesaid.

(5) For the purposes of section 56(2), a returning officer acting by virtue of subsection (4)(b) of this section shall be deemed to be a ballot attendant.

(6) Where after the 10th day before election day a non-resident<sup>elector</sup> who apprehends his being unable to vote, apart from this subsection, on account of no ballot paper having been received by him, satisfies as to his identity the ballot attendant at the office of any ballot officer required to have issued a ballot paper to the non-resident<sup>elector</sup> that ballot officer shall cause such a sealed envelope as is mentioned in section 51 to be thereupon handed to the non-resident<sup>elector</sup> and this Act applies to the envelope so handed to the non-resident<sup>elector</sup> and its contents as if they had been posted to him by the ballot officer not later than the 14th day before election day:

Provided that—

(a) section 54(b) or 55 does not apply as aforesaid and no ballot attendant, other than the ballot attendant so satisfied, shall be deemed referred to by subsection (a) of either such section in its application as aforesaid;

(b) the addressed envelopes duly returned to the ballot officer by virtue of the foregoing provisions of this paragraph shall be

parcelled together, separately from the other enclosures, in his packet containing addressed envelopes under section 57(1)(a).

Time and place  
for casting  
non-resident  
electors' votes.  
[Reg. 32/1968]

[16/9/85]  
[12/7/99]

59. (1) The provisions of the following sections of this Part shall be executed at such place in Guyana, and during such period commencing on election day, as may be specified by the Chief Election Officer by notice published in the *Gazette* and no person, other than—

(a) the Chief Election Officer and such staff appointed under section 7(d) as he may designate to assist him in the execution of those provisions;

(b) ~~the Minister, members of the Commission and any team of observers appointed by the Minister;~~

(c) candidates appointed under subsection (2);

(d) election agents;

(e) members of the Police Force, the Guyana Defence Force, and the bodies known as the Guyana National Service and the Guyana People's Militia;

(1) such other persons as, in the opinion of the Chief Election Officer, have good reason to be present,

shall be present at the execution of any such provisions:

Provided that notwithstanding anything provided by any law or specified as aforesaid, but without prejudice to section 4, the execution of the provisions of the following sections of this Part may, in so far as the Chief Election Officer finds necessary for the purpose of ensuring the casting of the votes of non-resident electors duly delivered to him in accordance with this Act, be continued and completed after the expiration of the said period whether it expired during or with election day.

(2) The election agent of each group of candidates may appoint one of the candidates for the purposes of subsection (1)(c).

(3) Notice in writing of such appointment, stating the name and address of the candidate, shall be signed by the election agent and delivered to the Chief Election Officer not later than the 7th day before election day.

(4) There shall not be more than one candidate appointed from the same list of candidates for the said purposes.

Commence-  
ment of  
proceedings on  
election day  
for casting  
non-residents'  
votes.  
[40 of 1964]

[16/9/85]

60. At the commencement of the period mentioned in section 59, the Chief Election Officer shall—

(a) open a ballot box, which shall conform to the requirements of section 40(2) but shall not be used for the purpose of casting the votes of any electors other than non-resident electors;

(b) ensure that there are no ballot papers or other papers in the ballot box;

(c) lock the ballot box, retain the key thereof and place his seal upon the ballot box in such manner as to prevent it being opened without breaking the seal;

(d) place the ballot box on a table in full view of all present where it shall remain until the ballot papers have been removed therefrom under section 92(1)(b).

61. (1) The Chief Election Officer shall open each packet made up in pursuance of section 57(1)(a) and the addressed envelopes contained therein or delivered to him by virtue of section 58(4)(d); and in the course of execution of the foregoing provisions of this paragraph, the Chief Election Officer shall count and record the number of envelopes contained in each packet aforesaid and the number of envelopes so delivered to him.

Opening  
packets of  
non-resident electors'  
ballot papers.

[16/2/98]

(2) Upon opening any such envelope under subsection (1) of this section, the Chief Election Officer shall, if requested so to do by a candidate appointed under section 59 or election agent, satisfy himself as to the identity of the signatory of any declaration therein, made in Form 14, or of any certificate on the reverse side of any such Form, by comparing such signature with—

Form 14.

(a) the signature made on his registration card by the non-resident; or

(b) the signature (of which a specimen shall for purposes of record to enable the due execution of the provisions of this paragraph, have previously been required by the Chief Election Officer) of the ballot attendant or returning officer,

as the case may be, who the said signatory represents himself to be:

Provided that—

(a) the Chief Election Officer shall not accede to any such request if he has decided that, for any reason, section 62 does not require a vote to be cast from the addressed envelope in question or in cases where in his opinion having regard to all the circumstances the request is unreasonable.

(b) every decision taken by the Chief Election Officer under the foregoing provisions of this section shall be final unless and until it is reversed by the High Court on an election petition presented under the National Assembly (Validity of Elections) Act.

(3) The Commissioner shall cause to be made available such registration cards as are required by the Chief Election Officer for the purposes of subsection (2)(a).

*Casting non-resident votes [Reg. 29(1)]*  
*50/80*  
*[16/1/85]*

62. (1) The casting of every vote dealt with in accordance with section 55 shall be effected by way of the ballot paper being removed without being unfolded from the envelope which contains it and being placed in the ballot box by the Chief Election Officer as soon as he shall have opened the addressed envelope so dealt with and, in the event of any request having been duly made in that behalf, satisfied himself under section 61(2) that the identity of the signatory of the declaration enclosed with the ballot envelope conforms to the requirements of this Act; and upon every such casting, the Chief Election Officer shall place a mark on his copy of the non-resident roll against the name of the non-resident whose serial number appears on the reverse side of the declaration enclosed as aforesaid.

(2) For the purposes of the preceding subsection, a vote shall be deemed to have been dealt with in accordance with section 55 notwithstanding that the ballot envelope containing the same is found open except the ballot envelope appears to the Chief Election Officer to have been tampered with after having been sealed.

(3) Notwithstanding anything in the foregoing provisions of this section, a vote shall not be cast if upon opening the addressed envelope containing the same, there is disclosed a declaration bearing under section 51(ii) the like serial number—

(a) as was entered on any counterfoil under section 52(b) and by virtue of section 58(3), the addressed envelope aforesaid not having been delivered as mentioned in section 61(1); or

(b) as belongs to any non-resident against whose name an additional mark has been placed under section 52(a) and by virtue of section 58(6), the addressed envelope aforesaid not having been among parcelled enclosures referred to in the proviso to the last-mentioned subsection.

Further duties  
of Chief  
Election  
Officer in  
relation to  
packets.  
[Reg. 25(1968)]

63. (1) The Chief Election Officer shall not leave outside any addressed envelope opened under section 61(1) such contents thereof as are not placed in the ballot box under section 62(1); and he shall make up into separate packets, sealed with his seal—

*[16/1/85]*

(a) all such envelopes from which votes have not been cast by reason of their containing declarations or certificates in respect of which the Chief Election Officer, having been duly requested to satisfy himself as to the identities of the signatories thereof, is not satisfied as mentioned in section 62(1);

(b) all such envelopes which contained votes cast under section 62(1);

(c) all other such envelopes from which such casting was not effected by reason of their having been found, upon being

opened as aforesaid, to contain enclosures which appear not to have been dealt with in accordance with section 55;

(d) all the addressed envelopes from which votes were precluded by virtue of section 62(3) from being cast;

(e) all the addressed envelopes returned as mentioned in the proviso to section 56(1), or delivered under that proviso, to him on or before election day;

(f) everything returned in such manner (not being the manner provided by virtue of section 58(4)(b) or condition as mentioned in section 56(3), or delivered in pursuance of that subsection, to him on or before election day;

(g) the copy of the non-resident <sup>electors'</sup> roll marked under section 62(1).

(2) The Chief Election Officer shall, for the purpose of compliance with section 62(3), open the packet made up by each officer in pursuance of section 57(1)(b), and the packet made up by him in pursuance of subsection (c) of that section and containing counter-foils with entries made under section 52(b) and by virtue of section 58(3), and shall reseal every packet so opened as soon as its contents cease to be in use for the said purpose.

(3) The Chief Election Officer shall open the packet made up by each officer pursuant to section 57(1)(d), and the packet containing the non-residents' ballot papers account prepared by that officer under section 57(1)(e), for the purpose of verification of the said account by comparing it with the contents of the packet made up by him as aforesaid and with the relevant records made under sections 48 and 61(1) and the Chief Election Officer shall thereafter reseal both such packets.

64. More than one ballot box may be used for the purposes of this Part if the Chief Election Officer considers or finds a single ballot box to be inadequate, or the use thereof to be inexpedient, for those purposes; and the provisions of section 60 shall, in so far as they are applicable, be complied with in relation to every ballot box which the Chief Election Officer decides shall be used as aforesaid.

Ballot boxes.  
[Reg. 25/1968]

65. The Chief Election Officer may depute officers belonging to the staff appointed under section 7(d) to carry out his functions, or any of them, (including, without prejudice to the generality of the foregoing, the exercise of his authority for the casting of any vote), under such provisions of the foregoing sections of this Part as are to be executed in conformity with section 59(1); and the officers so deputed, who shall be called overseas presiding officers, shall subject

Delegation of  
Chief Election  
Officer's  
functions.  
[Reg. 25/1968]

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to any general or special directions given by the Chief Election Officer, have and exercise all the powers and perform all the duties, delegated under this section to them, respectively.

## PART VII A

POLL BY NON-RESIDENTS OTHER THAN  
NON-RESIDENT ELECTORS

- Definitions.** 65A. In this Part "non-resident", "non-resident elector", "non-resident electors' roll" and "non-residents' roll" have the meanings assigned to them, respectively, by section 44.
- Place and time of voting by non-residents.** 65B. Every person whose name is included in the non-residents' roll, not being a person whose name is included in a non-resident electors' roll, shall be entitled to vote in such place in the city of Georgetown as may be notified in the *Gazette* for that purpose by the Chief Election Officer (hereafter in this section referred to as the "special polling place") and the provisions of this Act, subject to the other provisions of this Part, shall *mutatis mutandis* apply to, and in relation to, the exercise by such person of the right to vote as if he were a resident in the polling division wherein the special polling place is situated and the special polling place were a polling place appointed under section 6 (3).
- Supply of non-residents' roll to presiding officer of special polling place.** 65C.(1) The Chief Election Officer shall cause to be prepared a list of electors who shall be entitled, by virtue of this Part, to vote at the special polling place.
- (2) The list of electors referred to in subsection (1) shall contain the names of all persons whose names were included in the non-residents' roll, after deleting therefrom the names that were included in the non-resident electors' roll.
- (3) A copy of the list of electors referred to in subsection (1) shall be —
- (a) supplied by the Chief Election Officer to the returning officer of the district wherein the special polling place is situated and to the presiding officer of the special polling place; and
  - (b) caused to be displayed at the special polling place by the returning officer of the district wherein the special polling place is situated.
- Colour, etc. of ballot papers for use by persons entitled to vote under section 65B.** 65D. Ballot papers supplied to the presiding officer of the special polling place for use by persons who are entitled to vote under section 65B shall be of the same colour as ballot papers supplied for use by non-resident electors under section 47 (1) and, subject to such difference in colour, shall

conform to the requirements of section 39 in the like manner as other ballot papers.

65E. Notwithstanding anything contained in any other Part of this Act, the votes cast at a special polling place at an election shall be counted separately and not along with other votes cast at the election.

65F. Subject to the provisions of this Part, a person who is entitled to vote under section 65B at an election shall not be deemed, for the purposes of election to any body in Guyana (not being the National Assembly) to be a resident in Guyana or in any region into which Guyana has been divided under section 4 of the Local Democratic Organs Act 1980.

Counting of votes.

Person voting under this Part not to be deemed resident in Guyana for election to other bodies.  
Act No. 12 of 1980

## PART VII B

### PROCEDURE FOR VOTING BY SPECIFIED DISCIPLINED FORCES

65G.(1) In this Part —

- (a) "ballot attendant" means a person appointed as such under section 65 I;
- (b) "balloting place" means a place appointed as a balloting place under section 65 I;
- (c) "ballot officer" means a person appointed as such under section 65 I;
- (d) "specified disciplined force" means a disciplined force specified for the purposes of this Part by order under section 65H.

Definitions.

(2) For the purposes of this Part the Guyana National Service shall be deemed to be a disciplined force and not part of any other disciplined force.

65H. In order to allow members of any disciplined force or disciplined forces to exercise their right to vote at an election without affecting the performance by them of their duties on the election day, the Minister may by order direct that the provisions of this Part shall apply to the exercise of that right, by any member of such disciplined force or disciplined forces as may be specified in the order, in an election and if the Minister makes such an order the provisions of this Part shall apply to voting by any member of a specified disciplined force or specified disciplined forces at any election held after the date of the order.

Application of Part.

[12 of 1996]



Appoint-  
ment of  
ballot  
officers,  
ballot  
attendants  
and bal-  
loting  
places for  
the purposes  
of this Part.

65I. (1) The Chief Election Officer shall appoint by notification in the *Gazette* —

- (a) one ballot officer for each of the specified disciplined forces;
- (b) such number of ballot attendants, as he thinks fit, so that there will be one ballot attendant for each balloting place; and
- (c) such place or places, as he thinks fit, in each district as balloting place or balloting places.

(2) Different ballot attendants and different balloting places may be appointed in relation to electors who are members of different specified disciplined forces.

(3) A ballot clerk may be appointed by the Chief Election Officer in relation to a balloting place.

Provided that it shall be lawful for the Chief Election Officer to appoint the same person as ballot attendant and ballot clerk.

List of  
electors  
entitled to  
vote under  
this Part.

65J. (1) Each ballot officer shall prepare a list of persons whose names are on any official list of electors and who are members of the specified disciplined force, in relation to which he has been appointed ballot officer.

(2) The list prepared by a ballot officer under subsection (1) shall be divided into parts according to the division, in the official list of electors for which the names of the persons mentioned in that part are included, and shall state the identity paper number of each such person, his serial number of registration in the official list of electors to which division the official list of electors relates, the district in which that division is situated, and such other particulars as may be prescribed by the Minister by regulations.

(3) Each of the ballot officers shall forward a copy of the list prepared by him under subsection (1) (but excluding therefrom the names of the persons referred to in the proviso to section 65K (6)) to the Chief Election Officer.

(4) The Chief Election Officer shall forward those parts of the copy of the list referred to in subsection (3) as are relevant in respect of the divisions in any district to the returning officer of that district and the returning officer shall cause to be displayed at each polling place in the district the names and other particulars included in the copy.

[12 J 1996]  
[22 J 1997]

of the list, referred to in subsection (1), of those who are, but for this Part, entitled to vote at that polling place.

balloting.

65K.(1) The Chief Election Officer shall by notification in the *Gazette* appoint a day on which, and the hours during which, persons entitled to vote under this Part may ballot and different days and hours may be appointed in relation to different balloting places:

Provided that any day appointed under this subsection for balloting shall not be more than ten days earlier than the election day or later than five days before the election day.

(2) The Chief Election Officer shall forward to each ballot officer sufficient number of ballot papers having regard to the names in the copy of the list forwarded by that ballot officer to the Chief Election Officer under section 65J (3) and each such ballot paper shall be stamped by the Chief Election Officer, with the words "DISCIPLINED FORCES".

(3) The ballot officer shall, before the hour appointed for the commencement of balloting under this Part at a balloting place, cause to be displayed at the balloting place a list containing the names, and other particulars referred to in section 65J(2), of the persons entitled to ballot under this Part at that balloting place, such names being of persons who are, but for this Part, entitled to vote at a polling place in the district where that balloting place is situate.

(4) The ballot officer shall cause to be supplied to the ballot attendant for a balloting place, the day before the day fixed for balloting at that balloting place, sufficient number of ballot papers having regard to the names in the list, referred to in subsection (3), of persons entitled to ballot at that balloting place.

(5) Any person whose name is on a list prepared by a ballot officer under section 65J(1) and who desires to vote at an election may exercise his right to ballot under this Part at the balloting place where a list containing his name is displayed under subsection (3).

(6) Nothing in this Part shall be deemed to prevent any person whose name is included in a list prepared under section 65J(1), from exercising his right to vote in accordance with any other provision of this Act and not in accordance with this Part.

Provided that where any such person desires to vote in accordance with any other provision of this Act he shall intimate the ballot officer in relation to such list wherein his name is included, not later than fifteen days before the day appointed under subsection (1) for balloting at the balloting place where he is entitled to ballot under this Part of his desire so to do and thereupon the ballot officer shall make a note of it in that list and his name shall not be included in the list referred to in subsection (3) or in the copy of the list referred to in section 65J(3) and forwarded by the ballot officer to the Chief Election Officer.

(7) Subject to the provisions of this Part, the provisions of this Act in relation to presiding officers and their functions, polling clerks and their functions, polling places, preparation for poll and polling shall *mutatis mutandis* apply respectively to, and in relation to, ballot attendants, ballot clerks, balloting places, preparation for ballot and balloting under this Part.

Ballot attendant to hand over ballot box to ballot officer.

[30/1/1991] 65L. (1) As soon as possible after the expiry of the hour appointed for the closing of balloting in relation to a balloting place, on the day of the balloting, the ballot attendant shall deliver personally the sealed ballot box and the sealed packets referred to in section 83 (10) (b) *Together with the key of the ballot box to the ballot officer*

(2) The ballot attendant shall be responsible for the safe custody of the ballot box and the aforesaid sealed packets until they are delivered to the ballot officer under subsection (1) and thereafter the ballot officer shall be responsible for their safe custody until the election day.

(3) On the election day, during such hours as may be fixed for that purpose by the Chief Election Officer by notification in the *Gazette*, each ballot officer shall hand over to the Chief Election Officer, the sealed ballot boxes, and the sealed packets referred to in subsection (1), received by him from each ballot attendant, and on such handing over of the ballot boxes, the persons who balloted in accordance with the preceding provisions of this Part shall be deemed for all the purposes of this Act to have cast their votes at the election in the districts in which the relevant balloting places were situated.

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(4) The votes deemed under subsection (3) to have been cast, at the election, in each district shall be counted separately by the Chief Election Officer, and the provisions of sections 87, 88, 90, 92, 93 and 94 shall apply *mutatis mutandis* in relation to the counting of votes under this section:

Provided that in their application by virtue of this subsection, sections 87, 88 and 90 shall have effect as if for the reference in those sections to a counting agent there had been substituted reference to an election agent.

65M. (1) The provisions of sections 119, 122(1)(a), 126(a) in so far as it relates to voting on his own behalf, 126(d)(i) and (ii), 127(a) and (b), 129, 130, 131(a), (b), (c), (d), (h) and (i), 131(e) and (f) in so far as they relate to vote of any elector at an election, 132 in so far as it relates to ~~voting in person and 138, shall apply in relation to balloting under this Part subject to the modification that references therein to~~

Application of certain provisions relating to penalties to balloting under this Part

voting in person and 138, shall apply in relation to balloting under this Part subject to the modification that references therein to —

- (a) poll and voting shall be construed as references to balloting under this Part; and
- (b) a poll clerk and presiding officer shall be construed as references to a ballot clerk and ballot attendant respectively.

(2) Subsection (1) shall not be deemed to modify the law relating to any other offences under this Act.

Modification,  
etc. of  
provisions  
of Act.

[12-8-1996]

65N.(1) In order to give effect to the right of an elector, who is a member of any of the disciplined forces, to exercise his right to ballot in accordance with the provisions of this Part, and consistently with the interests of defence, public safety and public order, the Minister may by order direct that the provisions of this Act, other than the provisions of this Part, shall apply to, and in relation to, the exercise by members of the disciplined forces of any right they have to vote at an election, with such adaptations, modifications, exceptions or qualifications as may be specified in the order.

(2) An order made under subsection (1) shall be subject to negative resolution of the National Assembly.

Over-riding  
effect of  
this Part.

65O. The provisions of this Part shall have effect notwithstanding anything contained in any other Part of this Act.

## PART VIII

## THE POLL

Place and  
time of poll.  
(Reg. 24/1964)

66. The poll shall be taken at each polling place on election day in accordance with this Part during the hours specified in the notice of poll:

Provided that if at the hour of the closing of the poll there are any electors waiting at the polling place to vote, the poll shall remain open for sufficient time to enable those electors to vote.

Appointment  
of candidate to  
attend poll.

67. (1) The election agent of each group of candidates may appoint one of the candidates, hereinafter in this Part referred to as the "duly appointed candidate" to attend the poll at a polling place.

(2) Notice in writing of the appointment of a duly appointed candidate, stating his name and address, shall be signed by the election agent and delivered to the returning officer of the district in which the polling place is situate not later than the 7th day before election day.

(3) There shall not be more than one duly appointed candidate of the same list of candidates for any one polling place.

(4) Nothing in this section shall preclude a candidate being a duly appointed candidate for two or more polling places whether or not in the same district.

Opening of  
poll.

68. At the hour specified in the notice of poll for the opening of the poll the presiding officer, in the presence of such persons, if any, (being persons entitled to enter the polling place) as are present, shall—

(a) open the ballot box and ensure that there are no ballot papers or other papers therein;

(b) lock the ballot box, retain the key thereof and place his seal upon the ballot box in such manner as to prevent it being opened without breaking the seal;

(c) place the ballot box on a table in full view of all present where it shall remain until the poll is closed;

(d) call upon the electors to vote.

69. (1) Each applicant to vote shall, upon entering the room where the poll is held, and after procuring his ~~identity paper~~ if made available for his procurement at the polling place in pursuance of section 43, state to the poll clerk his name, address and occupation and hand to him—

*Vote Identity card*  
Applicant to  
vote to hand  
identity paper  
to poll clerk.  
[Reg. 30/1968]

[22-7-1997]

(a) his ~~identity paper~~; and

(b) if he has been appointed to vote as a proxy on behalf of another elector, the identity paper of that elector and his notice of appointment to vote as proxy; and

(c) if he claims to be entitled to vote at the polling place by virtue of section 29(4) his certificate of employment.

(2) The poll clerk shall ascertain if the name of the applicant and that of any elector on whose behalf he holds a notice of appointment to vote as a proxy appear on the official list of electors, or part thereof, for the polling place and shall further ascertain whether any notice of appointment to vote as proxy is recorded in the copy of the list of proxies.

(3) Where there is contained in the official list of electors, or part thereof, a name or other particulars which correspond so closely with the name or other particulars entered on the ~~identity paper~~ of an applicant to vote as to suggest that the entry in the official list or part thereof is intended to refer to him, the applicant shall, upon taking an oath of identity in Form 19, be deemed to be the person so named in the official list or part thereof.

*Vote Identity card*

Form 19.

(4) Where an applicant to vote hands to the poll clerk both his identity paper and his certificate of employment, the poll clerk shall add his name to the official list of electors or part thereof and shall make an appropriate entry in the poll book.

(5) The poll clerk shall, after the foregoing provisions of this section have been complied with, return to the applicant to vote his ~~identity paper~~ together with any other documents he has received from the applicant and direct him to hand the same to the presiding officer and apply to him for a ballot paper.

*Vote Identity card*

70. (1) Upon receipt of the ~~identity paper~~ and other documents as directed under section 69(5) and upon application made to him for a ballot paper the presiding officer shall satisfy himself as to the following—

Duty of  
presiding  
officer upon  
application for  
a ballot paper.  
[16 of 1968  
Reg. 32/1964]

[22-7-1997]

(a) that the applicant has not already voted;

(b) the identity of the applicant and his entitlement to vote at the polling place;

(c) the authority of the applicant to vote as a proxy on behalf of another elector (if he applies so to vote).

(2) For the purposes of subsection (1) the presiding officer may—

(a) examine the applicant's fingers to ascertain if there appears on them any stain of electoral ink;

(b) compare the signature of the applicant with that on his identity paper;

(c) compare any photograph on his identity paper with his face;

(d) compare the thumb print or other finger print recorded on his identity paper with that of the applicant;

~~(e) compare the height recorded on his identity paper with that of the applicant;~~

(f) examine his notice of appointment (if any) to vote as a proxy on behalf of another elector and compare the particulars in the notice with those recorded in the copy of the list of proxies;

(g) make such further comparisons as are reasonably necessary between the particulars recorded on his identity paper and those of the applicant;

(h) require the applicant to take an oath of identity in Form pursuant to section 69(3).

(3) An applicant shall—

(a) comply with any requirement of the presiding officer made pursuant to subsection (2)(h);

(b) comply with such requirements of the presiding officer for the examination of his fingers, the taking and recording of his thumb or finger print, of his signature and of his height as are reasonably necessary for the purposes of subsection (1);

(c) answer such questions as the presiding officer may ask as are reasonably necessary to ask for the aforesaid purposes.

(4) References in subsection (2) to the ~~identity paper~~ <sup>Vote Identity Card</sup> of any applicant shall be construed to include references to his registration card if available pursuant to any direction given under section 40(1)(i).

Issue of ballot  
paper to  
elector.  
[16 of 1968  
Reg. 30/1968]

[27.1997]

71. (1) The presiding officer shall refuse to issue a ballot paper to any applicant therefor who does not hand to him his ~~identity paper~~ <sup>Vote Identity Card</sup> and other documents as directed under section 69(5) and he shall refuse to issue a ballot paper to any applicant if he is not satisfied as



*Voter Identification Card*  
 required by section 70(1); but if such ~~identity paper~~ and other documents are handed to him and he is so satisfied he shall—

(a) deliver to the elector a ballot paper stamped with the official mark;

(b) enter on the counterfoil of the ballot paper the serial number of the elector on the official list of electors;

(c) add to his copy of the official list of electors or part thereof the name of an elector who has produced to him a certificate of employment;

(d) place a mark on his copy of the official list of electors, or part thereof, to show that a ballot paper has been delivered to the elector but without showing the particular ballot paper issued;

(e) return to the elector his identity paper, and also if he has been appointed to vote as a proxy on behalf of another elector the ~~identity paper~~ of that elector unless any such ~~identity paper~~ *Voter Identification Card* has been provided at the polling place in pursuance of section 43.

(2) If the elector has been appointed to vote as a proxy on behalf of another elector the presiding officer shall—

(a) deliver to him, in addition to his own ballot paper, a ballot paper for each elector on whose behalf he has been appointed to vote as a proxy and shall enter on the counterfoil of such ballot paper the number on the official list of electors of the elector on behalf of whom he has been appointed and place a mark as prescribed by subsection (1)(d) on his copy of the official list of electors, or part thereof, to show that a ballot paper has been issued on behalf of each such elector;

(b) retain the notice of appointment to vote as proxy of the elector.

72. (1) The presiding officer shall ensure that the elector understands how and where to place his mark (without indicating that the elector should vote for any particular list of candidates) and how to fold the ballot paper and shall direct him to return with it when marked, folded as shown. Mode of voting.

(2) The elector shall enter one of the polling compartments and there record his vote by secretly marking his ballot paper within the space opposite the name and symbol of the list of candidates for whom he wishes to vote and shall then fold his ballot paper so as to conceal the vote; and if he has been appointed to vote as a proxy he shall record the vote of the elector on whose behalf he has been so appointed, for the list of candidates for whom that elector wishes to vote by secretly marking, in the manner aforesaid, the ballot paper

issued to him for that elector and shall then similarly fold that ballot paper.

(3) The elector shall, having recorded his vote (and if such be the case that of an elector for whom he has been appointed a proxy), show the folded ballot paper (or papers) to the presiding officer so as to disclose the official mark appearing on the reverse thereof and shall place it (or them) so folded in the ballot box in the presence of the presiding officer:

Provided that the presiding officer shall not permit any elector whether voting on his own behalf or as a proxy on behalf of another elector to put a ballot paper in the ballot box unless, immediately before he does so, one of his fingers has been stained by immersion in a container of electoral ink.

(4) Notwithstanding the proviso to subsection (3), where the presiding officer is satisfied that an elector is suffering from an injury to any finger of such a nature as to render it undesirable for that finger to be stained with electoral ink, he shall not require that finger to be stained but shall stain another finger.

(5) If an elector fails or refuses to comply with a lawful requirement of the presiding officer for the staining of one of his fingers, the presiding officer shall order him to return to him any ballot paper issued to him and to leave the polling place forthwith; and the presiding officer shall destroy any ballot paper so returned and make an entry in the poll book as to the facts of such failure or refusal.

(6) An elector who refuses or fails to return a ballot paper when so ordered under subsection (5) shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months.

(7) An elector who has inadvertently dealt with a ballot paper in such a manner that it cannot conveniently be used as a valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying him that it has been spoiled by inadvertence, obtain another ballot paper in its place and the spoiled ballot paper and its counterfoil shall be marked as cancelled.

(8) An elector shall not show the marks which he has placed on his ballot paper to any person and if he does so the ballot paper shall be treated as a spoiled ballot paper:

Provided that this subsection shall not apply if an elector shows a ballot paper to a presiding officer solely for the purpose of ascertaining if he has carried out his duties correctly.

(9) An elector shall vote without delay and shall leave the polling place as soon as he has put his ballot paper and that of any person on whose behalf he has voted as a proxy in the ballot box.

(10) Whenever in the opinion of the presiding officer an elector does not understand the language spoken to him he may appoint and swear, in Form 20, an interpreter; and the interpreter, so sworn, shall be the means of communication between the presiding officer and the elector with regard to all matters required to enable the elector to vote. Form 20.

73. (1) The presiding officer shall, on the application of any elector who is incapacitated by blindness or other physical cause from voting in the manner prescribed by section 72 and who takes an oath in Form 21, mark the ballot paper of such elector in his presence and in the manner directed by him. Blind and incapacitated voters. [22-9-1997] Form 21.

(2) The presiding officer may, at the request of any elector incapacitated in the manner prescribed in subsection (1) and who has taken the oath in Form 22 and is accompanied by a friend, permit such friend, if he is an elector entitled to vote at the polling place, immediately after he has voted on his own behalf, and notwithstanding that his finger has been immersed in electoral ink, to accompany the elector into the voting compartment and mark his ballot paper for him: Form 22. who Takes an Oath in Form 22

Provided that no person may mark the ballot paper of more than one elector as his friend under this subsection or mark such ballot paper unless he first takes an oath in the form prescribed.

(3) Whenever the ballot paper of an elector has been marked in accordance with this section, the poll clerk shall enter in the poll book opposite the name of the elector the fact that the ballot paper was so marked, the reason therefor and, if marked by a friend, the name and the number in the official list of electors of that friend.

74. (1) If an applicant to vote represents himself to be an elector whose name appears on the official list of electors or part thereof for a polling place and there has already been placed a mark against the name of such elector on the presiding officer's copy of such list or part thereof, the presiding officer shall issue to such applicant a tendered ballot paper if— Tendered ballot papers. [16 of 1968] [22-9-1997]

- (a) the applicant hands to him his <sup>voter Identification Card</sup> identity paper;
- (b) the applicant takes an oath of identity in the form prescribed; and
- (c) the presiding officer is satisfied as to the matters set out in section 70(1).

(2) A tendered ballot paper shall not be put in the ballot box but shall be given to the presiding officer and endorsed by him with

the name of the elector and his number in the official list of electors; and the tendered ballot paper shall be set aside in a separate packet and shall not be counted by the returning officer.

(3) The poll clerk shall enter in the poll book the name of every elector to whom a tendered ballot paper is given and a note of his having marked such a ballot paper.

74A. (1) The presiding officer shall retain and place in a sealed box every voter identification card whether or not he issues a ballot paper to an elector.

(2) The voter identification card retained by the presiding officer shall be perforated or indelibly stamped with any other clear distinguished mark at the time when an elector votes at an election to evidence the fact that the elector has voted and shall be securely kept in such manner as shall be determined by the Commission.

(3) A voter identification card being the property of the Elections Commission, a person to whom a card is issued who does not vote at an election shall within thirty days of the date of the election be bound to surrender the card to the Elections Commission whereupon he shall be issued a receipt therefor; and it shall not be lawful for any person to use a voter identification card for any purpose other than voting at an election.

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*Representation of the People*

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Entries in  
poll book.

## 76. The poll clerk shall—

(a) make in the poll book such entries as are required by this Act or directed by the presiding officer;

(b) enter in the poll book the word "SWORN" opposite the name of each elector to whom any oath is administered and "REFUSED TO BE SWORN" or "REFUSED TO ANSWER" opposite the name of each elector who has refused to take an oath or who has refused to answer any question when legally so required.

Maintenance  
of secrecy at  
polling place.

## 77. (1) Every person specified in section 79(1)(b) attending the polling place shall maintain and aid in maintaining the secrecy of the voting and shall not, except for a purpose authorised by law, communicate to any person before the poll is closed any information as to—

(a) the name of any elector who has or has not applied for a ballot paper or voted whether on his own behalf or as a proxy on behalf of another elector;

(b) the number in the official list of electors of any elector who, or whose proxy on his behalf, has or has not applied for a ballot paper or voted;

(c) the official mark.

## (2) No person shall—

(a) except in the performance of his duty under this Act interfere with or attempt to interfere with an elector when casting his vote or, as a proxy, that of another elector;

(b) obtain or attempt to obtain in a polling place information as to the list of candidates for whom an elector in that polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector;

(c) communicate at any time to any person any information obtained in a polling place as to the list of candidates for whom an elector in that polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector;

(d) directly or indirectly induce an elector to display his ballot paper or that of another elector for whom he has voted as a proxy after he has marked it, so as to make known the list of candidates for whom he has or has not voted either on his own behalf or on behalf of an elector for whom he has voted as a proxy.

(3) No person having undertaken to assist an elector incapacitated by blindness or other physical cause to vote shall communicate at any time to any person any information as to the list of candidates for whom that elector intends to vote or has voted.

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

78. (1) No person shall anywhere within a distance of two hundred yards of a polling place annoy, molest or otherwise interfere with an elector or attempt to obtain any information as to the list of candidates for whom any elector in the polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector.

Molestation  
of electors.

(2) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

78A. (1) Any person who, without due authority, obstructs, or otherwise interferes with—

Obstruction.  
[Reg. 13/1973]

(a) access to, or egress from, a polling place;

(b) the voting at an election by any person registered as an elector;

(c) the conveyance of documents, supplies and other material pertaining to an election, including ballot boxes and ballot papers;

(d) the counting of the votes cast at an election; or

(c) an election officer in the exercise of any function conferred upon him by this Act,

shall be liable on summary conviction to a fine of one thousand dollars together with imprisonment for a term of one year and shall, in addition, be incapable during a period of five years from the date of conviction—

(i) of being registered as an elector; and

(ii) of being elected as a member of the National Assembly.

(2) Section 128(2), as the same applies in relation to a person convicted of an illegal practice, applies *mutatis mutandis* in relation to a person convicted of an offence under this section.

Preservation  
of Order.  
[16 of 1968  
Reg. 37/1964]

[12-7-1996]

79. (1) The presiding officer may, for the purpose of maintaining order at the polling place—

(a) regulate the admission of electors and may, if he deems it advisable, direct that not more than one elector for each compartment shall at the same time enter the room where the poll is held;

(b) exclude all other persons except—

(i) ~~the Minister, members of the Commission, and members of any team of observers appointed by the Minister;~~

(ii) election officers;

(iii) duly appointed candidates;

(iv) polling agents for the polling place;

(v) members of the Police Force, the Guyana Defence Force and the bodies known as the Guyana National Service and the

(vi) election agents; Guyana People's Militia

(vii) assistant agents for the district in which the polling place is situate;

(c) issue such directions as may be necessary for such purpose.

(2) If any person (whether entitled to enter or not) misconducts himself at a polling place or fails to obey any lawful direction, requirement or order of the presiding officer, whether given or made under this or any other section, he may immediately, by order of the presiding officer, be removed therefrom by a member of the Police Force or by any other person authorised in writing by the presiding officer to remove him, and the person so removed shall not, without the permission of the presiding officer, again enter the polling place on election day:

Provided that the powers conferred by this subsection shall not be so exercised as to prevent an elector entitled to vote at a polling place having an opportunity to vote thereat.

(3) Any person removed from a polling place under subsection (2) may, if charged with the commission of an offence at or anywhere within a distance of two hundred yards of the polling place, be dealt with as a person taken into custody by a police officer for an offence without warrant.

80. (1) All premises to which spirit shop licences, off licences and railway station or stelling licences have been issued under the Intoxicating Liquor Licensing Act shall be closed and kept closed on election day. Closing of  
spirit shops.  
c. 82:21

(2) No intoxicating liquor shall be sold, offered for sale, or given away at any premises to which a licence issued under the Intoxicating Liquor Licensing Act applies, at any time between the opening of and the closing of the poll on election day.

(3) No intoxicating liquor shall be supplied to any person at any premises to which a licence issued under the Registration of Clubs Act applies at any time between the opening of and the closing of the poll on election day. c. 82:26

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

81. (1) Every employer shall permit every elector in his employ, other than any elector on whose behalf another elector has been appointed to vote as a proxy, to be absent from his work on election day for a reasonable time, in addition to the normal midday meal hour, for the purpose of voting at the election; and no employer shall make any deduction from pay or other remuneration of any such elector or impose on him or exact from him any penalty by reason of his absence during such period. Employers  
to allow  
employees  
period for  
voting.

(2) Employees of the Transport and Harbours Department shall be deemed to be employees for the purposes of this section except such as are actually engaged in running trains and vessels and to whom time cannot be allowed without interfering with the running of the trains and vessels; and the General Manager of the Transport and Harbours Department shall be deemed to be the employer of such employees.

82. Any employer who, directly or indirectly, refuses or who by intimidation, undue influence or in any other way interferes with the granting to any elector in his employ of the period for voting prescribed by section 81, shall on summary conviction be liable to a fine of five hundred dollars or to imprisonment for six months. Penalty for  
breach of  
section 81



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Procedure on  
closing of poll.

[30/9/80]

83.(1) The presiding officer, as soon as practicable after the closing of the poll, in the presence of such of the persons entitled under section 79(1)(b) to be present, as attend shall —

- (a) count the number of spoiled ballot papers and tendered ballot papers, if any, and place them in separate special envelopes supplied for that purpose, indicate thereon the number of the spoiled ballot papers and tendered ballot papers and seal the envelopes;
- (b) count the used tendered ballot papers without unfolding them and place them back in the special envelope supplied for that purpose, indicate thereon the number of the used tendered ballot papers and seal the envelope;
- (c) count the unused ballot papers and tendered ballot papers, undetached from the books of ballot papers and tendered ballot papers, place them with the counterfoils of all used ballot papers and tendered ballot papers in separate special envelopes supplied for that purpose, indicate thereon the number of unused ballot papers and tendered ballot papers and seal the envelopes;
- (d) check the number of ballot papers and tendered ballot papers supplied by the returning officer against the number of spoiled ballot papers and tendered ballot papers, if any, the number of unused ballot papers and tendered ballot papers and the number of destroyed ballot papers and tendered ballot papers, as recorded in the poll book, and the number of electors who voted at the polling place as reflected from the counterfoils of the ballot papers and tendered ballot papers issued at the polling place, in order to ascertain that all ballot papers are accounted for;

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- (e) record the number of ballot papers and tendered ballot papers received by the presiding officer, issued to electors, unused, and spoiled, in the ballot paper account and tendered ballot paper account in Form 23;
- (f) open the ballot box and empty its contents upon a table;
- (g) distribute tally sheets to the assistant presiding officer, the poll clerk and the duly appointed candidates and polling agents present;
- (h) count and record the number of ballot papers that were in the ballot box;
- (i) sort out the ballot papers on the basis of lists for which the votes have been cast; and
- (j) count the number of votes recorded for each list of candidates on his tally sheet, giving full opportunity for those present to examine each ballot paper.

(2) Subject to the provisions of this section, section 87 shall *mutatis mutandis* apply to the counting of votes under subsection (1).

(3) In counting the votes the presiding officer shall, wherever his decision on a ballot paper is questioned, record the fact by writing the letter "Q" at the back of the ballot paper and appending his initials.

(4) The decision of the presiding officer as to the validity or otherwise of a ballot paper shall be final subject to review by the returning officer.

(5) The presiding officer shall place the ballot papers cast for each list of candidates and counted under this section in a separate envelope, whether or not any such ballot paper is a questioned ballot paper.

(6) All rejected ballot papers shall be placed in a separate envelope by the presiding officer.

(7) The envelopes referred to in subsections (5) and (6) shall be endorsed as to indicate their contents and shall be sealed by the presiding officer and the number of any questioned ballot papers and the total number of ballot papers contained in the envelopes shall be indicated on their outside.

(8) The presiding officer shall affix his seal to the envelopes referred to in the preceding subsections and shall invite such of

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the duly appointed candidates and the polling agents as are present to do likewise.

(9) After the completion of the counting, the presiding officer shall complete the ballot paper account and tendered ballot paper account in Form 23, the Statement of Poll in Form 23A, and prepare and certify a sufficient number of copies of the same for distribution as follows —

- (a) to the returning officer;
- (b) to the assistant presiding officer;
- (c) to such of the duly appointed candidates or the polling agents as are present;
- (d) to the Chief Election Officer.

(10) The presiding officer shall then —

- (a) place the sealed envelope containing the counted and rejected ballot papers in the ballot box, and secure and seal, with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, the ballot box in such manner that it cannot be opened and that nothing can be inserted therein or taken therefrom without breaking the seals; and
- (b) make up in separate packets, the marked copies of the official list of electors or part thereof, notices of appointments to vote as proxy and copies of the lists of proxies, the poll book, the ballot paper account and tendered ballot paper account and such other election documents as may be decided upon by the Commission, and seal the packets with his seal and with the seals of such of the duly appointed candidates and polling agents as are present and desire to affix their seals; and
- (c) deliver the sealed ballot box, the sealed packets referred to in paragraph (b), and together with an envelope containing the key of the ballot box and a Statement of the Poll in Form 23A placed in one envelope sealed in the manner referred to in paragraph (b), to the returning officer of the district in which the polling place is situated.

(11) A presiding officer may in writing delegate all or any of his functions under this section to a counting assistant and where any function of a presiding officer is delegated to a counting assistant, in respect of the function so delegated references in the

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preceding subsections to the presiding officer of a polling place shall be deemed to be references to the counting assistant of the same polling place."

Accompanying  
ballot boxes.  
[30/1/90]

83A.(1) Subject to the availability of space in the conveyance carrying ballot boxes from polling places for delivery to a returning officer, the polling agents or the duly appointed candidates for the polling places, who are desirous of accompanying the ballot boxes, may travel in such conveyance:

Provided that where the conveyance carrying the ballot boxes can accommodate only one or some of the polling agents or duly appointed candidates for a polling place, desirous of accompanying the ballot boxes from that polling place, the polling agent or agents or duly appointed candidate or candidates who shall accompany the ballot boxes shall be determined by the majority of the polling agents and duly appointed candidates for the polling place.

(2) Nothing in this section shall be deemed to affect the right of any polling agent or duly appointed candidate for a polling place to follow, in a separate conveyance, a conveyance carrying ballot boxes from the polling place for delivery to a returning officer."

## PART IX COUNTING OF VOTES POLLED

Counting  
votes.  
[30/1/90]  
[3/1/91]

84.(1) As soon as practicable after the receipt of all the ballot boxes and the envelopes and packets delivered to him in pursuance of section 83(10), the Returning Officer shall, in the presence of such of the persons entitled under section 86(1) to be present as attend, ascertain the total votes cast in favour of each list in the district by adding up the votes recorded in favour of the list in accordance with the Statements of Poll (including the Statement of Poll in relation to the special polling place referred to in section 65B), and thereupon publicly declare the votes recorded for each list of candidates.

(2) Where before twelve noon of the day following the declaration under subsection (1) any counting agent for the district does not request the Returning Officer to conduct a final count of the votes counted by the presiding officers in the district under section 83, the declaration of the votes obtained by the lists under subsection (1) shall be final; but where any counting agent for the district seeks a final count of the votes already counted by the presiding officers in the district under section 83, the Returning Officer shall count such votes in accordance with the provisions contained in the following subsections and section 87 and on the basis of such recount

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confirm or vary the declaration of the votes recorded in the district for each list of candidates under subsection (1).

(3) Where any counting agent for the district requests a final count, he shall indicate whether he requests a general count or a limited count, and in the latter case shall specify the polling places in respect of which the final count is to be conducted and the Returning Officer shall conduct the count as requested.

(4) Where a limited final count is conducted, the Returning Officer shall review only the decisions of the presiding officers as regards questioned and rejected ballot papers at the polling places specified in the request for the final count, and in such a case all ballot papers marked "Q" by the presiding officers of those polling places and all ballot papers rejected by them shall be examined by the Returning Officer.

(5) Where in a limited final count the Returning Officer agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word "confirmed" at the back of the ballot paper, and where he disagrees with the decision of the presiding officer as regards any such ballot paper, he shall write the word "varied" at the back of the ballot paper.

(6) Where a general final count is conducted, the Returning Officer shall review all used ballot papers, including rejected ballot papers, received from all polling places, including the special polling place referred to in section 65B, and where he agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word "confirmed" at the back of the ballot paper and where he disagrees with the decision of any presiding officer as regards any such ballot paper, he shall write the word "varied" at the back of the ballot paper.

(7) Where a duly appointed candidate or any counting agent for the district disagrees with the Returning Officer as regards any ballot paper, the Returning Officer shall write the letter "Q" on the back of the ballot paper.

(8) All ballot papers marked in any way by the Returning Officer in a final count shall be marked with his initials.

(9) All markings on a ballot paper by the Returning Officer shall be made on the back of the ballot paper in ink different in colour from that used by the presiding officer.

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(10) At the conclusion of any final count, the Returning Officer shall comply with section 89 in respect of the polling places to which the final count related

(11) On ascertaining the votes cast in the district for each list of candidates in accordance with the preceding subsections, the returning officer shall communicate to the Chief Election Officer, by the quickest available means, the total number of valid votes cast in the district for each list of candidates."

Candidates  
appointed to  
attend count.

85. (1) The election agent of each group of candidates may appoint one of the candidates, hereinafter in this Part referred to as the "duly appointed candidate" to attend at the counting of the votes in a district.

(2) Notice in writing of appointments made under subsection (1), stating the names and addresses of the candidates appointed shall be signed by the election agent and delivered to the returning officer of the district not later than the 7th day before election day.

(3) There shall not be more than one duly appointed candidate of the same list of candidates for any one district.

86. (1) No person shall be present at the counting of the votes except—

Attendance  
at count.  
[16 of 1968  
Reg. 37/1964]

(a) the returning officer and such other election officers as he may appoint to assist him in the counting;

[12/1996]

(b) ~~the Minister, members of the Commission and members of any team of observers appointed by the Minister;~~

(c) duly appointed candidates;

(d) counting agents;

(e) such other persons as, in the opinion of the returning officer, have good reason to be present.

(2) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings and with the discharge of his duties in connection therewith.

*if the votes cast for all, or some, of the polling places, he shall*

87. *(1) where a returning officer is requested to have a formal count*  
~~(1) The returning officer shall, as soon as practicable after the receipt of all the ballot boxes and packets delivered to him in pursuance of section 83(c), in the presence of such of the persons entitled under section 86(1) to be present as attend—~~

Method of  
counting.

[30/1990]

(a) open each ballot box;

(b) take out the ballot papers *and separate them, if there*

(c) count and record the number of ballot papers taken from each ballot box;

~~(d) mix together the whole of the ballot papers taken from ballot boxes;~~

(e) count the votes recorded for each list of candidates.

*have not yet been separated from the any ballot papers relating to the election of members of the National Assembly;*

(2) In counting the votes the returning officer shall, subject to subsection (3), reject as invalid and not count any ballot paper—

(a) which does not bear the official mark;

(b) which has not been marked for any list of candidates or is void for uncertainty;

(c) on which votes have been given for more than one list of candidates;

(d) on which there is any writing or mark by which the elector can be identified.

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross;
- (c) by more than one mark;

shall not be rejected solely by reason thereof if—

- (i) an intention that the vote shall be for one or other of the lists of candidates clearly appears; and
- (ii) the elector is neither identified nor can be identified by the manner in which the ballot paper is marked.

(4) The returning officer shall endorse the word "rejected" on any ballot paper which he may reject as invalid and shall add to the endorsement the words "rejection objected to" if any objection to his decision be made by a duly appointed candidate or a counting agent present during the counting.

(5) The decision of the returning officer as to any question arising in respect of any ballot paper shall be final.

#### Recounts.

88. A duly appointed candidate, or counting agent present when the counting or any recount of votes is completed, may request the returning officer to have the votes recounted or again recounted; but the returning officer may refuse such request if in his opinion it is unreasonable.

#### Procedure on conclusion of count.

[30/1/99]

89. (1) Upon the conclusion of the <sup>final</sup> counting <sup>under section 84</sup> of the votes the returning officer, in the presence of such of the persons entitled under section 86(1) to be present as attend, shall—

(a) seal in separate packets the counted and rejected ballot papers;

(b) verify the ballot papers account given by each presiding officer by comparing it with—

(i) the number of ballot papers recorded under section 87(1)(c);

~~(ii) the unused and spoiled ballot papers in his possession; and~~

~~(iii) the record of tendered votes contained in the poll book;~~

~~(c) reseal the packets of unused and spoiled ballot papers;~~



(d) prepare a written statement as to the result of the verification of the ballot papers account and on request allow any counting agent present to make a copy thereof;

(e) publicly declare <sup>the result of the final counting.</sup> and communicate to the Chief Election Officer by the quickest available means the number of valid votes cast for each list of candidates in the returning officer's district;

(f) deliver to the Chief Election Officer a return in writing in Form 24 which shall set out the number of—

Form 24

(i) valid votes cast for each list of candidates as aforesaid;

(ii) rejected ballot papers together with, in each case, the reason for rejection;

(iii) spoiled ballot papers delivered to him;

(iv) tendered ballot papers;

(v) persons who appear to have voted.

(2) The returning officer shall not open the sealed packets containing tendered ballot papers, marked copies of the official list of electors or part thereof or counterfoils of used ballot papers.

(3) Any counting agent may copy the return made under subsection (1)(f).

90. Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting and shall not communicate any information obtained at the count as to the list of candidates for which any vote has been given.

Maintenance  
of secrecy  
at count.

## PART X ELECTORS'

### COUNTING NON-RESIDENT VOTES

91. (1) No person, other than—

(a) the Chief Election Officer and such staff appointed under section 7(d) as he may designate to assist him in the counting;

(b) ~~The Minister, members of the Commission and any team of observers appointed by the Minister;~~

(c) candidates appointed under subsection (2);

Persons who  
may be present  
at count.  
[Reg. 25/1968]

16/85  
[12/1996]

(d) election agents;

(e) such other persons as, in the opinion of the Chief Election Officer, have good reason to be present,

shall be present at the counting of the votes cast under Part VII.

(2) The election agent of each group of candidates may appoint one of the candidates for the purposes of subsection (1)(c).

(3) Notice in writing of such appointment, stating the name and address of the candidate, shall be signed by the election agent and delivered to the Chief Election Officer not later than the 7th day before election day.

(4) There shall not be more than one candidate appointed from the same list of candidates for the said purposes.

(5) The Chief Election Officer shall give persons present by virtue of subsection 1(c) or (d) all such reasonable facilities for overseeing the proceedings and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings and with the discharge of his duties in connection therewith.

Method of  
counting non-  
resident  
electors' votes.  
(Reg. 25/1968)

92. (1) The Chief Election Officer shall, as soon as practicable after the discharge of his functions assigned by Part VII with reference to election day, in the presence of such of the persons entitled under section 91(1) to be present as attend—

(a) open each ballot box used for the purposes of that Part;

(b) take out the ballot papers;

(c) removed from the ballot envelope the ballot  
Papers without unfolding them;

(d) mix together the ballot papers which were contained in each ballot box;

(e) count and record the number of such votes for each list of candidates as were cast in each ballot box.

(2) The provisions of section 87(2), (3), (4) and (5) shall, as they apply in relation to the counting of votes by a returning officer, apply *mutatis mutandis* in relation to the counting of votes under this section:

Provided that subsection (4) aforesaid shall, in its application by virtue of the foregoing provisions of this subsection, have effect as if for the reference in that subsection to a counting agent there had been substituted reference to an election agent.

93. A candidate appointed under section 91 or an election agent may, when the counting or recounting of the votes cast in any ballot box is completed in conformity with section 92(1)(e), request the Chief Election Officer to have the votes recounted or again recounted; but the Chief Election Officer may refuse such request if in his opinion it is unreasonable.

Recounts  
of non-  
resident *electors*  
votes.

94. (1) Upon the conclusion of the counting of the votes under this Part the Chief Election Officer, in the presence of such of the persons entitled under section 91(1) to be present as attend, shall—

Procedure on  
conclusion of  
count of  
non-resident *electors*  
votes.

(a) seal in separate packets the counted and rejected ballot papers;

[16/1985]

(b) prepare a written statement as to the result of the verification of the non-resident <sup>electors</sup> ballot papers accounts under section 63(3) and on request allow any candidate appointed under section 91 or election agent present to make a copy thereof;

(c) publicly declare the aggregate number of valid votes cast under section 62(1) for each list of candidates;

(d) record, in Form 25, the number of—

Form 25.

(i) valid votes cast as aforesaid for each list of candidates;

(ii) rejected ballot papers together with, in each case, the reason for rejection;

(iii) persons who appear to have voted under Part VII.

(2) Any candidate appointed as aforesaid or election agent may copy the record made under subsection (1)(d).

95. The Chief Election Officer may delegate to any overseas presiding officers deputed under section 65 his functions, or any of them, under sections 92, 93 and 94, and such officers shall, subject to any general or special directions given by the Chief Election Officer, have and exercise all the powers and perform all the duties, delegated under this section to them, respectively.

Delegation of  
Chief Election  
Officer's  
functions  
under this Part.

## PART XI

### ASCERTAINMENT OF ELECTION RESULTS

96. The Chief Election Officer shall, <sup>after</sup> calculate the total number of valid votes of electors which have been cast for each list of candidates, <sup>totaling of</sup> and thereupon shall ascertain the result of the election in accordance <sup>votes.</sup> <sup>(16 of 1968)</sup> <sup>[30/1980]</sup> with sections 97 and 98.

on the basis of the votes counted under sections 84(1A) 65(L) and 92 and the information furnished by returning officers under section 84(11), ascertain the result of the election in accordance with sections 97 and 98.

L.R.O. 111975

Allocation  
of seats.  
[Reg. 6/1973]

97. (1) The total number of votes cast for all the lists of candidates shall be divided by fifty-three and the whole number resulting from that division shall be known as "the electoral quota".

(2) The number of votes cast for any list shall be divided by the electoral quota; there shall be allocated to that list a number of seats equal to the whole number resulting from that division; and the number of votes represented by a fraction so resulting shall be known as "surplus votes" of the list; and if the number of votes cast in accordance with this Act for any list is less than the electoral quota, those votes shall accordingly be treated as surplus votes of that list.

(3) Any seat or seats remaining unallocated after seats have been allocated in accordance with subsection (2) shall be allocated as follows—

(a) one seat shall be allocated to the list with the largest number of surplus votes;

(b) if the number of seats so remaining is two or more, one seat shall be allocated to the list with the next largest number of surplus votes, and so on until all the seats so remaining have been allocated;

(c) for the purposes of this paragraph, where two or more lists have equal numbers of surplus votes, then lots shall be drawn by the Chairman of the Commission in the presence of the representatives of the lists affected to determine which list or lists shall be deemed to have more surplus votes than the other list or lists.

(4) For the purposes of the foregoing provisions of this section a combination of lists shall be treated as one list.

(5) The seats allocated to a combination of lists shall be allocated among the lists comprised in the combination in accordance with subsections (2) and (3), the electoral quota for that purpose being the whole number found by dividing the total number of votes cast for the combination of lists by the number of seats allocated to the combination.

Membership  
of National  
Assembly.  
[16 of 1968]

[0.809/198]

98. When seats have, in pursuance of section 97, been allocated to any list of candidates—

(a) the representative of the list; or

(b) if the representative is unwilling or unable (by reason of absence, illness or any other cause when he is called upon by the Chief Election Officer) so to do, the deputy representative of such list; or

(c) in case of any such unwillingness or inability on the part of the deputy representative, a majority of the persons named in that list may designate in writing any such person able and willing (when called upon as aforesaid) so to do, who,

shall extract from the said list as many names belonging to candidates selected by him for the purpose, including his own name as if he has not been declared elected as President under article 177 of the Constitution, as can be so extracted without their number exceeding the number of seats allocated to that list; and the Chief Election Officer shall declare such names, in the order of their extraction as aforesaid, to be the names of the candidates on such list who have been elected."

99. As soon as practicable after election day the Commission shall publicly declare the results of the election and shall cause to be published in the *Gazette* a notification thereof, specifying—

Publication of election results.

- (a) the number of votes cast for each list of candidates;
- (b) the number of rejected ballot papers;
- (c) the number of seats allocated to each list of candidates; and
- (d) the names of the persons who, as a result of the election, have become members of the National Assembly;

and, as respects a combination of lists, such notification shall be so arranged as to give the particulars required by paragraphs (a), (c) and (d) with reference to both the combination and each list comprised therein.

Filling of  
vacancies in the  
case of  
members  
elected  
under article  
(2) of the  
constitution.

1.50/80

99A.(1) If the seat of a member of the National Assembly who was elected pursuant to article 60(2) of the Constitution is vacant for any cause other than a dissolution of Parliament, the vacancy shall be filled by the person who is not such an elected member of the Assembly 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 Speaker, following as nearly as may be the like method as was observed at the preceding election of members (under article 60(2) of the Constitution, the name of every person who became an elected member of the Assembly at that preceding election, or has since become

Filling of casual  
vacancies in the case  
of members of the elected  
under article 60(2)  
of the constitution.  
[0.50/1980.]

55A.

such a member, being ineligible for extraction under the foregoing provisions of this sub-section: 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 article 60(2) aforesaid.

(2) In subsection (1) "the relevant list of candidates" means the list in which was included the name of the member of the Assembly vacating his seat or, where the vacancy exists because a person is held in proceedings under article 163 of the Constitution not to have been qualified to be elected as such a member, the name of that person".

100. The Commission shall furnish each of the persons who have become members of the National Assembly with a certificate that he has been so elected. Certificates of election.

101. The Chief Election Officer shall as soon as practicable after the election cause to be prepared and printed a general report on the election including the particulars specified in section 99 and the total number of electors registered under the National Registration Act. Election Report.  
[16 of 1968]  
c. 19:08

102. (1) The returning officer of each district shall, as soon as practicable after making the return required by section 89(1)(f), make up in one parcel the packets he has received in pursuance of section 83(2) and the other papers used at the polling places and in his possession and shall seal the parcel so that it cannot be opened without breaking the seals and deliver it to the Chief Election Officer. Custody of election documents.  
[16 of 1968]  
Reg. 25/1968  
[30/1/96  
[0.50/199  
L.R.O. 1 197

(10)(b)

c. 1:01

(2) The Chief Election Officer shall keep all parcels received in pursuance of subsection (1) in safe custody and, subject to the provisions of this Act and any law made under article 163 of the Constitution, allow no person to have access thereto.

(3) The returning officer of each district shall, as soon as practicable after delivering the election documents, in accordance with subsection (1), cause the ballot boxes used at the election, together with their locks and keys, to be deposited in the custody of the member of the Police Force in charge of a police station in his district.

(4) The Chief Election Officer shall, as soon as practicable after the discharge of his functions under Part X, cause the ballot boxes used for the purposes of Part VII, together with their locks and keys, to be deposited in the custody of the member of the Police Force in charge of the police station nearest to the place where such functions were discharged in relation to those ballot boxes.

(5) Subject to the requirements of section 63(2) and (3), the provisions of section 102(2) shall, as they apply to the parcels mentioned therein, apply to every packet delivered to, or made up by, the Chief Election Officer pursuant to section 57(1)(b), (c), (d) or (e), or made up under section 94(1)(a), and to everything not dealt with under section 63(1)(e) or (f) by reason of its having been returned or delivered to the Chief Election Officer after election day.

## PART XII

### ELECTION EXPENSES

Making of  
contracts  
through  
election agents.

103. (1) The election agent of a group of candidates shall appoint every clerk and messenger employed for payment on behalf of the group at the election and shall hire every committee room hired on behalf of the group.

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or the management of the election shall not be enforceable against a candidate unless made by the candidate or by the election agent of the group to which the candidate belongs:

Provided that the inability under this Act to enforce such contract against a candidate shall not relieve such candidate from the consequences of any corrupt or illegal practices committed by the election agent or assistant agent of his group with the consent or connivance of such candidate.

Payment of  
expenses.  
[16 of 1968]

104. (1) Except as permitted by this section or in pursuance of section 111, no payment and no advance or deposit shall be made by

[24 9/1990]

a candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the group of candidates to which the candidate belongs.

(2) A candidate may pay personal expenses incurred by him on account of or in connection with or incidental to the election to an amount not exceeding <sup>Twenty-five</sup> one thousand dollars; and such candidate shall send to the election agent of his group of candidates not later than the 14th day after the declaration of the results of the election under section 99 a written statement of personal expenses so paid.

(3) Any personal expenses in excess of <sup>Twenty-five</sup> one thousand dollars incurred by a candidate shall be paid by the election agent.

(4) If a candidate pays personal expenses in excess of the sum specified in subsection (2) he shall be guilty of an illegal practice.

105. (1) A person authorised in that behalf by an election agent may pay any necessary expenses for stationery, postage, telegrams and other petty expenses, or may pay any expenses incurred outside Guyana on account of or in respect of the conduct or the management of the election, to a total amount not exceeding that named in the authority; and such person shall send to the election agent not later than the 14th day after the declaration of the results of the election under section 99 a written statement of the payments so made together with particulars thereof.

Petty and  
Overseas  
Expenditure.  
[16 of 1968]

(2) Any petty expenses incurred in excess of the amount named in the authority of the election agent shall be paid by the election agent.

106. (1) No expense shall be incurred by or on behalf of a group of candidates and no payment shall be made on their behalf whether before, during or after the election, on account of or in respect of the conduct and management of the election—

Maximum  
expenses.  
[16 of 1968  
Reg. 32/1964]

(a) in excess of the sum of <sup>FIFTY</sup> two thousand five hundred dollars multiplied by the number of candidates not exceeding 53 on the list of candidates;

(b) for purposes other than the following—

(i) the expenses of printing, advertising, publishing, issuing and distributing addresses and notices;

(ii) the expense of stationery, messages, postages and telegrams;

(iii) the expense of holding public meetings and holding outside Guyana meetings open to electors generally;



c. 19:08

(iv) the expenses of committee rooms, no more than one such room being situated in each district within the meaning of the National Registration Act;

(v) expenses permitted under section 118;

(vi) the personal expenses of candidates.

(2) In determining the total expenditure incurred by a group of candidates no regard shall be had to amounts paid by candidates under section 104(2).

(3) If an election agent incurs or pays election expenses in excess of the sum specified in subsection (1), or for purposes other than those therein specified, he shall be guilty of an illegal practice.

(4) If a candidate pays any election expenses except his personal expenses otherwise than by or through the election agent of his group of candidates or in pursuance of section 111 he shall be guilty of an illegal practice.

Remuneration  
of election  
agent.

107. So far as circumstances permit, this Part shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor; and, if there is any dispute as to the amount due, such claim shall be a disputed claim within the meaning of this Part and dealt with accordingly.

Election  
expenses  
return and  
declarations.  
Form 26.

108. (1) Not later than the 35th day after the declaration of the results of the election under section 99 the election agent of each group of candidates shall forward to the Chief Election Officer a return which shall be in Form 26 and shall contain statements of—

(a) all payments made by the election agent;

(b) the amount of personal expenses paid by each of the candidates;

(c) all disputed claims of which the election agent is aware;

(d) all unpaid claims of which the election agent is aware in respect of which application has been or is about to be made to the High Court;

(e) all money, securities and equivalent of money received by the election agent from the candidates or any other person for the purposes of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election and the name of every person from whom such money, securities and equivalent of money were received;

(f) any duly authorised expenses incurred for any purpose referred to in section 114(1).

(2) Every payment made by an election agent, in respect of any expenses incurred on account of or in respect of the conduct or management of the election shall except where less than five dollars be vouched for by a receipt or by a bill stating the particulars; and all such bills and receipts shall be sent to the Chief Election Officer with the election expenses return.

(3) The election expenses return shall be accompanied by a declaration by the election agent as to election expenses, in Form 27 and each candidate shall make and transmit, or cause to be transmitted, to the Chief Election Officer not later than the 35th day after the declaration of the results of the election under section 99, a declaration as to election expenses in Form 28.

(4) Where, after the election expenses return has been forwarded to the Chief Election Officer, leave is given by the High Court for any claim to be paid, the election agent shall, within seven days of the payment of such claims, forward to the Chief Election Officer a return of the sums paid together with a copy of the order of the court.

(5) If without an authorised excuse a candidate or an election agent fails to comply with any requirement imposed on him by this section, he shall be guilty of an illegal practice.

109. (1) The Chief Election Officer shall, as soon as may be after the receipt of each election expenses return, cause to be published in the *Gazette* a summary thereof, accompanied by a notice of the time and place at which the election expenses return and accompanying documents and the election expenses declarations can be inspected.

(2) Election expenses returns and accompanying documents and election expenses declarations shall at all reasonable times during a period of two years after their receipt be open to inspection at the office of the Chief Election Officer by any person on payment of a fee of ~~twenty four cents~~ <sup>Five dollars</sup>; and the Chief Election Officer shall on demand furnish copies thereof or of part thereof on payment of a fee of ~~twelve cents~~ <sup>Five dollars</sup> for every one hundred and twenty words or part of one hundred and twenty words.

(3) After the expiration of two years the Chief Election Officer may cause the election expenses return and accompanying documents and the election expenses declarations to be destroyed unless any election agent requires them to be sent to him.

110. (1) Where the election expenses return or any expenses declaration has not been submitted as required by section 108, or having been submitted contains an error or a false statement, then—

(a) if any candidate applies to the High Court, and shows that his failure to submit an election expenses declaration or any

Publication of  
summary of  
election  
expenses  
return.

Authorised  
excuse for  
failure to  
submit return  
and  
declarations.

any part thereof, or any error or false statement therein has arisen by reason of his illness, or of the absence, death, illness or misconduct of another candidate or of the election agent or of an assistant agent or of any clerk or officer employed by the election agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or

(b) if an election agent applies to the High Court and shows that his failure to submit the return and his declaration, or either of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or by reason of the absence, death, illness or misconduct of a candidate or of a former election agent of the group or of an assistant agent or of any clerk or officer employed by the election agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant;

the court may, on being satisfied that notice of the application has been published in two newspapers circulating in Guyana, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make an order allowing an authorised excuse for the failure to submit the return or any declaration as the case may be or for any error or a false statement therein, as to the court seems just.

(2) Where it appears to the court that any person being or having been a candidate, an election agent or assistant agent has refused or failed to make such return or declaration or supply such particulars as to enable any candidate or an election agent to comply with any requirement imposed on him by section 108, the court, before making an order allowing an authorised excuse, shall order such person to attend before the court; and, on his attendance shall, unless he shows cause to the contrary, order him to make and deliver such return or declaration or supply such particulars within such time and to such person and in such manner as to the court seems just, or may order him to be examined with respect to such particulars, and may, in default of compliance with any such order, order him to pay a fine of five hundred dollars.

(3) An order allowing an authorised excuse may be made conditional upon the making of the election expenses return or any election expenses declaration or upon the making of them in a modified form or within an extended time and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of these regulations; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability

or consequences under this Act in respect of the matter excused by the order.

(4) The date of the order allowing an authorised excuse, or if conditions and terms are to be complied with, the date on which the applicant for the order fully complies with them, is in this Act referred to as the date of the allowance of the excuse.

111. (1) Every claim against any candidate or against an election agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall be sent to the election agent not later than the 14th day after the publication under section 99 of the results of the election.

Period for  
claims for  
payment of  
election  
expenses.  
(16 of 1968)

(2) Any such claim as is specified in subsection (1) which is not sent to the election agent within the time therein prescribed shall be barred and not paid.

(3) An election agent who pays a claim in contravention of subsection (2) shall be guilty of an illegal practice.

(4) All expenses incurred on account of or in respect of the conduct or management of the election shall be paid not later than the 28th day after the publication under section 99 of the results of the election.

(5) An election agent who makes a payment in contravention of subsection (4) shall be guilty of an illegal practice.

(6) If an election agent disputes any claim received by him within the time limited by subsection (1) or if he refuses or fails to pay such claim within the period mentioned in subsection (4), such claim shall be deemed to be a disputed claim.

(7) A claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and anything paid by a candidate or by an election agent in pursuance of the judgment or order of the court shall be deemed to be paid within the time limited by subsection (1) and to be an exception from the provisions of this Act requiring claims to be paid by the election agent.

(8) The High Court may, on application by the claimant or by a candidate or by an election agent and on cause shown to its satisfaction, by order give leave for the payment by a candidate or by an election agent of a disputed claim or for a claim in respect of expenses incurred on account of or in respect of the conduct or management of an election, notwithstanding that such claim was sent after the time limit prescribed by subsection (1), and notwithstanding the sending of such claim to a candidate and not to the election agent.

(9) Any sum specified in any order of the court made under subsection (8) may be paid by a candidate or by an election agent and when paid in pursuance of such order shall be deemed to be paid within the time limited by subsection (1).

Exemption of  
act done in  
good faith  
from being  
an illegal  
practice.  
[16 of 1968]

112. Where, on application made, it is shown to the High Court by such evidence as to the court seems sufficient that—

(a) any act or omission of any candidate or of any election agent or of any other agent or person, would, by reason of being a payment, contract, engagement, employment or hiring, or the incurring of an expense in excess of the maximum allowed, in contravention of any of the provisions of this Act pertaining thereto, be but for this section an illegal practice, payment, employment or hiring; and

(b) such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(c) notice of the application has been published in two newspapers circulating in Guyana,

and in the circumstances it seems to the court to be just that such candidate, election agent and other agent or person, or certain of them should not be subject to any of the consequences under this Act of the act or omission the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, hiring or an incurring of an expense in excess of the maximum allowed, and such candidate, election agent or other agent or person as the court may specify in its order shall not be subject to any of the consequences under this Act of the act or omission.

Saving for  
creditors.

113. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum and the incurring of any expense in excess of the prescribed maximum, shall not affect the rights of any creditor who when the contract was made or the expense incurred was ignorant that such contract, payment or expense was in contravention of this Act.

Prohibition of  
expenses not  
authorised by  
election agent.  
[16 of 1968]

114. (1) No expenses shall, with a view to promoting or procuring the election of a group of candidates, be incurred by any person other than the election agent of the group or by a person authorised in writing by him on account of—

(a) holding any meetings mentioned in section 106(1)(b)(ii) or organising—

- (i) any public display; or
- (ii) any display, outside Guyana, open to electors generally;
- (b) issuing advertisements, circulars or publications;
- (c) otherwise presenting to the electors the candidates of the group or any of them or their views or the extent or nature of their backing or of disparaging the candidates of another group or any of them:

Provided that paragraph (c) shall not—

- (i) restrict the publication of any matter relating to the election in a newspaper or other periodical; or
- (ii) apply to any expenses not exceeding in the aggregate the sum of five dollars which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others, or to expenses incurred by any person travelling or in living away from home or similar personal expenses.

(2) Any person other than an election agent or a person authorised in that behalf in writing by him who incurs expenses prohibited by subsection (1) shall be guilty of a corrupt practice.

(3) Any expenses incurred on account of any purpose referred to in subsection (1) and duly authorised by the election agent shall be returned as part of the election expenses of the group of candidates

115. Any candidate or election agent who makes an election expenses declaration containing any statement false in fact, which he knows or believes to be false or does not believe to be true, shall be guilty of a corrupt practice.

False election  
expenses  
declarations.  
[16 of 1968]

### PART XIII

#### ILLEGAL PAYMENT, EMPLOYMENT, HIRING

116. Any person who knowingly provides money—

- (a) for any payment which is contrary to this Act;
- (b) for any expenses in excess of the maximum allowed by this Act;
- (c) to replace any money expended in any such payment or expenses,

shall be guilty of illegal payment.

Providing  
money for  
illegal purpose.

Corrupt  
withdrawal of  
candidate.

117. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment shall be guilty of illegal payment; and any person withdrawing in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

Prohibition of  
certain forms  
of  
employment.  
[16 of 1968]

118. (1) No person shall, for the purpose of promoting or procuring the election of a group of candidates at an election be engaged or employed for payment or promise of payment for any purpose or in any capacity whatsoever, except for the following—

- (a) one election agent;
- (b) one assistant agent for each district;
- (c) one polling agent in each polling place;
- (d) one counting agent for each district;
- (e) two clerks and two messengers for each committee room.
- (f) persons to exercise outside Guyana such authority mentioned in section 105 or 114 as may be conferred upon them respectively.

(2) If any person is engaged or employed in contravention of this section the person engaging or employing him shall be guilty of illegal employment; and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was so engaged or employed contrary to law.

Illegal hiring  
of transport  
for electors.

119. (1) No person shall let, lend or employ for the purposes of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse or other animal which he keeps or uses for the purpose of letting out for hire; and any person who contravenes this subsection knowing the purpose of the letting, lending or hiring shall be guilty of illegal hiring.

(2) No person shall hire, borrow or use for the purpose of the conveyance of electors to or from the poll any carriage, horse or other animal which he knows the owner thereof is prohibited by subsection (1) from letting, lending or employing; and any person who contravenes this subsection shall be guilty of illegal hiring.

(3) Nothing in this section or in section 122 shall prevent a carriage, horse or other animal being let to or hired, employed or used by an elector or several electors at his own or their own joint cost, for the purpose of being conveyed to or from the poll.

120. (1) No person shall let, hire or use as a committee room for the purpose of promoting or procuring the election of a group of candidates at an election any of the following premises—

Use of certain premises as committee room prohibited.

(a) any premises wherein the sale by wholesale or retail of any intoxicating liquor is authorised by any licence, whether such licence authorises the sale for consumption on or off the premises;

(b) any premises where any intoxicating liquor is sold or supplied to members of a club, society or association other than a permanent political club;

(c) any premises wherein refreshment of any kind, whether food or drink, is ordinarily sold for consumption in the premises.

(2) Any person who hires or uses premises in contravention of subsection (1) shall be guilty of illegal hiring and any person who lets or permits to be used such premises or part thereof shall also, if he knew it was intended to use such premises or part thereof as a committee room, be guilty of illegal hiring.

(3) Nothing in this section shall apply to any part of premises described in subsection (1) which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or arbitrations if such part has a separate entrance and no direct communication with any part of the premises on which intoxicating liquor or refreshment is sold or supplied.

121. Any person guilty of an offence of illegal payment, employment or hiring shall be liable on summary conviction to a fine of five hundred dollars or, if the offence be not triable summarily by reason of anything comprehended therein having been done, omitted or situated anywhere beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless it is proved that he was not a citizen of Guyana at the time of the offence, be liable upon conviction on indictment in Guyana to a fine of one thousand dollars or to imprisonment for one year and any candidate or election agent who is guilty of such an offence shall be guilty of an illegal practice.

Penalty for illegal payment employment or hiring. [16 of 1968]

#### PART XIV ILLEGAL PRACTICES

122. (1) No payment or contract shall, for the purpose of promoting the election of a group of candidates at an election, be made—

Certain expenditure to be illegal practice.

(a) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages or for railway fares, water or air transport fares or otherwise; or



(b) to an elector on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice:

Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

(2) If payment or contract for payment is knowingly made in contravention of this section either before, during or after an election, the person making such payment or contract for payment shall be guilty of an illegal practice; and any person receiving such payment, or being a party to any such contract, knowing it to be in contravention of this section, shall also be guilty of an illegal practice.

Disorderly  
behaviour  
at election  
meeting.

123. Every person who, at a lawful political meeting held before election day, acts or incites any other person to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

False  
statements  
concerning  
candidates.

124. (1) Any person who, before or during an election, shall, for the purpose of affecting the return of any group of candidates, make or publish any false statement of fact in relation to the personal character or conduct of the candidates of that group or any of them shall, subject to subsection (2), be guilty of an illegal practice.

(2) No person shall be deemed to be guilty of illegal practice under this section if he can show that he had reasonable grounds for believing, and did believe, the statement made by him to be true.

(3) A person making or publishing a false statement of fact in contravention of subsection (1) may be restrained by interim or perpetual injunction by the High Court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate, and, for the purposes of granting an interim injunction, *prima facie* proof of the falsity of the statement shall be sufficient.

Election  
publications.  
[16 of 1968]

125. (1) No person shall—

(a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a group of candidates;

(b) post or cause to be posted any such bill, placard or poster as specified in paragraph (a);

(c) distribute or cause to be distributed any printed document for the purpose specified in paragraph (a).

unless the bill, placard, poster or document bears upon the face thereof the names and addresses of the printer and publisher.

(2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the word "printer" shall be construed accordingly.

(3) Any candidate, or any election agent who contravenes this section shall be guilty of an illegal practice: and any other person who contravenes this section shall be liable on summary conviction to a fine of five hundred dollars, or if the offence be not triable summarily by reason of anything comprehended therein having been done, omitted or situated anywhere beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless it is proved that he was not a citizen of Guyana at the time of the offence, be liable upon conviction on indictment in Guyana to a fine of one thousand dollars or to imprisonment for one year.

#### 126. Any person who—

(a) votes either on his own behalf or as a proxy on behalf of another person or procures any person to vote either on his own behalf or as a proxy on behalf of another person, at an election, knowing that he or such other person is not an elector;

(b) applies for the appointment of a person to vote on his behalf at an election as a proxy knowing that he or the person for whose appointment he applies is not an elector or who in such application makes a false statement as to his entitlement to vote by proxy;

(c) before or during an election knowingly publishes a false statement of the withdrawal of a list of candidates or of any of the candidates named therein for the purpose of promoting or procuring the election of the candidates named in another list;

(d) hands to a poll clerk or a presiding officer—

(i) a forged <sup>voter identification card</sup> identity paper; or

(ii) save as permitted by these regulations the identity paper of some other person; or

(iii) a forged notice of appointment to vote as a proxy on behalf of some other person;

Miscellaneous  
illegal  
practices.

[22/997]

LAWS OF GUYANA

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*Registration of the Polls*

(e) for the purpose of affecting the election of a list of candidates or of any person to affect the result of vote

(f) conspires with persons known or unknown to deprive a qualified person of the right to be registered or to cause a person not qualified to register as a voter

(g) except as otherwise provided in section 29 with intent to vote enters, or who votes in a polling division other than the polling division where he is registered

shall be guilty of an illegal practice

Plural voting  
to be illegal  
practice.  
[16 of 1968  
Reg. 21/1968  
6/1973]

127. Any person who—

(a) votes on his own behalf more than once; or

(b) votes in person on his own behalf when there is in force an appointment of another person to vote as a proxy on his behalf; or

(c) applies for a person to be appointed as a proxy to vote on his behalf without applying for the cancellation of an existing appointment of some other person to vote as a proxy on his behalf or without withdrawing a pending application for such appointment; or

(d) votes as a proxy more than once on behalf of the same elector; or

(e) votes as a proxy on behalf of more than two electors,

shall be guilty of an illegal practice.

Penalty for  
illegal practice.  
[16 of 1968]

128. (1) Any person guilty of an illegal practice—

(a) shall, on summary conviction, be liable to a fine of five hundred dollars and to imprisonment for six months or, if the offence be not triable summarily by reason of anything comprehended therein having been done, omitted or situated anywhere beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless having been neither a candidate nor an election agent at the time of the offence he is proved not to have been a citizen of Guyana at that time, be liable on conviction on indictment in Guyana to a fine of one thousand dollars or to imprisonment for one year; and

(b) subject to subsection (2), shall be incapable during a period of five years from the date of his conviction, whether summarily or on indictment, of being registered as an elector.

(2) In the case of any conviction of an illegal practice the court may, if it deems it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by this section.

## PART XV

### CORRUPT PRACTICES

Treating.

129. The following persons shall be deemed guilty of the corrupt practice of treating—

(a) every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly, gives or provides or pays wholly or in part the expense

of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or to refrain from voting, at the election, or on account of such person, or any other person, having voted or refrained from voting, or being about to vote or refrain from voting, at the election;

(b) every elector who corruptly accepts or takes any such food, drink, entertainment or provision.

130. The following persons shall be deemed guilty of the corrupt practice of using undue influence—

Undue influence.

(a) every person who directly or indirectly by himself or by any other person on his behalf—

(i) makes use of, or threatens to make use of, any force, violence or restraint; or

(ii) inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election; or

(b) every person who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon any elector either to vote or to refrain from voting at any election.

131. The following persons shall be deemed to be guilty of the corrupt practice of bribery:

Bribery.

(a) every person who, directly or indirectly, by himself or by any other person on his behalf—

(i) gives or agrees to give; or

(ii) lends or agrees to lend; or

(iii) offers or promises; or

(iv) promises to procure or promises to endeavour to procure—

any money or valuable consideration to or for any elector, or to or for any other person, in order to induce any elector to vote or to refrain from voting;

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

(i) gives or agrees to give; or

(ii) lends or agrees to lend; or

(iii) offers or promises; or

(iv) promises to procure or promises to endeavour to procure—

any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, on account of such elector having voted or refrained from voting at any election;

(c) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

(i) gives or agrees to give; or

(ii) procures or agrees to procure; or

(iii) offers or promises; or

(iv) promises to procure or promises to endeavour to procure—

any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting;

(d) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

(i) gives or agrees to give; or

(ii) procures or agrees to procure; or

(iii) offers or promises; or

(iv) promises to procure or promises to endeavour to procure—

any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, on account of any elector having voted or refrained from voting at any election;

(e) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure the return of a group of candidates, as members of the National Assembly, or the vote of any elector at any election;

(f) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any group of candidates as members of the National Assembly, or the vote of any elector at any election;

(g) every person who—

(i) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election; or

(ii) knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(h) every elector who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

(i) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

132. (1) A person shall be deemed to be guilty of the corrupt practice of personation at an election if he—

Personation.  
[16 of 1968]

(a) votes as some other person whether as an elector on his own behalf or as a proxy on behalf of another elector, and whether that other person is living or dead or is a fictitious person; or

(b) having any mark of electoral ink upon any of his fingers applies for a ballot paper for the purpose of voting as an elector; or

(c) votes in person or as proxy—

(i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or

(ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

(2) For the purpose of subsection 1(a) and (c), a person who has applied for a ballot paper for the purpose of voting shall be deemed to have voted.

General  
penalty for  
corrupt  
practices.

133. Every person who is guilty of a corrupt practice other than as specified in section 134, shall, on conviction on indictment be liable to a fine of one thousand dollars and to imprisonment for one year.

Penalty for  
personation.

134. Every person who is guilty of personation or aiding, abetting, counselling or procuring the commission of the offence of personation shall, on conviction on indictment, be liable to imprisonment for two years.

Disqualifi-  
cation.  
[16 of 1968]

135. (1) Subject to this section, every person who is convicted of a corrupt practice shall, in addition to any other punishment, be incapable during a period of five years from the date of conviction—

(a) of being registered as an elector;

(b) of being elected as a member of the National Assembly.

(2) In the event of any conviction under section 114, the court may, if it deems it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by this section.

## PART XVI

### MISCELLANEOUS ELECTION OFFENCES

Bands.

136. (1) No person shall play any instrument in a band at any meeting or in any procession held for the purpose of promoting or procuring the election of any group of candidates.

(2) Every person who contravenes subsection (1) shall be liable on summary conviction to a fine of twenty-five dollars or to imprisonment for thirty days.

(3) No person shall, for the purpose of promoting or procuring the election of any group of candidates—

(a) hire any band; or

(b) use or permit to be used in or upon any vehicle any instrument for the purpose of reproducing or amplifying any music.

(4) Every person who contravenes subsection (3) shall be liable on summary conviction to a fine of one hundred and fifty dollars or to imprisonment for three months.

Offences in  
respect of  
ballot boxes  
and ballot  
papers, identity  
papers, and  
appointments  
as proxy.  
[16 of 1968  
Reg. 25/1968]

[229/1997]

137. (1) Every person who—

(a) forges or counterfeits or fraudulently defaces, or destroys, any ballot paper or the official mark thereon or any identity paper or notice of appointment of a person to vote as a proxy; or

(b) without due authority supplies a ballot paper to any person; or

*with identification card.*



(c) fraudulently puts or causes to be put into any ballot box any paper other than the lawful ballot paper; or

(d) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or

(e) wilfully or negligently fails to discharge any duty or responsibility imposed on him by any of the provisions of Part VII and relating to any packet to which paragraph (d) applies by virtue of section 56(2)(d); or

(f) being present at any proceedings under section 54 or 55(a) of these sections to be executed in conformity with section 59(1) or section 92, 93 or 94—

(i) interferes or attempts to interfere with any person balloting as an elector, or obstructs or attempts to obstruct the course of any such proceedings, except in the exercise of any functions required by law to be discharged for the purposes of such balloting or proceedings, as the case may be; or

(ii) obtains or attempts to obtain (except for the purposes of the proviso to section 54(a) information as to the list of candidates for whom any person is about to vote or has voted; or

(iii) acquires any such information as aforesaid and, at any time thereafter, communicates it to any person; or

(iv) directly or indirectly induces any person balloting as an elector to display his ballot paper so as to make known the list of candidates for whom he has or has not voted; or

(v) is guilty of any wilful act or omission inconsistent with the maintenance of the secrecy of the ballot; or

(g) undertakes to assist any person under the proviso to section 54(a) and at any time thereafter communicates any information as to the list of candidates for whom such person intends to vote, or has voted, to any other person; or

(h) being a ballot attendant participating in any proceedings under section 54 or 55, influences or attempts to influence any person either not to vote or in his choice of a list of candidates to vote for at those proceedings; or

(i) in <sup>any</sup> Form, or in any certificate on the reverse side thereof, makes any declaration or statement that he does not believe to be true, or has reasonable grounds to believe to be false, in any material respect:

shall be guilty of a misdemeanour, and be liable on conviction—

(i) if he is an election officer or other person exercising powers or performing duties connected with or relating to the conduct of elections, to a fine of one thousand dollars and to imprisonment for two years;

(ii) if he is not an election officer or such a person, to a fine of two hundred and fifty dollars and to imprisonment for six months.

(2) Any person who attempts to commit an offence under this section shall be deemed to be guilty of an offence under this section.

Voting when  
not entitled.  
[16 of 1968]

c. 19:08

138. Without prejudice to section 126(a), every person who—

(a) not being registered as a qualified person on an electoral register compiled under the National Registration Act, votes at an election; or

(b) induces or procures any person not so registered to vote at an election,

shall be liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for six months.

LAWS OF GUYANA

Cap. 1:03

*Representation of the People*

74 A

Interference  
with notices  
and lists.

[22/1997]

139. Every person who wilfully mutilates, tears down, destroys, obscures, or makes any alteration in any list or notice published in accordance with this Act, shall be liable on summary conviction to a fine of one hundred dollars or to imprisonment for three months.

Terror,  
intimidation  
causing  
withdrawal of  
candidate.

139A. Any person who through intimidation, terror or force causes any other person to withdraw from being a candidate at any election shall be guilty of an offence and shall be liable on summary conviction to a fine of forty thousand dollars together with imprisonment for one year.

Abetment of  
offence under  
this Act

139B. Save as otherwise provided in this Act, every person who aids, abets, counsels, causes, or procures, the commission of any offence under this Act shall be liable to be proceeded against and convicted for that offence, either together with the principal offender or before or after his conviction, and shall be liable on summary conviction to the same punishment as that to which the principal offender is liable by law.

Attempt and  
incitement to  
commit  
offence under  
this Act

139C. Every person who attempts to commit, or incites any other person to commit any offence under this Act shall be liable to one-half of the punishment prescribed for that offence.

Elections  
Commission  
proceedings.  
[Reg. 21/1968]

[0-50/1990]

140.(1) Except to the extent that jurisdiction in that behalf has been conferred, and the exercise thereof is required, by the Constitution or any law made under article 163 thereof (which provides for the determination by the Supreme Court of Judicature of questions as to membership of the National Assembly and elections thereto) and save as hereinbefore provided to the contrary, no question whether any function of the Elections Commission or of any of its members has been performed validly or at all shall be enquired into in any court.

(2) No evidence of any deliberations of the Elections Commission or communications between members of the Commission regarding its business shall be admissible in any court.

## PART XVII

## GENERAL

141. In any indictment, information or complaint for an offence in relation to ballot boxes, ballot papers and other election material, the property in them may be stated to be in the Chief Election Officer.

Property in  
election  
material.

142. In any prosecution under this Act, whether on indictment or summarily, the certificate of the Chief Election Officer that the election was duly held and that the person or persons named therein were named as a candidate or candidates at such election, shall be sufficient evidence of the facts therein stated.

Certificate of  
Chief Election  
Officer.

143. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of the offence and punished accordingly.

Offences by  
bodies  
corporate.

144. A complaint or information against a person in respect of any offence under this Act shall be made or filed within one year or, in the case of an offence to be tried on indictment, two years after the offence was committed.

Limitation  
of time.  
[16 of 1968]

145. (1) Any person charged with illegal payment, employment or hiring, may, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice, be found guilty of illegal payment, employment or hiring, as the case may be, if the circumstances warrant such finding.

Special  
provisions  
as to  
convictions.

(2) A person charged with an illegal practice or other offence not being a corrupt practice may, notwithstanding that the act constituting the offence amounted to a corrupt practice, be found guilty of an illegal practice or other offence, as the case may be, if the circumstances warrant such finding.

(3) Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice and for that purpose the offence of an illegal practice shall be an indictable offence.

146. Rules of Court may, for any of the purposes of this Act, be made from time to time in the manner prescribed by the High Court Act.

Rules of court.  
c. 3:02

Duty not to disclose finger-prints.

147. No election officer shall produce for inspection or supply the thumb-print of an elector, or a copy thereof except—

- (a) for the purposes of this Act and its enforcement;
- (b) for purposes connected with the conduct of an election;
- (c) as otherwise expressly provided by law.

Extra-territorial application of penal provisions of this Act. [16 of 1968]

148. (1) No charge laid, and no proceedings taken, in Guyana against any person on or with a view to his indictment for any offence under this Act shall, unless the contrary intention hereinbefore appears, be deemed to be unsanctioned by law, or otherwise untenable, on the ground that anything to which the indictment relates or might relate was done, omitted or situated outside Guyana or beyond any territorial limitation affecting the exercise of jurisdiction by the High Court, whether within the territory of any other State or not, provided that such person was a candidate, election agent or citizen of Guyana at the time of the offence in question.

(2) For the purposes of subsection (1), a person against whom any charge is laid as aforesaid shall, in any proceedings taken against him as aforesaid, be deemed to have been a citizen of Guyana at the said time unless the contrary is proved.

(3) No objection to any such proceedings as aforesaid on indictment for an offence punishable under the provisions of section 121 or 125(3) or 128(1) shall be taken or allowed for inconsistency with any such provision conditioning the proceedings upon the absence of summary jurisdiction:

Provided that where the person so indicted is convicted on such indictment and the judge is satisfied that the offence could have been tried summarily, such person shall be liable to no more than the like punishment as on summary conviction for such an offence.

(4) The foregoing provisions of this section are in addition to, and not in derogation of, such provisions of any other laws as sanction the prosecution of indictable offences.

expenses.

149. The expenses of carrying out the provisions of this Act shall be defrayed from moneys provided by Parliament except in so far as any such expenses may otherwise lawfully be defrayed out of the Consolidated Fund.

regulations of 1968]

6 of 1968  
[12 of 1996]

*Electoral Commission*  
150. The Minister may make regulations for giving effect to the provisions of this Act and for amending the Schedule

, including, subject to the provisions of the Constitution and this Act, regulations to make provision for all matters, in respect of the conduct of an election, for which in his opinion it is necessary or expedient to make provision, and, without prejudice to the generality of the foregoing, any such regulation may prescribe the hours between which an act may be done on any day

not later than which the act is required by virtue of this Act to be done before election day and the particulars to be included in a list prepared under section 65J(1).

151. (1) For the purposes of any requirements under this Act that anything be done in a country other than Guyana not later than a specified number of days before election day, election day shall be deemed to be the like date in that country as is appointed in Guyana for the holding of the election.

Overseas time  
and delivery by  
hand instead  
of post.  
[Reg. 25/1968]

(2) Anything required by this Act to be posted by a non-resident within the meaning of Part VII to any officer shall nevertheless be deemed to have been duly transmitted if delivered at his office by the non-resident within the time allowed for its transmission to such officer in accordance with such requirement.

(3) Any requirement of this Act that anything for the use of a non-resident be posted to his address by any officer shall nevertheless be deemed to have been duly complied with if the officer, acting within the time allowed for its posting under this Act, causes such thing to be delivered by hand to that address so that the non-resident may avail himself thereof in conformity with this Act.

152. The Commissioner shall be consulted by Government with regard to the emoluments to be paid to election officers and other staff employed under this Act.

Commission to  
be consulted on  
emoluments  
of officers  
and staff.

## SCHEDULE

[16 of 1968  
r. 5/1964  
3/1968]

### TABLE OF FORMS

NO.

1. Oath (a) by election officer.
2. List of candidates.
3. Statutory declaration of a candidate named in a candidates' list.
4. Certificate of Employment.
5. (Part A) Application for appointment of a proxy.  
(Part B) Consent of person named in application for proxy paper.
6. Appointment as proxy.
7. List of proxies.
8. Cancellation of proxy.
9. Notice of poll.
10. Directions for voting.
11. Form of ballot paper.
12. Tendered ballot paper.

13. (Page 1) Poll book.  
(Page 2) Blind or incapacitated electors.  
(Page 3) Tendered ballots.  
(Page 4) Ballot papers refused.  
(Page 5) Certificates of employment (Section 69(4)) and entries directed by the Presiding Officer (Section 76(a)).
14. Declaration of identity.
15. Directions for balloting.
16. Receipt for ballot envelope sealed by non-resident elector and form of declaration of his identity.
17. Non-residents' ballot papers account.
18. Application by non-resident to vote in Guyana.
19. Oath (a) of identity.
20. Interpreter's oath (a).
21. Oath (a) of blind and incapacitated elector.
22. Oath of friend of incapacitated or blind elector.
23. Ballot paper account.
24. Election return.
25. Election return—votes of non-residents.
26. Election expenses return.
27. Declaration of election expenses—by election agent.
28. Declaration of election expenses—by candidate.

s. 8(1)

## FORM 1

THE REPRESENTATION OF THE PEOPLE ACT  
~~GENERAL AND REGIONAL ELECTIONS~~  
 OATH (a) BY ELECTION OFFICER

I.....(b).....having been appointed.....(c).....  
 swear (d) that I will faithfully perform the duties of the said office  
 according to law, without partiality, fear, favour or affection.

So help me God (e)

.....(f).....  
 Sworn (g) before me at.....this.....day of.....19.....

Justice of the Peace (h)  
 Chief Election Officer  
 Election Officer

## Notes:

(a) In the case of an affirmation, substitute "Affirmation" for "Oath".

(b) Full names in BLOCK CAPITALS.

(c) Title of appointment and (except for the Chief Election Officer) the name of the Polling District and/or Polling Division to which appointed.

(d) In the case of an affirmation substitute "solemnly, sincerely and truly declare and affirm" for "swear".

(e) Delete in the case of an affirmation.

(f) Signature of election officer.

(g) In the case of an affirmation substitute "affirmed" for "sworn".

(h) Delete as necessary.

## FORM 2

s. 11(2)

THE REPRESENTATION OF THE PEOPLE ACT  
GENERAL AND REGIONAL ELECTIONS  
LIST OF CANDIDATES

(Form of front of paper)

To the Chief Election Officer.

We, whose signatures appear overleaf, do hereby submit this our list of ..... candidates numbered serially in the order of <sup>and alphabetical</sup> their surname, whose election to the National Assembly is sought. The title of our list is.....

The candidate named ..... and numbered ..... hereunder is hereby designated as Presidential candidate in accordance with Article 177(1) of the Constitution.

## CANDIDATES

Name	Address	Occupation
------	---------	------------

(Form of back of paper)

We nominate Mr.....of.....to be representative of the list and Mr.....of.....to be deputy representative. We, the persons submitting the list shown on the face of this form are:

Name	Registration Card Number	Signature
------	--------------------------	-----------

Received by me at ..... o'clock this ..... day of ..... 19..

.....  
Chief Election Officer



s. 11(4)

FORM 3

THE REPRESENTATION OF THE PEOPLE ACT  
 (GENERAL AND REGIONAL ELECTIONS)  
 STATUTORY DECLARATION OF A CANDIDATE NAMED IN A CANDIDATES'  
 LIST-

Note: This form completed in respect of each candidate named in a list of candidates is to accompany the list of candidates submitted to the Chief Election Officer

I, (full names).....of (address).....having been nominated as a candidate in the list of candidates for the.....party for election as Members of the National Assembly in the general election to be held on the.....day of.....19.....

Do solemnly and sincerely declare

(1) that I consent to the inclusion of my name in the said list of candidates

(2) that I am aware of the provisions of articles 53 and 155 of the Constitution.

and with respect to the qualifications and disqualifications for election as a Member of the National Assembly

(3) that I may, consistently with such provisions be elected as a Member of the National Assembly at the election for which I have been nominated as aforesaid.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act.

Signed.....  
 (Declarant)

Declared before me.....at.....this.....day of.....  
 19.....

Signed.....  
 Justice of the Peace  
 Commissioner of Oaths

## FORM 4

s. 29(4)

THE REPRESENTATION OF THE PEOPLE ACT  
~~GENERAL AND REGIONAL ELECTIONS~~  
 CERTIFICATE OF EMPLOYMENT

In the ..... Polling District I certify that (name) ..... who  
 holds identity paper No. .... and is registered under serial No.  
 ..... in the No. .... Polling Division of the ..... Polling  
 District is likely to be unable to go in person to the Polling Place  
 allotted to him for the election to be held on the ..... day of .....,  
 19..... by reason of his employment on that date at the .....  
 Polling Place as a.....

Date.....

Signed.....  
 Returning Officer

## FORM 5

s. 31

THE REPRESENTATION OF THE PEOPLE ACT  
~~GENERAL AND REGIONAL ELECTIONS~~  
 PART A

## APPLICATION FOR APPOINTMENT OF A PROXY

To the Returning Officer

.....Polling District

I (surname) .....  
 (BLOCK CAPITALS)

other names .....

of (address) .....

and holder of identity paper No. ....

being registered in Polling Division No. .... of the ..... Polling

District, hereby certify that I am entitled to vote by proxy by reason

of..... Not having any person appointed as proxy to vote for me, I do hereby apply for the issue of a proxy paper appointing the following person as proxy to vote for me:—

Full names .....

Occupation .....

Address .....

Signature of applicant..... date.....

#### Notes

1. This application if approved entitles the proxy to vote for you and disentitles you from voting in person.

2. You may cancel this application if you give notice on Form 8 to the Returning Officer so that he receives the form not later than the tenth day before election day.

3. To be your proxy a person must be entitled to vote at the same polling place as you are and must not already have been appointed proxy for more than one other elector.

4. You are entitled to vote by proxy if you are —

- (a) unable, or likely to be unable, to go in person to the polling place for any of the following reasons, —
  - (i) the particular circumstances of your employment on the election day either as a member of a disciplined force or as a rural constable, or for a purpose connected with the election, by the returning officer;
  - (ii) the fact that at the election, you are acting as a returning officer for a district other than the district in which your address as entered in the official list of electors is situate;
  - (iii) the particular circumstances of your employment on the election day by the returning officer for a district, other than the district in which your address as entered in the official list of electors is situate, for a purpose connected with the election in that district;
  - (iv) the fact that you are an employee of the Transport and Harbours Department engaged in running a vessel on the election day;

- (b) a candidate at the election and is unable or likely to be unable, to go in person to the polling place at which you are entitled to vote by reason of being engaged in any activity, connected with the election, in a district other than the district in which that polling place is situated;
- (c) unable, or likely to be unable, by reason either of blindness or any other physical incapacity to go in person to the polling place, or if able to go to vote unaided.

PART B

CONSENT OF PERSON NAMED IN APPLICATION FOR PROXY PAPER

I (full names).....of (address).....Occupation.....  
identity paper No. .... being registered in No. .... Polling  
Division of the.....Polling District hereby consent to act as  
proxy for the above named.....

.....19....  
date

Signed.....

FORM 6

s. 32(1)

THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND REGIONAL ELECTIONS*  
APPOINTMENT AS PROXY

Polling District .....  
Polling Division No.....  
Polling Place .....  
Name of Proxy .....  
No. of identity paper .....  
No. on official list.....is hereby appointed as proxy for  
Name of voter .....  
No. on official list.....to vote for him/her at the election to be  
held on the.....day of....., 19....

.....  
Returning Officer

Date.....

FORM 7

s.32(3)

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
 LIST OF PROXIES

..... Polling District

Elector's name	Elector's address	Elector's identity paper No.	Proxy's name	Proxy's address	Proxy's identity paper No.	Polling Division of Elector and Proxy

I hereby certify that proxy papers were issued to the electors whose names appear in the fourth column above to vote as proxies on behalf of the electors whose names appear opposite thereto in the first column.

.....  
 Returning Officer

LAWS OF GUYANA

Representation of the People

Cap. 1:03

85

FORM 8

s. 33

THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND REGIONAL ELECTIONS*

CANCELLATION OF PROXY

To the Returning Officer

..... Polling District

I (fill names).....being registered in No.....Polling  
Division hereby cancel the appointment of (name of proxy).....  
as proxy to vote for me at the election to be held on the.....day of  
....., 19..

Signed.....

Address.....

Date.....

FORM 9

s. 34(1)

THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND REGIONAL ELECTIONS*

NOTICE OF POLL

In the.....Polling District

TAKE NOTICE that

a poll will be held on the.....day of....., 19...., between the  
hours of.....a.m. and.....p.m. to elect fifty-three members  
of the National Assembly.

The situation of each polling place in the.....Polling District  
and the names of the electors who are entitled to vote thereat are given  
in the papers attached hereto.

.....  
Returning Officer

Date.....

L.R.O. 111973

## THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND REGIONAL ELECTIONS*

## DIRECTIONS FOR VOTING

1. You can vote for only one list of candidates at this election.
2. You should see that the ballot paper, before it is handed to you, has been stamped with the official mark.
3. 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. You are to make the cross like this: X
4. When you have marked your vote, fold your ballot paper so as to conceal your vote but so as to show the official mark appearing at the back. Then show that mark to the officer presiding and permit your finger to be immersed in electoral ink. After that put your ballot paper in the ballot box and leave the polling place.
5. If you accidentally spoil your ballot paper you may return it to the presiding officer who on being satisfied of the fact will give you another.
6. If you vote for more than one list of candidates or place any mark on the ballot paper by which you can afterwards be identified your vote will be void and will not be counted.

Chief Election Officer

---



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*Representation of the People*




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FORM 11

s. 38(b)

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

Counterfoil No.  Elector's No. in Official List	1.	C.O.N. The Conservative Party Candidates' List		
	2.	L.A.B. The Labour Party Candidates' List		
	3.	L.I.B. The Liberal Party Candidates' List		

FORM 12

s. 38(c)

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
TENDERED BALLOT PAPER

(Form 12 shall be identical with Form 11 save that it shall be printed on paper of a different colour.)

REPRESENTATION OF THE PEOPLE

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"FORM 12A

THE REPRESENTATION OF THE PEOPLE ACT  
GENERAL AND REGIONAL ELECTIONS  
APPLICATION FOR INCLUSION OF NAME IN  
NON-RESIDENT ELECTORS' ROLL

To the Chief Election Officer

I (surname) .....  
(block capitals)

(other names) .....

of (address) .....

and holder of identity paper No. ....

being an elector whose name is included in the non-resident's roll in .....  
(country)

(at serial No. ....

\*being employed by the Government of Guyana. ....

.....  
(name of public corporation or corporate

.....  
body in which the controlling interest

.....  
vests in the State or any agency on behalf

.....  
of the State)

being a full-time student at .....  
(give name and

..... hereby apply for  
address of educational institution)  
the inclusion of my name in the non-resident electors' roll.

2. I am submitting herewith a certificate\* from my employer about my employment/the educational institution where I am studying as to my being a full-time student in that institution.

Date .....

.....  
Signature of applicant.

.....  
Signature of witness.

\* Strike out the words that are not applicable."

**B. 40(3)**

FORM 13

THE REPRESENTATION OF THE PEOPLE ACT  
GENERAL AND REGIONAL ELECTIONS  
POLL BOOK

Page 1

### VERIFICATION OF ELECTOR'S IDENTITY

(Section 69(3) and 76(b))

Entries on this page to be made only when a voter is required under section 69(3) to take the oath of identity because his name or other particulars in the official list do not quite correspond with those in his identity paper.

[illegible]

## FORM 13

## Page 2

## BLIND OR INCAPACITATED ELECTORS

(Sections 73(3) and 76(b))

Entries on this page only to be made to show:

(1) the name etc. of any blind or incapacitated elector whose ballot paper is marked by a friend or by the Presiding Officer.

(2) the reason therefor (i.e. the nature of his incapacity).

(3) the oath taken by such elector and his friend, and the friend's particulars.

Name of Elector	No. on official list	No. of identity paper	Whether marked by friend or P.O.	Reason for marking	Oath Form 21 sworn or refused	Oath of friend Form 22 sworn or refused Friend's name and Serial No.



## FORM 13

Page 4

## BALLOT PAPERS REFUSED

(Sections 71(1) and 72(5))

Entries on this page only to be made to show the name etc. of an elector to whom a ballot paper of any kind (ballot or tendered ballot) was refused by the Presiding Officer under section 71(1) or 72(5).

Name of elector	No. on official list	Identity paper No. if any	Regulation under which refused	Reason for refusal

## FORM 13

Page 5

CERTIFICATES OF EMPLOYMENT (SECTION 69(4)) AND ENTRIES  
DIRECTED BY THE PRESIDING OFFICER

(Section 76(a))

Entries on this page only to be made of persons submitting certificates of employment and entries, other than those covered by previous pages, directed by the Presiding Officer.

Name of elector	Reference to Certificate of Employment or other particulars

s. 54(a)(iii),  
61(2)

## FORM 14

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
DECLARATION OF IDENTITY

I ..... hereby declare that I am \* [satisfied that  
(NAMES IN BLOCK LETTERS)

the person whose vote is enclosed herewith is] the person to whom the ballot paper in the ballot envelope enclosed by me herewith was issued.

Dated .....

(Signature of Non-resident/Ballot  
attendant/Returning Officer)

\* Delete the words in square brackets unless signing as a ballot attendant or returning officer.

FORM 15

s. 51(b)(iv)

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
DIRECTIONS FOR BALLOTING BY NON-RESIDENT  
ELECTORS ISSUED WITH BALLOT PAPERS

Election day for determining membership of the National Assembly  
of Guyana is the.....day of....., 19.....

1. Enclosed herewith for the exercise of your single vote are—
  - (i) a ballot paper;
  - (ii) an envelope addressed "To the Chief Election Officer";
  - (iii) a larger envelope addressed to the officer who has issued the ballot paper to you; and
  - (iv) a form of Declaration of Identity.

2. You may vote in one of the following ways—

A. In the presence of a ballot attendant—not later than  
the ..... day of....., 19..... to whom you must—

- (a) produce proof of your identity, including any passport or other document;
- (b) exhibit all the abovementioned enclosures.

If you need assistance to vote on account of physical incapacity, get another non-resident elector to be present with you before the ballot attendant and to certify in his presence the rendering of such assistance.

OR

B. If no ballot attendant is available—

- (i) secretly mark the ballot paper, fold it so as to conceal your vote, enclose it in the envelope addressed "To the Chief Election Officer" and seal that envelope;
- (ii) complete the form of Declaration of Identity and enclose it, together with the envelope you have sealed, in the larger envelope addressed to the officer who issued the ballot paper to you;
- (iii) seal the last-mentioned envelope and post or deliver it to the office of that officer so that he receives it not later than the.....

BUT

C. If you belong to the particular class of non-resident electors that took special steps to obtain the ballot paper in order to ensure



your being able to vote you may, in case of your having obtained the ballot paper at the office of a ballot officer, vote only as at A above in the presence of the ballot attendant at that office.

3. Whichever way you may vote, the Chief Election Officer or an overseas presiding officer deputed by him will be authorised on election day in Guyana to cast your vote from the larger addressed envelope. The officer to whom that envelope is addressed will be responsible for making it available, unopened, in Guyana where it will be opened when the casting of your vote is about to be effected by inserting the envelope addressed "To the Chief Election Officer" in a ballot box.

4. In order to ensure that your vote will be counted, you should comply strictly with paragraph 2 of these Directions. You should mark the ballot paper like this: "X" within the blank space opposite the name and symbol of the list of candidates for which you wish to vote. If you vote for more than one list of candidates or place any mark on the ballot paper by which you can be identified, your vote will not be counted.

Chief Election Officer

s. 54(a)(iii)

FORM 16

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGULAR ELECTIONS*

Receipt for ballot envelope sealed by non-resident elector and form of declaration of his identity.

I ..... of

(ADDRESS)

a ballot attendant, hereby acknowledge receiving from the non-resident elector whose serial number is ..... a ballot envelope sealed by him and a form of declaration of his identity.

Dated.....

Signed.....

Ballot Attendant

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FORM 17

s. 57(1)(e)

THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND REGIONAL ELECTIONS*

Non-residents' ballot papers account.

- |   |  |
|---|--|
| 1. Number of ballot papers<br>furnished ..... | 2. Number of ballot papers<br>issued to non-residents in sealed<br>envelopes .....       |
| Serial Numbers from<br>.....<br>to .....      | 3. Number of ballot papers<br>not issued to non-residents .....                          |
|   | 4. Number of addressed en-<br>velopes packaged in pursuance of<br>section 57(1)(a) ..... |

Dated .....

Chief Election Officer/Ballot Officer

FORM 18

s. 58(2)

THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND REGIONAL ELECTIONS*

APPLICATION BY NON-RESIDENT TO VOTE IN GUYANA

To the Chief Election Officer.

I (surname) .....  
(BLOCK CAPITALS)

other names .....  
of (address outside Guyana) .....  
being present in Guyana, apprehending my being unable to vote on  
account of my absence from the abovementioned address and whose  
registration card number is ..... hereby apply for a ballot paper  
to vote at the election to be held on the ..... My address in  
Guyana is: ..... situate in ..... polling district—No. ....  
(State name and number of polling district.)

Dated .....

Signature of Applicant

s. 69(3), 74(1)

FORM 19

THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND PERSONAL EVIDENCE*

OATH (a) OF IDENTITY

You swear that you verily believe that you are the person intended to be referred to by the entry in the Official list of the name of..... whose occupation is given as..... whose address is given as .....and whose identity paper number is given as.....and that you have not already voted at this election.

SO HELP YOU GOD

Note:

(a) In the case of an affirmation substitute "solemnly and sincerely declare" for "swear" and omit "SO HELP YOU GOD".

s. 72(10)

FORM 20

THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND PERSONAL EVIDENCE*

INTERPRETER'S OATH (a)

You swear that you will true interpretation make between the languages of.....and.....to the best of your knowledge and belief.

SO HELP YOU GOD

Note:

(a) In the case of an affirmation substitute "solemnly and sincerely declare" for "swear" and omit "SO HELP YOU GOD".

' 73(1)

FORM 21

THE REPRESENTATION OF THE PEOPLE ACT

*GENERAL AND PERSONAL EVIDENCE*

OATH (a) OF BLIND AND INCAPACITATED ELECTOR

You swear that you are incapable of voting without assistance by reason of physical incapacity/blindness.

SO HELP YOU GOD

Note:

(a) In the case of an affirmation substitute "solemnly and sincerely declare" for "swear" and omit "SO HELP YOU GOD".

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
OATH OF FRIEND (a) OF INCAPACITATED OR BLIND ELECTOR

You swear

that you will keep secret the name of the candidates' list for whom you mark the ballot paper of the incapacitated/blind elector on whose behalf you act AND that you have not already marked the ballot paper of any other such incapacitated/blind elector at this election.

SO HELP YOU GOD

Note:

(a) In the case of an affirmation substitute "solemnly and sincerely declare" for "swear" and omit "SO HELP YOU GOD".

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FORM 23

s. 83(c)

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
 BALLOT PAPER ACCOUNT

Ballot Box No. ....

General Election, 19 .....

Polling District .....

Polling Place .....

---

 Ballot Paper Account
 

---

(1) Number of ballot papers received .....	(2) Ballot papers in the ballot box .....
Serial numbers .....	(3) Ditto unused .....
from .....	(4) Ditto spoiled .....
to .....	

---



---

 Tendered Ballot Paper Account
 

---

(1) Number of tendered ballot papers received .....	(2) Tendered ballot papers in packet .....
Serial Numbers .....	(3) Ditto unused .....
from .....	(4) Ditto spoiled .....
to .....	

---

Dated ..... day of ....., 19..

Presiding Officer

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FORM 23A

THE REPRESENTATION OF THE PEOPLE ACT  
GENERAL ELECTION  
STATEMENT OF POLL

For the Polling Place.....

In Polling District .....

1. No. of valid votes cast for each list of candidates

List of .....	total .....	votes
List of .....	total .....	votes
List of .....	total .....	votes
List of .....	total .....	votes
List of .....	total .....	votes
List of .....	total .....	votes

2. Total valid votes for all lists

3. Add total number of rejected ballot papers  
(See statement below)

4. Grand total of persons who appear to have votes in the polling place.

5. Total number of spoiled ballot papers

6. Total number of tendered ballot papers used

7. Statement of rejected ballot papers in the polling place

No. of ballot papers rejected for

(a) want of official mark

(b) unmarked or void for uncertainty

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(c) marked for  
more than one  
list of candidates

(d) marked so  
that the elector  
can be identified

TOTAL

Presiding Officer

Date

L. 69(IX)

FORM 24

THE REPRESENTATION OF THE PEOPLE ACT  
~~GENERAL AND REGIONAL ELECTIONS~~  
 ELECTION RETURN

for the Polling District of.....

## 1. Number of valid votes cast for each list of candidates

List of.....	total .....	votes
List of.....	total .....	votes
List of.....	total .....	votes
List of.....	total .....	votes
List of.....	total .....	votes
List of.....	total .....	votes

## 2. Total valid votes for all lists

3. ADD total number of re-  
 jected ballot papers (see state-  
 ment below)

4. Grand total number of  
 persons who appear to have  
 voted



5. Total number of spoilt Ballot Papers.....
6. Total number of Tendered Ballot Papers used.....
7. Statement of Rejected Ballot Papers in the Polling District.....
- Number of ballot papers rejected for—
- (a) want of official mark.....
- (b) unmarked or void for uncertainty.....
- (c) marked for more than one candidates' list.....
- (d) marked so that the elector can be identified.....

Total

Returning Officer

Date.....

FORM 25

s. 94(1)(d)

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
 ELECTION RETURN—VOTES OF NON-RESIDENTS

1. Number of valid votes cast for each list of candidates.

List of.....total.....votes

List of.....total.....votes

List of.....total.....votes

List of.....total.....votes

List of.....total.....votes

List of.....total.....votes

2. Total valid votes for all lists

3. ADD total number of re-  
jected ballot papers

4. Grand total number of  
persons who appear to have  
voted in accordance with Part X  
of this Act

5. Statement of rejected ballot papers.

Number of ballot papers rejected for—

- (a) want of official mark
- (b) unmarked or void for uncertainty
- (c) marked for more than one candidate's list
- (d) marked so that the elector can be identified

Total

Dated this      day of      19

Chief Election Officer

s. 108(1)

FORM 26

THE REPRESENTATION OF THE PEOPLE ACT  
GENERAL AND REGIONAL ELECTIONS  
ELECTION EXPENSES RETURN

I, (name) .. being election agent to the group of candidates entitled the .. at the general election held on the .. day of .. 19 .. make the following return in respect of the election expenses of the said (title) .. group of candidates at the said election.

RECEIPTS

Received of

(name) ..

(name) ..

(Here enter the name and description of every person—including every candidate, club, society or organisation from whom any money, securities or the equivalent of money was received towards defraying the expenses of the (title) .. group incurred on account of the above election, and the amount received from each)

## EXPENDITURE

*Personal Expenses*

Personal expenses of each candidate named in the candidates' list and paid by himself, as per schedule attached hereto

.....Total \$.....

(The amount of personal expenses paid by each candidate himself must be shown separately in the schedule.)

Personal expenses paid by me for the candidates, as per schedule attached hereto

.....Total \$.....

(The amount of personal expenses paid for each candidate by the election agent must be shown separately in the schedule.)

*Payment of Agents*

Received by me for my services as Election Agent

.....\$.....

Total paid to assistant agents, polling agents, counting agents, clerks, typists, messengers as per attached schedule

.....\$.....

(The names and descriptions of every such agent, clerk, messenger, etc., and the sum paid to each must be set out separately in the schedule.)

*Goods supplied or work done*

To.....(for printing)

.....\$.....

To.....(for advertising)

.....\$.....

To.....(for stationery).

.....\$.....

(The name and description of each person and the nature of the goods supplied or work done by each must be separately set out either here or in a separate schedule.)

*Postage and telegrams*

Paid for postage total

.....\$.....

Paid for telegrams total

.....\$.....

*Hire of rooms*

Paid for hire for public meetings

\$.....

Paid for hire for Committee rooms as in the attached schedule \$

(The schedule must show the full address of and the amount paid for each room hired and the name and description of the person to whom payment was made for it.)

*Miscellaneous*

Paid for other matters as per attached schedule.....total \$.....

(The schedule must show the name and description of each person paid, the amount paid to him and the reason therefor).

*Disputed and unpaid claims*

I am aware, as election agent for the (title)..... group of the following disputed and unpaid claims namely:

By (names).....for..... \$.....

(Here set out the name and description of each person whose claim is disputed, the amount of the claim and the nature of the goods, work or services on which the claim is based).

*Unpaid claims allowed by the High Court*

By (names).....for..... \$.....

(Here set out the name and description of each person to whom any such claim is due, the amount of the claim and the nature of the goods, work or services on which it is based.)

Signed.....

Date.....

Election Agent of the.....group.

s. 108(3)

FORM 27

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
DECLARATION OF ELECTION EXPENSES BY ELECTION AGENT

I.....being election agent to the.....group of candidates at the general election held on the.....day of.....19.... do

hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the Chief Election Officer at the said election, and now shown to me and marked ..... and to the best of my knowledge and belief that return is correct;

And I hereby further solemnly and sincerely declare that except as appears from that return I have not and to the best of my knowledge and belief no other person nor any club, society or organisation has on behalf of the said group of candidates made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare I have received from the said group of candidates ..... dollars and no more (or nothing) for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said group of candidates on account of, or in respect of the conduct or management of the said election.

Signature of declarant.....

Signed and declared by the abovenamed declarant on the.....  
day of.....at.....  
Before me

(Signed).....  
Justice of the Peace

FORM 28

s. 108(3)

THE REPRESENTATION OF THE PEOPLE ACT  
*GENERAL AND REGIONAL ELECTIONS*  
DECLARATION OF ELECTION EXPENSES BY CANDIDATE

I.....having been one of the candidates in the.....party's group of candidates for the 19..... general election do hereby solemnly and sincerely declare that I have examined the return of election expenses (about to be) transmitted by the election agent of the..... group of candidates to the Chief Election Officer at the said election, a copy of which is now shown to me and marked ..... and to the best of my knowledge and belief that return is correct:

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or organisation, has on behalf of the said group of candidates made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have paid to the group's election agent the sum of.....dollars and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by any one to or in the hands of the group's election agent or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide, or be party, to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant.....

Signed and declared by the abovenamed declarant on the.....

day of.....at.....

Before me

Signed.....  
Justice of the Peace

**THE OFFICIAL GAZETTE - 9TH OCTOBER, 1980**  
**LEGAL SUPPLEMENT - B**

GUYANA

No. 71 of 1980

**ORDER**

Made Under

**THE REPRESENTATION OF THE PEOPLE ACT**

(Cap. 1:03)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 6 OF THE REPRESENTATION OF THE PEOPLE ACT AND BY VIRTUE AND IN EXERCISE OF ALL OTHER POWERS ENABLING ME IN THAT BEHALF, I HEREBY MAKE THE FOLLOWING ORDER:—

1. This Order may be cited as the National Assembly Elections (Constitution of Polling Districts) Order 1980. Citation.

2. (1) Guyana shall be divided into ten polling districts. Polling districts.

(2) Each of the ten registration districts as constituted under the National Registration (Districts) Order 1980, and corresponding respectively to the ten regions of Guyana, shall be a polling district for the purposes of paragraph (1).

(3) Each polling district shall be distinguished by the name of the corresponding region as set out in the Schedule and shall consist of the polling divisions which are specified in that Schedule by reference to the registration divisions of the registration district which constitutes that polling district.

3. The National Assembly Elections (Constitution of Polling Districts) Order\* is hereby revoked.

Revocation  
of National  
Assembly  
Elections  
(Constitu-  
tion of  
Polling  
Districts)  
Order  
Cap. 1:03.

\*Cap. 1:03 Subsidiary Legislation.

SCHEDULE

POLLING DISTRICTS

- REGION NO. 1 OR THE BARIMA/WAINI REGION  
consisting of twenty polling divisions, being the registration divisions of the Registration District for Region No. 1
- REGION NO. 2 OR THE POMERON/SUPENAAM REGION  
consisting of thirty-eight polling divisions, being the registration divisions of the Registration District for Region No. 2.
- REGION NO. 3 OR THE ESSEQUIBO ISLANDS/  
WEST DEMERARA REGION  
consisting of one hundred and fifteen polling divisions, being the registration divisions of the Registration District for Region No. 3.
- REGION NO. 4 OR THE DEMERARA/MAHAICA REGION  
consisting of two hundred and seventy-five polling divisions, being the registration divisions of the Registration District for Region No. 4.
- REGION NO. 5 OR THE MAHAICA/BERBICE REGION  
consisting of sixty-four polling divisions, being the registration divisions of the Registration District for Region No. 5.
- REGION NO. 6 OR THE EAST BERBICE/CORENTYNE REGION  
consisting of one hundred and thirty-two polling divisions, being the registration divisions of the Registration District for Region No. 6.
- REGION NO. 7 OR THE CUYUNI/MAZARUNI REGION  
consisting of thirty-four polling divisions, being the registration divisions of the Registration District for Region No. 7.
- REGION NO. 8 OR THE POTARO/SIPARUNI REGION  
consisting of ~~thirty~~ <sup>thirty-three</sup> polling divisions, being the registration divisions of the Registration District for Region No. 8.
- REGION NO. 9 OR THE UPPER TAKUTU/UPPER ESSEQUIBO REGION  
consisting of ~~thirty~~ <sup>twenty-three</sup> polling divisions, being the registration divisions of the Registration District for Region No. 9.
- REGION NO. 10 OR THE UPPER DEMERARA/BERBICE REGION  
consisting of fifty-four polling divisions, being the registration divisions of the Registration District for Region No. 10.

Made this 9th day of October, 1980.

C. V. Mingo,  
Minister of Home Affairs.

09 15/10/80



**THE OFFICIAL GAZETTE - 10TH OCTOBER, 1980**  
**LEGAL SUPPLEMENT - B**

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GUYANA

No. 72 of 1980

**ORDER**

Made Under

**THE REPRESENTATION OF THE PEOPLE ACT**  
(Cap. 1:03)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 6 OF THE REPRESENTATION OF THE PEOPLE ACT (AS APPLIED TO REGIONAL ELECTIONS BY SECTION 18 OF THE LOCAL DEMOCRATIC ORGANS ACT 1980) AND BY VIRTUE AND IN EXERCISE OF ALL OTHER POWERS ENABLING ME IN THAT BEHALF, I HEREBY MAKE THE FOLLOWING ORDER.—

1. This Order may be cited as the **Regional Democratic Councils Elections (Constitution of Polling Districts) Order 1980.** <sup>Citation.</sup>

2. The polling districts and polling divisions established under the **National Assembly Elections (Constitution of Polling Districts) Order 1980** shall be **polling districts** and polling divisions for the purpose of election of members of regional democratic councils. <sup>Polling districts.</sup>

Made this 10th day of October, 1980.

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

LAWS OF GUYANA

NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT  
CHAPTER 1:04

Act  
Reg. 40/1964  
Amended by  
16 of 1968

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CHAPTER 1:04

NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Method of questioning validity of election.
4. Presentation and service of election petition.
5. Time for presentation of election petition.
6. Amendment of election petition.
7. Security for costs.
8. Service of petition.
9. Objections to security.
10. Dismissal of petition on failure to give security.
11. Substitution of petitioner on failure to give security.
12. Petition at issue.
13. Trial of petition.
14. Witnesses.
15. Power of Court to summon witnesses.
16. Obligation of witness to answer.
17. Elector not to be asked for whom he voted.
18. Expenses of witnesses.
19. Production of Election documents.
20. Scrutiny.
21. Withdrawal of petition.
22. Evidence required for withdrawal of petition.
23. Punishment for corrupt withdrawal.
24. Substitution of new petitioner on withdrawal of petition.
25. Report on withdrawal.
26. Abatement of petition.
27. Withdrawal and substitution of respondents before trial.
28. Avoidance of election of candidate for lack of qualification.
29. Re-allocation of seats in National Assembly.
30. Unlawful acts or omissions affecting results.
31. Effect and manner of exercise of Court's powers.
32. Conclusion of trial of petition.
33. Costs of petition.
34. Further provision as to costs of petition.
35. Report of the Court to the Speaker.
36. Exemption from liability.
37. Removal of incapacity if acquitted on prosecution.
38. Observance of principles, practices and rules of U.K. Parliament.
39. Certain powers of the Court to be exercisable by a single judge.
40. Service of notices.

SECTION

- 41. Costs.
- 42. Powers of Court.

CHAPTER 1:04

NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT

Reg. 40/1964    An Act to provide for the determination of questions relating to the validity of elections and to other matters affecting elections to the National Assembly and to the allocation of seats in the National Assembly.

[5TH DECEMBER, 1964]

Short title.  
[16 of 1968]

1. This Act may be cited as the National Assembly (Validity of Elections) Act.

Interpreta-  
tion.

2. (1) In this Act—

c. 1:03

“assistant agent” means an assistant agent appointed under section 24(1) of the Representation of the People Act;

“candidate” means a person whose name is included in a list of candidates submitted to the Chief Election Officer under section 11 of the Representation of the People Act and approved or, having effect as if approved, by the Commission;

“Commission”, “Constitution”, “election”, “election day”, “group of candidates”, have the meanings respectively assigned to them by section 2 of the Representation of the People Act;

“costs” includes charges and expenses;

c. 3:02

“Court” means the High Court;

“election agent” means an election agent appointed under section 23(1) of the Representation of the People Act;

“elector” shall be construed as provided in the definition of “election” in section 2 of the Representation of the People Act;

“judge” means a judge of the Court;

“prescribed” means prescribed by rules of court;

“Registrar” means the Registrar of the Supreme Court;

c. 1:01

“rules of court” has the same meaning as in article 71(5) of the Constitution;

“Speaker” means the Speaker of the National Assembly.

(2) In this Act, any references to a corrupt or illegal practice, or to illegal payments, employments or hirings shall be construed according to the Representation of the People Act.

3. (1) Any question regarding the qualification of any person to be elected as a member of the National Assembly, or whether the result of an election may have or has been affected by any unlawful act or omission, or whether the seats in the Assembly have been lawfully allocated, may with a view to the avoidance of such person's election, or rectification of that result, or re-allocation of seats in the Assembly, be referred to the Court, and shall thereupon be determined by it, in accordance with this Act.

Method of questioning validity of election.  
[16 of 1968]

(2) Every such reference shall be by a petition (hereinafter referred to as an election petition) presented to the Court in accordance with this Act.

4. (1) An election petition may be presented by an elector or by a candidate.

Presentation and service of election petition.  
[16 of 1968]

(2) The person hereinafter referred to as the respondent is the representative of such list of candidates for election as comprises the names of persons with whose interests arising out of the election any contention in the election petition conflicts; and if the petition complains of any act or omission on the part of the Commission, or any member thereof, or any such person as is mentioned in article 69(1)(b) of the Constitution, the Chief Election Officer shall, for the purposes of this Act, be deemed to be a respondent and, if it questions the qualification of any person to be elected to the National Assembly, he shall, for the said purposes, be deemed a respondent.

c. 1:01

(3) Reference in subsection (2) to the representative of any list of candidates shall be construed as reference to the person who was nominated or regarded as such for the purpose of the Representation of the People Act, and the foregoing provisions of this section shall, in his absence or in respect of the performance under this Act of any functions delegated by him to his deputy, have effect as if for each reference in such provisions to the representative there were substituted a reference to the deputy representative.

c. 1:03

(4) An election petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner or all of the petitioners if more than one, and shall be presented by delivering it at the office of the Registrar; and the Registrar or the officer of the registry of the Supreme Court to whom the petition is delivered shall, if required, give a receipt therefor.

(5) The Registrar shall cause a copy of the petition to be transmitted to such persons as may be prescribed and shall cause the petition to be published in the prescribed manner.

(6) An election petition shall be served in such manner as may be prescribed.

Time for  
presentation  
of election  
petition.  
[16 of 1968]  
c. 1:03

5. (1) Subject to this section, an election petition shall be presented within twenty-eight days after the results of the election out of which the matter in question on the petition arose are published in the *Gazette* under section 99 of the Representation of the People Act.

(2) If the petition questions the effect of the election upon an allegation of a corrupt practice and specifically alleges a payment of money or other reward to have been made by the date referred to in subsection (1) in pursuance or furtherance of the alleged corrupt practice, it may be presented within twenty-eight days after the date of the payment.

(3) An election petition questioning the effect of the election upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

(a) within fourteen days after section 109(1) of the Representation of the People Act has been complied with in relation to the election expenses of the group of candidates comprised in any list mentioned in section 5 with reference to that election petition;

(b) if specifically alleging a payment of money or some other act to have been made or done since such compliance, in the pursuance or in furtherance of the alleged illegal practice, within twenty-eight days after the date of the payment or other act:

Provided that when there is an authorised excuse for failing to make an election expenses return or election expenses declaration section 109(1) of the Representation of the People Act shall, for the purposes of this subsection, be deemed to have been complied with on the date of the allowance of the excuse, or, if there was such a failure in two or more respects and the excuse was allowed at different times, on the date of the allowance of the last excuse as defined in section 110(4) of the Representation of the People Act.

(4) Subsection (3) shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(5) For the purposes of this section, the allegation that corrupt or illegal practices or illegal payments, employments or hirings were committed in reference to the election and had so extensively prevailed that they may have affected, or have affected, the allocation of seats under section 97 of the Representation of the People Act, shall be

deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

6. The Court may, at any stage before conclusion of the trial of an election petition, allow the petitioner to alter or amend the petition in such manner and on such terms as may seem just: Amendment of election petition.

Provided that no amendment for the purpose of inserting an allegation of a corrupt or illegal practice in a petition shall be allowed, unless made within the time within which a petition might have been presented under section 5.

7. (1) At the time of presenting an election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent. Security for costs.

(2) Security shall be of an amount of one thousand dollars and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

8. Within the prescribed time, not exceeding five days after the presentation of an election petition, the petitioner shall in the prescribed manner serve on the respondent a notice of the presentation of the petition, and of the nature of the security or proposed security, and a copy of the petition, unless the Court otherwise directs on the application of the petitioner. Service of petition.  
[16 of 1968]

9. (1) Within a further prescribed time, not exceeding ten days after service of the notice of the presentation of the petition, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that the person named in the recognisance has not duly acknowledged the recognisance. Objections to security.

(2) An objection to the security shall be heard and decided by a judge, whose decision shall be final, and if the objection be allowed the petitioner may, within such time as may be allowed remove the objection by giving further security either in the form of an additional recognisance with a surety or sureties approved by the judge, or by deposit in the prescribed manner of such sum of money as the judge may deem sufficient.

(3) The costs of hearing or deciding objections made as to security shall be paid as ordered by the judge or, in the absence of such order, shall form part of the general costs of the petition.



Dismissal of  
petition on  
failure to give  
security.

10. (1) If security as in section 7 provided is not given by the petitioner, or if any objection is allowed and not removed as in section 9 provided, no further proceedings shall, subject to section 11, be had on an election petition and the respondent may apply to a judge for an order directing the dismissal of the petition and for the payment of the respondent's costs.

(2) The costs of hearing and deciding such application shall be paid and ordered by the judge or, in the absence of such order, shall form part of the general costs of the petition.

Substitution  
of petitioner  
on failure to  
give security.

11. (1) On the hearing of an application under section 10 any person who might have been a petitioner in respect of the matter to which the election petition relates may apply to the judge to be substituted as a petitioner for the original petitioner and the judge may, if he thinks fit, dismiss the original petitioner from the petition and substitute as the petitioner such applicant, who shall provide security in the sum of one thousand dollars and subject to the like conditions and to the same rights of objection as in the case of the original petitioner.

(2) Such security shall be given within three days of the making of the order of substitution and on the failure of the applicant to comply with this subsection the petition shall stand dismissed.

Petition at  
issue.

12. On the expiration of the time limited for objections or, after objection made, on the objection being disallowed or removed whichever last happens, the election petition shall be at issue.

Trial of  
petition.  
[16 of 1968]

13. (1) An election petition shall be tried by the Court in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner not less than fourteen days before the day of trial.

(2) The Court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day, not being a holiday observed by the Court, until conclusion:

Provided that an election petition may be presented and heard and all other necessary proceedings thereunder may be taken during any period appointed as a vacation to be observed by the Court.

(3) The trial of an election petition shall be proceeded with notwithstanding the prorogation of Parliament and notwithstanding the resignation of any person as a member of the National Assembly.

(4) On the trial of the petition, unless the Court otherwise directs, any charge of a corrupt or illegal practice may be gone into

and evidence in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt or illegal practice.

14. Witnesses shall be summoned and sworn in the same manner as in an ordinary action within the jurisdiction of the Court and shall be subject to the same penalties for perjury. Witnesses.

15. (1) On the trial of an election petition the Court may by order require any person who appears to it to have been concerned in the election to attend as a witness and any person refusing to obey this order shall be guilty of contempt of court. Power of Court to summon witnesses.

(2) The Court may examine any person so required to attend or who is in court, although he is not called or examined by any party to the petition.

(3) A witness may, after his examination by the Court under subsection (2), be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4) The Director of Public Prosecutions shall obey any direction given him by the Court with respect to the summoning and examination of any witness to give evidence at the trial:

Provided that the examination of a witness may be conducted by such counsel as the Director of Public Prosecutions may appoint as his representative for that purpose and it shall not be necessary for a person appointed as the representative of the Director of Public Prosecutions under any provision of this Act to produce any commission or other proof of his having been so appointed.

(5) The Director of Public Prosecutions shall without any direction from the Court cause any person appearing to him to be able to give material evidence as to the subject of the trial to attend the trial and either himself or his representative shall, with the leave of the Court, examine him as a witness.

16. (1) A person called before the Court as a witness respecting an election shall not be excused from answering any question relating to any offence at or connected with the election on the ground that the answer thereto may criminate or tend to criminate him or on the ground of privilege: Obligation of witness to answer.

Provided that—

(a) a witness who answers truly all questions which he is required by the Court to answer shall be entitled to receive a certificate of indemnity from the Court stating that the witness has so answered; and

(b) an answer by a person to a question put by or before the Court when trying an election petition shall not, except in the case of any criminal proceedings for perjury in respect of the evidence, be in any proceedings, civil or criminal, admissible in evidence against him.

c. 1:03

(2) Where a person has received a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any corrupt or illegal practice, or any illegal payment, employment or hiring, or any offence under section 125 of the Representation of the People Act or section 23 of this Act, committed by him previously to the date of the certificate at or in relation to the election, any court having cognisance of the case shall, on production of the certificate, stay the proceeding and may, in its discretion, award to the said person such costs as he may have been put to in the proceeding.

(3) Nothing in this section shall be deemed to relieve a person receiving a certificate of indemnity from any incapacity under any law relating to elections or from any proceedings (other than a criminal prosecution) to enforce such incapacity.

Elector not to  
be asked for  
whom he  
voted.  
[16 of 1968]

17. No communication in contravention of section 77(2)(c) or (3) of the Representation of the People Act, and no disclosure by any person of which list or lists of candidates he voted or did not vote for, or intended or did not intend to vote for, shall be admissible in evidence in any proceeding on an election petition.

Expenses of  
witnesses.

18. (1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses in the trial of civil actions before the Court may be allowed to such person under the hand of a judge or the Registrar, and the amount to be paid to any such witness shall be ascertained and certified by the Registrar.

(2) The expenses of a witness called by a party shall be deemed to be costs of the petition but the expenses of a witness called by the Court shall be deemed part of the expenses of the Court and paid out of moneys provided by Parliament.

Production of  
Election  
documents.  
c. 1:03

19. Any document or paper relating to an election and required to be kept thereafter in safe custody by the Chief Election Officer under section 102 of the Representation of the People Act, may be inspected or produced under an order of the Court for the purpose of an election petition and the order may be made by a judge on his being satisfied by evidence on oath that such inspection or production is required for the purpose aforesaid:

Provided that the Chief Election Officer shall, after the expiration of twelve months from the date of an election, burn all such documents and papers relating thereto.

20. (1) On a scrutiny at the trial of an election petition any tendered vote proved to be a valid vote shall, on the application of any party to the petition be added to the poll and any vote given on a ballot paper in contravention of section 87(2) of the Representation of the People Act shall be struck off. Scrutiny.

(2) Any decision referred to in section 87(5) of the Representation of the People Act shall be subject to reversal by the Court on an election petition.

21. (1) A petitioner shall not withdraw an election petition without the leave of the Court on special application, made in the prescribed manner and at the prescribed time and place. Withdrawal of petition.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given in the prescribed manner.

(3) Where there are more petitioners than one, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioners shall be liable to pay the costs of the respondent.

22. (1) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors and by the election agents of all the said parties who were candidates at the election, but the Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do. Evidence required for withdrawal of petition.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his solicitor shall further state the grounds on which the petition is sought to be withdrawn.

(4) Copies of the said affidavit shall be delivered to the Director of Public Prosecutions a reasonable time before the application for the withdrawal is heard, and the Court may hear the Director

of Public Prosecutions, or his duly appointed representative, in opposition to the allowance of the withdrawal of the petition, and shall have the power to receive the evidence on oath of any person or persons whose evidence the Director of Public Prosecutions or his representative may consider material.

(5) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

Punishment  
for corrupt  
withdrawal.

23. If any person makes any agreement or terms or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms or undertaking is or are for the withdrawal of the petition in consideration of any payment, or in consideration that a seat shall at any time be vacated, or in consideration of the withdrawal of any other such election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment to a fine of one thousand dollars and to imprisonment for twelve months.

Substitution  
of new  
petitioner on  
withdrawal of  
petition.

24. (1) On the hearing of the application for leave to withdraw a petition any person who might have been a petitioner in respect of the matter to which the petition relates may apply to the Court to be substituted as the petitioner and the Court may, if it thinks fit, substitute him accordingly.

(2) If the proposed withdrawal is in the opinion of the Court the result of any agreement, terms or undertaking prohibited by section 23 or induced by any corrupt bargain or consideration, the Court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his surety shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given by or on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition and subject to the like conditions and to the same right of objection shall be given by or on behalf of the substituted petitioner within three days after the making of the order of substitution and before he proceeds with the petition; and if the substituted petitioner fails to comply with this subsection the petition shall stand dismissed.

(4) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

25. (1) Where an election petition is withdrawn, the Court shall make a report to the Speaker. Report on withdrawal.

(2) The report shall state whether in the opinion of the Court the withdrawal of the election petition was the result of any agreement, terms or undertaking or was in consideration of any payment, or in consideration that a seat should be at any time vacated or in consideration of the withdrawal of any other such election petition or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

26. (1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners. Abatement of petition.

(2) The abatement of the petition shall not affect the liability of the petitioner or any other person to the payment of costs incurred in respect of any proceeding taken prior to the abatement.

(3) On the abatement of a petition the prescribed notice thereof shall be given in the prescribed manner; and any person who might have been a petitioner may, within the prescribed time after the notice is given, apply to the Court in the prescribed manner to be substituted as a petitioner; and the Court may if it thinks fit, substitute him accordingly.

(4) Security shall be given on behalf of a petitioner so substituted as in the case of a new petition.

27. (1) If before the trial of an election petition—

(a) a respondent other than the Chief Election Officer gives the prescribed notice that he does not intend to oppose the petition or dies, the Registrar shall give notice thereof in the prescribed manner and any person who might have been a petitioner in respect of the election may, within the prescribed time after the notice is given, apply to the Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly; Withdrawal and substitution of respondents before trial. [16 of 1968]

(b) a majority of the members of the National Assembly whose names appear on the list of candidates represented by the respondent apply to the Court for any person to be admitted as a respondent, or substituted for the respondent (other than the Chief Election Officer or a respondent whose qualification to be elected as such a member is questioned), the Court may, if it thinks fit, grant the application on such terms and conditions as the Court considers just.

(2) A respondent who has given the prescribed notice that he does not intend to oppose the petition or for whom any person has been substituted shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

Avoidance of election of candidate for lack of qualification. [16 of 1968]

28. (1) Where, on an election petition questioning the qualification of any person to be elected as a member of the National Assembly, the Court determines that he was not qualified to be so elected, the Court shall declare his election as aforesaid to have been void.

(2) Every vacancy in the Assembly in consequence of any such declaration shall be filled in the manner provided by article 70 of the Constitution.

Re-allocation of seats in National Assembly. [16 of 1968]

c. 1:03

29. (1) Where on an election petition the Court determines that the seats in the National Assembly were not allocated in accordance with section 97 of the Representation of the People Act, the Court shall so declare and may order that the seats be re-allocated in accordance with those provisions and that the membership of the Assembly be re-determined and re-declared in accordance with section 98 of the Representation of the People Act, so, however, that candidates selected thereunder from any list of candidates upon the defective allocation shall, in the order of extraction of their names upon such selection as aforesaid, be entitled to retain their seats in so far as the number of seats re-allocated to that list permits.

(2) Where on an election petition the Court, on a scrutiny, determines that the number of valid votes cast for any list of candidates differs from the number of votes upon which seats in the National Assembly were allocated to that list, the Court may so declare and thereupon the allocation of seats to that list shall be reviewed by the Commission and, on it appearing to the Commission from such review that any seat was unlawfully allocated in consequence of such difference, the Commission shall direct the re-allocation of such seat in accordance with section 97 of the Representation of the People Act and in keeping with the number of valid votes cast as aforesaid, whereupon the membership of the Assembly shall be re-determined and re-declared in like manner as if the seat had been so re-allocated under subsection (1).

Unlawful acts or omissions affecting results. [16 of 1968]

c. 1:03

30. (1) Where it is determined by the Court, being satisfied for the purpose beyond reasonable doubt on an election petition, that any unlawful act or omission (not remediable under section 28 or 29) affected the result of an election which would otherwise have lawfully resulted—

(a) in different placing of the respective lists of candidates in the order of magnitude of the allocations of seats to such lists under section 97 of the Representation of the People Act, or in different placing of any of the lists in that order, from their placing as aforesaid according to the result so affected; or

(b) in more than half the members of the National Assembly being persons whose names appear on any list the seats allocated to which under section 97 of the Representation of the People Act are occupied by not more than half the members of the Assembly according to the result affected as aforesaid;

the Court may, in consequence of such determination, declare the election, or any part thereof if the Court is satisfied that the remainder is conveniently severable and was not affected by such unlawful act or omission, to have been ineffective and may accordingly order a fresh election to be held in whole or part for the purpose of rectifying the said result and give such incidental, ancillary or supplementary directions as the Court deems meet for the purpose of such rectification, including (without prejudice to the generality of the foregoing) the re-allocation of seats in the National Assembly.

(2) Where the Court—

(a) is satisfied beyond reasonable doubt on an election petition that, contrary to law, any votes of persons who are electors belonging to any class were precluded from being cast; and

(b) determines that the result of the election may thereby have been substantially affected;

the Court may order a fresh ballot on the part of that class of electors and may, to the extent deemed meet by the Court, exercise in relation to the election, or its result, any such other powers as are exercisable under subsection (1) in consequence of any determination mentioned therein.

(3) It shall not be a ground for rectification of the result of an election that—

(a) any person purported to have been appointed to exercise powers or perform duties referred to in article 69(1)(b) of the Constitution was not duly appointed; c. 1:01

(b) the names of any persons have been wrongfully omitted from or included in any preliminary list of electors, as modified for the purpose of bringing it into conformity with the appropriate register of electors, unless the Court is satisfied beyond reasonable doubt that such names were omitted or included as aforesaid otherwise than in good faith;

(c) any illegality or irregularity was committed in the compilation or revision of any register of electors unless the Court is satisfied beyond reasonable doubt that such illegality or irregularity, as the case may be, was committed otherwise than in good faith.



(4) Nothing in subsection (3) shall be construed to authorise the rectification of any such result of an election as is not liable to be rectified apart from that subsection.

(5) The result of an election shall not be impugned on the ground that the application of any elector entitled to vote by proxy so to vote was refused or that the application of any elector not entitled so to vote was granted; and such refusal and grant shall be deemed not to be procedural irregularities and notwithstanding any of the provisions of this section or the Representation of the People Act no votes shall be deemed invalid by reason thereof.

Effect and  
manner of  
exercise of  
Court's  
powers.  
[16 of 1968]

31. (1) Every declaration made by the Court under section 28, 29 or 30 shall, at the order of the Court, take effect at such time, and be subject to such saving of the validity of things done before that time, as the Court may in the circumstances, due regard being had to the interests of effective government of Guyana, consider expedient, but without prejudice to the making, giving or execution of such order or direction pursuant to that declaration as may be just:

c. 1:01

Provided that no saving to which any declaration is subject as aforesaid shall prevent the subsistence of anything (its validity having been so saved) from being terminated or otherwise affected in due course or, in particular, be construed as purporting to preclude the President from exercising his powers under article 37(2) of the Constitution at any time between completion, where ordered or directed pursuant to such declaration, of the holding of an election and the date on which the National Assembly first meets thereafter.

(2) If Parliament is dissolved at any time after the making of an order under section 29 or 30, or the giving thereunder of any direction, and before completion of the execution of that order or direction, as the case may be, such execution shall not be proceeded with.

(3) The result of an election shall not be liable to rectification in consequence of the determination by the Court of any question mentioned in section 3(1), or whether an election has been lawfully conducted, except under section 28, 29 or 30.

Conclusion  
of trial of  
petition.  
[16 of 1968]

32. At the conclusion of the trial of an election petition the Court shall forthwith certify in writing its determination to the President and the Speaker; and the Court may in addition to giving the certificate and at the same time, make a special report to the Speaker as to matters arising in the course of the trial an account of which in the judgment of the Court ought to be submitted to the National Assembly.

33. (1) All costs of and incidental to the presentation of an election petition and the proceedings consequent thereon, except such as are by this section otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportion as the Court may determine; and in particular any costs which in the opinion of the Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful.

Costs of  
petition.

(2) If a petitioner neglects or refuses for six months after demand to pay to any person summoned as a witness on his behalf or to the respondent any costs certified or adjudged to be due to him and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the Court, every person who in accordance with section 7 entered into a recognisance relating to the petition shall be held to have made default in the recognisance and such default shall be dealt with under section 208(1) and (2) of the Criminal Law (Pro-  
cedure) Act as though committed at the then current sitting of the Court in the exercise of its criminal jurisdiction in the county where the petition was tried, or, if the Court is not then so sitting, such default shall be deemed to have been dealt with under those subsections as though committed at the last preceding sitting of the Court as aforesaid, and the recognisance shall be enforceable accordingly.

c. 10:01

34. (1) Where upon the trial of an election petition it appears to the Court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to the election to which the petition relates, the Court may, after giving that person or those persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person or those persons or any of them and may order that if the costs cannot be recovered from one or more of those persons they shall be paid by some other of those persons or by either of the parties to the petition.

Further pro-  
vision as to  
costs of  
petition.

(2) Where any person appears to the Court to have been guilty of a corrupt or illegal practice, the Court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the Court in relation to the said offence or to the said person to be paid by the said person to such person or persons as the Court may direct.

Report of the  
Court to the  
Speaker.  
[16 of 1968]

35. (1) Where, in an election petition a charge is made of a corrupt practice or an illegal practice having been committed at the election to which the petition relates, the Court shall, when certifying its determination as herein before provided, report in writing to the Speaker, who shall submit such report to the National Assembly—

(a) whether any corrupt practice or illegal practice has or has not been proved to have been committed by or with the consent or connivance of any candidate at the election, and the nature of the corrupt practice or illegal practice;

(b) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice or illegal practice;

(c) whether corrupt practices or illegal practices have, or whether there is reason to believe that corrupt practices or illegal practices have, extensively prevailed at the election to which the petition relates; and

(d) if any person is reported to have been guilty of any corrupt practice or of any illegal practice, whether he has or has not been furnished with a certificate of indemnity.

(2) Before a person, not being a party to the petition, is reported by the Court to have been guilty, at the election, of any corrupt or illegal practice, the Court shall cause notice to be given to such person.

(3) If the person appears in pursuance of the notice, the Court shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(4) Every person who is reported by the Court to have been personally guilty of any corrupt or illegal practice at the election shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacities as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty.

(5) If the Court reports that any corrupt practice has been proved to have been committed by an election agent or assistant agent in reference to the election by or with the consent or connivance of a candidate at the election, the candidate shall be subject to the same incapacities as if at the date of the said report he had been convicted of such corrupt practice by virtue of section 26 of the Representation of the People Act.

(6) If the Court reports that any illegal practice has been proved to have been committed by an election agent or assistant

agent in reference to the election by or with the consent or connivance of a candidate at the election, the candidate shall be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice by virtue of section 26 of the Representation of the People Act.

36. (1) Where a person who is subject to incapacity by reason of his conviction of a corrupt or illegal practice is reported under section 34 to be guilty of such corrupt or illegal practice, no further incapacity shall be imposed on him under subsection (4) of that section.

Exemption from liability.  
[16 of 1968]  
c. 1:03

(2) Where a person who is subject to incapacity under section 35(4) for any corrupt or illegal practice is convicted of such corrupt or illegal practice no further incapacity shall be deemed to be imposed on him by reason of the conviction.

(3) Every reference to consequences under the Representation of the People Act in sections 110 and 112 thereof shall be construed to include a reference to consequences under this Act and nothing provided in this Act shall abridge any powers of the Court under those sections.

37. (1) Where any person is subject to any incapacity by virtue of conviction of an offence or the report of the Court under section 34 and he or some other person in respect of whose act the incapacity was imposed, is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed, the acquittal shall, thereafter or, if an appeal be made, after the expiration of the ordinary period allowed for making an appeal or, if an appeal is made and the acquittal is affirmed, after the appeal is finally disposed of or, if an appeal is made and is abandoned or fails by reason of non-prosecution thereof, after the appeal is abandoned or so fails, be reported to the Court which may, if it thinks fit, order that the incapacity shall henceforth cease so far as it is imposed in respect of those matters.

Removal of incapacity if acquitted on prosecution.  
[16 of 1968]

(2) Where a person becomes subject to any incapacity by virtue of conviction of an offence or the report of the Court under section 34, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is subsequently convicted of perjury in respect of that evidence, the incapacitated person may apply to the Court, and the Court, if satisfied that the conviction or report regarding such person was based upon perjury, may order that such incapacity shall henceforth cease, and the same shall cease accordingly.

38. Subject to this Act and rules of court, the principles, practices and rules on which committees of the House of Commons of the Parliament of the United Kingdom used to act in dealing with election

Observance of principles and rules of U.K. Parliament.

petitions shall be observed, so far as may be, by the Court in the case of election petitions.

Certain powers of the Court to be exercisable by a single judge.

39. Any of the powers of the Court conferred by or under any of the provisions of this Act may be exercised by a single judge.

Service of notices.

40. Any summons, notice or document required to be served on any person with reference to any proceeding under this Act for the purpose of causing him to appear before the Court or otherwise, or of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any Court for any purpose of this Act, may be served—

(a) by delivering it to that person; or

(b) by leaving it at, or sending it by post by a registered letter to, his last known place of abode; or

(c) in such manner as may be—

(i) prescribed; or

(ii) directed by any judge before whom the proceeding is taken.

Costs.  
[16 of 1968]

41. Subject to the provisions of this Act and rules of court made for the purposes of any such provisions, the rules of court with respect to costs in actions, causes and matters in the Court shall, so far as practicable, apply in relation to costs of petitions and other proceedings under this Act.

Powers of Court.  
[16 of 1968]

42. The Court shall, subject to this Act and rules of court, have the same powers, jurisdiction and authority with respect to any proceedings brought under or by virtue of this Act as if the proceedings were an ordinary action within the jurisdiction of the Court.

SUBSIDIARY LEGISLATION

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NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) RULES

ARRANGEMENT OF RULES

RULES

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APPENDIX—Forms.

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22                      **Cap. 1:04**      *National Assembly (Validity of Elections)*

[Subsidiary]                      *National Assembly (Validity of Elections) Rules*

R. 5/1968                      **NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) RULES**  
*made under section 71 of the Constitution*

Citation.                      **1.** These Rules may be cited as the National Assembly (Validity of Elections) Rules.

Interpreta-                      **2.** In these Rules—  
tion.  
c. 3:02                      “Act” means the National Assembly (Validity of Elections) Act;  
                                 “the Court” means the High Court;  
                                 “Form” means Form in the Appendix;  
                                 “the Registrar” means the Registrar of the Supreme Court;  
                                 “registry” means registry of the Supreme Court;  
                                 “section” means a section of the Act.

Election to                      **3.** (1) Except by way of an election petition for redress in con-  
be questioned                      formity with the Act, there shall be no reference to the Court of any  
by Election                      question regarding the qualifications of any person to be elected as a  
Petition only.                      member of the National Assembly, or whether the result of an  
                                 election may have or has been affected by any unlawful act or omis-  
                                 sion, or whether the seats in the Assembly have been lawfully  
                                 allocated, or whether any election the results whereof are declared by  
                                 the Elections Commission in pursuance of section 99 of the Represen-  
                                 tation of the People Act has been lawfully conducted.

c. 1:03

Form 1.                      (2) An election petition shall be in Form 1 and shall contain the  
                                 particulars required in the Form.

Presenta-                      **4.** When an election petition is presented under section 4(4), seven  
tion of                      copies of the petition shall be left with the person to whom delivery  
petition.                      is made in accordance with that paragraph.

Address for                      **5.** (1) The solicitor of a petitioner who presents an election pet-  
Service.                      tion through a solicitor shall indorse upon the petition before the  
                                 same is presented the address of his place of business and also a  
                                 proper place to be called his address for service where all notices,  
                                 summonses, orders and other documents may be left for him, which  
                                 address shall be within one mile of the registry where the petition is  
                                 presented.

(2) A petitioner presenting an election petition in person shall indorse upon the petition before presenting the same some proper place to be called his address for service where all notices, summonses, orders and other documents may be left for him, which address shall be within one mile of the registry where the petition is presented.

6. If rules 3, 4 and 5(1) or (2) are not complied with in relation to any election petition, delivery thereof under section 4(3) shall not be accepted.

Failure to comply with rules 3, 4 and 5.

7. (1) Without prejudice to any other rule of court, all petitions, notices, summonses, orders or other documents to be filed in or issued from the registry in proceedings under the Act shall be brought into the registry together with a copy thereof and the original and the copy shall be sealed with an official seal, whereupon the original shall be filed and the copy handed out to the party filing the same. A sealed copy shall be evidence of the contents of the original filed.

File and record of proceedings.

(2) The Registrar shall keep a record book of all proceedings brought under the Act. There shall be entered in the record book—

- (a) the number of the election petition and the subject matter;
- (b) the names of the parties and their addresses for service;
- (c) interlocutory applications, the nature, date of filing, determination and date thereof;
- (d) the date and place of trial;
- (e) the name of every counsel or solicitor engaged;
- (f) the decision of the Court.

(3) The file of proceedings and the record book shall be open to inspection by any person during office hours.

8. (1) The Registrar shall upon presentation of an election petition forthwith—

- (a) send a copy of the petition to the Speaker of the National Assembly, the Attorney-General, the Director of Public Prosecutions and the Chief Election Officer; and

Persons to whom copy of petition must be sent and publication of petition.

- (b) exhibit on a notice board at the registry a copy of the petition and cause such notice of the presentation and substance thereof as shall be settled by the Chief Justice to be published in the *Gazette* and one newspaper.



(2) The cost of publication of this and any other matter required to be published by these Rules shall be paid by the petitioner or person moving in the matter and shall form part of the general costs of the petition.

Service.

9. (1) The time and manner of service of an election petition are, for the purposes of section 8, prescribed by virtue of the following provisions of this paragraph and paragraphs (2), (3) and (4). The time for service of a copy of an election petition and notice of the presentation of the petition and of the nature of the proposed security shall be five days, exclusive of the day of presentation.

(2) Where the respondent has given an address in pursuance of rule 10(1), such service may be by registered post to the address so that, in the ordinary course of post, the documents served would be delivered within the prescribed time.

(3) In cases to which paragraph (2) does not apply, such service must be personal on the respondent unless a judge on an application made to him not later than five days after the election petition is presented and on affidavit showing what has been done, shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, including when practicable, service upon a solicitor, in which case the judge may order that what has been done shall be considered sufficient service for the purposes of this rule, subject to such conditions as he may think reasonable.

(4) Where it is proved to the satisfaction of a judge that there has been an evasion of service and that a notice of the nature of the proposed security has been posted on the board mentioned in rule 8(1)(b), and a copy of the election petition has been exhibited under that sub-paragraph, within the time prescribed by paragraph (1) of this rule, service shall, if the judge so orders, be deemed to have been duly effected for the purposes of this rule by such posting and exhibition.

(5) The petitioner or his agent shall, as soon as may be after service has been effected in accordance with any provisions of this rule, file in the registry an affidavit of the time and manner of such service.

(6) Service of a petition under section 4(6) shall, upon service of a copy of the petition in accordance with any of the foregoing provisions of this rule or any direction given by the court under section 8, be deemed to have been thereby affected.

Address for  
Service.

10. (1) Any person who was the representative of any list of candidates for election, as defined by section 4(3), or has been elected

as a member of the National Assembly, may at any time after the election leave at the office of the Registrar—

(a) an address for service at a place within one mile thereof;  
or

(b) the name and address for service (which shall be at such a place) of a solicitor who will act for such person in case there should be an election petition against him.

(2) When an election petition or copy thereof is served upon a respondent other than the Chief Election Officer, he shall, unless he has already complied with paragraph (1), within five days of such service deliver or send by registered post to the Registrar and to the petitioner an address for service at a place referred to in sub-paragraph (a) or (b) of the preceding paragraph. All notices, summonses, orders or other documents in the proceedings consequent on the petition shall, if the respondent fails to comply with this paragraph, be deemed duly served upon him if left in the registry.

11. (1) The recognizances giving security for costs as provided in section 7 shall, with such variations as circumstances may require, be in Form 2 and shall be acknowledged before the Registrar. There may be one recognizance acknowledged by all the sureties, or separate recognizances by one or more as may be convenient.

Recognizances for security for costs.  
Form 2.

(2) The recognizance or recognizances shall forthwith after being acknowledged be left at the registry by or on behalf of the petitioner in like manner as a petition.

12. (1) Every deposit of money by way of security pursuant to section 7 or section 9(2) shall be lodged in the registry.

Security for costs by deposit.

(2) The Registrar shall keep open to inspection by all parties concerned a book in which shall be entered from time to time the amount of every such deposit and the petition to which it relates.

(3) All claims to the amount of any such deposit or part thereof shall be disposed of by a judge upon application by summons.

(4) The amount of such deposit or of any part thereof shall, if and when no longer required for securing the payment of costs, be returned or otherwise disposed of on the order of a judge as justice may require.

(5) Such order may be made after such notice of intention to apply, and after such proof that all just claims have been satisfied or otherwise sufficiently provided for, as the judge may require.

(6) The order may direct payment either to the party in whose name the deposit was made or to any person entitled to receive the same.

Objection to security.

13. An objection to a recognizance under section 9(1) shall be made by giving notice thereof to the petitioner within ten days after the service of the notice of the presentation of the petition; and the notice of objection shall state the grounds thereof.

Summons to determine objection to recognizance.

14. (1) Any such objection to security made in accordance with the preceding rule shall be heard and decided by a judge upon summons taken out by either party to declare the security sufficient or insufficient.

(2) Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the judge thinks fit.

Removing objection.

15. If by order made upon such summons an objection be allowed and the security be declared insufficient, the judge shall in such order state how and within what time (which shall not exceed five days after the date of the order) the objection may be removed as in section 9(2) provided.

Costs where no justification of sureties.

16. The costs of hearing and deciding an objection upon the ground of insufficiency of a surety or sureties shall be paid by the petitioner, and a clause to that effect shall be inserted in the judge's order declaring their sufficiency or insufficiency, unless at the time of leaving the recognizance under rule 11(2) there be also left an affidavit of the sufficiency of the surety or sureties sworn by each surety in Form 3.

Form 3.

Notice of application for dismissal.

17. (1) An application for an order directing the dismissal of a petition under section 10 shall be made by way of summons before a judge and a copy thereof shall be served on the petitioner and written notice thereof given to the Registrar.

Form 4.

(2) The Registrar shall forthwith publish in the *Gazette* and one newspaper a notice in Form 4.

Application for particulars.

18. (1) Evidence need not be stated in an election petition, but the Court or a judge may upon application order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial and upon such terms as to costs and otherwise as may be ordered.

(2) Before applying for particulars the party desiring the same shall by letter request the petitioner to furnish the required particulars within five days, and a summons for particulars shall not issue until the expiration of that time.

19. All applications in proceedings under the Act or these Rules shall be determined summarily by a judge, who may hear the parties to the application.

Procedure on applications made under the Act or these Rules.

20. It shall be sufficient to entitle all proceedings in respect of an election petition as is prescribed in Form 5.

Title of proceedings. Form 5.

21. The following provisions shall apply to the trial of election petitions—

Mode of trial of petitions.

(a) The Chief Justice shall determine which of the judges shall try a petition and direct in which county the trial shall take place.

(b) All interlocutory matters may be heard and disposed of by a judge in chambers.

(c) The judge who is to try a petition shall fix the day and time of the trial and at least fourteen days notice thereof shall be published by the Registrar in the *Gazette* and one newspaper and served on the petitioner, the respondent and the Chief Election Officer.

(d) The judge presiding at a trial may, if the Chief Justice shall so direct, adjourn the same to another county.

(e) Where the trial of a petition has taken place wholly or partly in a county other than the county of Demerara the Court may, if it thinks fit, declare its determination on the petition at a sitting in Georgetown.

22. (1) The Court may from time to time, by order upon the application of a party to an election petition or by notice in such form as the Court may direct, postpone the commencement of the trial to such a day as it may name. A copy of such notice or order shall be sent to the Chief Election Officer and another copy shall be exhibited on a notice board at the registry.

Adjournments.

(2) In the event of the Judge not being present at the time appointed for the trial, or to which the trial is postponed, the trial shall ipso facto stand adjourned to the ensuing day and so from day to day.

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(3) No formal adjournment of the Court at the trial of an election petition shall be necessary, but in the absence thereof the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded.

(4) In the event of the judge who begins the trial being disabled by illness or otherwise, the trial shall be recommenced and concluded by such judge as the Chief Justice may determine.

Application to  
withdraw  
petition.  
Form 6.

23. (1) Notice of application for leave to withdraw an election petition shall in writing and signed by the petitioner or his solicitor and shall be sufficient if given in Form 6 and left at the registry and a copy of such notice shall be served on the respondent and sent to the Chief Election Officer.

Form 7.

(2) The Registrar shall forthwith publish in the *Gazette* and one newspaper a notice in Form 7.

(3) Any person who might have been a petitioner in respect of the matter to which the election petition relates, may, within five days after such notice is published, give notice in writing signed by him or on his behalf to the Registrar of his intention to apply under section 24(1) to be substituted for the petitioner but the want of such notice shall not defeat such application if in fact made under that subsection.

(4) The time of hearing the application for leave to withdraw the petition shall not be less than five days after the publication of the notice by the Registrar as in paragraph (2) provided and notice of the time and place appointed for the hearing shall be given by the Registrar to any person who shall have given him notice of an intention to apply to be substituted as petitioner, and otherwise as the Court may direct.

Abatement  
of petition  
on death of  
petitioner.  
Form 8.

24. (1) On the abatement of an election petition by the death of a petitioner, notice of such abatement shall be given by any party or person interested to the Registrar who shall forthwith publish in the *Gazette* and one newspaper a notice thereof in Form 8.

(2) The time within which application may be made to a judge to be substituted as a petitioner under section 26(3) shall be one month or such further time as upon consideration of any special circumstances a judge may allow.

Notice of  
intention  
not to oppose  
petition.

25. (1) The manner and time of the respondent's giving notice to the Court that he does not intend to oppose an election petition shall be by leaving at the registry notice thereof in writing signed by the

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respondent, six days before the day appointed for trial, exclusive of the day of leaving such notice.

(2) Upon such notice being left at the registry or upon receiving notice of the death of the respondent, the Registrar shall forthwith send by registered post to the petitioner or his solicitor, as the case may be, and to the Chief Election Officer, and shall forthwith cause to be published in the *Gazette* and one newspaper, a notice thereof in Form 9.

Form 9.

26. The time for applying to be admitted as a respondent under section 27(1)(a) shall be within ten days after such notice is given as hereinbefore directed, or such further time as a judge may allow.

Time within which to apply for admission as respondent.

27. The persons making any application under section 27(1)(b) shall leave at the registry notice thereof signed by them or on their behalf, stating the grounds of such application and praying that a day be fixed for the hearing thereof; and the Registrar shall send by registered post a copy of such notice to every party to the petition and to the Chief Election Officer, together with notice of the time and place appointed for hearing the application.

Notice of application for substitution or admission as respondent.

APPENDIX

r. 3(2)

FORM 1

PETITION QUESTIONING AN ELECTION TO THE NATIONAL  
ASSEMBLY UNDER THE NATIONAL ASSEMBLY (VALIDITY OF  
ELECTIONS) ACT (Cap. 1:04)

Election holden on the ..... day of ..... 19....

\* The petition of A of ..... whose name is subscribed.

1. Your petitioner A is a person who was an elector (or candidate)  
at the above election.

2. And your petitioner states that the Elections Commission has  
on the ..... day of ..... 19.... caused to be published a  
notification of the results of the above election.

3. And your petitioner says that (here state facts and grounds on  
which the petitioner relies).

Wherefore your petitioner prays that the Court may—

(1) determine that .....

(2) grant such redress in conformity with the National  
Assembly (Validity of Elections) Act as may be used.

(Sgd.)

(Petitioner)

† The address for service of the petitioner is.....

† The solicitor for the petitioner is.....

whose address for service is .....

\* If there is more than one petitioner, the petition should be the petition of all their  
names entered as for A.

† Omit whichever is inapplicable.

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*National Assembly (Validity of Elections) Rules*

[Subsidiary]

FORM 2

r. 11(1)

RECOGNIZANCES AS SECURITY FOR COSTS

Be it remembered that on the ..... day of ..... in the year of Our Lord 19.... before me (name and description) came A.B. of (name and description) and acknowledged himself (or severally acknowledged themselves) to owe to the State the sum of one thousand dollars (or the following sums) (that is to say) the said C.D., the sum of \$....., the said E.F., the sum of \$..... the said G.H., the sum of \$..... and the said J.K., the sum of \$..... to be levied on his (or their respective) goods and chattels, lands and tenement, to the use of the State.

The condition of this recognizance is that if (here insert the names of all the petitioners, and if more than one, add, or any of them) shall well and truly pay all costs, charges and expenses in respect of the election petition signed by him (or them), in relation to which shall become payable by the said petitioner (or petitioners, or any of them) under the National Assembly (Validity of Elections) Act (Cap. 1:04), to any person or persons, then this recognizance to be void, otherwise to stand in full force.

(Sgd.)

(Signature of Sureties)

Taken and acknowledged by the above-named (names of sureties) on the ..... day of ..... at ..... before me.

Registrar

FORM 3

r. 16

AFFIDAVIT FOR JUSTIFICATION OF SURETIES  
IN THE HIGH COURT OF THE SUPREME COURT OF  
JUDICATURE

NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT  
(Cap. 1:04)

I, A.B. of (name and description), make oath and say that I am worth more than the sum of \$..... after the payment of all my debts.

Sworn, etc.



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[Subsidiary]

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r. 17

FORM 4

NOTICE OF APPLICATION FOR DISMISSAL OF AN ELECTION  
PETITION  
IN THE HIGH COURT OF THE SUPREME COURT OF  
JUDICATURE  
NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT  
(Cap. 1:04)

Notice is hereby given that the above respondent intends to apply  
for an order directing that the petition be dismissed on the ground that  
(here state ground for application).

And that the said application be heard at                      on  
day of                      , 19                      .

And Take Notice that on the hearing of the application any person  
who might have been a petitioner in respect of the matter to which the  
petition relates may apply to the judge to be substituted as a petitioner  
for the above petitioner under section 11 of the said Act.

(Signed)

Registrar

r. 20

FORM 5

TITLE FOR PROCEDURE  
IN THE HIGH COURT OF THE SUPREME COURT OF  
JUDICATURE  
NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT  
(Cap. 1:04)

Election holden on the ..... day of ..... 19.....

Between ..... Petitioner (name and address) and .....  
Respondent (name and address).

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*National Assembly (Validity of Elections) Rules*

[Subsidiary]

FORM 6

r. 23(1)

APPLICATION FOR LEAVE TO WITHDRAW  
IN THE HIGH COURT OF THE SUPREME COURT OF  
JUDICATURE  
NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT  
(Cap. 1:04)

The petitioner proposes to apply to withdraw his petition upon the following grounds (here state the ground) and prays that a day may be appointed for hearing his application.

Dated this ..... day of .....

(Signed)

FORM 7

r. 23(2)

NOTICE IN PUBLICATION OF FORM 6  
IN THE HIGH COURT OF THE SUPREME COURT OF  
JUDICATURE  
NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT  
(Cap. 1:04)

Notice is hereby given that the petition of the above petitioner has on the ..... day of ..... lodged at the registry notice of an application to withdraw the petition, of which notice the following is a copy—(set it out).

And take notice that by a rule of court made pursuant to the above Act any person who might have been a petitioner in respect of the said election may, within five days after the publication of this notice, give writing of his intention on the hearing to apply for leave to be substituted as a petitioner.

(Signed)

Registrar

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{Subsidiary}                      *National Assembly (Validity of Elections) Rules*

r. 24(1)

FORM 8

NOTICE OF ABATEMENT OF ELECTION PETITION  
IN THE HIGH COURT OF THE SUPREME COURT OF  
JUDICATURE  
NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT  
(Cap. 1:04)

Notice is hereby given that the petition of the above petitioner has  
abated by reason of the death of (here set out particulars)

And Take Notice that any person who might have been a petitioner  
in respect of the above election may, within one calendar month after  
the publication of this notice or within such further time as upon  
consideration of any special circumstances a judge may allow, apply  
to the Court to be substituted as a petitioner under section 26(3)  
of the said Act.

(Signed)

Registrar

r. 25

FORM 9

NOTICE OF WITHDRAWAL OR DEATH OF RESPONDENT  
IN THE HIGH COURT OF THE SUPREME COURT OF  
JUDICATURE  
NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT  
(Cap. 1:04)

Notice is hereby given that on the ..... day of ..... 19.....  
the said respondent A.B. died (or gave notice of his intention not to  
oppose the petition, as the case may be).

And Take Notice that any person who might have been a petitioner  
in respect of the above election may, within ten days after publication  
of this notice or such further time as a judge may allow, apply to the  
Court to be admitted as a respondent under section 27(1)(a).

(Signed)

Registrar

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NATIONAL REGISTRATION ACT  
CHAPTER 19:08

Act  
24 of 1967  
Amended by  
7 of 1973

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CHAPTER 19:08

NATIONAL REGISTRATION ACT

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CHAPTER 19:08

NATIONAL REGISTRATION ACT

24 of 1967 . An Act to provide for the establishment of a National Register, for the issue of identification cards, and for purposes connected therewith.  
[18TH NOVEMBER, 1967]

PART I

PRELIMINARY

- |                 |  |
|-----------------|--|
| Short title.    | 1. This Act may be cited as the National Registration Act.   |
| Interpretation. | 2. (1) In this Act—<br>“central register” means the register established by the Commissioner under section 9;<br>“district” means a registration district constituted under section 5(1);<br>“divisional register” means a divisional register established by a registrar under section 9;<br>“Elections Commission” means the Elections Commission established by virtue of article <del>68</del> 28 of the Constitution;<br>“oath of office” means, in relation to any office, the oath for the due execution of that office set out in the Schedule;<br>“prescribed” means prescribed by regulations;<br>“qualifying date”, in relation to the registration of any person, means the date appointed under section 6(1) and with reference to which such person shall be so registered;<br>“registration division” means such part of a district as is comprised in any sub-division thereof appointed under section 5(2);<br>“regulations” means regulations made under this Act. |
| c.1:01          |  |
| Schedule.       |  |

(2) Where the qualifying date falls during or after the period appointed by virtue of section 6(1) for the registration of applicants, any question as to the eligibility for registration, or the residence in any registration division on the qualifying date, of any person shall, until that date, be determined on the basis of the likelihood of his being eligible or resident as aforesaid, as the case may be, and this Act shall be construed accordingly.

## PART II

## ADMINISTRATION

3. (1) There shall be a Commissioner of Registration, hereinafter referred to as "the Commissioner", and a Deputy Commissioner of Registration, hereinafter referred to as the "Deputy Commissioner".

Commissioner and Deputy Commissioner of Registration.

(2) Forthwith upon their appointment the Commissioner and the Deputy Commissioner shall respectively take and subscribe the oath of office before a Judge of the Supreme Court.

[12 OF 1996]

(3) The Commissioner—

TO THE ELECTIONS COMMISSION

(a) shall be responsible for the making of such arrangements and the doing of such things as are requisite for the compilation and maintenance of the central and divisional registers in conformity with this Act, including the making of arrangements for preparation of the requisite forms and instruments, the issue of such forms and instruments, the collection or reception of the forms when filled in, and the keeping of such records as may be requisite;

(b) may ~~issue to persons employed under the Commissioner~~ <sup>ON THE AUTHORITY OF THE ELECTIONS COMMISSION, ISSUE TO PERSONS EMPLOYED BY THE ELECTIONS COMMISSION.</sup> directions for the purposes of execution of the provisions of this Act, and any directions issued pursuant to this paragraph may confer upon any such person general or special authority to issue directions for purposes aforesaid to any other such person subordinate to him;

(c) shall <sup>IN ACCORDANCE WITH THE DIRECTIONS OF THE ELECTIONS COMMISSION</sup> exercise and perform all other powers and duties that by or under this Act are conferred and imposed upon the Commissioner.

(4) The Deputy Commissioner shall, subject to any general or special directions of the Commissioner, act as assistant generally to the Commissioner and, in his absence, exercise all the powers and perform all the duties of the Commissioner.

(5) The provisions of subsection (4) shall have effect without prejudice to the jurisdiction of the Deputy Commissioner under section 15(3) and nothing in the said provisions shall be deemed to confer upon the Deputy Commissioner power to determine appeals under section 15(4) from the exercise of such jurisdiction.



District supervisors, registrars, deputy registrars, divisional registrars, and other officers.

4. (1) There shall be appointed such numbers of district supervisors, registrars, deputy registrars, divisional registrars, official photographers, clerks, messengers and other officers and servants as may be requisite for the execution of the provisions of this Act; and, subject thereto, the persons appointed as such shall respectively perform such functions in that behalf as they may from time to time, under the authority of the Commissioner, be directed to perform.

(2) Without prejudice to subsection (1), section 3(4) shall apply in relation to a registrar and deputy registrar as they apply in relation to the Commissioner and Deputy Commissioner, respectively.

(3) A registrar shall be assigned to each district, and a divisional registrar to one or more registration divisions, by direction of the Commissioner.

(4) Forthwith upon their appointment every district supervisor, registrar, deputy registrar and divisional registrar shall take and subscribe the oath of office.

(5) Every oath under the preceding subsection shall in the case of a district supervisor, registrar or deputy registrar be taken and subscribed before the Commissioner, and in the case of a divisional registrar, before any registrar.

(6) Every oath administered by a registrar under subsection (5) shall be transmitted by him to the Commissioner.

### PART III

#### REGISTRATION

Registration districts and registration divisions.

[12 of 1996]

5. (1) Guyana shall be divided into registration districts having such boundaries, and distinguished by such names, as shall be specified by order of the President.

(2) The districts shall be subdivided into registration divisions having such boundaries, and distinguished by such numbers, as the Commissioner may appoint. *with the approval of the Elections Commission*

Registration of persons.

[12 of 1996]

6. (1) It shall be lawful for the Minister by order from time to time to appoint a date with reference to which persons to whom the order applies shall be registered, a day on which the registration of such persons upon their application therefor pursuant to the order shall begin and a day on which such registration shall end.

(2) Subject to subsection (3), such order shall apply to all persons who at the said date have attained such age as shall be specified in the order and who at that date—

- (a) are resident in Guyana; or
- (b) have such other connection with Guyana as may be specified in the order.

*ON THE ADVICE OF THE ELECTIONS COMMISSION.*

(3) Any such order may exclude from its application any person or class of persons.

(4) Every divisional registrar shall, by house to house visits within the registration division assigned to him and in such other manner (if any) as is prescribed, obtain in so far as practicable the application for registration of every person eligible therefor and resident at the qualifying date in that division:

Provided that—

(a) the Commissioner may establish an office situated at such place in any district, and at which there shall be received the applications for registration of persons who are at the qualifying date resident therein or in such part thereof, as he may specify by notice published in the *Gazette* and, subject to anything to the contrary provided by regulations, no divisional registrar is required to visit houses in any district or part thereof (as the case may be) in relation to which an office is so established;

(b) persons to whom an order applies under subsection (2)(b) may apply for registration in such manner as may be prescribed.

(5) The parent or guardian of any child who has not attained the age of fourteen years and is eligible for registration may apply therefor on his behalf.

(6) Every person who refuses to make application for registration to the divisional registrar for any registration division in the prescribed manner, or fails without reasonable excuse (the proof whereof shall be upon him) so to do at any office established under proviso (a) to subsection (4) for the purpose, or who, being the parent or guardian of any child under the age of fourteen years, refuses to make such an application on his behalf, or fails as aforesaid so to do at any such office, shall, if the eligibility of such person or child (as the case may be) for registration and his residence in the registration division on the qualifying date are proved to the satisfaction of the court, be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months.

(7) At the trial of an offence under the preceding subsection it shall be deemed a defence to prove that, before the hearing, the person charged with the offence paid a penalty therefor of fifty dollars to the registrar of the district in reference to which the offence was committed; and every registrar shall be accountable to the Commissioner for all moneys received by him in pursuance of this subsection:

Provided that, notwithstanding anything provided in the foregoing provisions of this section, the court may, upon such proof, order the person to apply (as nearly as may be in the manner provided by this Act and any regulations) for registration to the divisional registrar at such place and within such time, prior to the expiration of the period

(if any) prescribed under section 14(1), as shall be specified in the order and, if the said person fails to comply with such order he shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for six months.

Registration  
cards.

7. (1) A registration card shall be prepared in not less than duplicate for the registration of a person under this Act.

(2) For the purposes of the preparation as mentioned in the preceding subsection of a registration card for the registration of any person, it shall be lawful to make such amendments as are necessary to bring into conformity with subsection (3), in relation to such registration, any card prepared in conformity with subsection (1) for any previous registration of that person; and any card so amended for the purpose of the registration of any person shall be deemed to have been prepared therefor in conformity with subsection (1).

(3) A registration card shall contain such matters and particulars as may be prescribed.

Cancellation  
and altera-  
tion of  
registration.

8. Without prejudice to the provisions of section 15(6), the registration of a person may be cancelled or altered in accordance with any regulations made in that behalf.

Registers.

[12 of 1996]

9. (1) The Commissioner shall establish a central register which shall consist of the originals of the registration cards of all persons registered under this Act or such copies thereof prepared in conformity with section 7(1) as may be prescribed *by the MINISTER ON THE ADVICE OF THE ELECTIONS COMMISSION.*

(2) Every register shall establish for each registration division in his district a divisional <sup>REGISTRAR</sup> register which shall consist of the duplicate registration cards of all persons registered under this Act as resident in that registration division or such other copies thereof prepared in conformity with section 7(1) as may be prescribed *by the MINISTER ON THE ADVICE OF THE ELECTIONS COMMISSION.*

Adaptation  
of registers  
on change  
in districts  
or registration  
divisions.

10. Where any change is made in the number or the boundaries of districts or registration divisions, the Commissioner in consultation with the registrar of any district affected thereby shall combine or divide any registers or transfer registration cards from one register to another or make such other adjustments in the registers affected as are rendered necessary by the changes.

Registration  
to be in one  
registration  
division.

11. (1) No person shall be registered in more than one divisional register or more than once in any register established under section 9.

(2) A person resident at the qualifying date in more than one registration division may not apply to be registered in reference to more than one such division and, where a refusal to apply to the divisional registrar of any such division for such person's registration,

together with his decision in writing (made on his behalf by his parent or guardian, in the case of a child under the age of fourteen years) to be registered in reference to any other such division, has been communicated to such divisional registrar, section 6(6) shall not apply, in relation to such person's registration, except with reference to his residence in that other division.

12. The Commissioner shall, in accordance with regulations made for the purpose, prepare identification cards for, and cause them to be issued in such manner as he thinks fit to, persons registered under this Act.

Identification cards.

13. (1) Without prejudice to any powers of a registrar or divisional registrar under this Act or any regulations, the Commissioner or any officer duly authorised by him in that behalf may by notice require any person, within such time and in such manner as may be specified in such notice, to furnish such information as may be or become relevant to the registration, or the cancellation or alteration of the registration, of a person under this Act.

Power of Commissioner to require information.

(2) Any person who, without reasonable cause (the burden of proof whereof shall lie upon him), fails to comply with any requirement under subsection (1), shall be liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for six months.

14. (1) After the day appointed under section 6(1) for the end of the registration of applicants for the purposes of any order the Minister shall direct the Commissioner to prepare a preliminary list in which he shall enter the full name, the address, the occupation and the serial number on the registration card of every person registered for those purposes who is qualified for registration, with reference to such date, being not later than the qualifying date, as may be appointed in such directions, as an elector for elections to the National Assembly, or who belongs to such other class of persons as may instead be prescribed for the time being.

Preparation of preliminary lists. [7 of 1973]

(2) A sufficient number of copies of the preliminary list, in so far as it comprises entries relating to persons resident in each registration division of any district, shall be certified and sent to the registrar for such district by the Commissioner, and the registrar shall transmit four of such copies to the divisional registrar for that division.

(3) The date appointed by the Minister in directions under subsection (1) is the date with reference to which a register of electors shall be compiled or revised, as the case may be.

(4) Every reference to a registrar in subsection (2) and in section 15 (3), (4) and (5), includes a reference to a deputy registrar.

Publication of preliminary lists and claims and objections in respect thereof. [7 of 1973]

15. (1) On the prescribed day, the Commissioner shall cause a copy of the preliminary list prepared under section 14(1) to be affixed to such buildings as the Minister shall appoint by notice published in the *Gazette*, and every such divisional registrar as may have received copies of any list pursuant to section 14(2) shall cause a copy of such list to be affixed to each of not less than two buildings in his registration division, together with a notice to submit within the prescribed times claims and objections in respect of entries in the list a copy of which the Commissioner or divisional registrar, as the case may be, has caused to be affixed as aforesaid.

(2) Claims and objections under subsection (1) shall be made in the prescribed manner.

(3) Such claims and objections shall be determined by the registrar, in the case of claims and objections that may affect any list copies of which have been received as mentioned in subsection (1) from him, and by the Deputy Commissioner in any other case.

(4) Decisions by the Deputy Commissioner or by a registrar under subsection (3) shall be subject to appeal to the Commissioner, whose decision shall be final.

(5) Subject as may be prescribed, the Commissioner, the Deputy Commissioner and every registrar shall regulate his own procedure in determining claims and objections under any of the provisions of subsections (3) and (4).

(6) The Commissioner shall cause to be made to the central and divisional registers such alterations as may be required to give effect to the decisions on claims and objections.

#### PART IV

##### GENERAL

Supervision by Elections Commission.

c.1:01

16. (1) For the purpose of securing the registration of persons eligible therefor under any order made in pursuance of section 6 and who are qualified to be registered as electors for elections to the National Assembly and of ensuring the effectiveness of the central and divisional registers (in so far as such persons are registered therein) as registers of such electors, registration pursuant to this Act shall be under the general direction and supervision of the Elections Commission; and, accordingly, article 69(1)(b) of the Constitution shall apply to this Act.

(2) For the avoidance of doubt, it is hereby declared that, for the purposes of this section and any regulations relating to the Elections Commission under section 19(3)(d) or (e), the Elections Commission shall have the like powers, privileges and authority as are conferred upon, and may exercise them and otherwise act in the like manner as is provided in relation to, that Commission by article 119 of the Constitution.

17. The Minister responsible for statistics is for the time being assigned may direct the Commissioner to cause any matters or particulars contained in any register established under section 9 to be compiled and tabulated, or to cause any such compilation or tabulation or abstracts thereof or extracts therefrom to be published, with or without observations, for statistical purposes in such manner as the said Minister thinks fit; and the Commissioner shall comply with any such directions: Statistics.

Provided that no publication, or report issued in respect of anything done, in compliance with any such directions as aforesaid shall contain any matters or particulars comprised in any individual registration card so arranged as to enable their identification as being matters or particulars pertaining to any individual person, except with his previous consent in writing.

18. There shall be defrayed out of moneys provided by Parliament for the purpose all expenses incurred in the execution of the provisions of this Act and any regulations and not otherwise lawfully charged on the Consolidation Fund. Expenses in carrying out this Act.

19. (1) Subject to negative resolution of the National Assembly, the Minister may ~~make regulations—~~ Regulations. *on the advice of the Elections Commission.*

(a) prescribing remuneration and allowances to be paid to persons appointed under sections 3 and 4; [2 1996]

(b) imposing duties upon applicants for registration pursuant to this Act;

(c) assigning functions to persons employed for the purposes of this Act;

(d) prescribing any such forms as are referred to in section 3(3)(a);

(e) prescribing the grounds on which claims and objections may be made under section 15;

(f) providing for the extension (whether before or after the expiration) of any time ending with a prescribed day, or as otherwise prescribed, within which anything is required by or under this Act to be done;

(g) providing for the revision, with reference to such date as the Minister may from time to time appoint, of the central and divisional registers by way of the preparation and publication of preliminary lists, to which sections 14 and 15 shall apply *mutatis mutandis* and, in particular, with the following modification, that is to say, the substitution of references to the said date for the references in section 14(1) to the qualifying date;

(h) prescribing anything to be prescribed under this Act;

(i) generally for the better carrying out of the provisions of this Act.

(2) Any regulation may impose liability to a fine not exceeding ~~two hundred and fifty dollars~~ <sup>five hundred dollars</sup>, or imprisonment for a term not exceeding six months, on summary conviction of the breach of any regulation.

(3) Without prejudice to the generality of the foregoing provisions of this section, regulations may—

(a) make provision for specified cases or classes of cases defined by reference to any circumstances specified therein, including provision having due effect outside Guyana;

(b) make different provisions for different cases or classes of cases defined as aforesaid;

(c) impose conditions;

(d) require acts or things to be performed or done to the satisfaction of any Minister hereinbefore mentioned, the Elections Commission or any person referred to in subsection (1)(c);

(e) empower any such Minister or person or the Elections Commission, orally or in writing, to require acts or things to be performed or done or prohibit acts or things from being performed or done;

(f) prescribe periods or dates within or on which acts or things shall be performed or done or conditions shall be fulfilled;

(g) provide for appeal against any requirement or prohibition by any such Minister or person as aforesaid under paragraph (e).

## PART V

### MISCELLANEOUS OFFENCES

Breach of  
duty.

[12/1996]

20. (1) Every officer required to take the oath of office who—

(a) wilfully or without reasonable excuse, omits to register any person eligible in that behalf;

(b) wilfully or without reasonable excuse, enters in any register established under section 9 the registration card of any person who is not eligible to be registered or the registration card of any fictitious or non-existent person;

(c) wilfully or without reasonable excuse, enters any false or incorrect matter or thing upon a registration card or an identification card;



(d) wilfully or without reasonable excuse, omits to enter upon a registration card or in any divisional register any relevant matter or thing that he knows or reasonably believes to be true; or

(e) wilfully or negligently, otherwise fails in any material respect to perform the undertaking given by him in the oath of office,

shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>FIVE THOUSAND</sup> dollars and to imprisonment for six months. In this subsection, reference to a registration card includes reference to any copy thereof prepared under section 7(1).

(2) If any person, being employed under any officer mentioned in subsection (1), is guilty of any wilful or negligent act or omission in material breach of his duty imposed by this Act or any regulations, he shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>FIVE THOUSAND</sup> dollars and to imprisonment for six months.

(3) An action for damages does not lie in respect of the breach of any undertaking or duty referred to in the preceding subsections of this section.

21. Every person who procures, or induces another person to procure, his registration in more than one divisional register or more than once in any register established under section 9 shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>FIVE THOUSAND</sup> dollars and to imprisonment for six months.

Illegal registration.  
[12 OF 1966]

22. Every person who without lawful authority, the proof thereof shall lie upon him—

(a) wilfully destroys, mutilates, defaces or makes any alteration to an identification card; or

(b) destroys, mutilates, defaces or removes, or makes any alteration in the central register or any divisional register or any notice published in pursuance of this Act or any document or copy thereof that has been made available for inspection by the public in pursuance of this Act,

shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>FIVE THOUSAND</sup> dollars and to imprisonment for six months.

Destroying or defacing identification cards or other documents.  
[12 7/1966]

23. (1) Every person who, upon any grounds that he knows or has reasonable grounds to believe to be false, objects under section 15 to any entry in a list, shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>FIVE THOUSAND</sup> dollars and to imprisonment for six months.

Making false objection or statement.  
[12 7/1966]

(2) Every person who knowingly makes a false statement for the purpose of being registered, or of remaining registered, shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>FIVE THOUSAND</sup> dollars and to imprisonment for six months.

Selling,  
purchasing  
or pledging  
identification  
cards.  
[12/8/96]

24. Every person who sells or attempts to sell, or purchases or attempts to purchase, or pledges or attempts to pledge, or receives by way of pledge in any manner whatsoever an identification card shall be liable on summary conviction to a fine of ~~one hundred~~ <sup>two hundred</sup> dollars and to imprisonment for three months.

False  
registration  
cards and  
identification  
cards.  
[12/8/96]

25. (1) Every person who with intent to deceive forges or counterfeits any registration card or identification card, or utters any identification card knowing it to be forged, shall be guilty of felony and shall be liable on conviction on indictment to imprisonment for five years.

c.8:01

(2) In subsection (1), references to forgery and a registration card shall be construed according to the meanings assigned thereto by section 240 of the Criminal Law (Offences) Act and section 20(1), respectively.

(3) Every person who, directly or by implication, falsely represents himself to be the person to whom any identification card refers shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>five hundred</sup> dollars and to imprisonment for six months.

(4) Every person who gives, lends or otherwise furnishes any identification card for the commission of an offence under the preceding subsection shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>five hundred</sup> dollars and to imprisonment for six months.

Personation  
of officers.  
[12/8/96]

26. Every person who assumes, either in whole or in part the name, designation or description of any person appointed under section 3 or 4 ~~to which he is not entitled~~, for the purpose of registering any person under this Act or for any other purpose in connection therewith or of doing any other act which he would not by law be entitled to do on his own authority, shall be liable on summary conviction to a fine of ~~two hundred and fifty~~ <sup>five hundred</sup> dollars and to imprisonment for six months.

OR  
appointed  
as a  
senior  
sergeant

Divulging and  
obtaining  
information  
without  
lawful  
authority.  
[12/8/96]

27. If any person—

(a) having been employed for the purposes of this Act, without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment, or

(b) having possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person, or

(c) in the pretended performance of duties under this Act or any regulations obtains, or seeks to obtain, information which he is not authorised to obtain,  
 he shall be liable on summary conviction to a fine of <sup>FIVE THOUSAND</sup> ~~two hundred and~~ fifty dollars and to imprisonment for six months.

SCHEDULE

s. 2

OATH OF OFFICE

I, ..... do swear  
 [or solemnly affirm] that I will faithfully execute the office of

.....  
 in accordance with the National Registration Act, and any regulations made thereunder. So help me God [To be omitted in affirmation].

## SUBSIDIARY LEGISLATION

*THIS ORDER IS REVOKE. NATIONAL  
REGISTRATION (DISTRICTS) ORDER 1980 IS  
IN FORCE. ORDER NO 70 OF 1980*

O. 4/1968  
27/1973

NATIONAL REGISTRATION (DISTRICTS)  
ORDER

*made under section 5*

Citation.

1. This Order may be cited as the National Registration (Districts) Order.

Registration  
districts.

2. The registration districts into which Guyana shall be divided shall have such boundaries and be distinguished by such names, as are specified in the Schedule.

Schedule.

O. 70 of 1980

cl. 2

*GUYANA SHALL BE DIVIDED INTO  
TEN REGISTRATION DISTRICTS.*

SCHEDULE

REGISTRATION DISTRICTS

1—CORENTYNE RIVER

That portion of the County of Berbice within the following boundaries:

- NORTH** A line, the prolongation of the boundary between No. 67 and No. 66 commencing on the divide between the Corentyne and Canje Rivers, and extending eastwards to the said boundary; the boundary between No. 67 and No. 66 to the Corentyne River.
- SOUTH** The 4th parallel of North Latitude due west from the Corentyne River to the watershed between the Corentyne and Berbice Rivers.
- EAST** The left bank Corentyne River from the boundary between No. 67 and No. 66 upwards to the 4th parallel of North Latitude.
- WEST** The watershed between the Corentyne and Berbice Rivers northwards from the 4th parallel of North Latitude to the watershed between the Corentyne and Canje

Rivers; the watershed between the Corentyne and Canje Rivers northwards to a line the prolongation of the boundary between No. 67 and No. 66.

### 2—CORENTYNE—EAST

That portion of the County of Berbice within the following boundaries:

- NORTH The Atlantic Ocean and the Corentyne River from the  
AND Joppa Drain—between Good Hope and Joppa—to the  
EAST boundary between No. 67 and No. 66.
- SOUTH The boundary between No. 67 and No. 66 and the pro-  
longation thereof, westwards to the divide between the  
Corentyne and Canje Rivers.
- WEST The divide between the Corentyne and Canje Rivers and  
between the Corentyne Coast and Canje River from the  
prolongation of the boundary between No. 67 and No. 66  
to the Yakusari main drain; thence to the Joppa Drain  
(between Good Hope and Joppa) northwards to the  
Atlantic Ocean.

### 3—CORENTYNE—EAST CENTRAL

That portion of the County of Berbice within the following boundaries:

- NORTH The Atlantic Ocean from the boundary between Planta-  
tion Auchlyne and Letter Kenny to the Joppa Drain (be-  
tween Good Hope and Joppa).
- SOUTH The divide between the Corentyne and Canje Rivers  
from the Yakusari Main Drain to the junction of the old  
Alness Water Path and the Canal along the south western  
boundary of the tract of State Land held by the Proprietors  
of Plantation Port Mourant under Lease No. A2105.
- EAST The Joppa Drain—between Good Hope and Joppa—  
from the Atlantic Ocean southwards; thence along the  
Yakusari Main Drain; thence to the divide between the  
Corentyne and Canje Rivers.
- WEST The boundary between Plantation Auchlyne and Letter  
Kenny and the prolongation thereof; from the Atlantic  
Ocean south westwards to the Old Alness Water Path;  
the Old Alness Water Path to the Canal along the south  
western boundary of the tract of State Land held by the  
Proprietors of Plantation Port Mourant under Lease No.  
A2105.

## 4—CORENTYNE—WEST CENTRAL

That portion of the County of Berbice within the following boundaries:

- NORTH** The Atlantic Ocean from the boundary between Plantation Auchlyne and Letter Kenny westwards to the boundary between Rose Hall Village and Plantation Port Mourant.
- SOUTH** The Canal along the south western boundary of the tract of State Land held by the Proprietors of Port Mourant under Lease No. A2105 north westwards from the Old Alness Water Path to the tract of State Land held by the Proprietors of Port Mourant under Lease No. A5899; the southern boundary lines of the tract of State Land held by the Proprietors of Plantation Port Mourant under Lease No. A5899 to the tract of State Land held by Corentyne Sugar Co. Ltd., under Licence of Occupancy No. A173.
- EAST** The boundary between Plantation Auchlyne and Letter Kenny and the prolongation thereof, from the Atlantic Ocean south westwards to the Old Alness Water Path; the Old Alness Water Path to the Canal along the south western boundary of the tract of State Land held by the Proprietors of Plantation Port Mourant under Lease No. A2105.
- WEST** The boundary lines between the tracts of State Land held by the Corentyne Sugar Co. Ltd., under Licence of Occupancy No. A173 and by the Proprietors of Plantation Port Mourant under Lease No. A5899 to the tract held by Port Mourant Ltd., under Licence of Occupancy No. 2873; the boundary between the tracts held by the Corentyne Sugar Co. Ltd., under Licence of Occupancy No. A173 and Port Mourant Ltd., under Licence of Occupancy No. 2873 northwards to the back boundary of Rose Hall Village; the boundary between Rose Hall Village and Plantation Port Mourant northwards to the Atlantic Ocean.

## 5—CORENTYNE—WEST

That portion of the County of Berbice within the following boundaries:

- NORTH** The Atlantic Ocean from the boundary between Gibraltar and Borlam eastwards to the boundary between Rose Hall Village and Plantation Port Mourant.

- SOUTH AND EAST The boundary between Rose Hall Village and Plantation Port Mourant from the Atlantic Ocean southwards to the back boundary of Rose Hall Village; the boundary line between the tracts of State Land held by Corentyne Sugar Co. Ltd., under licence of Occupancy No. A173, and Port Mourant Ltd., under Licence of Occupancy No. 2873 to the tract of State Land held by Plantation Port Mourant under Lease No. A5899; the boundary lines of the tracts held under Lease A5899 and Licence of Occupancy A173 southwestwards to the southern boundary of Vreede en Vriendschap (R.B. Canje River).
- WEST The western boundary line of the tract of State Land held by Corentyne Sugar Co. Ltd., under Licence of Occupancy No. A173 northwards from Vreede en Vriendschap (R.B. Canje River) to the boundary between Nos. 38 and 40 (Grand Canal Estates); the boundary between Nos. 38 and 40 to the boundary between Gibraltar and Borlam; the boundary between Gibraltar and Borlam northwards to the Atlantic Ocean.

## 6—BERBICE—EAST

That portion of the County of Berbice within the following boundaries and including Crab Island:

- NORTH The Atlantic Ocean from the Berbice River eastwards to the boundary between Gibraltar and Borlam.
- SOUTH AND WEST The right bank Canje River from its source downwards to the Berbice River; the right bank Berbice River from the Canje River downwards to the Atlantic Ocean.
- EAST The boundary between Gibraltar and Borlam southwards from the Atlantic Ocean to the boundary between Nos. 38 and 40 (Grand Canal Estates); the boundary between Nos. 38 and 40 to the west boundary of the tract of State Land held by Corentyne Sugar Co. Ltd., under Licence of Occupancy No. A173; the west boundary of the tract held under Licence of Occupancy No. A173 to the southern boundary of Vreede en Vriendschap (Canje River); the prolongation of the southern boundary of Vreede en Vriendschap eastwards to the Canal along the south western boundary of the tract of State Land held by the Proprietors of Plantation Port Mourant under Lease No. 2105; the said Canal southwards to the Old Alness Water Path; the Old Alness Water Path north eastwards to the divide between the Corentyne Coast and the Canje

River; the divide between the Corentyne Coast and River, and the Canje River, southwards to the source of the Canje River.

#### 7—NEW AMSTERDAM

[O. 27/1973] That portion of the County of Berbice, being the Town of New Amsterdam, within the following boundaries:

- NORTH By the Canje River.
- SOUTH By common boundaries between Overwinning, Providence and Glasgow with New Doe Park and Doe Park.
- EAST By the eastern boundaries of Smythfield, Mount Sinai and Overwinning.
- WEST Partly by the western boundary of Glasgow and partly by the Berbice River.

#### 8—BERBICE RIVER

[O. 27/1973] The portion of the County of Berbice within the following boundaries, but excluding the mining settlement of Ituni:

- NORTH Commencing at a point located on the Abary-Berbice Watershed at its intersection with the western prolongation of the common boundary between Ithaca Village and Pln. Gelderland and extending in an easterly direction along the said common boundary to mean high water mark on the left bank of the Berbice River; thence along an imaginary line extending across the Berbice River to the intersection of the north western boundary of New Amsterdam and mean high water mark on the right bank of the Berbice River; thence along the southern boundary of New Amsterdam to the intersection of the said boundary with the west side line of Pln. Glasgow; thence along the said west side line to the common boundary between Glasgow and Doe Park; thence along the said common boundary to the southeast corner of Pln. Glasgow; thence along the eastern boundary of Pln. Glasgow to its intersection with the northern boundary of Doe Park; thence along the northern boundary of Doe Park to its intersection with the eastern boundary of Doe Park; thence along the said eastern boundary to its intersection with the northern boundary of New Doe Park; thence along the said northern boundary to the eastern boundary of



the western half of Overwinning; thence along the said eastern boundary to the southern boundary of the eastern half of Overwinning; thence along the said southern boundary to the eastern boundary of the eastern half of Overwinning; thence along the said eastern boundary to the southern boundary of Stanleytown; thence along the eastern boundaries of Stanleytown, Mt. Sinai and Smithfield to the northern boundary of Smithfield; thence along the eastern prolongation of the northern boundary of Smithfield to its intersection with mean high water mark on the right bank of the Canje River.

**SOUTH** By the fourth parallel of North Latitude commencing from its intersection with the watershed between the Corentyne and Berbice Rivers and extending westerly along the said parallel to its intersection with the watershed between the Berbice and Essequibo Rivers.

**EAST** By the mean high water mark on the right bank of the Canje River following its Sinuosities to the intersection of the prolongation of the said mean high water mark with the watershed between the Canje and Corentyne Rivers; thence westerly along the said watershed to its intersection with the watershed between the Corentyne and Berbice Rivers; thence southwards along the said watershed to its intersection with the fourth parallel of North Latitude.

**WEST** By the watersheds between the Berbice and Essequibo Rivers, the Berbice and Demerara Rivers, and the Berbice and Abary Rivers commencing from the intersection of the fourth parallel of North Latitude with the watershed between the Berbice and Essequibo Rivers and extending in a northerly direction along the said watershed to its intersection with the watershed between the Demerara and Berbice Rivers; thence in a northern direction along the said watershed between the Demerara and Berbice Rivers to its intersection with the watershed between the Abary and Berbice Rivers; thence in a northerly direction along the said watershed between the Abary and Berbice Rivers to its intersection with the prolongation of the Common Boundary Line between Ithaca Village and Pln. Gelderland at the point of commencement.

#### 9—BERBICE—WEST

That portion of the County of Berbice within the following boundaries:

[Subsidiary]

*National Registration (Districts) Order*

NORTH AND EAST The Atlantic Ocean and the Berbice River from the boundary between Catherina's Lust (Fort Wellington) and Naarstigheid (Pln. Bath) to the boundary between Ithaca Village and Gelderland.

SOUTH The boundary between Ithaca Village and Gelderland from the Berbice River, and the prolongation thereof westwards to the watershed between the Berbice and Abary Rivers.

WEST The watershed between the Berbice and Abary Rivers north westwards from a line, the prolongation of the boundary between Ithaca Village and Gelderland, to a line, the prolongation of the boundary between Catherina's Lust (Fort Wellington) and Naarstigheid (Pln. Bath); the said boundary north eastwards to the Atlantic Ocean.

## 10—ABARY

That portion of the County of Berbice within the following boundaries:

NORTH The Atlantic Ocean from the left bank Abary River, south eastwards to the boundary between Catherina's Lust (Fort Wellington) and Naarstigheid (Pln. Bath).

SOUTH AND EAST The boundary between Catherina's Lust (Fort Wellington) and Naarstigheid (Pln. Bath) and the prolongation thereof from the Atlantic Ocean to the watershed between the Berbice and Abary Rivers; the said watershed southwards to the source of the Abary River.

WEST The left bank Abary River from its source downwards to the Atlantic Ocean.

## 11—MAHAICONY

That portion of the County of Demerara within the following boundaries:

NORTH The Atlantic Ocean from the left bank Mahaica River to the left bank Abary River.

SOUTH The watershed between the Abary-Mahaicony-Mahaica Rivers and the Wiruni River (Berbice River) from the source of the Abary River to the source of the Mahaica River.

EAST The left bank Abary River from the Atlantic Ocean upwards to the source of the river.

WEST The watershed between the Demerara and Mahaica Rivers from the source of the Mahaica River northwards to Badarima Creek; the left bank Badarima Creek downwards to the Lamaha Creek; the left bank Lamaha Creek downwards to the Lamaha Canal; the western edge of the Lamaha Canal northwards to the East Demerara Conservancy Canal; the East Demerara Conservancy Canal eastwards to Flagstaff and southwards to a line the prolongation of the southern boundary of Huntley (Cane Grove Estate); the said line and the southern boundary of Huntley eastwards to the left bank Mahaica River; the left bank Mahaica River downwards to the Atlantic Ocean.

## 12—MAHAICA

That portion of the County of Demerara within the following boundaries:

NORTH The Atlantic Ocean from the boundary between Nabaclis and John, eastwards to the left bank Mahaica River.

SOUTH The southern boundary of Huntley and the prolongation thereof westwards to the East Demerara Water Conservancy Canal; the said Canal north eastwards and north westwards to the boundary between Nabaclis and John.

EAST The left bank Mahaica River from the Atlantic Ocean upwards to the southern boundary of Huntley (Cane Grove Estate).

WEST The boundary between Nabaclis and John from the East Demerara Conservancy Canal, northwards to the Atlantic Ocean.

## 13—DEMERARA COAST—EAST

That portion of the County of Demerara within the following boundaries:

NORTH The Atlantic Ocean from the boundary between Friendship and Vigilance, eastwards to the boundary between Nabaclis and John.

SOUTH The East Demerara Conservancy Canal from the boundary between Nabaclis and John, westwards to the boundary between Friendship and Vigilance.

EAST The boundary between Nabaclis and John from the Atlantic Ocean southwards to the East Demerara Conservancy Canal.

WEST The boundary between Friendship and Vigilance from the East Demerara Conservancy Canal northwards to the Atlantic Ocean.

#### 14—DEMERARA COAST—EAST CENTRAL

That portion of the County of Demerara within the following boundaries:

NORTH The Atlantic Ocean from the boundary between Nog Ens and Lusignan, eastwards to the boundary between Friendship and Vigilance.

SOUTH The East Demerara Conservancy Canal from the boundary between Friendship and Vigilance westwards to the boundary between Nog Ens and Lusignan.

EAST The boundary between Friendship and Vigilance from the Atlantic Ocean southwards to the East Demerara Conservancy Canal.

WEST The boundary between Nog Ens and Lusignan from the East Demerara Conservancy Canal northwards to the Atlantic Ocean.

#### 15—DEMERARA COAST—WEST CENTRAL

That portion of the County of Demerara within the following boundaries:

NORTH The Atlantic Ocean from the boundary between Vryheid's Lust and Brothers, eastwards to the boundary between Nog Ens and Lusignan.

SOUTH The East Demerara Conservancy Canal from the boundary between Nog Ens and Lusignan, westwards to the boundary between Vryheid's Lust and Brothers.

EAST The boundary between Nog Ens and Lusignan from the Atlantic Ocean southwards to the East Demerara Conservancy Canal.

WEST The boundary between Vryheid's Lust and Brothers from the East Demerara Conservancy Canal northwards to the Atlantic Ocean.

## 16—DEMERARA COAST—WEST

That portion of the County of Demerara within the following boundaries:

- NORTH The Atlantic Ocean from the western side of the Company Path between Cummings Lodge and Industry eastwards to the boundary between Vryheid's Lust and Brothers.
- SOUTH The East Demerara Conservancy Canal from the boundary between Vryheid's Lust and Brothers, westwards to the Lamaha Canal.
- EAST The boundary between Vryheid's Lust and Brothers from the Atlantic Ocean, southwards to the East Demerara Conservancy Canal.
- WEST The Lamaha Canal from its junction with the East Demerara Conservancy Canal northwards to the junction with the Company Path between Cummings Lodge and Industry; the western side of the Company Path between Cummings Lodge and Industry northwards to the Atlantic Ocean.

## 17—KITTY

That portion of the City of Georgetown within the following [O. 27/1973] boundaries:

- NORTH By mean high water mark of the Atlantic Ocean commencing from its intersection with the eastern side of the groyne situate on the appropriate northern boundary of Kitty foreshore and extending eastwards along the said mean high water mark to its intersection with the western boundary of the Company Path between Pln. Cummings Lodge and Pln. Industry.
- SOUTH By the northern edge of the Lamaha Canal commencing from its intersection with the western boundary of the Company Path between Pln. Cummings Lodge and Pln. Industry and extending along the northern edge of the said canal to its intersection with the prolongation of the Common boundary between Pln. Bel Air and Pln. Sophia.
- EAST By the Western boundary of the Company Path between Pln. Cummings Lodge and Pln. Industry, commencing from its intersection of the said western boundary with the mean high water mark of the Atlantic

Ocean and extending southwards to its intersection with the northern edge of the northern most east to west portion of the Lamaha Canal.

## WEST

By the Common boundary between Pln. Bel Air and Pln. Sophia and the southern prolongation of the said boundary, commencing from its intersection with the northern edge of the Lamaha Canal and extending northwards to the northern boundary of Prashad Nagar Housing Scheme; thence westwards along the said Northern Boundary to the Centre line of the Middle walk dam between Pln. Bel Air and Pln. Blygezigt thence northwards along the said centre line to the Centre line of the East Coast Railway tracks; thence south-westwards along the said Centre line to its intersection with the prolongation of the western edge of the trench on the eastern side of McDougal Street (Campbellville); thence along the western edge of the said trench to the northern edge of the Cummings Canal; thence along the northern edge of the said canal in a westerly direction to its intersection with the western edge of the trench on the eastern side of Vlissengen road; thence along the western edge of the said trench to its terminal point at public road Kitty; thence along an imaginary line connecting the said terminal point to the intersection of mean high water mark of the Atlantic Ocean and the eastern edge of the Groyne on the Kitty foreshore at the point of commencement.

## 18—CAMPBELLVILLE

[O. 27/1973]

That portion of the City of Georgetown within the following boundaries:

## NORTH

By the northern edge of the Lamaha Canal, commencing from its intersection with the western edge of the trench on the eastern side of Vlissengen road and extending in an easterly direction along the said northern edge to the western edge of the trench on the eastern side of McDougal Street (Kitty) thence northwards along the western edge of the said trench to the intersection of its prolongation to the Centre Line of the East Coast railway track; thence north eastwards along the said Centre line to its intersection with the northern prolongation of the Centre line of the Middle Walk dam between Plns. Blygezigt and Bel Air; thence southwards along the said

Centre line to its intersection with the Northern boundary of Prashad Nagar Housing Scheme; thence along the northern boundary of the said Housing Scheme to the Common boundary between Plns. Bel Air and Sophia.

**SOUTH** By the Northern edge of the Lamaha Canal from its intersection with the southern prolongation of the Common boundary between Plns. Bel Air and Sophia and extending in a westerly direction along the northern edge of the said Canal and its prolongation to its intersection with the western edge of the trench on the eastern side of Vlissengen Road.

**EAST** By the prolongation of the Common boundary between Plns. Bel Air and Sophia commencing from its intersection with the northern boundary of Prashad Nagar Housing Scheme and extending southwards along the prolongation of the boundary to its intersection with the northern edge of the Lamaha Canal.

**WEST** By the Western edge of the trench on the eastern side of Vlissengen Road commencing from its intersection with the western prolongation of the northern edge of the Lamaha Canal and extending northwards along the western edge of the said trench to its intersection with the northern edge of the Cummings Canal.

#### 19—GEORGETOWN—NORTH

That portion of the City of Georgetown and of the lands situate between the northern boundary of the City of Georgetown and the Atlantic Ocean, within the following boundaries:

**NORTH** The Atlantic Ocean, from the mouth of the Demerara River to the Kitty Groyne.

**SOUTH** A line extending from the southern extremity of the eastern boundary westwards along the centre line of Church Street to Cummings Street; northwards along the centre line of Cummings Street to Middle Street; westwards along the centre line of Middle Street and Bentinck Street and the prolongation thereof to the Demerara River.

**EAST** A line from the Kitty Groyne, to the trench along the western side of Vlissengen Road; a line following the eastern edge of the said trench and the prolongation thereof to the centre line of Church Street.

WEST The right bank Demerara River from the prolongation of the centre line of Bentinck Street to the Atlantic Ocean.

#### 20—GEORGETOWN—CENTRAL

That portion of the City of Georgetown within the following boundaries:

NORTH A line, the prolongation of the centre line of Bentinck Street, commencing on the right bank Demerara River and extending eastwards along the centre line of Bentinck and Middle Streets to Cummings Street; southwards along the centre line of Cummings Street to Church Street; eastwards along the centre line of Church Street to the prolongation of the eastern edge of the trench on the west side of Vlissengen Road.

SOUTH The centre line of Hadfield Street and the prolongation thereof westwards to the Demerara River.

EAST A line following the eastern edge of the trench on the west side of Vlissengen Road from the centre line of Church Street thereof westwards to the Demerara River.

WEST The right bank Demerara River from the prolongation of the centre line of Hadfield Street to the prolongation of the centre line of Bentinck Street.

#### 21—WERK—EN—RUST

That portion of the City of Georgetown within the following boundaries:

NORTH A line, the prolongation of the centre line of Hadfield Street commencing on the right bank Demerara River and extending eastwards along the centre line of Hadfield Street to a point south of the eastern edge of the trench on the west side of Vlissengen Road.

SOUTH The centre line of Princess Street, and the prolongation thereof from the Cemetery Road, westwards to the right bank Demerara River.

EAST A line following the eastern edge of the trench on the west side of Vlissengen Road and Cemetery Road, from the centre line of Hadfield Street southwards to the centre line of Princess Street.

WEST The right bank Demerara River from the prolongation of the centre line of Princess Street, northwards to the prolongation of the centre line of Hadfield Street.



22—GEORGETOWN—SOUTH

That portion of the City of Georgetown within the following (O. 27/1973) boundaries:

- NORTH** By Princess Street, Georgetown commencing from the intersection of the western prolongation of its Centre line and mean high water mark on the right bank of the Demerara River, and extending eastwards along the said prolongation Centre line to its intersection with the Centre line of Kitty avenue; thence southwards along the said Centre line to its intersection with the Centre line of Sussex street; thence eastwards along the said Centre line to its intersection with the eastern boundary of Meadow Brook Gardens; thence northwards along the said eastern boundary and its northern prolongation to its intersection with the Centre line of Princess Street; thence eastwards along the said Centre line and its eastern prolongation to the western edge of the Lamaha Canal.
- SOUTH** By the Northern boundary of Independence Boulevard commencing from its intersection with the Centre line of Calender Street and extending westwards along the said northern boundary and its westward prolongation to its intersection with mean high water mark on the right bank of the Demerara River.
- EAST** By the western edge of the Lamaha Canal commencing from its intersection with the Centre line of Princess Street and extending southwards to its intersection with the eastern prolongation of the Centre line of Sussex Street, thence westwards along the said prolongation and Centre line to its intersection with the Centre line of Calender Street, Albouystown; thence southwards along the said Centre line to its intersection with the northern boundary of Independence Boulevard.
- WEST** By mean high water mark on the right bank of the Demerara River, commencing from its intersection with the western prolongation of Independence Boulevard and extending northwards along the said mean high water mark following its Sinuosities back to its intersection with the western prolongation of the Centre line of Princess Street at the point of commencement.

23—LA PENITENCE/LODGE

(a) La Penitence

[O. 27/1973]

L.R.O. 1/1975

That portion of the City of Georgetown within the following boundaries:

- NORTH** By the northern boundary of Independence Boulevard (formerly La Penitence navigation canal) commencing from the intersection of its eastern prolongation with mean high water mark of the Demerara River on its right bank and extending eastwards along the said northern boundary to its intersection with the Centre line of Calendar Street, Albouystown; thence northwards along the said Centre line to the centre line of Sussex Street; thence eastwards along the said Centre line to its intersection with the Centre line of Kitty Avenue; thence northwards along the said Centre line to the Centre line of Princess Street; thence eastwards along the Centre line of Princess Street to its intersection with the eastern boundary of Meadow Brook Gardens; thence southwards to the Centre line of Sussex Street; thence eastwards along the said Centre line and its eastward prolongation to its intersection with the southern prolongation of the western edge of the Lamaha Canal; thence northwards along the prolongation of the said western edge to its intersection with the southern edge of the Lamaha Canal on the approximate southern boundary of Pln. Sophia; thence eastwards along the southern edge of the said Canal to its intersection with the western edge of the said Canal where it turns to the south.
- SOUTH** By the northern boundary of the Company Path between Plns. La Penitence and Ruimveldt (Laing Avenue) commencing from the intersection of its eastern prolongation with the western edge of the Lamaha Canal and extending westwards along the said northern boundary and its western prolongation to its intersection with mean high water mark of the Demerara River on its right bank.
- EAST** By the western edge of the Lamaha Canal situate immediately east of the eastern boundary of Pln. La Penitence, commencing from the right angle bend in the said Canal at the south eastern corner of Pln. Sophia and extending southwards along the western edge of the said Canal to its intersection with the eastern prolongation of the northern boundary of the Company Path between Plns. La Penitence and Ruimveldt (Laing Avenue).
- WEST** By mean high water mark of the Demerara River on its

right bank commencing from its intersection with the northern boundary of the Company Path between Plns. La Penitence and Ruimveldt (Laing Avenue) and extending northwards along the said mean high water mark following its Sinuosities to its intersection with the western prolongation of the northern boundary of Independence Boulevard (formerly La Penitence Navigation Canal) at the point of commencement.

(b) Lodge

That portion of the City of Georgetown within the following boundaries:

- NORTH By the northern edge of the Lamaha Canal and its western prolongation commencing from the intersection of the said prolongation with the western edge of the trench on the eastern side of Vlissengen Road, Georgetown and extending in an easterly direction along the western prolongation of the northern edge of the said Canal to its intersection with the northern prolongation of the western edge of the said Canal where it makes a right angular turn towards the south on the approximate western boundary of Pln. Sophia.
- SOUTH By the Centre Line of Princess Street commencing from its intersection with the southern prolongation of the western edge of the Lamaha Canal (running parallel to the western boundary of Pln. Sophia) and extending along the Centre line of the said street in a westerly direction to its intersection with the Centre line of Cemetery Road.
- EAST By the western edge of the Lamaha Canal and its northern prolongation (running parallel to the western boundary of Pln. Sophia) commencing from the intersection of the northern prolongation of the said western edge and the northern edge of the said Canal (which runs parallel to the northern boundary of the Botanical Gardens) and extending in a southerly direction along the said prolongation, the western edge of the said Canal and its southern prolongation to the Centre line of Princess Street.
- WEST By the Centre lines of Cemetery and Vlissengen Roads and the western edge of the trench on the eastern side of Vlissengen Road connected as follows:

Commencing from the intersection of the Centre lines of Princess Street and Cemetery Road, and extending northwards along the Centre Line of Cemetery road to its intersection with the Centre line of D'Urban Street to its intersection with the Centre line of of Vlissengen road; thence northwards along the Centre line of Vlissengen road through the traffic island, in the vicinity of Hadfield Street, to its intersection with the Centre line of Brickdam; thence northwards along the straight line joining the intersection of the Centre lines of Vlissengen road and Brickdam to the intersection of the western edge of the trench on the eastern side of Vlissengen road with the southern edge of the trench on the northern side of that portion of Croal Street east of Vlissengen road; thence along the western edge of the trench on the eastern side of Vlissengen road back to the intersection of the said western edge with the western prolongation of the northern edge of the Lamaha Canal at the point of commencement.

## 24—RUIMVELDT

That portion of the County of Demerara within the following boundaries:

- NORTH** The northern side of the Company Path between La Penitence and Ruimveldt (Laing Avenue) from the right bank Demerara River eastwards to the western edge of the Lamaha Canal.
- SOUTH** The northern side of the Company Path between Ruimveldt and Houston westwards from the Lamaha Canal to the Demerara River.
- EAST** The western edge of the Lamaha Canal from the Company Path between La Penitence and Ruimveldt southwards to the Company Path between Ruimveldt and Houston.

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[Subsidiary]

WEST The right bank Demerara River from the northern side of the Company Path between Ruimveldt and Houston northwards to the northern side of the Company Path between La Penitence and Ruimveldt.

## 25—HOUSTON

That portion of the County of Demerara within the following boundaries:

NORTH AND EAST The northern side of the Company Path between Ruimveldt and Houston from the Demerara River eastwards to the Lamaha Canal; the Lamaha Canal southwards to a point due east of the southern boundary line of the Anna Maria (Canal No. 3).

SOUTH A line commencing on the Lamaha Canal at a point due east of the southern boundary of Anna Maria and extending west to the southern boundary of Anna Maria; the southern boundaries of Anna Maria, Utrecht, Woerden, Watville, Two Friends, Prosperity, Mocha and Arcadia; the western boundary of Arcadia northwards to the boundary between Prospect and Little Diamond; the boundary between Prospect and Little Diamond westwards to the Demerara River.

WEST The right bank Demerara River downwards from the boundary between Prospect and Little Diamond to the northern side of the Company Path between Ruimveldt and Houston.

## 26—LOWER DEMERARA RIVER

That portion of the County of Demerara within the following boundaries:

NORTH The boundary between Prospect and Little Diamond from the right bank Demerara River to Arcadia; the western boundary of Arcadia southwards to the southern boundary; the southern boundaries of Arcadia, Mocha, Prosperity, Two Friends, Watville, Woerden, Utrecht and Anna Maria and the prolongation thereof eastwards to the Lamaha Canal.

SOUTH The right bank Moblissa River from the source downwards to its mouth; a line across the Demerara River to the mouth of Arabaio River; the left bank Arabaio River upwards to its source on the watershed between the Demerara and Essequibo Rivers.

[Subsidiary]

*National Registration (Districts) Order*

EAST

The western edge of the Lamaha Canal from a point due east of the southern boundary of Anna Maria, southwards to the Lamaha Creek; the left bank Lamaha and Badarima Creeks upwards to the source of the Badarima Creek; the watershed between the Demerara and Mahaica Rivers southwards to the source of the Moblissa River.

WEST

The watershed between the Demerara and Essequibo Rivers northwards from the source of the Arabaio River to the source of the Kamuni River; the right bank Kamuni River downwards to its mouth; the left bank Demerara River from the mouth of the Kamuni River downwards to a point due west of the boundary between Prospect and Little Diamond; a line due east across the Demerara River to its right bank at the boundary between Prospect and Little Diamond.

## 27—UPPER DEMERARA RIVER—WEST

That portion of the County of Demerara within the following boundaries:

NORTH

The left bank Arabaio River from its mouth (left bank Demerara River) upwards to its source on the watershed between the Demerara and Essequibo Rivers.

SOUTH

The fifth parallel of North Latitude due west from the Demerara River to the watershed between the Demerara and Essequibo Rivers.

EAST

The Demerara River from the left bank of the Arabaio River southwards to the fifth parallel of North Latitude.

WEST

The watersheds between the Demerara and Essequibo Rivers northwards from the fifth parallel of North Latitude to the source of the Arabaio River.

## 28—UPPER DEMERARA RIVER—EAST

That portion of the County of Demerara within the following boundaries and including the mining settlement of Ituni:

NORTH

The right bank Moblissa River from its mouth (right bank Demerara River) upwards to its source on the watershed between the Demerara and Mahaica Rivers.

SOUTH

The fifth parallel of North Latitude due west from the watershed between the Demerara and Berbice Rivers to the Demerara River.

EAST

The watersheds between the Demerara and Mahaica Rivers, the Demerara and Mahaicony Rivers and the

*National Registration (Districts) Order*

[Subsidiary]

Demerara and Berbice Rivers, southwards from the source of the Moblissa River to the fifth parallel of North Latitude.

WEST The Demerara River from the fifth parallel of North Latitude northwards to the right bank Moblissa River.

## 29—CANALS POLDER

That portion of the County of Demerara within the following boundaries:

NORTH The southern bank of the Boerasirie Canal (West Demerara Conservancy) from the watershed between the Demerara and Boerasirie Rivers at a point opposite the Uitvlugt Middle Walk eastwards to the back boundary of Plantation Versailles; the south boundary of Versailles to the west boundary of Goed Fortuin; the west or back boundaries of Goed Fortuin; Schoon Ord, and La Grange southwards to Canal No. 1; the northern edge of Canal No. 1 eastwards to the Demerara River; a line due east across the Demerara River to its right bank.

SOUTH The right bank Kamuni River from its mouth upwards to its source.

EAST The right bank Demerara River from a point east of Canal No. 1 upwards to the boundary between Prospect and Little Diamond; a line due west across the Demerara River to the left bank; the left bank Demerara River upwards to the Kamuni River.

WEST The watershed between Demerara and Essequibo Rivers and the Demerara and Boerasirie Rivers from the source of the Kamuni River northwards to the southern edge of the Boerasirie Canal (West Demerara Conservancy) at a point opposite the Uitvlugt Middle Walk.

## 30—VREED—EN—HOOP

That portion of the County of Demerara within the following boundaries:

NORTH The Atlantic Ocean from the boundary between La Jalousie and Blankenburg eastwards to the mouth of the Demerara River; a line due east across the Demerara River to its right bank.

SOUTH A line commencing at a point on the right bank Demerara River due east of the northern edge of Canal No. 1

[Subsidiary]

*National Registration (Districts) Order*

and extending west to the left bank Demerara River; the northern edge of Canal No 1 westwards to the western or back boundary of La Grange, the western boundaries of La Grange, Meer Zorgen, Schoon Ord, and Goed Fortuin northwards to the boundary between Goed Fortuin and Versailles; the southern boundary of Versailles westwards to the Boerasirie Canal (West Demerara Conservancy); the southern edge of the Boerasirie Canal westwards to a point opposite the boundary between La Jalousie and Blankenburg.

- EAST The right bank Demerara River upwards to a point due east of the northern edge of Canal No. 1 on the left bank.
- WEST The boundary between La Jalousie and Blankenburg from the Boerasirie Canal northwards to the Atlantic Ocean.

## 31—LEONORA

That portion of the County of Demerara within the following boundaries:

- NORTH The Atlantic Ocean from the Uitvlugt Middle Walk eastwards to the boundary between La Jalousie and Blankenburg.
- SOUTH The southern edge of the Boerasirie Canal westwards from the boundary between La Jalousie and Blankenburg to the Uitvlugt Middle Walk.
- EAST The boundary between La Jalousie and Blankenburg from the Atlantic Ocean southwards to the Boerasirie Canal (West Demerara Conservancy).
- WEST The Uitvlugt Middle Walk from the Boerasirie Canal northwards to the Atlantic Ocean.

## 32—BOERASIRIE

Those portions of the Counties of Demerara and Essequibo within the following boundaries:

- NORTH The right bank Essequibo River from Parika Stelling downwards to the mouth of the Boerasirie River; the Atlantic Ocean from the Boerasirie River eastwards to the Uitvlugt Middle Walk.
- SOUTH AND WEST The right bank Makouria River from its source downwards to the Essequibo River; the right bank Essequibo River from the Makouria River downwards to Parika Stelling.



*National Registration (Districts) Order*

[Subsidiary]

EAST The Uitvlugt Middle Walk southwards to the Boerasirie Canal (West Demerara Conservancy); the watershed between the Demerara and Boerasirie Rivers and the Demerara and Essequibo Rivers southwards to the source of the Makouria River.

## 33—ESSEQUIBO ISLANDS

That portion of the County of Essequibo within the following boundaries:

NORTH By a line across the mouth of the Essequibo River from the northernmost tip of Tiger Island to the northernmost tip of Dauntless (Leguan Island) and thence to the mouth of the Boerasirie River.

SOUTH A line from the right bank Essequibo River commencing at a point due east of the mouth of Tiger River and extending across the Essequibo River to the mouth of Tiger River; the left bank Tiger River upwards to its source.

EAST The right bank Essequibo River from the mouth of the Boerasirie River upwards to a point due east of the mouth of the Tiger River on the left bank.

WEST The watershed between the Essequibo and Cuyuni Rivers from the source of Tiger River to the source of the Supenaam River; the left bank Supenaam River downwards to its mouth; the left bank Essequibo River from the mouth of the Supenaam River downwards to a point due west of the northernmost tip of Tiger Island; a line due east to the northernmost tip of Tiger Island.

## 34—SUDDIE

That portion of the County of Essequibo within the following boundaries:

NORTH A line commencing on the watershed between Pomeeroon River and the Essequibo Coast due west of the boundary between Lima and Coffee Grove and extending eastwards to the said boundary; the boundary between Lima and Coffee Grove to the Atlantic Ocean.

SOUTH The left bank Supenaam River from its mouth upwards to its source.

EAST The Atlantic Ocean and the left bank Essequibo River from the boundary between Lima and Coffee Grove to the left bank Supenaam River.

[Subsidiary]

National Registration (Districts) Order

WEST

The watershed between the Supenaam and Pomeroon Rivers and the Pomeroon River and the Essequibo Coast from the source of the Supenaam River north eastwards to a point due west of the boundary between Lima and Coffee Grove.

35—POMEROON

That portion of the County of Essequibo within the following boundaries:

NORTH  
AND  
EAST

The Atlantic Ocean from the mouth of the Pomeroon River to the boundary between Coffee Grove and Lima; the boundary between Coffee Grove and Lima and the prolongation thereof westwards to the watersheds between the Pomeroon River and the Essequibo Coast; the watershed between the Pomeroon River and the Essequibo Coast and the Pomeroon and Supenaam Rivers to the watershed between the Supenaam and Cuyuni Rivers at the source of the Supenaam River.

SOUTH

The watershed between the Supenaam, Pomeroon and Cuyuni Rivers from the source of the Supenaam River westwards to the source of the Pomeroon River.

WEST

The watershed between the Pomeroon and Waini Rivers; the watershed between the Akawini and Manawarin Rivers; the watershed between the Akawini and Wakapau Rivers; a line in a north westerly direction to the Wakapau River at the mouth of the Hanabasaigia River; the left bank Wakapau to its mouth; the left bank of Pomeroon to its mouth.

36—NORTH WEST

That portion of the County of Essequibo within the following boundaries:

NORTH

By the Atlantic Ocean from Punta Playa to the mouth of the Pomeroon River.

SOUTH

By the watershed between the Cuyuni and the Waini and Barama Rivers from the source of the Pomeroon River to the source of the Akarabisi River.

EAST

By the left bank Pomeroon River to the mouth of the Wakapau River, thence by the left bank Wakapau River to the mouth of Hanabasaigia River, thence by a line in a south easterly direction to the watershed between the

Wakapau and Akawini Rivers, thence along this watershed to the watershed between the Akawini and Manawarin Rivers thence along this watershed to the watershed between the Pomeroon and Waini Rivers, thence along this watershed to the source of the Pomeroon River.

WEST By the boundary between Guyana and Venezuela from the source of the Akarabisi River to the Atlantic Ocean.

### 37—MAZARUNI/POTARO

That portion of the County of Essequibo within the following boundaries:

NORTH The watershed between the Barama, Waini, Pomeroon and Supenaam and Groete Rivers on the North and Cuyuni River on the South, from the boundary between Guyana and Venezuela at the source of the Akarabisi River, eastwards to the source of the Tiger River; the left bank Tiger River downwards to its mouth; a line due east across the Essequibo River to the right bank; the right bank Essequibo River upwards to the Makouria River; the right bank Makouria River upwards to its source.

SOUTH The 5th parallel of North Latitude from the watershed between the Essequibo and Demerara Rivers due west to the boundary between Guyana and Brazil (the Ireng River); the boundary between Guyana and Brazil to the tri-national boundary beacon on Mt. Roraima.

EAST The watershed between the Essequibo and Demerara Rivers from the source of Makouria River southwards to the 5th parallel of North Latitude.

WEST The boundary between Guyana and Venezuela from the tri-national boundary beacon on Mt. Roraima to the source of the Akarabisi River.

### 38—RUPUNUNI

That portion of Guyana within the following boundaries:

NORTH The 5th parallel of North Latitude from the boundary between Guyana and Brazil (Ireng River) due east to the watershed between the Demerara and Berbice Rivers; the said watershed southwards to the 4th parallel of North Latitude; the 4th parallel of North Latitude due east to the Corentyne River.

[Subsidiary]

*National Registration (Districts) Order*  
*National Registration (Residents) Order 1971*

- SOUTH      The boundary between Guyana and Brazil from the source of the Corentyne River westwards to the source of the Takutu River.
- EAST        The left bank Corentyne River from the 4th parallel of North Latitude upwards to the source of the River.
- WEST        The boundary between Guyana and Brazil—along the Takutu and Ireng Rivers—from the source of the Takutu River northwards to the 5th parallel of North Latitude.

0.55/1971

**NATIONAL REGISTRATION (RESIDENTS) ORDER 1971**

*made under section 6*

- Citation.      1. This Order may be cited as the National Registration (Residents) Order 1971.
- Registration.    2. Persons to whom this Order applies shall be registered with reference to the 30th September, 1971, and the registration of those persons upon their application therefor begins on 20th September, 1971, and ends on 30th September, 1971.
- Application.    3. This Order applies to all persons who at the qualifying date shall have attained the age of fourteen years and are resident in Guyana at the date, not being persons whose names appear on the central register at the coming into force of this Order.

*National Registration*

Cap. 19:08

37

*National Registration (Non-Residents) Order 1973*  
*National Registration (Residents) Order 1973*  
*National Registration (Residents) Order 1976*

[Subsidiary]

**NATIONAL REGISTRATION (NON-RESIDENTS)  
ORDER 1973**

O. 22/1973

*made under section 6*

1. This Order may be cited as the National Registration (Non- Residents) Order 1973. Citation.

2. Persons to whom this Order applies shall be registered with reference to the 30th September, 1973, and the registration of those persons begins on 15th March, 1973, and ends on 30th April, 1973. Registration.

3. This Order applies to all persons who, being citizens of Guyana or women married to citizens of Guyana, as at 30th September, 1973, have attained the age of fourteen years and are not resident in Guyana. Application.

**NATIONAL REGISTRATION (RESIDENTS) ORDER 1973**

O. 23/1973

*made under section 6*

1. This Order may be cited as the National Registration (Residents) Order 1973. Citation.

2. Persons to whom this Order applies shall be registered with reference to the 30th September, 1973, and the registration of those persons begins on 15th March, 1973, and ends on 21st March, 1973. Registration.

3. This Order applies to all persons who at the 30th September, 1973, have attained the age of fourteen years and are resident in Guyana at that date, not being persons whose names appear on the central register at the coming into operation of this Order. Application.

**NATIONAL REGISTRATION (RESIDENTS) ORDER 1976**

O. 58/1976

*made under section 6*

1. This Order may be cited as the National Registration (Residents) Order 1976. Citation.

2. Persons to whom this Order applies shall be registered with reference to the 30th September, 1976, and the registration of those persons shall begin on the 19th July, 1976, and end on the 7th August, 1976. Registration.

3. This Order shall apply to all persons who at the 30th September, 1976, shall have attained the age of fourteen years and are resident in Guyana at that date, not being persons whose names appear on the central register at the coming into operation of this Order. Application.

## NATIONAL REGISTRATION (RESIDENTS) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

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2. Interpretation.
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36. Certification and publication of revised lists.

37. Correction of revised list by Commissioner.
38. Cancellation of registration.
39. Disposal of disused registration cards and identification cards.
40. Emigration of persons.
41. Replacement of identification cards.
42. Partial or total loss of registration cards.
43. Forms.
44. Interpreter.
45. Authorised disclosures to Police.
46. Indication of regulations to govern execution of Commissioner's directions.
47. Extension of time.
48. Service of document.
49. Deference to authority to Elections Commission.
50. Offence.

SCHEDULE—Forms.

**NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS\***

Reg. 16/1967  
2/1968  
6/1968  
26/1968  
10/1969  
7/1973  
15/1973

*made under section 19*

1. These Regulations may be cited as the National Registration Citation.  
(Residents) Regulations.

2. (1) In these Regulations—

Interpretation.  
[Reg. 7/1973]

“application” means an application for registration;

“Form” means Form in the Schedule;

“identity number” means the serial number printed on a person's registration card and entered in his identification card or to be entered therein;

“list” means a preliminary list of persons prepared under section 14 and includes any list affixed under subsection (1) of section 15;

“registered” means registered under the Act;

“registrant” means any person whose registration is allowed by a divisional registrar;

\*Nothing in these Regulations are to apply to matters provided for in the National Registration Regulations (No. 6/1968, page 79 below): see regulation 32 of the latter Regulations.

"registration office" means the office of a registrar, deputy registrar or divisional registrar;

"section" means a section of the Act.

(2) The provisions of section 2(2) shall, as they apply in relation to a person's residence, apply in relation to a person's other particulars required for his application and registration card, and these Regulations shall be construed accordingly.

(3) In these Regulations reference to a qualifying date in relation to the preparation or revision of a preliminary list is a reference to such date as may be appointed by directions under section 14(1).

Division of district into registration divisions.

3. (1) In determining the boundaries of registration divisions the Commissioner shall have regard to geographical and other factors which may affect facility of registration or communications within such registration divisions.

(2) The Commissioner may from time to time increase or decrease the number of registration divisions within a registration district and vary the boundaries of any such registration division.

(3) Where the Commissioner makes any change in the number or boundaries of registration divisions within any district, he shall direct the registrar of such district to make the requisite adjustments to the divisional registers and notify such registered persons as may be affected by the change.

Registration offices.

4. (1) Registrars shall use as their offices for the performance of duties assigned to them by these Regulations such places as may be appointed by the Commissioner, who may also, if he thinks fit, appoint a place for use as aforesaid by any deputy registrar or divisional registrar.

(2) The Commissioner shall cause to be published in the *Gazette* and in a newspaper circulating in Guyana the addresses of the registration offices.



5. The Commissioner shall from time to time communicate to every registrar the names, addresses, occupations and identity numbers of all persons—

Supply of lists of cancellations and registered persons.

(a) who are registered in the central register;

(b) whose registrations have been cancelled, and the dates of such cancellation.

6. (1) A divisional registrar shall tender application forms and receive applications when visiting houses under section 6(4):

Manner of application.  
[Reg. 2/1968]

Provided that—

(a) applications for the registration of persons referred to in proviso (a) to section 6(4) and who are resident at the qualifying date in any registration division may be made to the divisional registrar therefor, who shall furnish application forms to such applicants, at the office established for the purpose under that proviso;

(b) if the divisional registrar is satisfied that it is unlikely to be practicable to obtain any application in accordance with the foregoing provisions of this paragraph, he may obtain the application at such place within his registration division as he may reasonably choose to tender an application form for the purpose.

(2) Every person making any such application as aforesaid shall—

(a) furnish the particulars regarding himself as at the qualifying date which are required for the purpose of completing Form 1;

Form 1.

(b) furnish such documentary or other proof of any of the particulars referred to in sub-paragraph (a) as the divisional registrar may in any particular case reasonably require to satisfy him of the truth thereof:

Provided that where the person fails to furnish such documentary or other proof, if required in respect of the date of his birth, as is to the satisfaction of the divisional registrar, the divisional registrar shall, from the person's appearance or such other evidence as the divisional registrar deems sufficient, determine the person's age at the qualifying date and, if a registration card is prepared for him, enter on such card, in place of the said date, a note of that age as having been determined by the divisional registrar;

(c) comply with such requirements of the divisional registrar as may be reasonably necessary for the measurement and recording of his height;

(d) comply with such requirements of the divisional registrar

as may be reasonably necessary for the taking and recording of his left thumb print or, in case that is not practicable, of some other single finger print, a note being made in such case by the divisional registrar to indicate which of the applicant's fingers is so printed;

(e) answer any questions which the divisional registrar may, in any particular case, reasonably consider necessary to put for the purpose of enabling him to decide whether the applicant is eligible to be registered as resident in the divisional registrar's registration division at the qualifying date.

(3) Every application under this regulation shall—

Form 1.

- (a) be in Form 1;
- (b) be in duplicate;
- (c) subject to paragraph (4), be completed on the part of the applicant in the presence of the divisional registrar;
- (d) subject to regulation 10, be signed by the applicant; and
- (e) have a printed serial number,

and the applicant shall be classified therein as Category A, in any case where his particulars are such as to qualify him for electoral registration as mentioned in section 14(1), and as Category B in any other case.

(4) The divisional registrar may prepare the application of any person who is unable to read or write.

Allowance,  
disallowance  
and election  
in respect of  
registration.

7. (1) If a divisional registrar, on receipt of an application for the registration in reference to his registration division of any person, is satisfied that there is no previous application by that person for such registration with reference to the qualifying date and that the application so received may be granted, the divisional registrar shall cause a registration card and an identification card to be prepared for such person and signed by him, respectively, in accordance with these Regulations.

Form 2.

(2) If the divisional registrar is not satisfied as mentioned in paragraph (1) of this regulation he shall cancel the person's application by writing thereon the word "disallowed", issue to him a notice of disallowance in Form 2 and send a copy of such notice to the registrar for the district comprising the said registration division.

(3) Where a person, by communication of his decision in writing to the divisional registrar in accordance with section 11(2), elects to be registered in reference to any registration division, the

divisional registrar shall transmit such communication to the registrar to whom the divisional registrar is subordinate, and the registrar shall transmit a copy thereof to such other registrar (if any) as has been assigned to the district comprising that registration division.

8. (1) The registration card shall, in Form 3 and subject to the requirements thereof, be prepared in triplicate:

Registration  
cards.  
Form 3.

Provided that, where the front of any card is incapable of accommodating anything required to be entered therein, the required entry shall be made on the back of the card. A divisional registrar shall initial every entry made by him under this proviso and, subject to regulation 10, shall require every registrant of whom particulars are contained in any such entry to sign a statement below it that the entry is true to his knowledge.

(2) Every registration card shall have a printed serial number thereon.

9. (1) After the applicant's particulars as at the qualifying date which are required under the preceding regulation by the said form have been entered therein, the divisional registrar shall sign it and, subject to regulation 10, shall require him to read his registration card, for the purpose of ensuring that its contents are true and correct, and sign it as a registrant.

Registration  
cards to be  
read over  
and signed.

(2) The divisional registrar shall take and record on the original and duplicate registration cards the left thumb print of the registrant or, if that is not practicable, some other single finger print with a note indicating which of the registrant's other fingers is so printed, and the registrant shall comply with such requirements of the divisional registrar as may be reasonably necessary for the purpose.

(3) Subject to regulation 18, the divisional registrar shall give the triplicate copy of the registration card to the registrant.

10. (1) Where a person is unable to read, the divisional registrar shall read over to him, before such witness (if any) of his choice as is present, the contents of his application form and registration card for the purpose of ensuring that the contents are true and correct.

Persons  
unable to  
read or write  
or otherwise  
incapacitated.

(2) Where the person is unable to sign his name, the divisional registrar shall take and record, in place of such signature, the person's left thumb print or, if that is not practicable, some other single finger print with a note indicating which of the person's other fingers is so printed, and shall initial that print; and the person shall comply with such requirements of the divisional registrar as may be reasonably necessary for the purpose.

(3) If by reason of any physical defect or injury it is impractic-

[Subsidiary]

National Registration (Residents) Regulations

cable to comply with any requirement that some finger of a person (other than his left thumb) be printed under the foregoing provisions of these Regulations, the divisional registrar shall enter and sign a note to that effect, and of the reason, in place of such print.

Identification  
card.  
Form 4.

11. (1) A registrant shall in the presence of the divisional registrar sign a blank identification card which shall be in Form 4.

(2) Regulation 10(2) and (3) shall apply *mutatis mutandis* to the signing of an identification card under paragraph (1).

Spoilt and  
disallowed  
application  
forms and  
registration  
cards.

12. (1) A divisional registrar, if satisfied that the application form or a registration card of any person cannot conveniently be used or that any such form or card, having been partly prepared, cannot conveniently be completed, shall cancel it by writing the word "spoilt" thereon, without prejudice to the completion of another such form or card in respect of that person.

(2) If, before completion of an application form or registration card which has been partly prepared, the divisional registrar is satisfied that he should issue, or ought to have issued, a notice of disallowance under the provisions of regulation 7(2), he shall cancel such form or card, as the case may be, and thereupon comply with those provisions in so far as applicable.

Correction  
of mistakes.

13. (1) Any clerical or other error or omission in the application or registration card of any person which has been caused by inadvertence may be corrected or supplied by way of the requisite alteration being made thereto either by the divisional registrar having for the time being such application or card, or by the registrar of the district in reference to which such person's application or registration was made or effected, as the case may be.

(2) Every alteration made pursuant to this regulation by a registrar or divisional registrar shall be initialled by him; and, if made by a divisional registrar, the alteration shall be initialled by the person to whom the application or card relates, who shall, in addition, initial such corresponding alteration to the duplicate or the duplicate and triplicate of the application or card (as the case may be) as shall also be made by the divisional registrar.

(3) Regulation 10 shall apply *mutatis mutandis* in relation to alterations made by a divisional registrar under this regulation and their initialling by the said person as that regulation applies in relation to the contents of a form to which it refers and signature thereof.

(4) Where the registrar makes any alteration under this regulation, he shall give to the said person notice thereof, which may be sent by registered post to his last known address.

(5) Reference in the foregoing provisions of this regulation to the making by registrar of any alteration to an application or registration card shall be construed to include reference to his making the same in his files or divisional register, and to his causing it to be made by way of notification to the Commissioner under the next following paragraph, to the original, duplicate and any triplicate copy thereof.

(6) Upon notification of any alteration by a registrar pursuant to this regulation, the Commissioner shall make or cause to be made the like alteration to any original or copy of the relevant application or registration card which is kept by him; and the Commissioner, instead of the registrar (notwithstanding the provisions of any regulation), shall initial every alteration made under this paragraph.

(7) Where the description of the address of any person has been altered by lawful authority, the foregoing provisions of this regulation shall apply to any resulting misdescription of such address in his application and registration card as they apply to any error mentioned in paragraph (1).

14. (1) Any person registered for the purposes of any order made under section 6(1)— Claims for corrections.

(a) being a person who believes that any error or omission has been made in his application or registration card, may, on or before the qualifying date or the day appointed by such order for the end of the registration of applicants, whichever is later, submit a claim to the registrar in whose divisional register the person is registered; or

(b) being a person who desires to notify the registrar aforesaid of any changes occurring after the qualifying date in the particulars recorded by way of such registration, may, after the expiration of such period following the certification of revised lists of persons registered for the said purposes as is mentioned in regulation 37, submit a claim to the registrar, to make the requisite alteration:

Provided that where the alteration is claimed under subparagraph (a) in consequence of the person's change of residence from one district to another on or before the qualifying date, or under subparagraph (b) in consequence of such a change after the said date, the claim shall be submitted to the registrar for the latter district.

(2) Any such claim by a person registered for the purposes of any order as aforesaid shall be in writing in Form 5 and, in the case of a claim under paragraph (1) (a) in respect of any alteration which entails a change of the claimant's registered name, address, occupation, identity number or category mentioned in regulation 6(3), shall be determined under paragraph (3) or (4) of this regulation, so that Form 5.

the alteration (if any) required in consequence of such determination may be made, prior to the completion of preparation of the list of persons registered for the purposes of the said order.

(3) The registrar may allow a claim made under paragraph (1) and, in that event, he shall make the requisite alteration to the application form or the registration card, as the case may require, initial such alteration and, in the case of a change referred to in subparagraph (b) of that paragraph, insert the date of such change.

(4) A registrar who is not satisfied that any claim made under the said paragraph should be allowed shall hold a public enquiry to determine the matter:

Provided that in the case of a claim under paragraph (1) (a), whenever such registrar is satisfied that the matter may be determined under regulation 27 in the event of a claim being made under regulation 23(1) for the purpose, he shall, without prejudice to the making of such a claim, disallow the first-mentioned claim and shall notify the claimant accordingly.

(5) Regulation 13(4), (5) and (6), and regulations 27 to 33 (inclusive), in so far as applicable, shall apply *mutatis mutandis* in relation to an alteration in accordance with paragraph (3), and an enquiry and decision under paragraph (4), respectively, of this regulation.

(6) Where the registrar allows a claim in respect of a change of residence and such change is from one registration division to another within his district he shall make the necessary transfers in his files and divisional registers and where such change is to his district from another district, he shall arrange for the necessary transfers with the registrar of the last-mentioned district.

(7) Where the registrar allows a claim under paragraph (1)(a) in respect of a change of the name of any person, he shall make or cause to be made the requisite alteration to such person's application and shall cause a new registration card to be prepared for him and shall give any directions which he considers expedient for the purpose.

(8) Where any claim in respect of a registration card is allowed and such card is incapable of accommodating the requisite alteration, the registrar shall attach to the said card a continuation registration card bearing the same identity number as the first-mentioned card and make such alteration on the continuation card; and reference in paragraph (5) to any alteration includes a reference to any such attachment.

15. (1) Every divisional registrar shall keep in a safe place and, subject to these Regulations, otherwise treat as secret and confidential—

Documents to be safely kept and delivered to registrar by divisional registrar.

- (a) application forms;
- (b) registration cards;
- (c) identification cards;
- (d) notices of disallowance of registration; and
- (e) acknowledgments under paragraph (1) of regulation 17, received completed or otherwise used by him in the performance of his duties.

(2) Subject to these Regulations, a divisional registrar shall, at such times as the Commissioner may direct, deliver to the appropriate registrar all cards, forms, and other documents that have been received, completed or otherwise used by the divisional registrar in the performance of his duties, and all such documents which were required to be treated by him in the manner provided by the preceding paragraph shall be treated by the registrar in like manner.

16: Within any registration division, the divisional registrar therefor acting on behalf of any other divisional registrar may, in such circumstances as the Commissioner may direct, obtain applications for registration in reference to such other divisional registrar's registration division and perform his functions in connection with any such applications and the applicants' registration and identification cards under regulations 6 to 13 (inclusive), 15 and 17, which shall, in so far as applicable, have effect *mutatis mutandis* for the purposes of this regulation.

Performance of one divisional registrar's functions by another.

17. (1) After giving to any registrant the triplicate copy of his registration card as required by regulation 9(3), the divisional registrar shall direct the registrant to deliver the said copy to an official photographer within such time and at such place as shall be specified in such direction; and every registrant so directed shall, in writing under his hand, acknowledge in the presence of the divisional registrar such direction.

Photograph of registrant.

(2) Regulation 10 shall *mutatis mutandis* apply in relation to such acknowledgment and signature thereof as it applies in relation to a form to which it refers and signature thereof.

(3) Subject to paragraph (6), the photographer shall upon delivery to him of the triplicate copy of a registrant's registration card, require the registrant to sign his name on the said copy and take and record his left thumb print thereon or, if that is not practicable, some other single finger print with a note indicating which of the registrant's other fingers is so printed.

{Subsidiary}

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(4) The photographer shall thereafter photograph such registrant, his identity number having been set up on the camera so as to appear on such photograph.

(5) The photographer, after signing, detaching and giving to such registrant the counterfoil of the said copy, shall send it and the exposed film of his photograph to the commissioner.

(6) Regulation 10(2) and (3) shall, *mutatis mutandis*, apply to the photographer as they apply to the divisional registrar.

Exemption  
from taking  
of photo-  
graph

18. (1) Where a registrant objects to the taking of his photograph for the reason that his face is disfigured or on any other grounds he may apply for exemption from compliance with the requirements of regulation 17.

Form 6.

(2) An application under this regulation shall be in Form 6 and shall be delivered to the divisional registrar on the occasion of the allowance of the applicant's registration.

(3) On receipt of such application the divisional registrar shall endorse his recommendation thereon and forward it for determination to the registrar to whom the divisional registrar is subordinate; and the divisional registrar shall not give to the registrant the triplicate copy of his registration card as required by regulation 9(3) unless and until the registrar refuses such application.

(4) If the registrar grants the application he shall endorse on the application and in the space for the photograph on the identification card and the registration card of the registrant the words "Exempted from being photographed" together with his signature and shall record in such place as shall be reserved for remarks on the back of the registration card the reason for such exemption.

Power of  
Minister  
to exempt  
persons  
from taking  
of photo-  
graph.  
[Reg. 26/1968]

19. (1) The Minister may, in his discretion, exempt any person by notice served on him by registered post, or any class of persons by notice published in the *Gazette*, from compliance with any of the requirements of regulation 9(3) or regulation 17.

(2) Where any person is exempted under paragraph (1) from compliance with any directions given to him by a divisional registrar under regulation 17, the Commissioner may direct the divisional registrar to require the surrender to him by such person of the triplicate copy of his registration card.

(3) Regulations 15 and 19 shall, *mutatis mutandis*, apply in relation to all triplicate copies of registration cards retained under paragraph (1), or obtained under paragraph (2), by divisional registrars.

(4) The registrar shall endorse on the application and in the space for the photograph on the identification card and the registra-



tion card of a person exempted under this regulation the words "Exempted from being photographed", together with his signature.

20. (1) A registrar shall, at such times as the Commissioner may direct, transmit to the Commissioner, who shall treat in like manner as provided by regulation 15(1), the original applications, registration cards and identification cards received from divisional registrars or completed by the registrar in the performance of his duties under these Regulations and such triplicate copies of registration cards as he may have so received under regulation 15(2) and by virtue of regulation 18, but the registrar shall retain the duplicate copies of all applications and registration cards.

Delivery of documents by registrar to Commissioner.

(2) Having received the documents mentioned in paragraph (1) and, where a photograph has been taken, the film and triplicate copy mentioned in regulation 17(5), in respect of any person, the Commissioner shall—

Completion of registration card and identification card by Commissioner.

(a) fill out the person's identification card from the particulars on his registration card and, where a photograph has been taken, cause prints of the film to be prepared and attach one of them to the original registration card and affix another to the identification card of such person:

Provided that where such person's age determined under the proviso to regulation 6(2)(b) has been entered on his registration card in place of the date of his birth, such age with express reference to the qualifying date shall be entered in like place on his identification card;

(b) cause the identification card to be laminated and embossed with the seal of Guyana.

21. (1) Subject to regulation 42, the Commissioner may direct the appropriate registrar, deputy registrar, divisional registrar or official photographer, as the case may require, where a document or film sent or required to be sent to the Commissioner under these Regulations is not received by him or is lost, mutilated, defaced or destroyed or there is any error or deficiency therein, to remedy such non-delivery, loss, mutilation, defacement, destruction, error or deficiency, as the case may be.

Remedy in respect of undelivered, lost or incorrect documents or films.

(2) Such remedy shall be effected in conformity with these Regulations, *mutatis mutandis*, in so far as applicable for the purpose.

(3) A triplicate copy which any person is directed under regulation 17(1) to deliver to an official photographer shall, for the purposes of paragraph (1), be deemed to be a document required to be sent to the Commissioner under these Regulations.

Time for  
preparing  
and posting  
up prelim-  
inary lists.  
[Reg. 7/1973]

22. (1) Lists shall be affixed under section 15(1) on the second day following that on which directions have been given under section 14 for the preparation of the lists.

(2) Residents shall, under section 14(1), be listed under separate heads with reference to the respective registration divisions in which they are registered as residing on the qualifying date.

Claims and  
objections.  
[Reg. 7/1973]

23. (1) A claim determinable by a registrar under section 15(3) may be made on the ground that—

(a) the claimant, not having been listed under any head mentioned in regulation 22(2), should be listed as resident in any registration division comprised in the registrar's district—

(i) on account of the claimant's qualifications as mentioned in section 14(1) or his belonging to any class referred to therein, whichever is required under that subsection; and

(ii) by reason of his satisfying the qualification as to residence in such division on the qualifying date;

(b) the claimant is listed as aforesaid by way of an entry which is imprecise or incorrect and should be rectified.

(2) An objection determinable by a registrar under section 15(3) may be made on the ground that—

(a) the entry with respect to any person listed as resident in any registration division comprised in the registrar's district should not have been made; or

(b) the entry claimed by any person whose claim is determinable by the registrar, pursuant to paragraph (1)(a) of this regulation, should not be made, on account of such person not being qualified as mentioned in section 14(1) or not belonging to any class referred to therein, whichever is required thereunder, or not having been eligible to be, for the purposes mentioned in that subsection, registered as resident on the qualifying date in the registration division in question, provided (in the case of every such objection as aforesaid) that the objector is listed as resident in such registration division.

Form 7.  
Form 8.  
Form 9.

(3) A claim under paragraph (1)(a) or (b) shall be in Form 7 or Form 8, respectively, and an objection under paragraph (2) shall be in Form 9.

(4) Every reference hereinafter in these Regulations to a registrar in relation to a claim or objection made under section 15 shall be construed as including a reference to a deputy registrar.

24. (1) Every claim made under regulation 23(1) shall be submitted with ~~a deposit of two dollars~~ to the registrar mentioned in such paragraph, and every objection made under regulation 23(2) shall be submitted with ~~a deposit of five dollars~~ to the registrar mentioned in that paragraph.

Submission of  
claims and  
objections.  
[Reg. 7/1973]  
[P. 5/1997]

(2) A submission under the preceding paragraph may be made by sending the claim or objection, as the case may be, to the registrar by registered post so as to be received by him within the respective times prescribed by regulation 25(1): 7.

(3) Notwithstanding anything to the contrary in paragraphs (1) and (2) a claimant referred to in regulation 23 (1)(a) who had not made an application shall deliver his submission to the divisional registrar for transmission to the registrar and at the time of delivery do all such things as are required of a person making application to a divisional registrar in accordance with regulation 6 and the provisions of that regulation and of regulation 7 shall, subject to the effect of the decision on the submission apply *mutatis mutandis* in respect of anything to be done by the claimant by virtue of this paragraph.

25. (1) Every such submission shall be made, in the case of a claim, within eleven days after the day prescribed by regulation 22(1) and, in the case of an objection, within two days after the day prescribed by paragraph (2)(a) of this regulation.

Times for  
submission  
and publi-  
cation of  
claims and  
objections.  
[Reg. 7/1973]

(2) Every registrar shall—

(a) on the first day after the expiration of the time prescribed by paragraph (1) for the submission to him of claims relating to any registration division, cause a list of such claims in Form 10; and

Form 10.

(b) on the first day after the expiration of the time prescribed by paragraph (1) for the submission to him of objections relating to any registration division, cause a list of such objections in Form 11, and a notice in Form 12 of the commencement of the public enquiry mentioned in regulation 26, to be affixed to each of not less than two buildings in such registration division.

Form 11.  
Form 12.

26. (1) Subject to paragraph (2) of this regulation every registrar shall hold a public enquiry which shall commence not later than the fourteenth day after the expiration of the time referred to in regulation 25(2)(b) and at which claims and objections duly submitted to, and received by, him in pursuance of regulations 23 and 24 and regulation 25(1) shall be investigated and determined.

Review of  
registration  
by registrar.

(2) Every registrar may, without holding a public enquiry, allow claims submitted in accordance with regulation 23 if—

- (a) no notice of objection thereto has been submitted; and
- (b) he is satisfied that the claim may be duly allowed.

(3) When a registrar allows any claim without holding a public enquiry he shall notify his decision to the Commissioner.

Enquiry by  
registrar.  
[Reg. 7/1973]

[24/5/1977]

27. (1) The registrar shall give notice of every public enquiry into a claim or objection—

(a) in the case of a claim under regulation 23(1)(a), to the divisional registrar and to any divisional registrar who disallowed the claimant's registration or prepared his registration card in reference to any registration division;

(b) in the case of a claim under regulation 23(1)(b), to any person objecting thereto under regulation 23(2)(b) and to any divisional registrar who disallowed the claimant's registration or prepared his registration card in reference to any registration division;

(c) in the case of an objection, to the claimant or other person to whom the entry objected to relates, and to the divisional registrar who prepared the registration card of such other person (if any); and

(d) to the claimant or objector, as the case may be:

Provided that no failure to give notice of the public enquiry to any party or divisional registrar shall affect the validity of any proceedings at the enquiry or under any of the following provisions of this regulation.

Form 13.

(2) A notice under paragraph (1) to a party shall be given in Form 13 not less than two days before such day as shall be fixed for enquiry into the claim or objection, as the case may be, without prejudice to the registrar's power to adjourn the enquiry as he thinks fit; and any such notice may be given to a party by sending it by registered post to his last known address.

(3) The registrar who shall have all the powers of a magistrate, in relation to the summoning and examining of witnesses, may summon such witnesses and order the production of any document that he may consider necessary.

(4) The registrar shall permit any party or divisional registrar referred to in paragraph (1)(a), (b), (c) or (d), and any witnesses summoned under paragraph (3), to appear before him and be heard.

(5) The registrar may require any person at the enquiry to testify upon oath or affirmation and in such case shall administer the oath or take the affirmation.

(6) The registrar shall make and keep a record of such proceedings at the enquiry, in such form, as the Commissioner shall direct and the record shall show the reasons for the registrar's decision.

(7) Forthwith upon the completion of a public enquiry under regulation 25(1), the registrar shall inform the Commissioner of his decisions.

(8) Any person who fails without reasonable excuse (the proof whereof shall lie upon him) to comply with any summons, order or requirement of the registrar pursuant to paragraph (3) or (5) or, before the registrar at a public enquiry, makes a statement that he knows or has reasonable grounds to believe to be false, or does not believe to be true, in any material respect shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months.

28. Any party mentioned in regulation 27(4) may appeal from the decision of the registrar to the Commissioner.

Right of  
appeal.  
[Reg. 6/1968]

29. (1) Any such party desiring to appeal from the decision of a registrar shall, within <sup>three</sup> seven days after the date on which the decision was given, serve a written notice of appeal on the registrar specifying the list and entry in respect of which the claim or objection in question was made and the grounds of appeal.

Notice of  
appeal to  
be served  
on registrar.

[R45/1497]

(2) The registrar shall cause such notice of appeal to be forwarded to the Commissioner and a copy thereof to be served on the opposite party, if any, forthwith upon receipt thereof at his registration office.

(3) Every notice of appeal shall be <sup>served personally on the</sup> accompanied by a deposit of ~~ten dollars and may be served on the registrar by sending it to him by registered post.~~ <sup>Registrar, or any person duly authorised by him to receive such notice at his registration office.</sup>

30. (1) The registrar shall forward to the Commissioner a statement of the material facts which in his opinion were established at the hearing of the objection or claim in respect of which an appeal is brought and of his decision upon the whole matter and upon any point specified as a ground of appeal.

Registrar to  
furnish  
statement of  
facts.

(2) The registrar shall furnish the Commissioner with such other information in his possession as the Commissioner may require.

(3) The Commissioner shall on the application of any other party to the appeal, furnish that party with a copy of the statement of the registrar under paragraph (1).

(4) Where it appears to the registrar from the notices of appeal that any appeals are based on similar grounds he shall so inform the

Commissioner and, without prejudice to the generality of the powers conferred upon him by section 15(5), the Commissioner may, if he thinks fit, consolidate such appeals.

Parties to  
appeal.

31. On any appeal under regulation 28, the registrar and the opposite party, if any, shall be the respondents.

Hearing of  
appeal.

32. (1) The Commissioner shall give notice of the hearing of an appeal, and of such place as shall be fixed therefor, to each of the parties to the appeal not less than three days before such day as shall be fixed for the hearing, but without prejudice to the Commissioner's power to adjourn the hearing as he thinks fit; and any such notice may be given by sending it by registered post to the party's last known address.

(2) The Commissioner shall permit any party to the appeal to appear before him and be heard.

(3) If, on the day of hearing the appellant does not appear, the matter shall be struck out and the decision of the registrar affirmed.

(4) The Commissioner shall for the purposes of the hearing of any appeal, have the like powers in relation to summoning and examining witnesses, ordering the production of documents, and administering oaths and affirmations, as are vested in a registrar by regulation 27.

(5) Regulation 27(8) shall, *mutatis mutandis*, apply in relation to the Commissioner and the hearing of an appeal as it applies in relation to the registrar and a public enquiry respectively.

(6) The Commissioner shall make and keep a record of such proceedings at the hearing of an appeal, in such form, as he thinks fit and the record shall show the reasons for his decision.

Forfeiture of  
deposit made  
in respect of  
claims, objec-  
tions and  
appeals.

33. If a claim or objection made, or an appeal brought, under regulation 23 or 28, respectively, is disallowed, the registrar, in the case of a claim or objection, and the Commissioner, in the case of an appeal, may, if he is of the opinion that the claim or objection or the appeal, as the case may be, was made or brought without reasonable cause, order the deposit accompanying the notice thereof to be forfeited to the Government. If no such order is made the deposit shall be refunded.

Commis-  
sioner's  
directions to  
registrars to  
rectify  
registers,  
cards etc.  
[Reg. 6/1968]

34. (1) For the purpose of causing alterations to be made as required by section 15(6) and incidental alterations, the Commissioner shall issue such directions to registrars, whether for the purposes of the registration of successful claimants or the cancellation of any

person's registration or the rectification of any registration cards or the transfer from one divisional register to another of any person's registration successfully objected to in respect of the former but thereupon shown by him to be appropriate for the latter register, or otherwise, as may be requisite.

(2) Such alterations and directions shall be carried out in conformity with these Regulations, *mutatis mutandis*, in so far as applicable for the purpose.

(3) Where, for any such purpose as aforesaid, a person's cards in the central and divisional registers are dealt with in any manner, the original and duplicate of his application shall respectively be dealt with in corresponding manner.

35. The Commissioner shall revise the list (including that for each registration division) by way of the annexation thereto of supplementary lists in such form as determined by the Commissioner containing all such changes and additions to the list (including that for any registration division) as are necessary from time to time by virtue of the final determination of claims and objections or by virtue of the Commissioner being satisfied that at the time of the publication of the preliminary list entries thereof were omitted and a supplementary list, together with the list or that for any division shall constitute the revised list or that for the respective division, as the case may be, at the date of the latest of such supplementary list.

Preparation of revised lists on determination of claims and objections. [Reg. 6/1968 7/1973 15/1973]

36. (1) A sufficient number of copies of the revised list for each registration division comprised in any district shall be certified and sent to the registrar for such district by the Commissioner.

Certification and publication of revised lists.

(2) The registrar shall cause a copy of such list to be affixed to each of not less than two buildings in that registration division and notice that a copy thereof is open for inspection at his registration office shall be published in the *Gazette*.

37. If within the period of twenty-one days after he had certified the revised lists, the Commissioner is satisfied that any entry or omission in any list as revised pursuant to regulation 35 is incorrect through inadvertence in the course of such revision, he shall make or cause to be made the requisite correction to that list and such copy thereof as is open for inspection at any registration office and the Commissioner shall give to the person to whom such correction relates notice thereof, which may be sent by registered post to his last known address.

Correction to revised list by Commissioner.

38. (1) A registrar shall cancel the registration of any person if—

- (a) the registrar is satisfied that such person is dead;
- (b) a new registration card is to be prepared for him;
- (c) the registrar is directed so to do under regulation 34;
- (d) such registration was effected in contravention of section 11(1);
- (e) the registrar is satisfied that such person is not qualified to be registered:

Cancellation of registration.

Provided that no cancellation shall be made under this subparagraph after the commencement of the preparation under subsection (1) of section 14 of any list in which the person should be listed pursuant to such registration.

(2) Where a new registration card is to be prepared for any person, the registrar shall cancel such person's registration card for which the new registration card shall be substituted; and where a person's registration is discovered to have been effected in contravention of section 11(1), the registrar shall cancel the registration card prepared for the purposes of such registration.

(3) The registrar shall give notice to a person whose registration he intends to cancel under paragraph (1) (b), (c), (d) or (e)—

- (a) setting out the reason why he intends to cancel such registration;

- (b) indicating the time when he intends to cancel such registration; and



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(c) requiring such person to produce to the registrar before such time any identification card issued in consequence of such registration.

Form 14.

(4) A notice under paragraph (3) shall be in Form 14 and may be sent by registered post to such person's last known address.

(5) If a person to whom any such notice of intended cancellation under paragraph (1) (d) has been sent satisfies the registrar that the cancellation of his registration is not justified, the registrar shall not cancel the registration, and if so satisfied after he has cancelled the registration he shall restore the registration and make the necessary correction to the registration card.

(6) Where the registrar cancels the registration of any person under this regulation he shall stamp or write the word "cancelled", and date and initial the same, on the face of his registration card and application pertaining to such registration or, in the case of any cancellation under paragraph (1) (b), on the face of the registration card to be replaced.

(7) Regulation 13(5) and (6) shall, *mutatis mutandis*, apply to the stamping or writing of the word "cancelled" and the dating of the same, under the last preceding paragraph, on a registration card and application as they apply to any alteration thereto under that regulation.

c.12:01

(8) Every person who is required by virtue of section 10, 12, 14 or 33 of the Deceased Persons Estates' Administration Act to make or cause to be made an inventory shall forthwith, upon becoming so required, transmit to the Commissioner any identification card issued to the deceased, together with notice of his death.

(9) Any person who, without reasonable excuse (the proof whereof shall lie upon him), fails to produce his identification card to the registrar when required to do so under paragraph (3)(c), or contravenes paragraph (8), shall be liable on summary conviction to a fine of one hundred dollars or to imprisonment for three months.

Disposal of  
disused regis-  
tration cards  
and identi-  
fication cards.

39. (1) The Commissioner and the registrars shall remove cancelled cards from the central and divisional registers, respectively, and shall keep them separately.

(2) The Commissioner and the registrars shall keep such cards for a period of two years or for any greater period that the Commissioner may in special circumstances think fit, and on the expiration of such period, they shall destroy such cards.

(3) Registrars shall send all cards which have been used but have not been completed to the Commissioner who shall keep them in safe custody, and on expiration of one year after the date of their receipt shall destroy them.

(4) The Commissioner shall keep a record of the identity numbers on registration cards destroyed by him under this regulation.

(5) Registrars shall send to the Commissioner such identification cards produced under regulation 38(3)(c) as were issued to persons whose registration is cancelled, and the Commissioner shall destroy them; and, as soon as the Commissioner shall have satisfied himself that the registration of any person whose identification card has been transmitted under paragraph (8) of that regulation is cancelled, the Commissioner shall destroy such card.

40. (1) The Chief Immigration Officer shall, from such day as may be appointed by the first order under section 6(1) for the commencement of registration, cause everyone leaving or returning to Guyana to be required to disclose to the best of his knowledge whether he is a registrant or registered person leaving or returning as aforesaid in the course of any change in his residence and, if so, his residential address as shown on his registration card. Emigration of persons.

(2) The Chief Immigration Officer shall send to the Commissioner once in every three months a report of the names, the dates of departure from Guyana or return to Guyana, as the case may be, and the residential addresses, as disclosed under the preceding paragraph, of all persons who have, prior to the date of such report, disclosed any such change as mentioned in that paragraph and whose departure or return on the said dates has not been referred to in any previous report under this paragraph:

Provided that the interval between the dates of any such reports shall be such period as the Commissioner may direct in any particular case and, in the absence of such direction, shall not exceed three months.

(3) The Commissioner shall, in so far as practicable, ascertain to his satisfaction whether a change in the residence or domicile of every person named in each report as aforesaid has taken place and, in the event of a change in that person's residence being so ascertained, his new residential address; and the Commissioner, when satisfied that it is requisite so to do, shall cause the person's registration to be cancelled under regulation 38(1)(e), or to be altered as if a claim had been made in that behalf under regulation 14(1), as the circumstances permit.

41. (1) The Commissioner shall issue an identification card (hereinafter called a replacement identification card) to replace an identification card issued to any registered person if any particulars appearing in his registration card as a result of any change of or in his registration under these Regulations vary from particulars which were entered in the identification card to be replaced or if upon the

Replacement of identification cards.

registered person's application it is shown to the satisfaction of the Commissioner that such card has been lost, destroyed, mutilated or defaced or does not conform to the requirements of regulation 20 (a) and (b):

Provided that an omission from such card in contravention of those requirements may be supplied by the Commissioner upon submission of the card to him by the person to whom it was issued.

Form 15.

(2) An application for a replacement identification card under the preceding paragraph shall be in Form 15.

(3) The Commissioner shall give such directions as he considers requisite for the purpose of obtaining upon a blank identification card the signature, or in lieu thereof the finger print, or entry of a note in lieu of such finger print, as the case may require, of any person to whom he intends to issue a replacement identification card, and regulations 11, 15, 19 and 20 shall apply *mutatis mutandis* in relation thereto:

Provided that the Commissioner shall write thereon a note to the effect that such card is a replacement identification card, and the print for attachment to the replacement identification card as required by regulation 20 (a) may be prepared from the film from which the print (if any) attached to the said person's registration card was prepared.

(4) When attempting to obtain the signature of any such person pursuant to the preceding paragraph, a divisional registrar shall require the person to surrender to him, for destruction by the Commissioner, the identification card to be replaced, except where the divisional registrar is notified on the authority of the Commissioner that such card has been lost or destroyed.

(5) Whenever the Commissioner issues a replacement identification card, he shall make or cause to be made an entry in such space as shall be allocated for remarks on the back of the appropriate registration card showing the date of issue of the replacement identification card and shall notify the appropriate registrar of the issue of such card.

(6) Whenever any registrar is notified under the preceding paragraph of the issue of a replacement identification card to any person, the registrar shall cause a like entry as aforesaid to be made in the duplicate copy of the registration card of such person.

Partial or  
total loss  
of registra-  
tion cards.

42. (1) If an original registration card or the duplicate copy thereof is lost, mutilated, defaced, or destroyed, the Commissioner shall cause to be prepared a photostatic copy from whichever remains intact and that photostatic copy shall, to all intents and purposes, be deemed to replace the lost, mutilated, defaced or destroyed registra-

tion card or duplicate copy thereof, as the case may be, and shall be dealt with accordingly.

(2) The Commissioner shall make and sign a certificate on the photostatic copy prepared under paragraph (1) to the effect that it is a true and correct reproduction.

43. (1) Forms prescribed for the purpose of completion by any claimant, objector, or applicant for exemption from being photographed or replacement of his identification card, under these Regulations shall be obtainable free of cost at any registration office for that purpose. Forms.

(2) Any employee referred to in section 19(1)(c) from whom a form is so obtained for completion by any person as aforesaid shall at his request, if he is unable by reason of illiteracy or physical defect to complete the form without assistance, assist such person to complete it.

(3) Forms prescribed by these Regulations may be used with such variations and additions, not affecting the substance or calculated to mislead, as the Commissioner considers it expedient to sanction, whether generally or in any particular case, from time to time.

44. (1) Whenever the Commissioner, a registrar, deputy registrar or divisional registrar in performance of his duties does not understand the language spoken by any person he may appoint an interpreter who shall be the means of communication between him and such person. Interpreter.

(2) An interpreter appointed under this regulation shall take an oath in Form 16. Form 16.

45. The Commissioner may authorise the communication or delivery of any information acquired for the purposes of the Act, or of any document wholly or partly prepared for those purposes, to any member of the Police Force for ascertainment or investigation of the commission of any offence under the Act or in connection with elections to the National Assembly, and may, for the purposes of the trial of any offence aforesaid, authorise the disclosure or production of any information or document so acquired or prepared. Authorised disclosures to Police.

46. The Commissioner may include in any directions given under regulation 21(1) or 34(1) special indication in writing of any provisions of these Regulations which shall be observed for the purposes of compliance in any respect with paragraph (2) of either of those regulations and every such indication shall have effect as if provided by that paragraph. Indication of regulations to govern execution of Commissioner's directions.

[Subsidiary]

National Registration (Residents) Regulations

Extension of time.

[Reg 5/1997]

OF THE  
CHAIRMAN OF  
THE ELECTIONS  
COMMISSION

Service of document.

Deference to authority of Elections Commission.  
[Reg. 2/1968  
26/1968]  
c.1:01

Offences.

47. (1) Any period, exceeding one day, within which anything is required by the Act to be done may, at any time before or after its expiration, be extended by direction ~~under the hand of the Minister.~~

(2) The ~~Minister~~ <sup>Elections Commission</sup> may extend from day to day, by direction given under ~~his hand~~ <sup>the hand of the Chairman of the Elections Commission</sup> prior to the expiration of the last-mentioned day in the case of every such extension, the time for doing anything which is required to be done on a day prescribed by these Regulations.

48. Every notice or other document which may, under any provisions of these Regulations, be served on, or given or submitted to, any person by registered post shall also be deemed to be duly served, given or submitted, as the case may be, if delivered to him or (in the case of any officer accommodated under regulation 4(1)) at his registration office by hand.

49. In giving effect to the foregoing provisions of these Regulations, such authority of the Elections Commission as may be exercised in pursuance of article 69 of the Constitution and section 16 shall be duly deferred to.

50. (1) Everyone who—

(a) being an applicant or registrant, without reasonable excuse (the proof whereof shall lie upon him), fails to comply with regulation 6(2) or with any requirement or direction of a divisional registrar under regulation 8, 9 or 17 or regulation 6(2) has been entered on his registration regulation 11(1) or to acknowledge under regulation 17 any such direction;

(b) being an applicant or registrant, refuses to receive the triplicate copy of his registration card to be given to him as required by regulation 9(3) or to permit anything to be read over to him under regulation 10(1);

(c) being an applicant or registrant, in the course of compliance with any requirement of a divisional registrar under regulation 9(1) or with regulation 10(1), neglects to point out to the divisional registrar any particular which he knows or has reasonable grounds to believe to be untrue or incorrect, or does not believe to be true and correct, in his application form or registration card, as the case may be;

(d) without reasonable excuse (the proof whereof shall lie upon him), refuses to comply with regulation 13(2) in respect of his application or registration card or the duplicate or triplicate thereof;

(e) makes any claim under regulation 14 or 23, or any application under regulation 18 or regulation 41(1) upon any

OF THE ELECTIONS  
COMMISSION  
ISSUED UNDER  
THE HAND OF  
THE CHAIRMAN  
OF THE ELECTIONS  
COMMISSION

grounds that he knows or has reasonable grounds to believe to be false;

(f) without reasonable excuse (the proof whereof shall lie upon him), fails, in the course of the preparation of a new registration card for him under regulation 14(7) to comply with any such requirements of a divisional registrar or official photographer with which his compliance is reasonably necessary for the carrying out of any directions given under that paragraph for the purpose of such preparation;

(g) having complied with any direction of a divisional registrar under regulation 17(1), without reasonable excuse (the proof whereof shall lie upon him), fails to comply with any requirements of the official photographer which it is reasonably necessary that he comply with for the purposes of regulation 17(3) or (4);

(h) in the course of transmission of any identification card to the Commissioner, falsely represents (whether directly or by implication) such transmission to be for the purposes of regulation 38(8);

(i) without reasonable excuse (the proof whereof shall lie upon him) fails to comply with any requirement under regulation 19 or 40(1) or 41(4);

(j) being an interpreter, wilfully or negligently fails in any material respect to perform the undertaking given by him under regulation 44(2),

shall be liable on summary conviction to a fine of two hundred and fifty dollars or imprisonment for six months.

(2) For the avoidance of doubt it is hereby declared that no person who is required to furnish any information, particulars or document by or under any such provisions of these Regulations as are referred to in the preceding paragraph complies with such requirement by furnishing any information, particulars or document that he knows or has reasonable grounds to believe to be false, or does not believe to be true or genuine, in any material respect.

(3) Any provision made by paragraph (1) for enforcement of the fulfilment of, or compliance with, any provisions of these Regulations or any direction or requirement for the purposes thereof shall, in relation to the application of those provisions *mutatis mutandis* under any other provisions of these Regulations, be construed with such modifications and adaptations as are necessary for like enforcement in the case of such application.

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National Registration

[Subsidiary]

National Registration (Residents) Regulations

SCHEDULE

FORM 1

reg. 6

.....District

R. Div. No.

Serial No.

GUYANA

REGISTRATION APPLICATION

Pursuant to Order No. of 19

Name.....  
(surname) (other names)

Maiden Name (if married woman) .....

Address at which resident in Guyana .....

Are you domiciled in Guyana.....Nationality.....

Period of residence in Guyana immediately preceding qualifying date .....

Date of birth.....Age last birthday.....  
(day) (month) year)

Place of Birth.....~~\*Race~~.....

Sex..... Height.....ft.....in.

Colour of eyes.....

Personal distinguishing marks.....

Marital status .....

Name and address of husband/wife .....

Name of any reputed husband/wife with whom resident .....

Occupation.....Industry.....

Employment Status .....(1) Employer  
(enter one) (2) Self-employed  
(3) Salary/wage earner  
(4) Unpaid family worker  
(5) Not stated

Economic situation .....

- |                              |                       |
|------------------------------|-----------------------|
| 1. (a) Working               | 3. (a) House duties   |
| (b) In a job but not at work | (b) At school         |
|                              | (c) Retired           |
|                              | (d) Sick and disabled |
| 2. Out of employment         | (e) Other (specify)   |

LAWS OF GUYANA

National Registration

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National Registration (Residents) Regulations

[Subsidiary]

Average weekly wage/salary .....

Average weekly pension .....  
(other than Gov't old age pension)

Do you suffer from total blindness?.....Total deafness?.....

Are you a deaf mute?.....

If an Amerindian, is your birth registered? .....

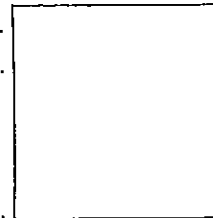
Passport or travel document number ..... left thumb/  
finger print†

Signature of applicant.....

Category.....Identity number .....  
(A or B)

Signature of divisional registrar

Date of divisional registrar's signature.....



\* East Indian, African, Mixed, Amerindian, Portuguese, Chinese, European (other than Portuguese), etc., as the case may be.

† Note to be entered by divisional registrar indicating which finger, if other than left thumb, print taken.

FORM 2

reg. 7

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Notice of disallowance of registration

Registration Division No.....of the.....District

Take notice that the registration of.....

of.....in reference to the above

registration division has this day been disallowed by me on the

grounds that .....

Dated this.....day of.....19...

Divisional registrar

NOTE—To be completed in duplicate.

L.R.O. 1/1973





LAWS OF GUYANA

*National Registration*

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*National Registration (Residents) Regulations*

[Subsidiary]

FORM 4

reg. 11

Name ..... Identity No. ....

Sex                      Colour                      Height                      ft.                      ins.  
                                 of eyes

Date of birth ..... Nationality .....

Distinguishing Marks .....

Date of Issue .....

Signature.

(Reverse side)

[                      ]

GUYANA

(Photo)

(seal)

[                      ]

IDENTIFICATION CARD  
(facsimile signature)

COMMISSIONER  
NATIONAL REGISTRATION

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Claim for requisite alteration by registrar

To: The registrar for the.....District

.....  
(address of registration office)

From: .....

(full name)

.....  
(address)

[Error in particulars, required to be registered with reference to qualifying date, may arise *inter alia* from change in particulars occurring before that date but since application.]

Identity No:

\* I, being registered as resident in registration division No. .... of the.....District, believe that the following error/omission has been made in my registration card and/or application:

.....  
.....  
.....

(here state error/commission)

\* I, being registered as resident in registration division No. .... of the.....District, desire to give notice that the following changes have occurred after the qualifying date, i.e. the day of ....., 19 .., in the particulars recorded for the purposes of my registration: .....

.....  
.....  
.....

(here state change)

Dated the.....day of.....19 ..

.....  
Signature of claimant

.....  
† Signature of witness

\* Delete if inapplicable.

† Need be signed by witness only if claimant makes his mark instead of signing.

LAWS OF GUYANA

*National Registration*

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*National Registration (Residents) Regulations*

[Subsidiary]

FORM 6

reg. 18

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Application for exemption from taking photograph

To: The registrar for the.....District  
(address of registration office)

From: .....  
(full name)

.....  
(address)

Identity No:.....

I hereby inform you that I object to the taking of my photograph  
on the following grounds—

.....  
.....  
.....  
.....  
(here state grounds of objection)

I accordingly apply to you to be exempted from compliance with  
regulation 17 of the above Regulations.

Dated this                      day of                      , 19                      .

.....  
Signature of applicant

.....  
† Signature of witness

To: The registrar for the.....District

\* I recommend that this application be granted.

\* I recommend that this application be refused for the following  
reasons .....

.....  
.....  
.....  
Divisional Registrar for the above-  
mentioned registration division.

\*[Delete if inapplicable.

† Need be signed by witness only if claimant makes his mark instead of signing.

FORM 7

reg. 23

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Claim to entry in a preliminary list

To: The registrar for the.....District

.....  
(address of registration office)

From: .....  
(full name)

.....  
(address)

Take Notice that I \* (, who have been disallowed registration as resident in registration division No. .... of the..... District,) hereby claim, on the grounds prescribed by sub-paragraph (a) of paragraph (1) of regulation 23 of the above Regulations, to be listed as resident in registration division No. .... of your District by way of entry in the list therefor—

(a) of my full name, being .....

(b) of my residential address, being.....

(c) of my occupation, being.....

on the qualifying date, i.e. the ..... day of ....., 19 \*  
(and of my identity No:.....).

No entry relating to me appears in the list for any registration division.

Dated the ..... day of ....., 19 .....

.....  
Signature of claimant

.....  
† Signature of witness

\* Delete if inapplicable.

† Need be signed by witness only if claimant makes his mark instead of signing.

LAWS OF GUYANA

*National Registration*

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*National Registration (Residents) Regulations*

[Subsidiary]

FORM 8

reg. 23

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Claim for rectification of an imprecise or incorrect entry in a preliminary list

To: The registrar for the.....District

.....  
(address of registration office)

From: .....

(full name)

.....  
(address)

Take Notice that I am listed by way of the following incorrect/imprecise entry as resident in registration division No.....  
of your District.....

.....  
and I hereby claim to have such entry rectified as follows: .....

.....  
Dated this            day of            , 19    .

.....  
Signature of claimant

.....  
\* Signature of witness

\* Need be signed by witness only if claimant makes his mark instead of signing.

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Notice of objection to an entry in a preliminary list

To: The registrar for the.....District

.....  
(address of registration office)

From: .....  
(full name)

.....  
(address)

Take Notice that in pursuance of sub-paragraph (a)/(b) of paragraph (2) of regulation 23 of the above Regulations, I hereby object to the inclusion of the entry in the list for registration division No. .... of your District, the particulars of which are set out in the claim in that behalf) as follows—

Full name	Address	Occupation	* Identity No.
.....	.....	.....	.....

on the following grounds.

.....  
(here state grounds)

I am listed as resident in the above registration division.

Dated this ..... day of ....., 19 .....

.....  
Signature of objector

.....  
† Signature of witness

\* Delete if inapplicable.

† Need be signed by witness only if claimant makes his mark instead of signing.

reg. 25





THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Notice of commencement of a public enquiry into claims and objections

Take Notice that public enquiry into the claim/objection in respect  
of entry of the                      will commence at                      o'clock in the  
forenoon/afternoon on the                      day of                      , 19                      ,  
in my registration office at .....

Dated this                      day of                      , 19                      .

Registrar for the.....District.

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Notice of commencement of public enquiry into a claim/objection

Take Notice that a public enquiry mentioned in regulation 26 of the above Regulations following—

Full name      Address      Occupation      \* Identity No.

in the preliminary list for registration division No.      of the.....

.....District will be held under regulation

27 of the above Regulations by me between the hours of.....

and.....Dated this ..... day of ....., 19....., in my

registration office at.....in the course of pro-

ceedings at the public enquiry into such claim/objection, whether after

any adjournment or not, the matter may be determined in your

absence if you are not in attendance.

Dated the      day of      , 19      .

Registrar for the.....District.

\* Delete if inapplicable.

LAWS OF GUYANA

*National Registration*

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*National Registration (Residents) Regulations*

[Subsidiary]

FORM 14

reg. 38

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Notice of intention to cancel registration

From: The registrar for the.....District

.....  
(address of registration office)

To:.....  
(Full name)

of .....  
(last known address)

Take Notice that I.....  
intend to cancel your registration on the.....day of.....,  
19.....at the hour of.....o'clock in the.....noon for  
the reason that  
(herein state reason for cancellation)

† (unless you satisfy me that such cancellation is not justified).

\* (You are required to produce your identification card to me be-  
fore the above-mentioned time at my registration office at the above  
address.)

Dated this            day of            , 19    .

.....  
Registrar

\* Delete if identification card not yet issued.

† Delete if cancellation not by reason of plural registration.

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National Registration

[Subsidiary]

National Registration (Residents) Regulations

FORM 15

reg. 41

THE NATIONAL REGISTRATION (RESIDENTS)  
REGULATIONS

Application for replacement of identification card

To: The Commissioner of Registration

.....  
(address of office)

I .....  
(Full name)

of .....  
(address)

being registered as resident in registration division No.....of the  
.....District hereby apply for a replacement identification  
card on the following grounds—

.....  
.....  
.....  
(here state grounds)

.....  
Signature of applicant

.....  
†Signature of witness

† Need be signed by witness only if claimant makes his mark instead of signing.

**LAWS OF GUYANA**

### National Registration

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### *National Registration (Residents) Regulations*

[Subsidiary]

FORM 16

reg. 44

## THE NATIONAL REGISTRATION (RESIDENTS) REGULATIONS

### Oath of Interpreter

I .....  
swear (or solemnly affirm) that I will well and faithfully interpret and  
truly explain to .....

(here insert name of officer)

and .....

(here insert name of person)

and understanding.

SO HELP ME GOD (to be deleted in affirmation)

Signature

Sworn (Affirmed) before me at.....this                      day of

, 19 .

Commissioner/Registrar/Deputy Registrar/  
Divisional registrar

[Subsidiary]

National Registration (Residents) (Remuneration of Officers) Regulations

Reg. 5/1968  
13/1968  
16/1969

**NATIONAL REGISTRATION (RESIDENTS)  
(REMUNERATION OF OFFICERS)  
REGULATIONS**

*made under section 19*

- |  |  |
|--|--|
| Citation.  | 1. These Regulations may be cited as the National Registration (Residents) (Remuneration of Officers) Regulations.   |
| Payment to district supervisor.<br>[Reg. 13/1968]  | 2. A district supervisor shall be paid for the performance of his functions in connection with the compilation of the divisional registers a sum of \$1,000-00.  |
| Payment to registrar.<br>[Reg. 13/1968]  | 3. A registrar shall be paid—<br><div style="margin-left: 20px;">(a) for the performance of his functions in connection with the compilation of the divisional registers for his registration district a sum of \$600-00;</div> <div style="margin-left: 20px;">(b) for the performance of his functions in connection with the revision of the divisional registers for his registration district a sum of \$250-00.</div>  |
| Payment to deputy registrar.<br>[Reg. 13/1968]   | 4. A deputy registrar shall be paid a sum of \$300-00 for the performance of his functions in connection with the compilation of the divisional registers for the registration district to which he is assigned.   |
| Clerical assistants.<br>[Reg. 13/1968]   | 5. A person appointed as clerical assistant to a registrar shall be paid—<br><div style="margin-left: 20px;">(a) for the performance of his functions in connection with the compilation of the divisional registers for the registration district to which he is assigned a sum of \$50-00.</div> <div style="margin-left: 20px;">(b) for the performance of his functions in connection with the revision of the divisional registers for the registration district to which he is assigned a sum of \$30-00.</div>  |
| Payments to divisional registrar and classification by Commissioner of registration divisions.<br>[Reg. 13/1968] | 6. (1) A divisional registrar shall be paid for the performance of his functions in connection with the compilation of his divisional register—<br><div style="margin-left: 20px;">(a) a sum of \$30-00 and a further sum calculated at the rate of twenty cents for each person listed in such register, if the divisional registrar's registration division is not classified as a remote area; or</div> <div style="margin-left: 20px;">(b) such sum not exceeding \$150-00 as the Commissioner may determine, and a further sum calculated at the rate of ten cents for each person listed in such register, if the divisional registrar's registration division is classified as a remote area.</div> |

(2) A divisional registrar who completes a registration form containing information supplied in respect of any person domiciled in Guyana but resident abroad, shall be paid a further sum calculated at the rate of five cents for each such form completed to the satisfaction of the Commissioner.

(3) The Commissioner shall classify every registration division for the purposes of paragraph (1) as he thinks fit.

(4)(a) A divisional registrar shall, for travelling to receive instructions from the Commissioner, Deputy Commissioner, registrar or deputy registrar at any place and returning therefrom, be paid—

(i) an allowance of \$2.50 if the distance from such place from which he travels as aforesaid is less than four miles; or

(ii) an allowance of \$4.00 if the said distance is four miles or more:

Provided that where the divisional registrar's registration division, or any part thereof, is in the North-West, Marazuni-Potaro or Rupununi District or in any other district determined by the Commissioner, the divisional registrar shall, for travelling and returning as aforesaid be paid in lieu of any such allowance equal to the amount of such travelling expenses actually incurred by him as are certified by the Commissioner to be reasonable for the purpose of journeying to and from the place where the instructions are received.

(b) Where a divisional registrar's registration division, or any part thereof, is in the North-West, Marazuni-Potaro or Rupununi District or in any other district determined by the Commissioner, the divisional registrar shall, for travelling within his registration division in the course of his duties be paid an allowance equal to the amount of such travelling expenses actually incurred by him as are certified by the Commissioner to be reasonable.

7. (1) A divisional registrar who, unaided, completed the registration of persons in his registration division before 1st May, 1968, shall be paid a bonus of \$50.00.

Bonus to  
divisional  
registrars.  
[Reg. 13/1968]

(2) A divisional registrar who, unaided, completed the registration of persons in his registration division after 30th April, 1968, but before 16th May, 1968, shall be paid a bonus of \$25.00.

(3) A divisional registrar in charge of an office established for the reception of applications for registration of persons shall be paid a sum of \$50.00 for the performance of his functions in connection therewith.



[Subsidiary]

*National Registration (Residents) (Remuneration of Officers) Regulations*

Miscellaneous  
payment.

8. On the completion of his work in connection with the distribution of identification cards to the satisfaction of the Commissioner of Registration, there shall be paid to—

- (a) a registrar the sum of \$250.00;
- (b) a deputy registrar and a clerical assistant the sum of \$100.00, respectively.

Typists.

9. For the performance of her functions in connection with the preparation of lists of persons whose names appear in the divisional registers, a typist shall be paid at the rate of four cents for each name typed by her on such lists.

Travelling  
allowance  
for Commis-  
sioner and  
District  
Commissioner.

10. (1) The Commissioner shall, in respect of travelling in the course of his duties, be paid a "scale C" travelling allowance as prescribed for public officers.

(2) The Deputy Commissioner shall, in respect of travelling in the course of his duties, be paid a "scale A" travelling allowance at the appropriate rate prescribed for public officers.

Other  
travelling  
allowances.

11. District supervisors, registrars and deputy registrars shall, in respect of travelling in the course of their duties, be paid the following travelling allowances—

(a) in the case of district supervisors, registrars or deputy registrars who are public officers otherwise entitled to travelling allowances at the rate otherwise applicable to them as public officers;

(b) in the case of district supervisors, registrars or deputy registrars who are not public officers otherwise entitled to travelling allowances at the rate otherwise entitled to travelling allowances—

(i) where the district supervisor, registrar or deputy registrar uses his own motor car or motor cycle, travelling allowances at the appropriate "scale B" or motor cycle rate, as the case may be, prescribed for public officers;

(ii) where the district supervisor, registrar or deputy registrar does not use his own motor car or motor cycle, such travelling expenses actually incurred by him as are certified by the Commissioner to be reasonable.

Official  
photographer.  
[Reg. 13/1968]

12. (1) An official photographer shall be paid for the performance of his functions under the National Registration (Residents) Regulations a salary at the rate of \$1,650.00 per annum.

(2) An official photographer shall, for travelling to receive instructions from the Commissioner, Deputy Commissioner, registrar

or deputy registrar at any place and returning therefrom before the commencement of the period of registration, be paid—

(a) an allowance of \$2.50 if the distance from such place to the place from which he travels as aforesaid is less than four miles; or

(b) an allowance of \$4.00 if the said distance is four miles or more:

Provided that where the official photographer is assigned to the North-West, Mazaruni-Potaro or Rupununi District or any other district determined by the Commissioner, the official photographer shall, for travelling and returning as aforesaid, be paid in lieu of any such allowance an allowance equal to the amount of such travelling expenses actually incurred by him as are certified by the Commissioner to be reasonable for the purpose of journeying to and from the place where the instructions are received.

(3) An official photographer shall, in respect of travelling in the course of his duties after the commencement of registration, be paid the following travelling allowances—

(a) where he uses his own motor car or motor cycle, travelling allowances at the appropriate "scale B" or motor cycle rate, as the case may be, prescribed for public officers;

(b) where he does not use his own motor car or motor cycle, such travelling expenses actually incurred by him as are certified by the Commissioner to be reasonable.

(4) An official photographer employed to work for only a part of the normal working day shall, if he uses his own camera to photograph sick and disabled registered persons at their homes, be paid a sum of fifty cents for taking the photograph of each such person.

(5) A photographer to whom paragraph (4) of this regulation applies shall, when travelling in the course of his duties outside the limits of the city of Georgetown, be paid such travelling and subsistence expenses actually incurred by him as are certified by the Commissioner to be reasonable.

## NATIONAL REGISTRATION REGULATIONS

*made under section 19*

### ARRANGEMENT OF REGULATIONS

#### REGULATIONS

1. Citation.
2. Interpretation.

REGULATIONS

3. Oaths.
4. Manner of application.
5. Application card to be forwarded to Registration Officer.
6. Allowance and disallowance of registration.
7. Correction of mistakes.
8. Claims for correction.
9. Delivery of original and triplicate registration cards by Registration Officer to Commissioner.
10. Time for preparing and posting up preliminary lists.
11. Claims and objections.
12. Submission of claims and objections.
13. Times for submission and publication of claims and objections.
14. Review of registration by Deputy Commissioner.
15. Enquiry by Deputy Commissioner.
16. Right of appeal.
17. Notice of appeal to be served on Deputy Commissioner.
18. Deputy Commissioner to furnish statement of facts.
19. Parties to appeal.
20. Hearing of appeal.
21. Forfeiture of deposit made in respect of claims, objections and appeals.
22. Alteration of registration cards upon decisions of Deputy Commissioner and Commissioner.
23. Preparation of revised list on determination of claims and objections.
24. Publication of revised list.
25. Inadvertent errors in revised list.
26. Cancellation of registration.
27. Disposal of cancelled registration cards.
28. Forms.
29. Application of certain provisions of Regulations No. 16 of 1967.
30. Offences.
31. Extra-territorial effect.
32. General exclusion of application of Regulations No. 16 of 1967.

SCHEDULE—Forms.

Reg. 6/1968  
16/1968  
27/1968  
2/1973  
8/1973

NATIONAL REGISTRATION REGULATIONS

*made under section 19*

Citation. 1. These Regulations may be cited as the National Registration Regulations.

Interpretation. 2. (1) In these Regulations—  
“application” means an application for registration;  
“Commissioner” means the Commissioner of Registration;  
“Form” means Form in the Schedule;

"identity number" means the serial number printed on a person's registration card;

"list" means a preliminary list prepared under section 14 of persons not resident in Guyana and includes any such list which the Commissioner has caused to be affixed under section 15(1);

"proxy" means a proxy appointed under regulation 11;

"registered post", in relation to postage to any address if outside Guyana, means registered airmail;

"registration" means registration under the Act and pursuant to these Regulations, exclusive of regulation 33;

"registration agent" means a person appointed as such under section 4 for the purposes of these Regulations;

"the Registration Officer" means such officer appointed under section 4 as the Commissioner may designate to perform the functions assigned to the Registration Officer under these Regulations;

"section" means a section of the Act.

(2) Section 2 shall, as it applies with respect to a person's eligibility for registration, apply (in so far as applicable) with respect to a person's other particulars referred to in regulation 4(2) and these Regulations shall be construed accordingly.

3. The Registration Officer and every registration agent shall, Oaths. forthwith upon his designation or appointment, as the case may be, take and subscribe the oath of office set out in the Schedule to the Act before the Commissioner:

Provided that where a registration agent is at the time of his appointment in a country other than Guyana, his oath, for the purposes of this regulation, shall be deemed to be duly taken and subscribed if taken and subscribed before any public officer employed as or under any Ambassador, High Commissioner or other principal representative of Guyana in such country, or before such other person therein as the Commissioner may designate.

4. (1) Every person not resident in Guyana at the qualifying date, being a person to whom an order applies as mentioned in proviso (b) to section 6(4), may apply to be registered pursuant to such order in the manner prescribed by these Regulations. Manner of application.  
[Reg. 2/1973]

(2) Every person making any such application as aforesaid shall—

(a) furnish the particulars regarding himself as at the qualifying date which are required for the purposes of completion of Form 1;

Form 1.

(b) furnish such documentary or other proof of any of the particulars referred to in subparagraph (a) as the Registration Officer may in any particular case reasonably require to satisfy him of the truth thereof;

(c) answer any questions which the Registration Officer may, in any particular case, reasonably consider necessary to put for the purpose of enabling him to decide whether the applicant is eligible to be registered;

and any requirement or question of the Registration Officer under the foregoing provisions of this paragraph may be notified or put by post to the applicant at his last known address.

(3) Every application under this regulation shall—

Form 1.

- (a) be in Form 1;
- (b) be in triplicate;
- (c) be signed by the applicant;
- (d) have a printed serial number;

and the applicant shall be classified therein as Category A in any case where his particulars are such as to qualify him for electoral registration as mentioned in section 14(1), and as Category B in any other case.

(4) Notwithstanding anything to the contrary in paragraph (2) the registration card of any person cancelled pursuant to regulation 26(1)(e) together with the duplicate and triplicate copies of such card shall be entertained by the Registration Officer as an application made pursuant to paragraph (1) by that person.

Application card to be forwarded to Registration Officer.  
[Reg. 2/1973]

5. Every such application not being an application under regulation 4(4) shall be delivered to the person from whom the form in which it is made was obtained under regulation 28 and such person, if he is not the Commissioner, shall forthwith forward it to the Commissioner, who shall, upon his receipt under this regulation of any application, cause it to be transmitted to the Registration Officer.

Allowance and dis-allowance of registration.  
[Reg. 2/1973]

6. (1) The Registration Officer shall examine the application of every applicant and if satisfied that there has, with reference to the qualifying date, been no previous application by him and that his application may be granted, the Registration Officer shall allow the registration so applied for and sign such application, which shall thereafter be deemed to be the applicant's registration card the Registration Officer making such amendments in the case of an application under regulation 4(4) as are necessary to evidence any change of particulars of the person concerned as may have occurred since the date of his signature including the assignment to such application of an identity number.

(2) If the Registration Officer is not satisfied as mentioned in paragraph (1) he shall cancel the person's application by writing thereon the word "disallowed" and send by post to him at his last known address a notice of disallowance in Form 2 and give to the Deputy Commissioner a copy of such notice. Form 2.

7. (1) Any clerical or other error or omission in the registration card of any person which has been caused by inadvertence may be corrected or supplied by way of the requisite alteration being made thereto by the Registration Officer. Correction of mistakes.

(2) Every alteration made pursuant to this regulation by the Registration Officer shall be initialled by him.

(3) Reference in paragraph (1) to the making by the Registration Officer of any alteration to a registration card shall be construed to include reference to his making the same in his files, and to his causing it to be made by way of notification to the Commissioner under the next following paragraph, to the original, duplicate and triplicate copies thereof.

(4) Upon notification of any alteration by the Registration Officer pursuant to this regulation, the Commissioner, shall make or cause to be made the like alteration to any original or copy of the relevant registration card which is kept by him; and the Commissioner, instead of the Registration Officer (notwithstanding the provisions of any regulation), shall initial every alteration made under this paragraph.

8. (1) Any person registered for the purposes of any order mentioned in regulation 4(1)— Claims for corrections.

(a) being a person who believes that any error or omission appears in his registration card, may, on or before the qualifying date or the day appointed by such order for the end of the registration of applicants, whichever is later, submit a claim to the Deputy Commissioner; or

(b) being a person who desires to give notice of any changes occurring after the qualifying date in the particulars recorded by way of such registration, may, after the expiration of such period following the certification of revised lists of persons registered for the said purposes as is mentioned in regulation 25, submit a claim to the Deputy Commissioner,

to cause the requisite alteration to be made, and regulation 11(4) and (5) shall *mutatis mutandis* apply in relation to a claim under this regulation.

Form 3.

(2) Any such claim by a person registered for the purposes of any order as aforesaid shall be in writing in Form 3 and, in the case of a claim under paragraph (1)(a) in respect of any alteration which entails a change of the claimant's registered name, address, occupation, identity number or category mentioned in regulation 4(3), shall be determined under paragraph (3) or (4), so that the alteration (if any) required in consequence of such determination may be made, prior to the completion of preparation of the list of persons registered for the purposes of the said order.

(3) The Deputy Commissioner may allow a claim made under paragraph (1) and, in that event, he shall cause the requisite alteration to the registration card to be made by the Registration Officer, who shall initial such alteration and, in the case of a change referred to in subparagraph (b) of that paragraph, insert the date of such change.

(4) If the Deputy Commissioner is not satisfied that any claim made under the said paragraph should be allowed he shall hold a public enquiry to determine the matter:

Provided that in the case of a claim under paragraph (1)(a) of this regulation, whenever the Deputy Commissioner is not satisfied as aforesaid but is satisfied that the matter may be determined under regulation 15 in the event of a claim being made under regulation 11(1) for the purpose, he shall, without prejudice to the making of such a claim, disallow the first-mentioned claim and shall accordingly notify the claimant or his proxy, if any, of whose appointment the Deputy Commissioner has been duly notified.

(5) Regulation 7(3) and (4) and regulations 15 to 21 (inclusive), in so far as applicable, shall apply *mutatis mutandis* in relation to an alteration in accordance with paragraph (3), and an enquiry and decision under paragraph (4), respectively, of this regulation.

(6) Where any claim in respect of a registration card is allowed and such card is incapable of accommodating the requisite alteration, the Registration Officer shall attach to the said card a continuation registration card bearing the same identity number as the first-mentioned card and make such alteration on the continuation card; and reference in paragraph (5) to any alteration includes a reference to any such attachment.

Delivery of  
original and  
triplicate  
registration  
cards by  
Registration  
Officer to  
Commissioner.

9. Regulation 15(1) of the National Registration (Residents) Regulations shall *mutatis mutandis* apply to the Registration Officer as it applies to a divisional registrar by virtue of subparagraphs (a) and (b) thereof; and regulation 19 of those Regulations shall *mutatis*

*mutandis* apply to the Registration Officer as it applies to a registrar, subject to the deletion of reference therein to identification cards, to receipt from divisional registrars and to receipt by him under regulation 15(2) and by virtue of regulation 18 of those Regulations.

10. Lists shall be affixed under section 15(1) on the second day following that on which directions have been given under section 14 for the preparation of the lists.

Time for preparing and posting up preliminary lists.  
[Reg. 16/1968  
8/1973]

11. (1) A claim under section 15(1) may be made to the Deputy Commissioner on the ground that—

Claims and objections.  
[Reg. 8/1973]

(a) the claimant, not having been listed, should be listed—

(i) on account of the claimant's qualification as mentioned in section 14(1) or his belonging to any class referred to therein, whichever is required under that subsection; and

(ii) by reason of his having such qualifications as render him eligible for registration; or

(b) the claimant is listed by way of an entry which is imprecise or incorrect and should be rectified.

(2) An objection under section 15(1) may be made to the Deputy Commissioner on the ground that—

(a) the entry with respect to any person listed should not have been made;

(b) the entry claimed by any person pursuant to paragraph (1)(a) of this regulation, should not be made,

on account of such person not being qualified as mentioned in section 14(1) or not belonging to any class referred to therein, whichever is required thereunder, or not having been eligible for registration provided, in the case of every such objection as aforesaid in respect of any list, that the objector is listed therein.

(3) A claim under paragraph (1)(a) or (b) shall be in Form 4 or Form 5, respectively, and an objection under paragraph (2) shall be in Form 6.

Form 4.  
Form 5.  
Form 6.

(4) A person may at any time, in writing under his hand, appoint a proxy to act on his behalf for the purposes of a claim or objection on his part or to represent him in the capacity of a person whose listing is objected to hereunder, as occasion may require, and a proxy appointed by any person may exercise all the rights, and in the exercise thereof shall perform any incidental duties, for the time being assigned to such person for those purposes or in that capacity, as the case may be, by virtue of the provisions of the preceding para-



graphs of this regulation or any other regulations herein, whether on appeal or otherwise.

(5) Every proxy shall give notice in writing of his appointment, including his full name and address, which shall be in Guyana, and the full name and address of his appointer, to the Deputy Commissioner.

Submission of  
claims and  
objections.  
[Reg. 8/1973]

12. (1) Every claim made under regulation 11(1) shall be submitted with a deposit of two dollars to the Deputy Commissioner and every objection made under regulation 11(2) shall be submitted with a deposit of five dollars to the Deputy Commissioner.

(2) A submission under the preceding paragraph may be made by sending the claim or objection, as the case may be, to the Deputy Commissioner by registered post so as to be received by him within the respective times prescribed by regulation 13(1) at such office as the Commissioner shall appoint for the Deputy Commissioner's use in the performance of his functions under these Regulations.

(3) Notwithstanding anything to the contrary in paragraphs (1) and (2) a claimant referred to in regulation 11(1)(a) who had not made an application shall deliver his submission to the Registration Officer for transmission to the Deputy Commissioner and at the time of delivery do all such things as are required of a person making an application under regulation 4 and the provisions of paragraphs (2) and (3) of that regulation and of regulations 6 and 7 shall, subject to the effect of the decision on the submission, apply *mutatis mutandis* in respect of any thing to be done by the claimant by virtue of this paragraph,

(4) Notice of the address of the Deputy Commissioner's office shall be published in the *Gazette*.

Times for  
submission  
and  
publication of  
claims and  
objections.  
[Reg. 8/1973]

13. (1) Every such submission shall be made, in the case of a claim, within eleven days after the day prescribed by regulation 10 and, in the case of an objection, within two days after the day prescribed by paragraph (2)(a) of this regulation.

(2) The Deputy Commissioner shall—

(a) on the first day after the expiration of the time prescribed by paragraph (1) of this regulation for the submission to him of claims, cause a list of such claims in Form 7; and

(b) on the first day after the expiration of the time prescribed by paragraph (1) of this regulation for the submission to him of objections cause a list of such objections in Form 8, and a notice in Form 9 of the commencement of the public enquiry mentioned in regulation 14,

Form 7.

Form 8.  
Form 9.

to be affixed to each of not less than two buildings determined by him.

14. (1) Subject to the provisions of paragraph (2) of this regulation the Deputy Commissioner shall hold a public enquiry which shall commence not later than the fourteenth day after the expiration of the time referred to in regulation 13(2)(b) and at which claims and objections duly submitted to, and received by him in pursuance of regulations 11 and 12 and regulation 13(1) shall be investigated and determined.

Review of  
registration  
by Deputy  
Commissioner.

(2) The Deputy Commissioner may, without holding a public enquiry, allow claims made in accordance with regulation 11 if—

- (a) no notice of objection thereto has been submitted; and
- (b) he is satisfied that the claims may be duly allowed.

(3) When the Deputy Commissioner allows any claim without holding a public enquiry he shall notify his decision to the Commissioner.

15. (1) The Deputy Commissioner shall give notice of every public enquiry into a claim or objection made under regulation 11—

Enquiry by  
Deputy Com-  
missioner.  
[Reg. 8/1973]

- (a) in the case of a claim under regulation 11(1)(a), to any person objecting thereto under regulation 11(2)(b);
- (b) in the case of a claim under regulation 11(1)(b) to any person objecting to the claimant under regulation 11(2)(a);
- (c) in the case of an objection, to the claimant or other person to whom the entry objected to relates;
- (d) to the claimant or objector, as the case may be, and to the Registration Officer:

Provided that no failure to give notice of the public enquiry to any party or the Registration Officer shall affect the validity of any proceedings at the enquiry or under any of the following provisions of this Regulation.

(2) A notice under paragraph (1) to a party shall be given in Form 10 before such day as shall be fixed for enquiry into the claim or objection, as the case may be, without prejudice to the Deputy Commissioner's power to adjourn the enquiry as he thinks fit; and any such notice may be given to a party by sending it by registered post—

Form 10.

- (a) to his last known address; or
  - (b) to his proxy, if any, at such address of the proxy as has been duly notified to the Deputy Commissioner,
- as soon, and not less than two days, before the said day as the Deputy Commissioner deems sufficient.

(3) The Deputy Commissioner, who shall have all the powers of a magistrate in relation to the summoning and examining of witnesses, may summon such witnesses and order the production of any document that he may consider necessary.

(4) The Deputy Commissioner shall permit any party or the Registration Officer and any witnesses summoned under paragraph (3) to appear before him and be heard:

Provided that no party shall be permitted to appear and be heard by proxy appointed by him except upon production to the Deputy Commissioner of the instrument of such appointment.

(5) The Deputy Commissioner may require any person at the enquiry to testify upon oath or affirmation and in such a case shall administer the oath or take the affirmation.

(6) The Deputy Commissioner shall make and keep a record of such proceedings at the enquiry, in such form as the Commissioner shall direct and the record shall show the reasons for the Deputy Commissioner's decision.

(7) Forthwith upon the completion of a public enquiry under regulation 14(1), the Deputy Commissioner shall inform the Commissioner of his decisions.

(8) Any person who fails without reasonable excuse (the proof whereof shall lie upon him) to comply with any summons, order or requirement of the Deputy Commissioner pursuant to paragraph (3) or (5) or, before the Deputy Commissioner at a public enquiry, makes a statement that he knows or has reasonable grounds to believe to be false, or does not believe to be true, in any material respect shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months.

Right of  
appeal.

16. Any party mentioned in regulation 15(4) may appeal from the decision of the Deputy Commissioner to the Commissioner.

Notice of  
appeal to be  
served on  
Deputy Com-  
missioner.

17. (1) Any such party desiring to appeal against the decision of the Deputy Commissioner shall, within seven days after the date on which the decision was given, serve a written notice of appeal on the Deputy Commissioner specifying the entry on the list in respect of which the claim or objection in question was made and the grounds of appeal:

Provided that the time prescribed for serving notice of appeal may, whether before or after its expiration, be extended by the Commissioner on the application in that behalf of any such party as aforesaid.

(2) The Deputy Commissioner shall cause such notice of appeal to be forwarded to the Commissioner and a copy thereof to be served, forthwith upon receipt thereof at the Deputy Commissioner's office, on the opposite party or his proxy, if any, whose appointment has been duly notified to the Deputy Commissioner, by registered post to the last known address of such party or proxy, as the case may be.

(3) Every notice of appeal shall be accompanied by a deposit of ten dollars and may be served on the Deputy Commissioner by sending it to him by registered post.

18. (1) The Deputy Commissioner shall forward to the Commissioner a statement of the material facts which in his opinion were established at the hearing of the objection or claim in respect of which an appeal is brought and of his decision upon the whole matter and upon any point specified as a ground of appeal.

Deputy Commissioner to furnish statement of facts.

(2) The Deputy Commissioner shall furnish the Commissioner with such other information in his possession as the Commissioner may require.

(3) The Commissioner shall on the application of any other party to the appeal, furnish that party with a copy of the statement of the Deputy Commissioner under paragraph (1).

(4) Where it appears to the Deputy Commissioner from the notices of appeal that any appeals are based on similar grounds he shall so inform the Commissioner and, without prejudice to the generality of the powers conferred upon him by regulation 15(5), the Commissioner may, if he thinks fit, consolidate such appeals.

19. On any appeal under regulation 16, the Deputy Commissioner and the opposite party, if any, shall be the respondents.

Parties to appeal.

20. (1) The Commissioner shall give notice of the hearing of an appeal, and of such place as shall be fixed therefor, to the Deputy Commissioner, the appellant and the opposite party before such day as shall be fixed for the hearing, but without prejudice to the Commissioner's power to adjourn the hearing as he thinks fit, and such by sending it by registered post to the party or his proxy, if any, whose notice may be given to a party, other than the Deputy Commissioner, appointment has been duly notified to the Deputy Commissioner, at the last known address of such party or proxy, as the case may be, as soon, and not less than three days, before the said day as the Commissioner deems meet.

Hearing of appeal.

(2) The Commissioner shall permit any party to the appeal to appear before him and be heard.

(3) If on the day of the hearing the appellant does not appear, the matter shall be struck out and the decision of the Deputy Commissioner affirmed.

(4) The Commissioner shall, for the purposes of the hearing of any appeal, have the like powers in relation to summoning and examining witnesses, ordering the production of documents, and administering oaths and affirmations, as are vested in the Deputy Commissioner by regulation 15.

(5) The proviso to regulation 15(4) (save in the case of any instrument mentioned therein and forming part of the record under paragraphs (6) and (8) shall, *mutatis mutandis*, apply in relation to the Commissioner and the hearing of an appeal as they apply in relation to the Deputy Commissioner and a public enquiry, respectively.

(6) The Commissioner shall make and keep a record of such proceedings at the hearing of an appeal, in such form as he thinks fit, and the record shall show the reasons for his decision.

Forfeiture of deposit made in respect of claims, objections and appeals.

21. (1) If a claim made, or an appeal brought otherwise than as mentioned in paragraph (2) of this regulation, under regulation 11 or 16, respectively, is disallowed the Deputy Commissioner, in the case of a claim, and the Commissioner, in the case of an appeal, may, if he is of the opinion that the claim or appeal, as the case may be, was made or brought without reasonable cause, order the deposit accompanying the notice thereof to be forfeited to the Government. If no such order is made the deposit shall be refunded.

(2) If an objection made, or an appeal brought for the purposes thereof under regulation 11 or 16, respectively, is disallowed, the Deputy Commissioner, in the case of an objection, and the Commissioner, in the case of an appeal, shall order the deposit accompanying the notice thereof to be forfeited to the Government.

Alteration of registration cards upon decisions of Deputy Commissioner and Commissioner.

22. (1) The Commissioner shall cause to be made to the central register, including the original registration cards, and to the duplicate and triplicate copies thereof such alterations as may be required to give effect to the decisions on claims and objection, and for that purpose he shall issue such directions to the Registration Officer, whether for the purposes of the registration of successful claimants or the cancellation of any person's registration or the rectification of any registration cards or otherwise, as may be requisite.

(2) Such alterations and directions shall be carried out in conformity with these Regulations, *mutatis mutandis*, in so far as applicable for the purpose.

23. The Commissioner shall revise the list by way of the annexation thereto of supplementary lists in such form as determined by the Commissioner containing all such changes and additions to the list as are necessary from time to time by virtue of the final determination of claims and objections and a supplementary list, together with the list, shall constitute the revised list as at the date of the latest of such supplementary list.

Preparation of revised list on determination of claims and objections. [Reg. 8/1973]

24. The Commissioner shall cause a copy of the revised list to be affixed to each of not less than two buildings and notice that a copy thereof is open for inspection at his office shall be published in the *Gazette*.

Publication of revised list.

25. If within the period of twenty-one days after he has caused the revised list to be published the Commissioner is satisfied that any entry or omission in such list is incorrect through inadvertence in the course of such revision, he shall make or cause to be made the requisite correction to the list, and the Commissioner shall give notice thereof to the person to whom such correction relates or, if the Deputy Commissioner has been duly notified of that person's appointment of a proxy, to such proxy, and such notice may be sent by post to the last known address of such person or proxy, as the case may be.

Inadvertent errors in revised list.

26. (1) The Registration Officer shall cancel the registration of any person if—

Cancellation of registration. [Reg. 27/1968 2/1973]

(a) the Registration Officer is satisfied that such person is dead;

(b) the Registration Officer is directed to do so under regulation 22;

(c) such registration was effected in contravention of section 11(1);

(d) the Registration Officer is satisfied that such person is not qualified to be registered;

(e) the Registration Officer is satisfied, upon the coming into operation of an order as mentioned in regulation 4(1), that such person would, but for such registration, be eligible to seek registration under that order.

(2) Where a person's registration is discovered to have been effected in contravention of section 11(1), the Registration Officer shall cancel the registration card prepared for the purposes of such registration.

(3) The Registration Officer shall give to every individual,

being a person whose registration he intends to cancel under paragraph (1)(b), (c) or (d), notice—

(a) setting out the reason why he intends to cancel such registration; and

(b) indicating the time when he intends to cancel such registration.

Form 11

(4) A notice under paragraph (3) shall be in Form 11 and may be sent by post to such person or his proxy, if any, whose appointment has been duly notified to the Deputy Commissioner, at the last known address of the said person or proxy, as the case may be.

(5) If a person in respect of whom any such notice of intended cancellation under paragraph (1)(c) has been sent satisfies, whether by proxy or otherwise, the Registration Officer that the cancellation of his registration is not justified, the Registration Officer shall not cancel the registration, and if so satisfied after he has cancelled the registration he shall restore the registration and make the necessary correction to the registration card.

(6) Where the Registration Officer cancels the registration of any person under this regulation he shall, unless he has pursuant to regulation 4(4) entertained the documents relating to such registration as an application and has acted in relation thereto in accordance with regulation 6(1), stamp or write the word "cancelled", and date and initial the same, on the face of his registration card.

(7) Regulation 7(3) and (4) shall, *mutatis mutandis*, apply to the stamping or writing of the word "cancelled" and the dating of the same under the preceding paragraph on a registration card, as they apply to any alteration thereto under that regulation.

Disposal of  
cancelled  
registration  
cards.

27. (1) The Commissioner and the Registration Officer shall remove cancelled cards, and shall keep them separately, from the central register and from the files containing duplicate and triplicate copies of cards in such register.

(2) The Commissioner and the Registration Officer shall keep for a period of two years, or for any greater period that the Commissioner may in special circumstances think fit, every card removed as aforesaid and on the expiration of such period, they shall destroy such card.

(3) The Commissioner shall keep a record of the identity numbers on registration cards destroyed by him under this regulation.

Forms.

28. (1) Forms prescribed for the purpose of completion on the part of applicants, claimants or objectors under these Regulations shall be obtainable free of cost for the purpose from any registration

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*National Registration Regulations*  
*National Registration (Residents) (Revision of Registers) Regulations 1971*

[Subsidiary]

agent or upon request addressed to any High Commissioner or Ambassador of Guyana anywhere outside Guyana or to the Commissioner.

(2) Regulation 43(2) and (3) of the National Registration (Residents) Regulations shall apply to a registration agent and any such form as they apply to an employee and any form referred to therein.

29. Regulations 42, 44, 45, 46, 47, 48 and 49 of the National Registration (Residents) Regulations shall, as they apply in relation to the last-mentioned Regulations, apply in relation to these Regulations, subject to the following modifications:

Application  
of certain  
provisions  
of Regula-  
tions 16 of  
1967

(a) the substitution for the words "a registrar, deputy registrar or divisional registrar" in regulation 44 aforesaid of the words "or Deputy Commissioner,";

(b) the substitution for the figures and word "21 or 34" in regulation 46 aforesaid of the figures "22";

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(c) the deletion of the word "registered" in regulation 48 aforesaid;

(d) the substitution for all the words appearing in regulation 48 aforesaid, after the words "case of" therein, of the words "the Deputy Commissioner at his office by hand".

30. Everyone who—

Offences.

(a) in any application, makes a declaration that he knows or has reasonable grounds to believe to be false, or does not believe to be true, in any material respect;

(b) makes any claim or objection under regulation 8 or 11 upon any grounds that he knows or has reasonable grounds to believe to be false;

(c) directly or by implication, falsely represents himself to be any person's proxy;

(d) being an interpreter, wilfully or negligently fails in any material respect to perform the undertaking given by him under regulation 44(2) of the National Registration (Residents) Regulations and by virtue of regulation 29 of these Regulations,

shall be liable on summary conviction to a fine of two hundred and fifty dollars or imprisonment for six months.

31. These Regulations shall have due effect outside Guyana and their application shall extend accordingly; and, without prejudice to the generality of the foregoing, the application of regulation 30 (a) and (b) shall extend to the making of a declaration, and to the making of a claim or objection, respectively, outside Guyana.

Extra-territorial effect.

32. Save as hereinbefore provided to the contrary, nothing in the National Registration (Residents) Regulations shall apply in relation to matters provided for by the foregoing provisions of these Regulations.

General exclusion of application of Regulations 16 of 1967.

*National Registration Regulations*  
*National Registration (Residents) (Revision of Registers) Regulations 1971*

[Subsidiary]

agent or upon request addressed to any High Commissioner or Ambassador of Guyana anywhere outside Guyana or to the Commissioner.

(2) Regulation 43(2) and (3) of the National Registration (Residents) Regulations shall apply to a registration agent and any such form as they apply to an employee and any form referred to therein.

29. Regulations 42, 44, 45, 46, 47, 48 and 49 of the National Registration (Residents) Regulations shall, as they apply in relation to the last-mentioned Regulations, apply in relation to these Regulations, subject to the following modifications:

Application of certain provisions of Regulations 16 of 1967.

(a) the substitution for the words "a registrar, deputy registrar or divisional registrar" in regulation 44 aforesaid of the words "or Deputy Commissioner,";

(b) the substitution for the figures and word "21 or 34" in regulation 46 aforesaid of the figures "22";

**NATIONAL REGISTRATION (RESIDENTS) (REVISION  
OF REGISTERS) REGULATIONS 1971**

Reg. 15/1971

*made under section 19*

1. These Regulations may be cited as the National Registration (Residents) (Revision of Registers) Regulations 1971.

Citation.

2. Notwithstanding anything to the contrary provided by or under the National Registration (Residents) Regulations, the dates prescribed by these Regulations shall for the purposes of the review mentioned in regulation 3 be the dates with reference to which the acts mentioned in these Regulations shall be respectively performed.

Dates with reference to which acts performed.

3. The Commissioner of Registration shall revise with reference to the 30th September, 1971, the central and divisional registers by way of the preparation of preliminary lists of the names and addresses of those persons who are qualified for registration pursuant to the National Registration (Residents) Order 1971; and the revision shall begin on the 16th October, 1971, and end on the 22nd October, 1971.

Revision of registers.

4. The preliminary lists prepared under regulation 3 shall be affixed on the 25th October, 1971, to such buildings as the Minister shall appoint by notice published in the *Gazette*.

Preliminary lists to be affixed to buildings.

[Subsidiary]

*National Registration (Residents) (Revision of Registers) Regulations 1971**Objections.*

5. Claims in respect of entries in preliminary lists shall be sent to the registrar of the district so as to be received by him not later than the 1st November, 1971, and objections in respect of entries in the lists shall be sent to the registrar of the district so as to be received by him not later than the 16th November, 1971.

Lists of claims  
and objections  
to be affixed  
to buildings.

6. Every registrar shall—

(a) on the 4th November, 1971, cause a list of claims received by him under regulation 5; and

(b) on the 19th November, 1971, cause a list of the objections received by him under regulation 5 and a notice of the commencement of the public enquiry mentioned in regulation 7, to be affixed to each of not less than two buildings determined by him in every registration division in his district.

*Public enquiry.*

7. (1) Subject to paragraph (2), the registrar shall hold a public enquiry which shall commence not later than the 22nd November, 1971, at which claims and objections duly submitted to, and received by, him in pursuance of these Regulations, shall be investigated and determined.

(2) Every registrar may, without holding a public enquiry, allow claims submitted to him, if—

(a) no notice of objection thereto has been submitted; and

(b) he is satisfied that the claim may be duly allowed.

(3) When a registrar allows any claim without holding a public enquiry he shall notify his decision to the Commissioner.

Application  
of certain  
regulations.

8. Regulations 23, 24, 27 to 37 (inclusive), 43 to 45 (inclusive), 47 and 48 of the National Registration (Residents) Regulations, apply *mutatis mutandis* to the revision of the central and divisional registers by virtue of regulation 3 as they apply for the purpose of the registration of persons under the said regulations subject to the following modifications—

(a) the substitution for the words “regulation 25(1)” in regulation 24(2), of the words “regulation 5”; and

(b) the substitution for the words “regulation 25” in regulation 27(7) of the words “regulation 7”.

*Forms.*

9. The forms prescribed by the National Registration (Residents) Regulations for the use in connection therewith shall, for the purposes of these Regulations, be used with all necessary variations, modifications and adaptations.

NATIONAL REGISTRATION (RESIDENTS) (REVISION  
OF REGISTERS) REGULATIONS 1973

Reg. 3/1973

made under section 19

1. These Regulations may be cited as the National Registration (Residents) (Revision of Registers) Regulations 1973. Citation.

2. Notwithstanding anything to the contrary provided by or under the National Registration (Residents) Regulations, the dates prescribed by those Regulations shall for the purposes of the review mentioned in regulation 3 be the dates with reference to which the acts mentioned in these Regulations shall be respectively performed. Dates with reference to which acts performed.

3. The Commissioner of Registration shall revise with reference to the 30th September, 1973, the central and divisional registers by way of the preparation and publication of preliminary lists of the names and addresses of those persons who as at that date have attained the age of fourteen years and are resident in Guyana; and the revision shall begin on the 22nd March, 1973, and end on the 31st March, 1973. Revision of registers.

4. The preliminary lists prepared under regulation 3 shall be affixed on the 1st April, 1973, to such buildings as the Minister shall appoint by notice published in the *Gazette*. Preliminary list to be affixed to buildings.

5. Claims in respect of entries in preliminary lists shall be sent to the registrar of the district so as to be received by him not later than the 7th April, 1973, and objections in respect of entries in the lists shall be sent to the registrar of the district so as to be received by him not later than the 21st April, 1973. Objections.

6. Every registrar shall—  
(a) on the 10th April, 1973, cause a list of claims received by him under regulation 5; and  
(b) on the 24th April, 1973, cause a list of the objections received by him under regulation 5 and a notice of the commencement of the public enquiry mentioned in regulation 7, to be affixed to each of not less than two buildings determined by him in every registration division in his district. List of claims and objections to be affixed to buildings.

7. (1) Subject to paragraph (2), the registrar shall hold a public enquiry which shall commence not later than the 27th April, 1973, at Public enquiry.

which claims and objections duly submitted to, and received by him in pursuance of these regulations, shall be investigated and determined.

(2) Every registrar may, without holding a public enquiry, allow claims submitted to him, if—

- (a) no notice of objection thereto has been submitted; and
- (b) he is satisfied that the claim may be duly allowed.

(3) When a registrar allows any claim without holding a public enquiry, he shall notify his decision to the Commissioner.

Application  
of certain  
regulations.

8. Regulations 23, 24, 27 to 37 (inclusive), 43 to 45 (inclusive), 47 and 48 of the National Registration (Residents) Regulations, apply *mutatis mutandis* to the revision of the central and divisional registers by virtue of regulation 3 as they apply for the purpose of the registration of persons under the said regulations subject to the following modifications—

(a) the substitution in regulation 24(2) of the words “regulation 5” for the words “regulation 25(1)”;

(b) the substitution in regulation 27(7) of the words “regulation 7” for the words “regulation 25”; and

(c) the substitution in regulation 29 for the words—

(i) “seven days” appearing in paragraph (1) thereof, of the words “three days”;

(ii) appearing after the word “and” in paragraph (3) thereof, of the words “shall be served personally on the registrar, or any person duly authorised by him to receive such notice, at his registration office.”

Forms.

9. The forms prescribed by the National Registration (Residents) Regulations, for the use in connection therewith shall for the purposes of these Regulations be used with all necessary variations, modifications and adaptations.

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National Registration

[Subsidiary]

National Registration Regulations

SCHEDULE

FORM 1

reg. 4

The National Registration Regulations

APPLICATION/REGISTRATION CARD  
IDENTITY NO:

Pursuant to Order No. of 19

I, whose particulars are set out hereunder for the purpose, hereby apply to be registered under the National Registration Act and pursuant to the abovementioned Regulations and Order.

(words to be in block letters)

Surname	First name	Middle name
		Answer:
Residential Address		Whether domiciled in Guyana
Answer:		
Whether a citizen of Guyana	Place of birth	Date of birth
		Sex
Occupation	Maiden name (if married woman)	Passport or travel document (if any)

c.1:01

For me to be registered as an elector for elections to the National Assembly will not\* be contrary to the provisions of article 65(3) and (4) of the Constitution of Guyana (which relate to electoral disqualification of persons on grounds of their being on the qualifying date under sentences of death or imprisonment exceeding six months, or being on that date persons adjudged of unsound mind, or having

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*National Registration*

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been convicted of election offences, or reported guilty thereof by the High Court, pursuant to Guyanese law).

I declare that the above statements are true to my knowledge.

Signature of Applicant

Date:

† Signature of witnessing Guyanese High Commissioner/Ambassador/  
Registration Agent

For Official Completion

Category			I have allowed the above registration.
	A	B	

Signature of Registration Officer

Date

\* Delete if otherwise

† Need be signed by witness only if applicant makes his mark instead of signing.

FORM 2

reg. 6

**The National Registration Regulations**

**Notice of disallowance of registration**

Take Notice that the registration of.....  
of.....has this day been  
disallowed by me on the grounds that.....  
.....  
.....

Dated this                      day of                      , 19                      .

.....  
Registration Officer

Note—To be completed in duplicate.

[Subsidiary]

National Registration Regulations

FORM 3

reg. 8

## The National Registration Regulations

## Claim for requisite alteration to Deputy Commissioner

To: The Deputy Commissioner

.....  
(address of office)From: .....  
(full name of Claimant).....  
(address)

Identity No:

\* I, being a registered person, believe that the following error/omission appears in my registration card.

.....  
.....  
.....  
(here state error/omission)(Errors in particulars, required to be registered with reference to qualifying date, may arise *inter alia* from changes in particulars occurring before that date but since application.)

\* I, being a registered person, desire to give notice that the following changes have occurred after the qualifying date, i.e. the day of \_\_\_\_\_, 19\_\_\_\_, in the particulars recorded for the purposes of my registration:

.....  
.....  
.....  
(here state change)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

.....  
Signature of \*(claimant) \*(proxy  
for claimant

Proxy's address .....

.....  
† Signature of witness

\* Delete if inapplicable.

† Need be signed by witness only if claimant makes his mark instead of signing.



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National Registration Regulations

[Subsidiary]

FORM 4

reg. 11

The National Registration Regulations

Claim to entry in the preliminary list

To: The Deputy Commissioner of Registration

.....  
(address of office)

From: .....  
(full name of Claimant)

.....  
(address)

Take Notice that I\* (having been disallowed registration) hereby claim, on the grounds prescribed by regulation 11(1) (a) of the above Regulations, to be listed by way of entry in the above list—

(a) of my full name, being.....

(b) of my residential address, being.....

(c) of my occupation, being .....  
on the qualifying date, i.e. the ..... day of ....., 19 .....

\*(and of my identity No. ....)  
No entry relating to me appears in the preliminary list.

Dated this ..... day of ....., 19 .....

.....  
Signature of \*(claimant) \*(proxy for claimant

Proxy's address.....)

.....  
†Signature of witness

\* Delete if inapplicable.

† Need be signed by witness only if claimant makes his mark instead of signing.

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*National Registration*

[Subsidiary]

*National Registration Regulations*

FORM 5

reg. 11

**The National Registration Regulations**

Claim for rectification of an imprecise or incorrect entry in the preliminary list

To: The Deputy Commissioner of Registration.

.....  
(address of office)

From: .....  
(full name of Claimant)

.....  
(address)

Take Notice that I am listed by way of the following incorrect/  
imprecise entry in the preliminary list.....

.....  
and I hereby claim to have such entry rectified as follows.....

.....  
Dated this                      day of                      , 19                      .

.....  
Signature of \*(claimant) \*(proxy for claimant

Proxy's address.....)

.....  
†Signature of witness

\* Delete if inapplicable.

† Need be signed by witness only if claimant makes his mark instead of signing.

**The National Registration Regulations**

Notice of objection to an entry in the preliminary list

To: The Deputy Commissioner of Registration

.....  
(address of office)

From: .....  
(full name of objector)

.....  
(address)

Take notice that in pursuance of regulation 11(2)(a)/(b) of the above Regulations I hereby object to the inclusion of the entry in the preliminary list the particulars of which are \*(set out in the claim in that behalf) as follows:

Full name	Address	Occupation	*Identity No.
.....	.....	.....	.....

on the following grounds

.....  
(here state grounds)

I am listed in the preliminary list.

Dated this            day of            , 19    .

.....  
Signature of \*(objector) \*(proxy for objector

Proxy's address .....

.....  
† Signature of witness

\* Delete if inapplicable.

† Need be signed by witness only if objector makes his mark instead of signing.

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National Registration

[Subsidiary]

National Registration Regulations

FORM 7

reg. 13

**The National Registration Regulations**

List of claims in respect of entries in the preliminary list of Non-Residents

Take Notice that the persons (hereinafter referred to as "claimants") whose names, addresses and occupations on the qualifying date and identity numbers, if any, (as specified in their respective claims) are set out in Part I of the schedule to this Notice have, in pursuance of regulation 11(1)(a) of the above Regulations, claimed to be listed accordingly, and that persons listed in the preliminary list have, in pursuance of subparagraph (b) of the said paragraph, claimed that the entries whereby they are so listed should be rectified to conform with the names, addresses, occupations and identity numbers, respectively, which are set out in Part II of the schedule to this Notice.

And further take notice that any person listed who objects, on the grounds prescribed by paragraph (2) of the said regulation, to the listing of any claimant, or to any other person having been listed, may submit his objection to the Deputy Commissioner not later than the                      day of                      19                      .

**SCHEDULE**

**PART I**

Full name	Address	Occupation	Identity No. (if any)
-----------	---------	------------	--------------------------

**PART II**

Full name	Address	Occupation	Identity No.
-----------	---------	------------	--------------

Dated this                      day of                      , 19                      .

.....  
Deputy Commissioner



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*National Registration*

[Subsidiary]

*National Registration Regulations*

FORM 9

reg. 13

**The National Registration Regulations**

Notice of commencement of a public enquiry into claims and objections

Take notice that a public enquiry mentioned in regulation 14 of the above Regulations will commence at        o'clock in the forenoon/afternoon on the        day of        , 19        , in my office at.....

Dated this        day of        , 19        .

.....  
Deputy Commissioner

\_\_\_\_\_

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*National Registration*

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*National Registration Regulations*

[Subsidiary]

FORM 10

reg. 15

**The National Registration Regulations**

Notice of commencement of public enquiry into a claim/objection

Take Notice that public enquiry into the claim/objection in respect of entry of the following:

Full name	Address	Occupation	*Identity No.
-----------	---------	------------	---------------

in the preliminary list will be held under regulation 15 of the above

Regulations by me between the hours of.....and.....

on the            day of            , 19    , in my office at

....., and further take notice that in the course of proceedings at the public enquiry into such claim/objection, whether after any adjournment or not, the matter may be determined in the absence of a party thereto, or proxy therefor, if he is not in attendance.

Dated this            day of            , 19    .

.....  
Deputy Commissioner

\* Delete if inapplicable.

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National Registration

[Subsidiary]

National Registration Regulations

FORM 11

reg. 26

The National Registration Regulations

Notice of intention to cancel registration

From: The Registration Officer

.....  
(address of office)

To:.....  
(full name)

.....  
(last known address)

Take Notice that I .....

intend to cancel the registration of.....

on the            day of            , 19            at the hour of  
.....o'clock in the..... noon for the reason that

(herein state reason for cancellation)

\*(unless you satisfy me that such cancellation is not justified).

Dated this            day of            , 19            .

.....  
Registration Officer

\* Delete if cancellation not by reason of plural registration.

NOTE

The last registration ordered under section 6 took place in 1968.  
See Order 7/1968 as amended by 26/1968 and Order 14/1968 as  
amended by 25/1968 and 29/1968. .

The last revision of registers under section 19 took place in 1968.  
See Regulations 9/1969 and 10/1969.



age of fourteen years and are resident in Guyana; and the revision shall begin on the 22nd March, 1973, and end on the 31st March, 1973.

4. The preliminary lists prepared under regulation 3 shall be affixed on the 1st April, 1973, to such buildings as the Minister shall appoint by notice published in the *Gazette*. Preliminary list to be affixed to buildings.

5. Claims in respect of entries in preliminary lists shall be sent to the registrar of the district so as to be received by him not later than the 7th April, 1973, and objections in respect of entries in the lists shall be sent to the registrar of the district so as to be received by him not later than the 21st April, 1973. Objections.

6. Every registrar shall—

(a) on the 10th April, 1973, cause a list of claims received by him under regulation 5; and

(b) on the 24th April, 1973, cause a list of the objections received by him under regulation 5 and a notice of the commencement of the public enquiry mentioned in regulation 7,

to be affixed to each of not less than two buildings determined by him in every registration division in his district. List of claims and objections to be affixed to buildings.

7. (1) Subject to paragraph (2), the registrar shall hold a public enquiry which shall commence not later than the 27th April, 1973, at which claims and objections duly submitted to, and received by him in pursuance of these regulations, shall be investigated and determined. Public enquiry.

(2) Every registrar may, without holding a public enquiry, allow claims submitted to him, if—

(a) no notice of objection thereto has been submitted; and

(b) he is satisfied that the claim may be duly allowed.

(3) When a registrar allows any claim without holding a public enquiry, he shall notify his decision to the Commissioner.

8. Regulations 23, 24, 27 to 37 (inclusive), 43 to 45 (inclusive), 47 and 48 of the National Registration (Residents) Regulations, apply *mutatis mutandis* to the revision of the central and divisional registers by virtue of regulation 3 as they apply for the purpose of the registration of persons under the said regulations subject to the following modifications— Application of certain regulations.

(a) the substitution in regulation 24(2) of the words "regulation 5" for the words "regulation 25(1)";

[Subsidiary]

*National Registration (Residents) Regulations  
National Registration (Residents) (Revision of Registers) Regulations 1976*

(b) the substitution in regulation 27(7) of the words "regulation 7" for the words "regulation 25"; and

(c) the substitution in regulation 29 for the words—

(i) "seven days" appearing in paragraph (1) thereof, of the words "three days";

(ii) appearing after the word "and" in paragraph (3) thereof, of the words "shall be served personally on the registrar, or any person duly authorised by him to receive such notice, at his registration office."

Forms.

9. The forms prescribed by the National Registration (Residents) Regulations, for the use in connection therewith shall for the purposes of these Regulations be used with all necessary variations, modifications and adaptations.

Reg. 6/1976

**NATIONAL REGISTRATION (RESIDENTS) (REVISION OF  
REGISTERS) REGULATIONS 1976**

*made under section 19*

Citation.

1. These Regulations may be cited as the National Registration (Residents) (Revision of Registers) Regulations 1976.

Dates with  
reference to  
which acts  
performed.

2. Notwithstanding anything to the contrary provided by or under the National Registration (Residents) Regulations, the dates prescribed by those Regulations shall for the purposes of the review mentioned in regulation 3 be the dates with reference to which the acts mentioned in these Regulations shall be respectively performed.

Revision of  
registers.

3. The Commissioner of Registration shall revise with reference to the 30th September, 1976, the central and divisional registers by way of the preparation and publication of preliminary lists of the names and addresses of those persons who as at that date have attained the age of fourteen years and are resident in Guyana; and the revision shall begin on the 12th August, 1976, and end on the 21st August, 1976.

Preliminary  
list to be  
affixed to  
buildings.

4. The preliminary lists prepared under regulation 3 shall be affixed on the 23rd August, 1976, to such buildings as the Minister shall appoint by notice published in the *Gazette*.

Objections.

5. Claims in respect of entries in preliminary lists shall be sent to the registrar of the district so as to be received by him not later than the 3rd September, 1976, and objections in respect of entries in the lists shall be sent to the registrar of the district so as to be received by him not later than the 6th September, 1976.

6. Every registrar shall—

(a) on the 4th September, 1976, cause a list of claims received by him under regulation 5; and

(b) on the 7th September, 1976, cause a list of the objections received by him under regulation 5 and a notice of the commencement of the public enquiry mentioned in regulation 7,

List of claims and objections to be affixed to buildings.

to be affixed to each of not less than two buildings determined by him in every registration division in his district.

7. (1) Subject to paragraph (2), the registrar shall hold a public enquiry which shall commence not later than the 13th September, 1976, at which claims and objections duly submitted to, and received by him in pursuance of these regulations, shall be investigated and determined.

Public enquiry.

(2) Every registrar may, without holding a public enquiry, allow claims submitted to him, if—

(a) no notice of objection thereto has been submitted; and

(b) he is satisfied that the claim may be duly allowed.

(3) When a registrar allows any claim without holding a public enquiry, he shall notify his decision to the Commissioner.

8. Regulations 23, 24, 27 to 37 (inclusive), 43 to 45 (inclusive), 47 and 48 of the National Registration (Residents) Regulations, apply *mutatis mutandis* to the revision of the central and divisional registers by virtue of regulation 3 as they apply for the purpose of the registration of persons under the said regulations subject to the following modifications—

Application of certain regulations.

(a) the substitution in regulation 24(2) of the words “regulation 5” for the words “regulation 25(1)”;

(b) the substitution in regulation 27(7) of the words “regulation 7” for the words “regulation 25”; and

(c) the substitution in regulation 29 for the words—

(i) “seven days” appearing in paragraph (1) thereof, of the words “three days”;

(ii) appearing after the word “and” in paragraph (3) thereof, of the words “shall be served personally on the registrar, or any person duly authorised by him to receive such notice, at his registration office”.

9. The forms prescribed by the National Registration (Residents) Regulations, for the use in connection therewith shall for the purpose of these Regulations be used with all necessary variations, modifications and adaptations.

Forms.



## GUYANA

ACT NO. 12 OF 1980

### LOCAL DEMOCRATIC ORGANS ACT 1980

I assent.

A. CHUNG,  
President.  
29th August, 1980.

#### ARRANGEMENT OF SECTIONS

##### PART I

##### PRELIMINARY

##### SECTION

1. Short title and commencement.
2. Interpretation.
3. Objectives of local government.

Price \$2.75. To be purchased from the Ministry of Information, Georgetown, Guyana.

Printed by Guyana National Lithographic Co. Ltd., Ruimsveldt Branch.

## PART II

## LOCAL DEMOCRATIC ORGANS

4. Establishment of local government areas.
5. Constitution orders.
6. Duties of local democratic organs.
7. Local democratic organ may make regulations.
8. Local democratic organs to be bodies corporate.
9. Full-time officers.
10. Delegation of powers to local democratic organs.
11. Petty courts.
12. Cessation of application of other laws.
13. Application of this Part to regional democratic councils.

## PART III

## REGIONAL DEMOCRATIC COUNCILS

14. Regional democratic councils.
15. Composition of regional democratic councils.
16. Councillors to be elected.
17. Qualifications for election as councillor.
18. Election of councillors.
19. Convening of meeting to elect chairman and vice-chairman.
20. Election of chairman and vice-chairman.
21. Election of chairman and vice-chairman on vacancy.
22. Vacancy in office of chairman or vice-chairman.
23. Performance of chairman's duties when unable to act.
24. Oath of Office.
25. Chairman and vice-chairman to be justices of the peace.
26. Leave of absence of chairman and vice-chairman.
27. Chairman, vice-chairman and councillors exempted from jury service.
28. Remuneration of chairman and councillors.
29. Vacancy in office of councillor.
30. Signification and filling of vacancy.
31. Oath of office of councillor.
32. Application of certain provisions of the Municipal and District Councils Act, Cap. 28:01.
33. Duty of council to be guided by general policies of Government.

## PART IV

## THE NATIONAL CONGRESS OF LOCAL DEMOCRATIC ORGANS

34. Composition of the National Congress of Local Democratic Organs.
35. Qualifications for election as a member of the Congress.
36. Convening election meeting.
37. Nominations.
38. Election.

39. Notification of election results to Elections Commission.
40. Certificates of election.
41. Vacancies in office of member of Congress.
42. Signification and filling of casual vacancy.
43. Convening of meeting to elect chairman and vice-chairman.
44. Election of chairman and vice-chairman.
45. Election of chairman and vice-chairman on vacancy.
46. Vacancy in office of chairman and vice-chairman.
47. Application of certain provisions of Part III.
48. Application of certain provisions of the Municipal and District Councils Act, Cap. 28:01.
49. Duty of Congress to be guided by general policies of Government.
50. Power of Minister to provide for other matters relating to the Congress.

#### PART V

#### ELECTION OF CERTAIN MEMBERS OF THE NATIONAL ASSEMBLY

51. Convening of meeting of regional democratic councils to elect members of the National Assembly.
52. Nominations.
53. Election.
54. Publication of results.
55. Certificate of election.
56. Filling of casual vacancies amongst members of the National Assembly elected by councils.
57. Convening of meeting of Congress to elect members of the National Assembly.
58. Nominations.
59. Election.
60. Publication of results.
61. Certificates of election.
62. Filling of casual vacancies among members of the National Assembly elected by Congress.

#### PART VI

#### ELECTION DISPUTES

63. Determination of questions as to membership and elections relating to councils.
64. Disputed elections to Congress, etc.
65. Disputed elections to National Assembly under article 60 (3) and (4).
66. Appeals.
67. Rules of procedure.

## PART VII

## MISCELLANEOUS

- 68. Regulations.
- 69. Saving of power to amend subsidiary legislation amended by or under this Act.
- 70. Authority of Elections Commission.
- 71. Negative resolutions.

FIRST SCHEDULE — Amendments to the Representation of the People Act, Cap. 1:03.

SECOND SCHEDULE — Forms of oaths of office.

THIRD SCHEDULE — Amendments to the Municipal and District Councils Act, Cap. 28:01.

FOURTH SCHEDULE — Amendments to the National Assembly (Validity of Elections) Act, Cap. 1:04.

A.D. 1980]

## LOCAL DEMOCRATIC ORGANS

[No. 12

AN 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  
commence-  
ment.

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 membership 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 Organs 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;

Cap. 29:01 "local democratic organ" means any local government authority, and includes that of any city or town or of any division thereof established under section 4(1), 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 sub-region into districts, a district into communities, a community into neighbourhoods, and a neighbourhood into people's co-operative units:

Establishment of local government areas.

*Amended*  
7/1/54  
Sec 3

[7/1/1994]

Provided that the Minister may by order divide any area comprised in a city or town as he may deem fit.

(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;

[6/1/1987]

- (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; *The procedure to*
- (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

Cap. 29:01

*be followed by it in matters relating to finance, and the auditing of its accounts and the powers and duties of the auditor or of any other persons in connection therewith.*

SA

A neighbourhood democratic Council established under this Act shall be a local Authority to which local Authorities (Villages) Act applies and all the Powers conferred on a Village Council by the Local Authority Act.

"NDC to be local authority under the Local Authority (Villages) Act 1972

A.D. 1980]

LOCAL DEMOCRATIC ORGANS

[No. 12

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

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

New Section  
SA

Act 78/1984

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.

[6/6/98]

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 unless the Minister, where*

*he considers it  
impracticable,  
justifiable, having  
regard to the time which  
such chairman or vice-chairman  
must devote for the  
discharge of the functions  
in any case has by written  
notice to the Minister,  
if any, to be paid by a local  
democratic organ to any  
officer serving full-time as  
aforesaid.*

(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 emolument, if any, to be paid by a local democratic organ to any officer serving full-time as aforesaid.

Delegation  
of powers to  
local demo-  
cratic  
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. [6/1981]

(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 (1), (6), (7) and (8) of article 155 of the Constitution;

Cap. 2:04

- (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 :

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 falls 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.

New Sub-section  
as sub section  
(3)

Election  
of coun-  
cillors.  
Cap. 1:03

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 — Cap. 1:03

- (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 seven days after the declaration under section 99 of the Representation of the People Act (as modified as aforesaid) of the results of any election of councillors, 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 councillors:

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, the 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.

*New subsection  
subsection (7)*

(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.

*Election of  
chairman  
and vice-  
chairman  
on  
vacancy.*

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.

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

*Vacancy in  
office of  
chairman  
or vice-  
chairman.*

*[6/1981]*

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

- (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;

*insert new  
Paragraphs (e)  
and (f).*

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

*Perform-  
ance of  
chairman's  
duties when  
unable to  
act.*

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.

(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, as 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 councillors secure an equal number of votes the Minister shall direct which of those councillors 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 funds.

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.

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 oaths 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 oaths required by law to be taken to act as such justices.

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.

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

(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 —

- (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.

Cap. 1:03

(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. 23:01.

32. (1) The provisions 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 modifications —

- (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.

(2) The provisions of that Act specified for the purposes of subsection (1) are —

sections 43 to 332 (inclusive) but exclusive of sections 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.

#### 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 provisions of sections 35 to 42 (inclusive).

Composition  
of the  
National  
Congress of  
Local Demo-  
cratic  
Organs.

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

Qualifica-  
tions 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 nominations are called for election to the second office.

Nomina-  
tions.

(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 as a member of the Congress, the casting vote of the chairman being exercised in the event of an equality of votes.

Notification  
of election  
results 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 Elections 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 as 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 of 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.



[6/1981]

Application  
of certain  
provisions of  
PART III47. 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 —

- REO 150

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.

*including  
payment of remuneration  
to the Chairman and Vice  
Chairman of the Congress.*

## PART V

ELECTION OF CERTAIN MEMBERS OF THE  
NATIONAL ASSEMBLYElection of members of the National Assembly by regional  
democratic councilsConvening of  
meeting of  
regional  
democratic  
councils to  
elect mem-  
bers 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 Certificate of election  
has been elected as a member of the National Assembly with a certificate that he has been so elected.

56. Section 42 applies mutatis mutandis to the filling Filling of  
of casual vacancies amongst members of the National Assembly casual vacancies amongst members of the National Assembly elected by councils.  
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 of Convening of  
the Congress to be held at a time fixed by him on the day meeting of  
appointed by the President under article 60(4) of the Congress to  
Constitution for the purpose of electing to serve as members of elect mem-  
bers of the National Assembly. Assembly.  
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 nomina- Nomina-  
tions of candidates for election to each of the two offices of tions  
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  
among  
members of  
the National  
Assembly  
elected by  
Congress.

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

## PART VI

### ELECTION DISPUTES

#### Disputed elections to regional democratic councils

Determina-  
tion of  
questions as  
to member-  
ship 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 section 64, 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.

Cap. 1:04

Fourth  
Schedule

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

Disputed  
elections  
to Congress,  
etc.

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.

Cap 1:05

(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 —

- (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) <sup>Disputed elections to National Assembly under art. 60(3) and</sup> 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 <sup>(4)</sup> with this section.

(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.

A.D. 1986]

LOCAL DEMOCRATIC ORGANS

[No. 12

## 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 Organs 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 held.</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)	After "division" in the first line insert "within a region in respect of which the election is held."
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 members of the National Assembly and in respect of an election of members of a council."</p>



No. 12]

THE LAWS OF GUYANA

[A.D. 1980]

Provision	How amended
Section 11 (1) <i>Amended by Act 27/1997</i>	<p><i>Not less than one hundred and not more than</i></p> <p>(a) For "<del>two hundred and not more than two hundred and twenty</del>" substitute "<del>one hundred and not more than one hundred and twenty</del>." <i>then one hundred and twenty</i></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 as 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 electors 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 persons who are not candidates."</p>
Section 14 (3)	After "more than one list" insert "in respect of the same region."
Section 22	Delete.
Section 34 (2) (a) (iii)	Delete.
Section 40 (1) (c)	Before the semicolon insert "and of the Local Democratic Organs Act 1980." <i>— The ballot paper relating to the election of</i>
Section <del>87 (1) (b)</del> <i>Act 30/1990 83 (1) F</i>	Before the semicolon insert "and separate <del>them</del> <i>if they have</i> not yet become separated, from any ballot papers relating to the election of members of the National Assembly."
Section 97 (1)	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."
Section 97 (4)	Delete.
Section 97 (5)	Delete.
Section 98	After "including his own name" insert "if he is a candidate"

A.D. 1980

## LOCAL DEMOCRATIC ORGANS

[No. 12]

## 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 as 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

A.D. 1980]

## LOCAL DEMOCRATIC ORGANS

[No. 12

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

A.D. 1980]

LOCAL DEMOCRATIC ORGANS

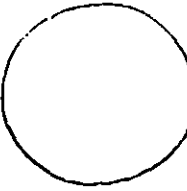

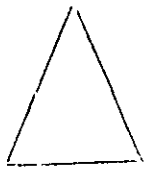
[No. 12

Provision	How amended		
Form 11	Substitute the following —  FORM 11 THE REPRESENTATION OF THE PEOPLE ACT FORM OF BALLOT PAPER GENERAL ELECTIONS		
Counterfoil   No.   Elector's No. in Official List	1.	C.O.N. The Conservative Party Candidates' List	
	2.	L.A.B. The Labour Party Candidates' List	
	3.	L.I.B. The Liberal Party Candidates' List	
(Perforated line)			

No. 12]

THE LAWS OF GUYANA

[A.D. 1980

Provision	How amended		
<div>2</div> <div> <div></div> </div>	REGIONAL ELECTIONS FOR REGION No.....		
	1	F.A.R. The Farmers' Party Candidates' List	
	2	M.I.N. The Miners' Party Candidates' List	
	3	L.O.G. The Loggers' Party Candidates' List	
Elector's No. in Official List			

A.D. 1980] *LOCAL DEMOCRATIC ORGANS* [No. 12

Provision	How amended
Form 19	For "this election" substitute "either of these two elections".
Form 22	For "list", "paper" (where it first occurs) and "this election" substitute respectively "lists", "papers" and "either of these 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 — <div style="text-align: center;"> <p>“(Back of Form) Instructions to Postal Voter</p> <p>1. Enclosed herewith for the exercise of your votes at the General Elections and the Regional Elections, respectively, are —</p> <ul style="list-style-type: none"> <li>(i) a ballot sheet;</li> <li>(ii) an envelope marked “for ballot sheet only”;</li> <li>(iii) a larger envelope addressed to the Chief Election Officer who issued the ballot sheet to you; and</li> <li>(iv) a form of Declaration of Identity.</li> </ul> <p>2. The ballot sheet is divided by a horizontal perforated line into two ballot papers of different colours. The top ballot paper relates to the General Elections and the bottom ballot paper relates to the Regional Elections.</p> </div>



No. 12]

## THE LAWS OF GUYANA

[A.D. 1980

## 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 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.
  5. You should see that each 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."
- For "GENERAL ELECTIONS 19     " substitute "GENERAL AND REGIONAL ELECTIONS 19     ".

Form 4

A.D. 1980]

LOCAL DEMOCRATIC ORGANS

[No. 12

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 (1) of the Local Democratic Organs Act 1980".
Section 190 (2)	For "section 40 of the Local Authorities (Elections) Act" substitute "section 17 (1) 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".

**Section 63                      FOURTH SCHEDULE**  
**AMENDMENTS TO THE NATIONAL ASSEMBLY (VALIDITY OF**  
**ELECTIONS) ACT, CAP. 1:04**

Provision	How amended
Section 13 (3)	Substitute the following — “(3) The trial of an election petition shall be proceeded with notwithstanding the adjournment of the regional democratic council in respect of which the election was held and notwithstanding the resignation of any person as a member of that council.”
Section 27 (1)	Substitute a colon for the full stop at the end of the subsection and insert the following proviso — “Provided that the number of persons admitted under this subsection shall not exceed three.”
Section 28 (2)	Substitute the following — “(2) Every vacancy in any regional democratic council in consequence of any such declaration shall be filled in the manner provided by section 99A of the Representation of the People Act as modified by section 18 (2) of the Local Democratic Organs Act 1980.”
Section 31 (1)	(a) After “effective” insert “local”. (b) In the proviso insert a full stop after “in due course” and delete the remainder of the proviso.
National Assembly (Validity of Elections) Rules, Cap. 1:04 Appendix Form I	In the heading, for “NATIONAL ASSEMBLY” substitute “REGIONAL DEMOCRATIC COUNCIL FOR REGION NO.                      ”.
Forms 2, 3, 4, 5, 6, 7, 8 and 9	Between the end of the heading or headings and the commencement of the text insert the following subheading — “(Regional Election for Region No.                      )”

*Passed by the National Assembly on the 18th of August, 1980*

(Bill No. 12/1980)

*F. A. Narain,*  
Clerk of the National Assembly.

THE OFFICIAL GAZETTE 5TH JULY, 1990  
LEGAL SUPPLEMENT - C

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GUYANA

ACT No. 17 OF 1990

GENERAL ELECTIONS (OBSERVERS) ACT 1990

I assent,

H. D. Hoyte,  
President.

1990—07—05.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Observers at general elections.
4. Rights of observers.
5. Privileges and immunities of observers.
6. Obstruction of or interference with an observer
7. Personation.

No. 171

LAWS OF GUYANA

[A.D. 1990

AN ACT empowering the President of Guyana to invite observers at general elections and for matters connected therewith.

A. D. 1990

Enacted by the Parliament of Guyana:—

Short title.

1. This Act may be cited as the General Elections (Observers) Act 1990.

Interpretation.

2. (1) In this Act "election" means an election of members of the National Assembly referred to in article 60 (2) of the Constitution.

Cap.1:03

(2) Expressions used in this Act but not defined herein shall have the same meanings as in the Representation of the People Act.

Observers at general election.

3. (1) The President may, after consultation with the Chairman of the Elections Commission, invite persons from outside Guyana to visit Guyana for the purpose of observing the democratic processes of the State as enshrined in the Constitution, and more specifically the conduct of any election.

(2) The name of any person so invited shall be published in the Gazette and he shall be issued with an identity card by the Chairman of the Elections Commission.

Rights of observers.

4. (1) Any other law to the contrary notwithstanding, an observer may scrutinise the official list of electors, enter polling places and places appointed for the counting of votes, and seek information from the Chairman of the Elections Commission, the Chief Election Officer and other election officers.

(2) An observer shall have the right to obtain from the Chairman of the Elections Commission a copy of the official list of electors for one or more polling divisions and of any written law governing or regulating any election.

(3) The Chairman of the Elections Commission, the Chief Election Officer and other election officers shall co-operate with the observers and shall comply with any reasonable request made by the observers in the performance of their functions.

Privileges and immunities of observers. Cap.18:01

5. The person of every observer shall be inviolable and he shall enjoy as well such other privileges and immunities as are afforded diplomatic agents under the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act.

A.D. 1990]                      GENERAL ELECTIONS (OBSERVERS)                      [No. 17

6. Everyone who assaults an observer or obstructs or interferes with him in the performance of his functions or the exercise of his rights under this Act shall be liable on summary conviction to a fine of five thousand dollars and imprisonment for eighteen months.

Obstruction  
of or interference  
with an  
observer.

7. Everyone who falsely personates any observer with intent to obtain admission to any polling place or any place appointed for the counting of votes, or in order to avail himself of any of the other rights conferred on observers under the provisions of section 4 shall be liable on summary conviction to a fine of five thousand dollars and imprisonment for eighteen months.

Person-  
ation.

*Passed by the National Assembly on 1990—07—05.*

*F. A. Narain,*  
Clerk of the National Assembly.

(Bill No. 20/ 1990)



GUYANA

ACT No. 30 of 1990

REPRESENTATION OF THE PEOPLE (AMENDMENT)

ACT 1990

I assent.

*H.D. Hoyte,*  
President.

ARRANGEMENT OF SECTIONS

1990—12—29.

SECTION

1. Short title.
2. Amendment of section 7 of the Principal Act.

Price: \$11.00 — To be purchased from the Office of the President, Georgetown,  
Guyana.

Printed by Guyana National Printers Ltd.

No.	301	LAW	OF	GUYANA	[A.D.]	1990.
1		Amendment of section 65B of the Principal Act				
2		Amendment of section 65L of the Principal Act				
3		Repeal of section 83 of the Principal Act and substitution thereof of sections 83 and 83A				
4		Repeal and re-enactment of section 84 of the Principal Act.				
5		Amendment of section 87 of the Principal Act.				
6		Amendment of section 89 of the Principal Act.				
7		Repeal and re-enactment of section 96 of the Principal Act.				
8		Amendment of section 102 of the Principal Act.				
9		Amendment of the Schedule to the Principal Act				
10		Amendment of the Local Democratic Organs Act 1980.				
11		Removal of difficulties.				

# AN ACT to amend the Representation of the People Act.

A.D. 1990 Enacted by the Parliament of Guyana:—

Short title  
Cap. 1:03

1. This Act, which amends the Representation of the People Act, may be cited as the Representation of the People (Amendment) Act 1990.

Amendment of  
section 7 of the  
Principal Act

2. Section 7(c) of the Principal Act is hereby amended by the substitution, for the words "and a poll clerk", of the words "a poll clerk and a counting assistant"

Amendment of  
section 65B of the  
Principal Act

3. Section 65B of the Principal Act is hereby amended by the insertion, after the words "the right to vote", of the words "the procedure on the closing of the poll, the counting of votes and other matters referred to in the provisions of this Act"

Amendment of  
section 65L of the  
Principal Act

4. Section 65L of the Principal Act is hereby amended in the following respects —

- (a) in subsection (1), by the substitution, for the words "in section 83(c)", of the words "in section 83(10)(b) together with the key of the ballot box";



- (b) by the insertion, after subsection (3), of the following subsection as subsection (4) —

"(4) The votes deemed under subsection (3) to have been cast, at the election, in each district shall be counted separately by the Chief Election Officer, and the provisions of sections 87, 88, 90, 92, 93 and 94 shall apply *mutatis mutandis* in relation to the counting of votes under this section:

Provided that in their application by virtue of this subsection, sections 87, 88 and 90 shall have effect as if for the reference in those sections to a counting agent there had been substituted reference to an election agent."

5. Section 83 of the Principal Act is hereby repealed and the following sections substituted therefor as sections 83 and 83A:—

Repeal of section 83 of the Principal Act and substitution thereof of sections 83 and 83A.

Procedure on closing of poll

83.(1) The presiding officer, as soon as practicable after the closing of the poll, in the presence of such of the persons entitled under section 79(1)(b) to be present, as attend shall —

- (a) count the number of spoiled ballot papers and tendered ballot papers, if any, and place them in separate special envelopes supplied for that purpose, indicate thereon the number of the spoiled ballot papers and tendered ballot papers and seal the envelopes;
- (b) count the used tendered ballot papers without unfolding them and place them back in the special envelope supplied for that purpose, indicate thereon the number of the used tendered ballot papers and seal the envelope;
- (c) count the unused ballot papers and tendered ballot papers, undetached from the books of ballot papers and tendered ballot papers, place them with the counterfoils of all used ballot papers and tendered ballot papers in separate special envelopes supplied for that purpose, indicate thereon the number of unused ballot papers and tendered ballot papers and seal the envelopes;
- (d) check the number of ballot papers and tendered ballot papers supplied by the returning officer against the number of spoiled ballot papers and tendered ballot papers, if any, the number of unused ballot papers and tendered ballot papers and the number of destroyed ballot papers and tendered ballot papers, as recorded in the poll book, and the number of electors who voted at the polling place as reflected from the counterfoils of the ballot papers and tendered ballot papers issued at the polling place, in order to ascertain that all ballot papers are accounted for;

- (e) record the number of ballot papers and tendered ballot papers received by the presiding officer, issued to electors, unused, and spoiled, in the ballot paper account and tendered ballot paper account in Form 23;
- (f) open the ballot box and empty its contents upon a table;
- (g) distribute tally sheets to the assistant presiding officer, the poll clerk and the duly appointed candidates and polling agents present;
- (h) count and record the number of ballot papers that were in the ballot box;
- (i) sort out the ballot papers on the basis of lists for which the votes have been cast; and
- (j) count the number of votes recorded for each list of candidates on his tally sheet, giving full opportunity for those present to examine each ballot paper.

(2) Subject to the provisions of this section, section 87 shall *mutatis mutandis* apply to the counting of votes under subsection (1).

(3) In counting the votes the presiding officer shall, wherever his decision on a ballot paper is questioned, record the fact by writing the letter "Q" at the back of the ballot paper and appending his initials.

(4) The decision of the presiding officer as to the validity or otherwise of a ballot paper shall be final subject to review by the returning officer.

(5) The presiding officer shall place the ballot papers cast for each list of candidates and counted under this section in a separate envelope, whether or not any such ballot paper is a questioned ballot paper.

(6) All rejected ballot papers shall be placed in a separate envelope by the presiding officer.

(7) The envelopes referred to in subsections (5) and (6) shall be endorsed as to indicate their contents and shall be sealed by the presiding officer and the number of any questioned ballot papers and the total number of ballot papers contained in the envelopes shall be indicated on their outside.

(8) The presiding officer shall affix his seal to the envelopes referred to in the preceding subsections and shall invite such of

A.D. 1990] REPRESENTATION OF THE PEOPLE (AMENDMENT) [No. 30

the duly appointed candidates and the polling agents as are present to do likewise

(9) After the completion of the counting, the presiding officer shall complete the ballot paper account and tendered ballot paper account in Form 23, the Statement of Poll in Form 23A, and prepare and certify a sufficient number of copies of the same for distribution as follows —

- (a) to the returning officer;
- (b) to the assistant presiding officer,
- (c) to such of the duly appointed candidates or the polling agents as are present;
- (d) to the Chief Election Officer.

(10) The presiding officer shall then —

- (a) place the sealed envelope containing the counted and rejected ballot papers in the ballot box, and secure and seal, with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, the ballot box in such manner that it cannot be opened and that nothing can be inserted therein or taken therefrom without breaking the seals; and
- (b) make up in separate packets, the marked copies of the official list of electors or part thereof, notices of appointments to vote as proxy and copies of the lists of proxies, the poll book, the ballot paper account and tendered ballot paper account and such other election documents as may be decided upon by the Commission, and seal the packets with his seal and with the seals of such of the duly appointed candidates and polling agents as are present and desire to affix their seals; and
- (c) deliver the sealed ballot box, the sealed packets referred to in paragraph (b), and together with an envelope containing the key of the ballot box and a Statement of the Poll in Form 23A placed in one envelope sealed in the manner referred to in paragraph (b), to the returning officer of the district in which the polling place is situated.

(11) A presiding officer may in writing delegate all or any of his functions under this section to a counting assistant and where any function of a presiding officer is delegated to a counting assistant, in respect of the function so delegated references in the

preceding subsections to the presiding officer of a polling place shall be deemed to be references to the counting assistant of the same polling place."

Accompanying  
ballot boxes

85A.(1) Subject to the availability of space in the conveyance carrying ballot boxes from polling places for delivery to a returning officer, the polling agents or the duly appointed candidates for the polling places, who are desirous of accompanying the ballot boxes, may travel in such conveyance:

Provided that where the conveyance carrying the ballot boxes can accommodate only one or some of the polling agents or duly appointed candidates for a polling place, desirous of accompanying the ballot boxes from that polling place, the polling agent or agents or duly appointed candidate or candidates who shall accompany the ballot boxes shall be determined by the majority of the polling agents and duly appointed candidates for the polling place.

(2) Nothing in this section shall be deemed to affect the right of any polling agent or duly appointed candidate for a polling place to follow, in a separate conveyance, a conveyance carrying ballot boxes from the polling place for delivery to a returning officer."

Repeal and re-  
enactment of sec-  
tion 84 of the Prin-  
cipal Act

6. Section 84 of the Principal Act is hereby repealed and the following section substituted therefor —

"Counting  
votes

84.(1) As soon as practicable after the receipt of all the ballot boxes and the envelopes and packets delivered to him in pursuance of section 83(10), the Returning Officer shall, in the presence of such of the persons entitled under section 86(1) to be present as attend, ascertain the total votes cast in favour of each list in the district by adding up the votes recorded in favour of the list in accordance with the Statements of Poll (including the Statement of Poll in relation to the special polling place referred to in section 65B), and thereupon publicly declare the votes recorded for each list of candidates

(2) Where before twelve noon of the day following the declaration under subsection (1) any counting agent for the district does not request the Returning Officer to conduct a final count of the votes counted by the presiding officers in the district under section 83, the declaration of the votes obtained by the lists under subsection (1) shall be final; but where any counting agent for the district seeks a final count of the votes already counted by the presiding officers in the district under section 83, the Returning Officer shall count such votes in accordance with the provisions contained in the following subsections and section 87 and on the basis of such recount

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confirm or vary the declaration of the votes recorded in the district for each list of candidates under subsection (1).

(3) Where any counting agent for the district requests a final count, he shall indicate whether he requests a general count or a limited count, and in the latter case shall specify the polling places in respect of which the final count is to be conducted and the Returning Officer shall conduct the count as requested.

(4) Where a limited final count is conducted, the Returning Officer shall review only the decisions of the presiding officers as regards questioned and rejected ballot papers at the polling places specified in the request for the final count, and in such a case all ballot papers marked "Q" by the presiding officers of those polling places and all ballot papers rejected by them shall be examined by the Returning Officer.

(5) Where in a limited final count the Returning Officer agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word "confirmed" at the back of the ballot paper, and where he disagrees with the decision of the presiding officer as regards any such ballot paper, he shall write the word "varied" at the back of the ballot paper.

(6) Where a general final count is conducted, the Returning Officer shall review all used ballot papers, including rejected ballot papers, received from all polling places, including the special polling place referred to in section 65B, and where he agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word "confirmed" at the back of the ballot paper and where he disagrees with the decision of any presiding officer as regards any such ballot paper, he shall write the word "varied" at the back of the ballot paper.

(7) Where a duly appointed candidate or any counting agent for the district disagrees with the Returning Officer as regards any ballot paper, the Returning Officer shall write the letter "Q" on the back of the ballot paper.

(8) All ballot papers marked in any way by the Returning Officer in a final count shall be marked with his initials.

(9) All markings on a ballot paper by the Returning Officer shall be made on the back of the ballot paper in ink different in colour from that used by the presiding officer.

No. 101

LAW OF GUATEMALA

[A.D. 1990]

(10) At the conclusion of any final count, the Returning Officer shall comply with section 89 in respect of the polling places to which the final count related

(11) On ascertaining the votes cast in the district for each list of candidates in accordance with the preceding subsections, the returning officer shall communicate to the Chief Election Officer, by the quickest available means, the total number of valid votes cast in the district for each list of candidates."

Amendment of  
section 87 of the  
Principal Act

7. Section 87(1) of the Principal Act is hereby amended in the following respects —

- (a) in the opening portion, by the substitution, for all the words beginning with "The returning officer" and ending with "section 83(c)", of the following —

"Where a returning officer is required to have a final count of the votes cast for all, or some, of the polling places, he shall"; —

- (b) by the deletion of paragraph (d).

Amendment of  
section 89 of the  
Principal Act

8. Section 89(1) of the Principal Act is hereby amended —

- (a) by the substitution in the opening portion, for the words "the counting", of the words "the final counting, under section 84,";

- (b) by the substitution for paragraph (c), of the following paragraph —

"(c) publicly declare the result of the final counting;"

- (c) in paragraph (f) by the insertion, after the words "in writing" of the words "in respect of the final counting".

Repeal and re-  
enactment of sec-  
tion 96 of the Prin-  
cipal Act

9. Section 96 of the Principal Act is hereby repealed and the following section substituted therefor —

"Ascertainment of  
election results

96. The Chief Election Officer shall, after calculating the total number of valid votes of electors which have been cast for each list of candidates, on the basis of the votes counted under sections 65L and 92 and the information furnished by returning officers under section 84(11), ascertain the result of the election in accordance with sections 97 and 98."

Amendment of  
section 102 of the  
Principal Act

10. Section 102(1) of the Principal Act is hereby amended by the substitution, for the words "of section 83(c)", of the words "of section 83(10)(b)"

A.D. 1996] REPRESENTATION OF THE PEOPLE (AMENDMENT) [No. 30

11 The Schedule to the Principal Act is hereby amended in the following respects —

Amendment of the  
Schedule to the  
Principal Act

- (a) in the Table of Forms, by the insertion after "23. Ballot paper account" of the following —

"23A. Statement of Poll";

- (b) by the insertion, after Form 23, of the following form as Form 23A —

FORM 23A

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTION

STATEMENT OF POLL

For the Polling Place.....

In Polling District.....

1. No. of valid votes cast for each list of candidates

List of..... total.....votes

List of..... total.....votes

List of..... total.....votes

List of..... total.....votes

List of..... total.....votes

List of..... total.....votes

2. Total valid votes  
for all lists

3. Add total  
number of re-  
jected ballot pa-  
pers (See state-  
ment below)

4. Grand total of  
persons who ap-

No. 30] LAWS OF GUYANA [A.D. 1990.

	pear to have voted in the pol- ling place	_____
5.	Total number of spoiled ballot pa- pers	_____
6.	Total number of tendered ballot papers used	_____
7.	Statement of re- jected ballot pa- pers in the pol- ling place.	
	No. of ballot pa- pers rejected for —	
	(a) want of of- ficial mark	_____
	(b) unmarked or void for un- certainty	_____
	(c) marked for more than one list of candidates	_____
	(d) marked so that the elector can be identified	_____
	TOTAL	_____

Presiding Officer

Date.....":

(c) in Form 25, for the words "VOTES OF NON-RESIDENTS" substitute the words "VOTES OF NON-RESIDENT ELECTORS".

*Amendment of the  
Local Democratic  
Organs Act 1980,  
No. 12 of 1980*

12 The First Schedule to the Local Democratic Organs Act 1980 is hereby amended by the deletion of the reference to section 87(1)(b) in the first column and the amendment of that section specified in the second column thereof, and the substitution thereof of the following —



## A.D. 1990] REPRESENTATION OF THE PEOPLE (AMENDMENT) [No. 30]

Provision	How amended
"Section 83(1)(i)	Before the semicolon insert "and separate the ballot papers relating to the election of councillors, if they have not yet become separated, from any ballot papers relating to election of members of the National Assembly".

13.(1) If any difficulty arises in connection with the application of the Representation of the People Act or the Local Democratic Organs Act 1980 as amended by this Act, the Minister may, after consultation with the Elections Commission, by order, make any provision that appears to him to be necessary or expedient for removing the difficulty; and any such order may modify the Representation of the People Act or the Local Democratic Organs Act 1980 in respect of any particular matter or occasion so far as may appear to the Minister to be necessary or expedient for removing the difficulty.

Removal of difficulties.  
Cap. 1.03  
No. 12 of 1990

Cap. 1.03  
No. 12 of 1990

(2) Any order under subsection (1) shall be subject to negative resolution of the National Assembly and shall not be made after the expiry of three years from the commencement of this Act.

*Passed by the National Assembly on the 28th December, 1990*

*M.B. Henry,*  
Acting Clerk of the National Assembly

BILL No. 35/1990.

THE OFFICIAL GAZETTE 12TH JUNE, 1996  
LEGAL SUPPLEMENT – A

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GUYANA

ACT No. 12 of 1996

ELECTION LAWS (AMENDMENT) ACT 1996

I assent.

CHEDDI JAGAN,  
President,  
12th June, 1996

ARRANGEMENT OF SECTIONS

SECTION

- 1 short title and commencement.
- 2 Interpretation.
- 3 Preparation of official list of electors and non-resident electors' roll
- 4 Registration of persons.
- 5 Preliminary list, claims and objections and official list of electors

No. 12]

LAWS OF GUYANA

[A.D. 1996

6. Non-resident electors' roll.
7. Revision of official list of electors and non-resident electors' roll in certain circumstances.
8. Scrutineers.
9. Issue of identification cards.
10. Transfer of functions, conferred on the Minister, to the Elections Commission.
11. Special provisions regarding regional democratic councils.
12. Amendment of Representation of the People Act.
13. Amendment of National Registration Act.
14. Mode of exercise of functions of Elections Commission.
15. Employees of Elections Commission.
16. Chief Elections Officer and Commissioner of Registration subject to direction and control of Elections Commission.
17. Supervision of employment of certain officers.
18. Local Observers.
19. Expenses of Elections Commission.
20. Removal of difficulties.
21. Over-riding effect of this Act.
22. Repeal.

AN ACT to make certain amendments in the laws relating to registration of persons and to elections to choose the President, the members of the National Assembly and the members of the regional democratic councils and for matters connected therewith.

A.D. 1996

Enacted by the Parliament of Guyana:—

Short title  
and com-  
mencement.

1. This Act may be cited as the Election Laws (Amendment) Act 1996 and shall be deemed to have come into operation on 26th January, 1996.

Interpre-  
tation.

Cap. 1:03  
Cap. 19:03  
No. 12 of  
1980,

2. Expressions used in this Act and not defined herein, but defined in the Representation of the People Act, the National Registration Act or the Local Democratic Organs Act 1980, shall have the meanings assigned to them in those Acts.

Prepara-  
tion of offi-  
cial list of  
electors and  
non-resident  
electors'  
roll.

3.(1) The Commissioner shall as expeditiously as possible on being instructed in writing by the Commission to do so, cause to be prepared an official list of electors for every polling division, and a non-resident electors' roll with reference to the qualifying date which shall be such date as the Commission shall by order specify.

(2) The official list of electors and the non-resident electors' roll shall be prepared in accordance with sections 4, 5, 6 and 7.

A.D. 1996]

ELECTION LAWS (AMENDMENT)

[No. 12

(3) An official list of electors for a polling division or a non-resident electors' roll, prepared under subsection (1) shall remain in force until the Commissioner on the instructions of the Commission prepares a new official list of electors for such polling division or a new non-resident electors' roll.

(4) For the purpose of preparing the official list of electors or a revised official list of electors under this section each people's co-operative unit shall be deemed to be a registration division and polling division and references to registration division and polling division in the Representation of the People Act and the National Registration Act shall be construed accordingly.

Cap. 1:03  
Cap. 19:08

(5) The official list of electors for any polling division prepared under subsection (1), before the date of any election to choose the President, the members of the National Assembly or the members of a regional democratic council shall be the official list of electors for the polling division for such election; and the non-resident electors' roll prepared under subsection (1), before the date of such election shall be the non-resident electors' roll for that election; and references in the Representation of the People Act to official list of electors and non-resident electors' roll shall be construed accordingly.

Cap. 1:03

(6) If the Elections Commission so directs by order, notwithstanding anything contained in any other written law, the list of electors to choose the members of any local democratic organ (other than a regional democratic council) or other local government authority shall consist of names extracted from the official list of electors prepared under this section and resident in the area of that local democratic organ or local government authority.

(7) Every divisional registrar shall, either by himself or officers appointed under the section 6(4) of the National Registration Act (hereinafter referred to as "enumerators"), by house to house visits within the registration division assigned to him, obtain as far as practicable the application for registration of every person, who is on the appointed date of the age of fourteen years or above for the purpose of ascertaining every person qualified for registration as an elector for election to the National Assembly and is resident in that division, to have his name included in the official list of electors for the registration division.

Registration  
of persons.  
Cap. 19:08

(8) Registration of persons under subsection (7) shall begin and end on such dates as may be specified by the Elections Commission.

(9) Sections 6 (6) and (7), 8, 10, 11 and 13 of the National Registration Act shall *mutatis mutandis* apply to, and in relation to, registration of electors under the preceding subsections.

Cap. 19:08

Cap. 19:08 (4) The Commissioner shall establish a central register which shall consist of the originals of the registration cards of all electors registered under this section or such copies thereof prepared in conformity with section 7 (1) of the National Registration Act as made applicable by subsection (3) to registration of electors under this section.

(5) Every registrar shall establish for each registration division in his registration district a divisional register which shall consist of the duplicate registration cards of all persons registered under this section as resident in that registration division or such other copies thereof prepared in conformity with section 7 (1) of the National Registration Act as made applicable by subsection (3) to registration of persons under this section.

Preliminary list, claims and objections and official list of electors. 5.(1) Within such time, after the date for the end of the registration of persons, as may be specified by the Elections Commission, the Commissioner shall prepare a preliminary list in which he shall enter the full name, the address, the occupation and the serial number of the registration card of every person registered under section 4 who is qualified to be an elector.

Cap. 19:08 (2) Sections 14 (2) and 15 of the National Registration Act and the regulations made under that Act shall *mutatis mutandis*, apply to, and in relation to, the preliminary list referred to in subsection (1), claims and objections in respect of such preliminary list as revised and other matters provided for in the aforesaid sections 14 (2) and 15, as if references therein to the preliminary list were references to the preliminary list prepared under subsection (1).

(3) The official list of electors for any polling division shall be the preliminary list of electors for the registration division, corresponding to the polling division, prepared under subsection (1)- -

Cap. 19:08 (a) as altered under section 15 (6) of the National Registration Act, as made applicable by subsection (2), to give effect to claims and objections finally determined before the election day;

Cap. 19:08 (b) with such modifications as may be necessary pursuant to any alteration thereto under section 8 of the National Registration Act, as made applicable by section 4 (3), prior to compliance with section 34 (2)  
Cap. 1:03 (a) (iv) of the Representation of the People Act in respect of the said official list, and for the purpose of changing the registered address of any elector's residence within Guyana or the registered name or occupation of any elector;

[A.D. 1996

ELECTION LAWS (AMENDMENT)

[No. 12

(c) with such modifications as may be necessary pursuant to the cancellation of any elector's registration therein effected in contravention of section 11 (1), or relating to an elector who is dead, under section 8, of the National Registration Act as made applicable by section 4 (3); and

Cap. 19:08

(d) with such modifications as may be necessary pursuant to any revision under section 7.

(4) In subsection (3) reference to a preliminary list is a reference to such list read in conjunction with any supplementary list prepared for a revision of that preliminary list pursuant to regulations made under the National Registration Act for the purpose of showing the alterations and modifications referred to in that subsection.

Cap. 19:08

6. The non-resident electors' roll shall be prepared by the Commissioner in accordance with section 44 (2) of the Representation of the People Act and the provisions of the National Registration Act referred to therein, with such modifications as may be necessary pursuant to any revision under section 7 and section 45 of the Representation of the People Act shall *mutatis mutandis* apply in relation to the display of the non-resident electors' roll so prepared.

Non-resident electors' roll.  
Cap. 1:03  
Cap. 19:08

7.(1) Where there is an interval of more than three months after the qualifying date with reference to which the official list of electors or the non-resident electors' roll is prepared under section 3 (1) and the day appointed for the next election after that date, the Commissioner shall cause the official list of electors and non-resident electors' roll to be revised, in accordance with procedure established by the Elections Commission by regulations —

Revision of official list of electors and non-resident electors' roll in certain circumstances.

- (a) by adding thereto the names of persons who have or may become qualified for registration as electors after the said qualifying date and before the day appointed for the election; and
- (b) by deleting therefrom the names of persons who are registered as electors, but have ceased to be qualified to be so registered after the said qualifying date and before such date, being a date prior to the date appointed for the election, as may be specified by the Elections Commission by notification in the *Gazette*.

(2) The revision of the official list of electors and the non-resident electors' roll, under subsection (1), shall be by way of the

annexation thereto of supplementary lists, in such form as may be determined by the Commissioner, containing the changes determined under subsection (1).

Scrutineers,

8.(1) In connection with the preparation of the official list of electors under section 3 (1), every organisation or group of persons proposing to submit a list of candidates may, by writing under the hand of such person as may be duly authorised by that organisation or group of persons (hereinafter referred to as the "authorised person") appoint a chief scrutineer for the whole of Guyana, a deputy chief scrutineer and an assistant chief scrutineer for each registration district or part thereof and one scrutineer for each registration division and any subdivision thereof, and the appointment shall terminate on the date on which the preliminary list as revised is published under section 5:

Provided that one scrutineer in each registration division and one in any subdivision thereof appointed by —

(a) the majority party;

(b) the combined minority parties,

in the National Assembly shall be paid such remuneration by, and as may be determined by, the Elections Commission in accordance with section 19.

(2) The Commissioner shall be given notice in writing of the appointment of a person as scrutineer, by the authorised person appointing him and the Commissioner shall issue to him an identification card, which shall be promptly surrendered by the scrutineer to the Commissioner on the termination of his appointment; and references in the following subsections to a scrutineer shall, unless the context otherwise requires, be deemed to be references to a person appointed as a scrutineer under subsection (1) and to whom an identification card has been issued by the Commissioner.

(3) The authorised person that appointed a scrutineer may revoke the appointment, and intimate to the Commissioner and the scrutineer of such revocation and on the receipt of the intimation of such revocation the scrutineer shall promptly surrender to the Commissioner the identification card issued to him under subsection (2).

(4) Where a scrutineer is, in the opinion of the Commissioner, guilty of misconduct, the Commissioner shall direct the scrutineer to surrender the identification card issued to him, where-

[A.D. 1995

ELECTION LAWS (AMENDMENT)

[No. 12

upon the scrutineer shall promptly surrender to the Commissioner the identification card issued to him under subsection (2).

(5) A scrutineer for any registration division—

(a) may inspect any of the following documents, whether completed or not, in possession of the divisional registrar of the registration division for which he is appointed, and may make copies or take extracts thereof—

(i) applications for registration of persons and registration cards; or

(ii) copies of notices issued to applicants for registration disallowing the applications for registration;

(b) may accompany an enumerator, while the enumerator is performing his duties under this Act, in the registration division for which the scrutineer is appointed and shall be entitled to receive from the enumerator as soon as may be after he has obtained any application for the registration of a person the particulars given by the person;

(c) may submit to the registrar, having jurisdiction over the registration division for which he is appointed, claims for listing any person who is entitled to be so listed, and is resident in that registration division, or objection to the listing of any person as resident in that registration division.

(6) Where a claim is submitted by a scrutineer to have the name of any person included in the official list of electors, scrutineer and such person shall both be deemed to be parties to the claim and where a scrutineer submits an objection, he shall be deemed to be a party to the objection.

(7) A chief scrutineer shall in respect of the whole of Guyana, a deputy chief scrutineer and an assistant chief scrutineer shall in respect of the registration district or part thereof, for which he is appointed, be entitled to perform all the functions, and shall have all the rights, of a scrutineer and, subject to the above, references in this Act to a scrutineer shall be deemed to include references to the chief scrutineer, every deputy chief scrutineer and every assistant chief scrutineer.

(8) A scrutineer shall not interfere with the performance, by any person referred to in section 4 of the National Registration



Act, of his functions or obstruct any such person in the performance of his functions.

(9) Where a scrutineer, having become liable to surrender to the Commissioner the identification card issued to him under subsection (2), without reasonable cause refuses or fails to surrender the same in accordance with subsections (2), (3) or (4), or represents that he is a scrutineer or performs or attempts or purports to perform any of the functions of a scrutineer or contravenes subsection (8), he shall be liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for six months.

Issue of  
identi-  
fication  
cards.

Cap. 19:03

9. Persons whose names are included in the official list of electors for a polling division, or in the non-resident electors' roll shall be issued identification cards by the Commissioner and section 12 of the National Registration Act shall apply in respect of the issue of such identification cards as if that person has been registered under the aforesaid Act.

Transfer of  
functions  
conferred  
on the  
Minister,  
to the  
Elections  
Com-  
mission.  
Cap. 1:03  
Cap. 19:03

10.(1) The functions conferred on the Minister by the sections of the Representation of the People Act and the National Registration Act specified in subsection (2) shall, with effect from the commencement of this Act be performed by the Elections Commission, and accordingly references in the said sections to the Minister shall be construed as references to the Elections Commission.

(2) The sections referred to in subsection (1) are sections 5, 6, 9, 29, 34 (3), 65H, 65J (2), 65 N (1) and 150 of the Representation of the People Act and sections 14 and 15 of the National Registration Act.

Special  
provisions  
regarding  
regional  
democratic  
councils.  
Cap. 1:03  
Cap. 19:03

11.(1) The Elections Commission shall have in regard to elections to choose the members of regional democratic councils the same functions as that Commission has in relation to elections to choose members of the National Assembly, under articles 62 and 162 of the Constitution, this Act, the Representation of the People Act and the National Registration Act.

(2) The modifications made in the Representation of the People Act by sections 10 and 12 shall have effect also in relation to elections to choose the members of regional democratic councils.

Amendment  
of Repre-  
sentation of  
the People  
Act.  
Cap. 1:03

12. The Representation of the People Act is hereby amended —

(a) by the substitution for sections 59 (1) (b), 86 (1)

(b) and 91 (1) (b) of the following—

“(b) members of the Commission:”;

A.D. 1996]

ELECTION LAWS (AMENDMENT)

[No: 12

- (b) by the substitution for section 79 (1) (b)
  - (i) of the following—“ (i) members of the Commission;”.

13. The National Registration Act is hereby amended in the following respects —

Amendment  
of the  
National  
Registration  
Act,  
Cap. 19:09

- (a) in section 3 —
  - (i) in subsection (3) (a), for the word “responsible” substitute the words “responsible to the Elections Commission;
  - (ii) in subsection 3 (b), for the words “may issue to persons employed under the Commissioner directions” of the words “may, on the authority of the Elections Commission, issue to persons employed by the Elections Commission directions”;
  - (iii) in subsection (3) (c), for the words “shall” substitute the words “shall in accordance with the directions of the Elections Commission”;
- (b) in section 5 (2), for “Commissioner”, substitute “Commissioner, with the approval of the Elections Commission”;
- (c) in section 6 (1), for “Minister” substitute “Minister, on the advice of the Elections Commission”;
- (d) in section 9, by the substitution for the words “prescribed” wherever it occurs of the words “prescribed by the Minister, on the advice of the Elections Commission”, and in section 9 (2) by the substitution for the words “register” of the words “registrar”;
- (e) in section 19 (1) in the opening portion, by the insertion after the words “Minister may” of the words “, on the advice of the Elections Commission”;
- (f) in section 19 (2), 20 (1) and (2), 21, 22 23 (1) and (2), 25 (3) and (4) and 27, by the substitution of the words “five thousand dollars” for the words “two hundred and fifty dollars”;
- (g) in section 24, by the substitution of the words “two thousand dollars” for the words “one hundred dollars”;

(h) in section 26 —

- (i) by the insertion of the words "or appointed as a scrutineer." after the words "section 3 or 4";
- (ii) by the substitution of the words "five thousand dollars" for the words "two hundred and fifty dollars".

Mode of  
exercise of  
functions of  
Elections  
Commis-  
sion.  
Cap. 1:03  
Cap. 19:09

14.(1) All directions or instructions of the Elections Commission, in exercise of the functions conferred on it by article 162 of the Constitution, this Act, the Representation of the People Act or the National Registration Act, shall be issued orally or in writing through the Chairman of that Commission or any person authorised by him in writing in that behalf.

(2) All communications or instruments from or made by the Elections Commission shall be issued or made under the signature of the Chairman of that Commission or any person authorised by him in writing and all communications to that Commission shall be addressed to the Chairman thereof.

Employees  
of Elections  
Commission.

15.(1) There shall be such employees of the Elections Commission as are considered by the Commission to be necessary for the purpose of the exercise and discharge of the functions conferred on it by the Constitution, this Act or any other written law —

- (a) designated by the Commission on such terms and conditions as it deems fit with the consent of the appropriate authority, from among persons holding appointments in the public service; or
- (b) appointed from among persons who had held appointments in the public service and had retired or resigned therefrom.

and such designation or appointment shall be only for such duration as is necessary for such purpose.

(2) In subsection (1) "appropriate authority", in relation to any person holding an appointment in the public service, means the authority vested by law with power to appoint him in the public service.

A.D. 1996]

## ELECTION LAWS (AMENDMENT)

[No. 12]

16. The Chief Election Officer and the Commissioner of Registration shall notwithstanding anything in any written law be subject to the direction and control of the Elections Commission.

Chief Election Officer and Commissioner of Registration subject to direction and control of Elections Commission

17. For the removal of doubts it is hereby declared that the power of the Elections Commission to supervise the functioning of any election officer and the Commissioner or Deputy Commissioner shall include the power to issue directions to any such officer or the Commissioner or Deputy Commissioner in respect of the employment of any person by him in relation to the registration of electors or the conduct of elections.

Supervision of employment of certain

18. The Elections Commission may approve of local organisations observing the democratic process involving in any election providing such organisations fulfill such conditions as may be stipulated by the Elections Commission.

Local Observers

19. The expenses incurred by the Commission or with its approval for or in connection with the exercise and discharge of the functions conferred on the Elections Commission by articles 62 and 162 of the Constitution, this Act, the Representation of the People Act and the National Registration Act (including the payment of emoluments of persons designated or appointed under section 15), shall be paid out of funds provided by Parliament.

Expenses of Elections Commission.

Cap. 1:03  
Cap. 19:08

20. (1) If any difficulty arises in connection with the application of this Act, the Representation of the People Act or the National Registration Act, the Minister shall on the advice of the Elections Commission, by order, make any provision that appears to the Commission to be necessary or expedient for removing the difficulty; and any such order may modify any of the said Acts in respect of any particular matter or occasion so far as may appear to the Elections Commission to be necessary or expedient for removing the difficulty.

Removal of difficulties  
Cap. 1:03  
Cap. 19:08

(2) Any order under subsection (1) shall be subject to negative resolution of the National Assembly and shall not be made after the expiry of three years from the commencement of this Act.

21. (1) The Representation of the People Act and the National Registration Act shall, to the extent to which any provision thereof is inconsistent with any provision of this Act, be construed as amended and modified by this Act.

Overriding effect of this Act.  
Cap. 1:03  
Cap. 19:08

No: 12 ]

LAWS OF GUYANA

[A.D, 1996

Cap. 19:08 (2) Subject to subsection (1) and the preceding provisions of this Act, the provisions of the National Registration Act, shall ~~mutatis mutandis~~ apply to, and in relation to the registration of electors, preparation of preliminary lists, claims and objections, appeals from decisions in respect of claims and objections and all other matters dealt with in the preceding sections of this Act or connected therewith, and offences and penalties relating to any such matter, in the same manner as they apply to and in relation to, the registration of persons and the preparation of a central register under the National Registration Act.

Repeal No.  
25 of 1990  
No. 29 of  
1990.

22. The Election Laws (Amendment) Act 1990 and the Election Laws (Amendment) (No. 2) Act 1990 are hereby repealed.

*Passed by the National Assembly on 30th May, 1996.*

*F. A. Narain,*  
Clerk of the National Assembly.

(BILL No. 11/1996)

THE OFFICIAL GAZETTE      1ST OCTOBER, 1997  
LEGAL SUPPLEMENT - A

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GUYANA

ACT No. 22 of 1997

ELECTION LAWS (AMENDMENT) ACT 1997

I assent.

SAMUEL A. HINDS,  
President.  
1st October, 1997

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Amendment of Section 11 of the Representation of the People Act.

3. Amendment of section 43 of the Representation of the People Act.
4. Amendment of section 71 of the Representation of the People Act.
5. Amendment of section 73 of the Representation of the People Act.
6. Insertion of new 74A in the Representation of the People Act.
7. Amendment of section 126 of the Representation of the People Act.
8. Application of laws to voter identification cards.
9. Voter identification card.
10. Insertion of new sections 139A, 139B and 139C in the Representation of the People Act.
11. Power of Commission to amend list.

SCHEDULE

AN ACT to amend the Representation of the People Act, the National Registration Act and the Election Laws (Amendment) Act 1996.

A.D. 1997

Enacted by the Parliament of Guyana:-

Short title and  
commencement.  
Cap. 1:03  
Cap. 19:08  
Act No. 12 of  
1996

1. This Act, which amends the Representation of the People Act, the National Registration Act and the Election Laws (Amendment) Act 1996, may be cited as the Election Laws (Amendment) Act 1997 and shall be deemed to have come into operation on 1st September, 1997.

Amendment of  
section 11  
of the  
Representation  
of the People  
Act  
Cap 1:03

2.(1) Section 11(1) of the Representation of the People Act is hereby amended by the substitution for the words "not less than two hundred and not more than two hundred and twenty persons" of the words "not less than three hundred and not more than three hundred and thirty persons"

(2) In an election to elect members of a regional democratic council under section 18 of the Local Democratic Organs Act 1980, a list of candidates may be submitted by not less than one hundred and fifty and not more than one hundred and seventy-five persons.

3. Section 43 of the Representation of the People Act is hereby amended in the following respects -

Amendment of section 43 of the Representation of the People Act

- (a) in paragraph (b) by the substitution for the words "such card" of the words "such voter identification card";
- (b) in the paragraphs (a) and (b) of the proviso by the substitution for the words "such identification card", wherever they occur, of the words "such voter identification card";
- (c) in the ending part of the proviso by the substitution "for the words "identification card" of the words "voter identification card"

4. Section 71 of the Representation of the People Act is hereby amended in subsection(1) by the substitution for paragraph (c) of the following paragraph -

Amendment of section 71 of the Representation of the People Act

- "(c) retain in accordance with section 74A the elector's voter identification card or if he has been appointed to vote as a proxy on behalf of another elector, retain the voter identification card of that elector;"



Amendment of  
section 73 of the  
Representation  
of the People  
Act.

5. Section 73 (2) of the Representation of the People Act is hereby amended in the following respects -

- (a) by the substitution for the words "Form 22 and is accompanied by a friend" of the words "Form 21 and is accompanied by a friend, who has taken the oath in Form 22,";
- (b) by the substitution in the marginal note, for the words "Form 22" of the words "Form 21,";
- (c) by the insertion in the marginal note below the substituted words "Form 21." of the words "Form 22"

Insertion of new  
74A in the  
Representation  
of the People  
Act.

6. The Representation of the People Act is hereby amended by the insertion immediately after section 74 of the following section -

74A. (1) The presiding officer shall retain and place in a sealed box every voter identification card whether or not he issues a ballot paper to an elector

(2) The voter identification card retained by the presiding officer shall be perforated or indelibly stamped with any other clear distinguishing mark at the time when an elector votes at an election to evidence the fact that the elector has voted and shall be securely kept in such manner as shall be determined by the Commission

(3) A voter identification card being the property of the Elections Commission, a person to whom a card is issued who does not vote at an election shall within thirty days of the date of the election be bound to surrender the card to the

Elections Commission whereupon he shall be issued  
a receipt therefor; and it shall not be lawful for any  
person to use a voter identification card for any  
purpose other than voting at an election.

7. Section 126 of the Representation of the People Act is hereby  
amended as follows -

Amendment of  
section 126 of  
the Representation  
of the People  
Act

(a) by the substitution for the comma at the end of paragraph  
(d) of a semicolon;

(b) by the insertion of the following paragraphs immediately  
after paragraph (d) -

" (e) for the purpose of affecting the return of a  
list of candidates causes any person to cast  
an invalid vote;

(f) conspires with persons known or unknown to  
deprive a qualified person of the right to be  
registered or to cause a person not qualified  
to register as a voter;

(g) except as otherwise provided in section 29,  
with intent to vote enters, or who votes in,  
a polling division other than the polling  
division where he is registered."

8 The provisions of the Representation of the People Act, the  
National Registration Act and the regulations made thereunder, the Election Laws  
(Amendment) Act 1996 and any other written law shall apply in relation to a voter  
identification card as they apply in relation to an identity paper, by whatever name

Application of  
laws to voter  
identification  
cards  
Cap 103  
Cap 1908  
No. 12 of 1996

called, 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 amendments -

(a) in the Representation of the People Act -

- (i) in section 2 in the definition of "identity paper" and in sections 65J(2), 69, 70, 71, 74(a), 126(d) and 137(1)(a) by the substitution for the words "identity paper", wherever they appear, of the words "voter identification card";
- (ii) in sections 11(2) and 50 (2) by the substitution for the words "registration card" of the words "voter identification card";
- (iii) in section 32(3) by the substitution for the words "registration cards" of the words "voter identification cards";
- (iv) by the repeal of section 70(2)(e) and 75;

(b) in the Election Laws (Amendment) Act 1996-

- (i) in section 9, by the substitution for the words "identification cards" of the words "voter identification cards";
- (ii) in section 8 by the insertion immediately after subsection (8) of the following subsection -  

"(8A) Notwithstanding anything in the foregoing provisions of this section, a person appointed as a scrutineer whose appointment stands

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terminated shall be deemed to be re-appointed for the sole purpose of observing and monitoring the distribution of the voter identification cards."

9. (1) Without prejudice to, or any derogation from, the opening portion of section 8, the provisions of the National Registration Act and the regulations made thereunder shall only for the purpose of the preparation of the voter identification cards and not otherwise be amended as follows -

Voter  
identification  
card.  
Cap. 19:08

(a) the National Registration Act, in section 12 for the words "identification cards" substitute the words "voter identification cards";

(b) the National Registration (Residents) Regulations,

(i) in regulation 2, in the definition of "identity number" substitute for the words "identification card" the words "voter identification cards";

(ii) in regulation 20(2), for the words "identification card" wherever they appear substitute the words "voter identification card";

(iii) in regulation 41, for the words "identification card" and "replacement identification card" wherever they appear substitute the words "voter identification card" and "replacement voter identification card", respectively.

(2) For the removal of doubt it is hereby declared that the amendments referred to in subsection (1) are for the purpose of producing the voter identification cards and the National Registration Act and regulations remain as

they are, unamended, for the preparation of a registration card or an identification card and for all other purposes.

(3) The particulars obtained in the registration process for the preparation of the registration card and the identity card shall for the General Election next following the enactment of this Act and for any other General Election or local government election where it is considered expedient, be extracted and utilised in such manner as the Commission may determine in the preparation of the voter identification cards; in particular a facsimile of the signature of the person registered as it appears on his registration paper shall be utilised as the signature on his voter identification card (which card shall be in the form in the Schedule) and this shall be effected by the most appropriate means to be determined by the Commission, on expert advice, without the need of his actually signing the voter identification card.

Schedule

Insertion of new section 139A, 139B and 139C in the Representation of the People Act.

10. The Representation of the People Act is hereby amended by the insertion immediately after section 139 of the following sections -

" Terror intimidation causing withdrawal of candidate.

139A. Any person who through intimidation, terror or force causes any other person to withdraw from being a candidate at any election shall be guilty of an offence and shall be liable on summary conviction to a fine of forty thousand dollars together with imprisonment for one year.

Abetment of offence under this Act

139B. Save as otherwise provided in this Act, every person who aids, abets, counsels, causes, or procures, the commission of any offence under this Act shall be liable to be proceeded against and convicted for that offence, either together with the principal offender or before or after his conviction.

and shall be liable on summary conviction to the same punishment as that to which the principal offender is liable by law.

139C Every person who attempts to commit, or incites any other person to commit any offence under this Act shall be liable to one-half of the punishment prescribed for that offence."

Attempt and incitement to commit offence under this Act.

11. (1) In the registration of persons who are qualified to vote at an election pursuant to Article 60(2) of the Constitution following the coming into operation of this section the Elections Commission shall have the power specified in subsection (2), notwithstanding the certification of the lists.

Power of Commission to amend list.  
Cap. 1:01

(2) The Commission shall have the power to amend the certified list to include therein a person whose registration is incomplete because he is not officially photographed, if such person within a period of not more than thirty days from the publication of this Act in the *Gazette* make application to complete his registration as an elector.

11

(3) The Commission shall determine the manner in which application for registration shall be made by a person mentioned in subsection (2) and shall issue instructions to the Chief Election Officer regarding the amendment of the list under this section.

SCHEDULE

GUYANA ELECTIONS COMMISSION VOTER IDENTIFICATION CARD			
PRINTED FACIAL IMAGE	Surname		
	Given Name(s)		
	Date of Birth	Gender	
	MRC No.		
SIGNATURE OR FPRINT	District	Division	Sub

Reverse of Card:

STANDARD PRE-PRINTED TEXT
PRE-PRINTED SIGNATURE OF CHAIRMAN

Passed by the National Assembly on 18th September, 1997

*S E Isaacs.*  
Clerk of the National Assembly (ag.)

(Bill No. 26/1997)



GUYANA

ACT No. 1 OF 1998

ELECTORAL AUDIT (CARICOM AGREEMENT) ACT 1998

I assen .

JANET JAGAN,  
President.  
17th March, 1998

**SECTION**

**ARRANGEMENT OF SECTIONS**

1. Short title.
2. Interpretation.



No. 1]

*LAWS OF GUYANA*

[A.D. 1998

3. Secrecy of ballot.
4. Audit.
5. Commissioners to take oath of office.
6. Secretary.
7. Summoning and examining witnesses.
8. Duty of witnesses summoned.
9. Consequences of failure to obey summons.
10. Admissibility of findings.
11. Inspection and production of books, documents, etc.
12. Assistance in conduct of audit.
13. Procedure.
14. Evidence.
15. Technical assistance.
16. Immunity.
17. Audit report.

SCHEDULE

AN ACT to provide for the conduct of the Independent Electoral Audit  
provided for in the Caricom Agreement dated 17th January, 1998.

A.D. 1998

Enacted by the Parliament of Guyana:-

Short title.

1. This Act may be cited as the Electoral Audit (Caricom Agreement) Act 1998.

Interpretation.

2. In this Act -

- (a) "Audit" means the independent inquiry provided for in paragraph 1 of the Caricom Agreement;

- (b) "Audit Commission" means the Commission referred to in section 4;
- (c) "Caricom" means the Caribbean Community established by the Treaty of Chaguaramas 1973;
- (d) "Caricom Agreement" means the Agreement in the
- Schedule Schedule entitled Caribbean Community Mission to Guyana dated 17th January, 1998 between the People's Progressive Party/Civic and the People's National Congress and countersigned on behalf of the Chairman of Caricom;
- (e) "Elections" means the 15th December, 1997 General and Regional Elections;
- (f) "election petition" has the same meaning as in the National
- Cap. 1:04 Assembly (Validity of Elections) Act;
- (g) "first stage" in relation to the Audit, means the first stage of the Audit as provided for in paragraph 1 (1) (a) of the Caricom Agreement;
- (h) references to members or staff of the Elections Commission include references to persons who were members or staff of the Elections Commission at the time of the Elections, whether or not they are members or staff of the Elections Commission at the time of the Audit.

No. 1) LAWS OF GUYANA [A.D. 1998]

Secrecy of ballot. 3. Except to the extent necessary to conduct the Audit and provided

the secrecy of the individual's vote is not violated, nothing in this Act shall

authorise any infringement of the secrecy of the ballot as protected by the

Cap. 1:03 Representation of the People Act or by any other law.

Audit. 4. (1) Pursuant to the terms of reference in the Caricom Agreement, an

Audit shall be carried out by an independent Commission, proposed by the

Chairman of Caricom in conformity with paragraph 1 (ii) of that Agreement,

comprising -

(a) Honourable Justice Ulric Cross (Chairman), Trinidad and Tobago

(b) Mr. Justin Daniel, Saint Lucia

(c) Ms. Carol Jerome-Horsford, Grenada

(d) Dr. Dinanath Gajadhar, Trinidad and Tobago

(e) Mr. Noel Lee, Jamaica

(f) Mr. Frank Phillips, Trinidad and Tobago

(g) Mr. Denis Smith, Barbados.

(2) Where a member of the Audit Commission is for any reason unable

to perform his functions under this Act another person may be appointed as such

member in his stead in the same manner as provided for in paragraph 1 (ii) of the

Caricom Agreement for such time as may be necessary.

Commissioners to take oath of office. 5. Each Commissioner shall make and subscribe an oath or

affirmation before the Chief Justice that he shall faithfully, fully, impartially, and

to the best of his ability discharge the trust, and perform the duties devolving upon

him by virtue of such appointment.

him by virtue of such appointment .

Secretary. 6. There shall be a Secretary to the Audit Commission appointed by the Commission who shall perform such functions relating to the work of the Commission as the Commission may determine.

Summoning and examining witnesses. 7. The Audit Commission shall have the powers of the High Court to summon witnesses, examine witnesses on oath and to call for the production of books, documents, papers and electronic material:

Duty of witnesses summoned. 8. All persons summoned to attend and give evidence, or to produce books, documents, papers or electronic material, at any sitting of the Audit Commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas issued from the High Court.

Consequences of failure to obey subpoenas. 9. If any person so summoned fails to obey the summons, the Chairman of the Audit Commission may certify under his hand to the High Court the failure of that person to obey such summons, whereupon that person shall be answerable to the High Court as if, and in the like manner, as for a contempt of court committed in the face of the High Court, and that Court shall deal with the matter accordingly.

Admissibility of findings. 10. The findings of the first stage of the Audit, as certified under the hand of the Chairman of the Audit Commission shall, in accordance with paragraph 1(iv) of the Caricom Agreement, be binding on the parties to that Agreement and shall be admissible in evidence for the purposes of any election petition relating to the elections.

Inspection  
and production  
of books,  
documents,  
etc.

Cap. 1:03

Assistance  
in conduct  
of Audit.

Procedure.

Evidence.

11. Where the Chairman of the Audit Commission is satisfied that a book, document, paper or an electronic material relating to the elections is required for the Audit and the book, document, paper or electronic material is in the custody or control of the Chief Election Officer, whether or not in accordance with section 102 of the Representation of the People Act, or in the custody or control of any other person under any law, he may issue a directive under his hand to the Chief Election Officer or such person that such book, document, paper or electronic material shall be produced to the Audit Commission for inspection and the Chief Election Officer or such other person shall be bound to comply with the directive of the Chairman.

12. The members and staff of the Elections Commission and any other person in a position to do so shall assist in the conduct of the Audit if requested to do so by the Chairman of the Audit Commission, and a person so assisting shall not, by virtue of such assistance, be deemed to be acting in contravention of any law.

13. The Audit Commission shall regulate its own procedure.

14. No person giving evidence before the Audit Commission, whether or not under summons of the Commission, shall be compellable to incriminate himself, and every such person giving such evidence shall be entitled to all the privileges to which a witness giving such evidence before the High Court is entitled.

Technical  
assistance.

15. The Audit Commission may engage such technical expertise or other assistance as it considers desirable for the due conduct of its work.

Immunity.

16. A member of the Audit Commission, or a person engaged to assist it under section 15, shall not be liable to any prosecution, action or suit in respect of anything done by him in respect of the work of the Commission.

Audit report.

17. On the completion of each stage of the Audit, the Chairman of the Audit Commission shall cause a copy of the Audit report pertaining to that stage to be transmitted to each of the political parties contesting the elections as well as to the Secretary General of Caricom for transmission to the Chairman of Caricom and other Heads of Government of Caricom countries.

SCHEDULE

CARIBBEAN COMMUNITY MISSION TO GUYANA

Measures for Resolving Current Problems

The deliberations and consultations undertaken by the Caribbean Community (CARICOM) Mission have confirmed an urgent need for the de-escalation of conflict emphasised in the Mission's initial Statement. The Mission concluded that resolution of current problems in Guyana must begin; and that this can only happen through a political process to which all contribute. The Mission has recommended to the Leaders of the two parties the Menu of Measures set out below. It considers that, if agreed by the two main political parties as an integrated package, these measures can contribute significantly to the resolution of existing problems.

The Menu of Measures has taken into account the contributions of all political parties and of civic groups. The Mission is of the view that these measures will commend themselves to the society as a whole and invites all members of the society to give their full support to them.

In this context, the Leaders of the PPP/Civic and the PNC have agreed as follows.

1. An Audit

- (i) Without prejudice to any judicial process arising from the 15 December 1997 elections, an independent inquiry (the audit) will be carried out in two stages, namely

- (a) in the first stage, an urgent review of the due process of the count on and after 15 December 1997 (including the role of the Elections Commission) -to be completed within three months of 17 January 1998 with a view to ascertainment of the votes cast for the respective political parties; and
  - (b) in the second stage, an audit of systemic aspects of the electoral process, including the post-balloting phase.
- (ii) The audit will be carried out under CARICOM auspices by a team proposed by the Chairman of CARICOM, after consultation with the Leaders of the political parties which participated in the 15 December 1997 elections, and agreed to by the Leaders of the PPP/Civic and the PNC. The Terms of Reference for the conduct of the audit are annexed hereto.
  - (iii) The PPP/Civic and the PNC will cooperate in the enactment of any enabling legislation that may be required for the effective conduct of the audit.
  - (iv) The Parties to this Accord will accept the findings of the first stage of the audit as binding upon them and the enabling legislation will provide for such findings to be admissible for the purposes of any Election Petition in respect of any matters of fact to which they relate

## 2 A Moratorium

An immediate moratorium on public demonstrations and marches will be declared and implemented. The ban on these activities will be



simultaneously lifted. These arrangements will subsist for a minimum period of three months from 17 January 1998.

3. Dialogue

The PPP/Civic and the PNC will activate arrangements for sustained dialogue between them with a view to fostering greater harmony and confidence and resolving issues on which agreement can be reached.

4. Constitutional Reform

- (i) A Constitution Reform Commission will be established by law, with a wide mandate and a broad-based membership drawn from representatives of political parties, the Labour Movement, religious organisations, the private sector, the youth and other social partners. The Terms of Reference of the Commission and its membership will be determined by the National Assembly after a process of consultations with the political parties. It will be mandated to consult with civil society at large.
- (ii) The Commission will also be mandated to conclude its deliberations and present its report to the National Assembly within eighteen months of 17 January 1998. The process for implementing the changes recommended by the Commission and approved by the National Assembly to be concluded in sufficient time to allow for post-reform general elections which will be held within eighteen months after the presentation of the report of the Commission to the National Assembly.

- (iii) Among the matters to be addressed by the Constitutional Reform Commission will be measures and arrangements for the improvement of race relations in Guyana, including the contribution which equal opportunities legislation and concepts drawn from the CARICOM Charter of Civil Society can contribute to the cause of justice, equity and progress in Guyana.

5. Creating a New Environment

The political Leaders of the PPP/Civic and the PNC will issue a joint statement confirming their commitment to the agreed process of dispute settlement and their resolve to avoid the use by or on behalf of their respective Parties of language which is accusatory and which might have an inflammatory effect in the current political context.

6. Implementation

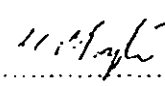
For the purposes of the implementation of these measures, the PPP/Civic and the PNC will each appoint a senior representative with plenipotentiary powers for ensuring the smooth and uninterrupted translation of these agreed undertakings and arrangements into practice in a manner which supports the return of Guyana to normalcy.

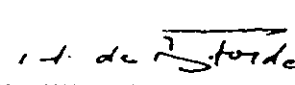
7. CARICOM's Continuing Role

The Parties also accept that the Chairman and Bureau of CARICOM will retain a continuing interest in the implementation of the measures, and remain at the disposal of both Parties in that regard.

The Menu of Measures set out in paragraphs 1 to 7 above is agreed this 17th day of January 1998 by

  
PEOPLES PROGRESSIVE  
PARTY/CIVIC

  
PEOPLES NATIONAL  
CONGRESS

  
On behalf of the Chairman of the  
CARIBBEAN COMMUNITY

ANNEX

**TERMS OF REFERENCE OF THE AUDIT PROVIDED FOR IN  
THE PARAGRAPH 1 OF THE MENU OF MEASURES AGREED  
BY THE LEADERS OF THE PPP/CIVIC AND PNC  
DATED 17 JANUARY 1998**

As provided for in the agreed Menu of Measures an independent audit will be carried out in relation to the 1997 General Elections. The first stage of the audit will be an urgent review of the due process of the count on and after 15 December 1997, including a review of the role of the Elections Commission. It must be completed within three months of 17 January 1998. This first stage of the audit will have as its primary purposes an examination of the processes of the count from the close of poll to the declaration of the final results of the election by the Elections Commission, the validity and authenticity of all relevant documents, and the ascertainment of the votes that were duly cast for the respective political parties.

Those conducting the independent audit will have authority to enquire into all matters they consider pertinent to the conduct of their enquiry and will expect the facilitation of their efforts by the members and staff of the Elections Commission to the extent and in the manner they consider appropriate. The audit will encompass all electoral Regions but will give priority to Regions 4 and 6.

The second stage of the audit will extend beyond matters enquired into in the first stage to include systemic aspects of the electoral process. It will include enquiry into the post-balloting phase of the elections but will not be confined to that phase. Notwithstanding anything in the first phase of the audit, the scope of the second phase will include both an enquiry into the electoral arrangements as planned and as actually carried out, as well as proposals for any modifications for future elections.

Passed by the National Assembly on 16th March, 1998.

*F. A. Narain,*  
Clerk of the National Assembly.

(BILL No. 1 of 1998)



GUYANA

ACT No. 1 OF 1999

CONSTITUTION REFORM COMMISSION ACT 1999

I assent

JANET JAGAN,  
President  
13th January, 1999

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Establishment of the Constitution Reform Commission.
4. Membership of the Commission.
5. Filling of vacancies.
6. Terms of reference and powers of the Commission.

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- 7 Privileges and immunities of the Commission.
- 8 Appointment of Committees by the Commission
- 9 Post-reform general election
- 10 Due constitution of the Commission.
- 11 Chairman, Vice-Chairman
- 12 Procedure
- 13 Methodology, time frames and budget.
- 14 Experts.
- 15 Special Select Committee of the National Assembly

FIRST SCHEDULE - CARICOM AGREEMENT

SECOND SCHEDULE - ST. LUCIA STATEMENT

THIRD SCHEDULE - SPECIAL SELECT COMMITTEE

AN ACT to establish a Constitution Reform Commission and to provide for its membership and terms of reference in accordance with the Caricom Agreement dated 17th January, 1998 and the St. Lucia Statement dated 2nd July, 1998 and for other purposes connected therewith.

A.D. 1999

Enacted by the Parliament of Guyana:-

Short title

1 This Act may be cited as the Constitution Reform Commission Act 1999.

Interpretation

2 (1) In this Act -

"Caricom" means the Caribbean Community established by the Treaty of Chaguaramas 1973;

First Schedule "Caricom Agreement" means the Agreement in the First Schedule entitled Caribbean Community Mission to Guyana dated 17th January, 1998;

Second Schedule "St. Lucia Statement" means the statement in the Second Schedule entitled the St. Lucia Statement dated 2nd July, 1998.

(2) This Act shall be read and construed in accordance with the letter and spirit of the Caricom Agreement and the St. Lucia Statement which are inter-related and mutually reinforcing.

3. (1) There is hereby established a body to be known as the Constitution Reform Commission (in this Act referred to as "the Commission") generally in accordance with paragraph 4 (i) of the Caricom Agreement.

Establishment of  
the Constitution  
Reform  
Commission

(2) There shall be a Commission Secretariat, headed by the Secretary to the Commission, appointed by the Commission, responsible and reporting to the Commission.

(3) There shall be a budget for the Commission to enable the Commission to adequately discharge its functions.

4. The Commission shall consist of the following members -

Membership of the  
Commission

- (a) five members nominated by the People's Progressive Party/Civic;
- (b) three members nominated by the People's National Congress;
- (c) one member nominated by the United Force;
- (d) one member nominated by the Alliance for Guyana;
- (e) a farmers' representative;
- (f) a private sector's representative;
- (g) an indigenous people's representative;
- (h) a women's organisations' representative;
- (i) a youth organisations' representative;
- (j) a Guyana Bar Association's representative;
- (k) a Hindu religious organisations' representative;



- (l) a Muslim religious organisations representative;
- (m) a Christian religious organisations' representative;
- (n) a Labour Movement's representative.

Filling of  
vacancies

5. (1) Where a member of the commission refuses or is no longer willing or able to discharge his functions under this Act, or is removed in accordance with the provisions of subsection (2), another person may be appointed in his stead, after being nominated in like manner by the entity of which his predecessor was the representative.

(2) A member nominated by an entity as its representative on the Commission shall cease to be the member from the date that entity informs the Commission in writing that the member no longer represents the views of that entity.

Terms of reference  
and powers of the  
Commission

6. (1) The Commission shall review the Constitution of Guyana, to provide for the current and future rights, duties, liabilities and obligations, of the Guyanese people; and for that purpose shall receive, consider and evaluate submissions for the alteration of the Constitution; and report its recommendations to the Special Select Committee for transmission to the National Assembly.

(2) In conducting the review of the Constitution, the Commission shall in consonance with paragraphs 4(iii) of the Caricom Agreement and 3(d) of the St. Lucia Statement take into account the following -

- (a) the full protection of the fundamental rights and freedoms of all Guyanese under the law and the Caricom Charter of Civil Society;
- (b) the rights of the indigenous people of Guyana;
- (c) the rights of children;
- (d) eliminating discrimination in all its forms;
- (e) improving race relations and promoting ethnic security and equal opportunity;
- (f) measures to ensure that the views of minorities

in the decision-making process and in the conduct of Government are given due consideration;

- (g) implementing reforms relating to elections and the Elections Commission taking into consideration its composition, the method of electing its chairman and members and its jurisdiction over national registration and the electoral process;
- (h) measures to secure and protect economic, social and cultural rights of all Guyanese;
- (i) measures to maintain and strengthen the independence of the judiciary;
- (j) measures aimed at safeguarding public funds and at maintaining and enhancing integrity in public life under the law and by other proper means;
- (k) the functioning of the National Assembly and any measure which can enhance its capacity and effectiveness as a deliberative body;
- (l) the functioning of the local government system and measures to improve its capacity and effectiveness;
- (m) the representations which have been made to the Special Select Committee on Constitutional Reform established in accordance with the Resolution of the National Assembly passed on December 1, 1994.

(3) The Commission shall consult, within the widest possible geographical area, with as many persons, groups, communities, organisations and institutions as possible including, but not restricted to, religious and cultural organisations, political parties, youth organisations, high school and university students, women's organisations, private sector organisations, professional bodies and the media.

(4) The Commission shall have the power to conduct any inquiry or investigation within its terms of reference in such a manner and at such time and place as it thinks expedient with power to adjourn from time to time and place to place as it thinks fit

(5) Upon the conclusion of its deliberations the

Commission shall prepare a Report, inclusive of the proposals of any minority, giving details of its recommendations and the reasons therefor in clear and comprehensive manner to enable the Constitution to be drafted therefrom.

(6) The Report shall be presented to the National Assembly not later than July 17, 1999.

Privileges and immunities of the Commission

7. The privileges and immunities of the Commission and the members of the Commission shall be the same as those of the National Assembly and the members of the National Assembly, respectively.

Appointment of Committees by the Commission

8. The Commission may appoint committees of the Commission comprising members of the Commission or non-members as the Commission may think fit and may assign to such Committees such functions relating to the terms of reference of the Commission as the Commission may determine.

Post-reform general election

9. Pursuant to paragraph 4(ii) of the Caricom Agreement the process for implementing the alteration of the Constitution as recommended by the Commission and approved by the National Assembly shall be concluded in sufficient time to allow for post-reform general election to be held within eighteen months after the presentation of the Report of the Commission to the National Assembly.

Due constitution of the Commission

10. (1) The Commission shall be fully constituted when all of its members referred to in section 4 are appointed by the President and have complied with subsection (2).

(2) Each member of the Commission shall, before entering upon his duties under this Act, take and subscribe before the President the oath in the Form set out in the Schedule to the Constitution or make and subscribe an affirmation.

Chairman, Vice-Chairman

11. (1) When the Commission first meets, and before it proceeds to despatch any other business, it shall elect one of its members to be the Chairman and another to be the Vice-Chairman.

(2) The Vice-Chairman shall preside over the Commission whenever the Chairman is absent.

(3) Every member of the Commission including the Chairman and the Vice-Chairman shall have one vote; and there shall be no second or casting vote.

Procedure

12. (1) Thirteen members of the Commission shall constitute a quorum.

(2) Only members of the Commission shall have the right to vote.

(3) A decision of the Commission shall be by consensus, unless a member asks that a vote be taken by secret ballot or show of hands; and a valid decision requires the support of twelve members of the Commission where all twenty members are present, and that of a simple majority plus two, where there is a quorum but the members present are less than twenty.

(4) All meetings and deliberations of the Commission shall be open to the public.

(5) Subject to the provisions of this Act the Commission shall regulate its own procedure and may make rules therefor.

13. (1) The Commission shall within the first month from its first meeting -

Methodology, time frames and budget

(a) publicise its methodology, and time - frames for accomplishing the stages of the task assigned to it; and

(b) prepare and present a budget to meet adequately its needs in the discharge of its functions.

14. The Commission may engage the services of experts to assist in its work, and to advise it at any of its meetings or deliberations.

Experts

15. The Special Select Committee established by resolution of the National Assembly to determine the terms of reference and composition of the Commission shall remain constituted and shall, on behalf of the National Assembly, be responsible to facilitate the due and efficient functioning of the Commission and shall have authority to receive the Report of the Commission for transmission to the National Assembly.

Special Select Committee of the National Assembly

## FIRST SCHEDULE

S., S. 2, 3

## CARIBBEAN COMMUNITY MISSION TO GUYANA

Measures for Resolving current Problems

The deliberations and consultations undertaken by the Caribbean Community (CARICOM) Mission have confirmed an urgent need for the de-escalation of conflict emphasised in the Mission's initial Statement. The Mission concluded that resolution of current problems in Guyana must begin, and that this can only happen through a political process to which all contribute. The Mission has recommended to the Leaders of the two parties the Menu of Measures set out below. It considers that, if agreed by the two main political parties as an integrated package, these measures can contribute significantly to the resolution of existing problems.

The Menu of Measures has taken into account the contributions of all political parties and of civic groups. The Mission is of the view that these measures will commend themselves to the society as a whole and invites all members of the society to give their full support to them.

In this context, the Leaders of the PPP/Civic and the PNC have agreed as follows:

I. An Audit

- (i) Without prejudice to any judicial process arising from the 15 December 1997 elections, an independent inquiry (the audit) will be carried out in two stages, namely:
  - (a) in the first stage, an urgent review of the due process of the count on and after 15 December 1997 (including the role of the Elections Commission) to be completed within three months of 17 January 1998 with a view to ascertainment of the votes cast for the respective political parties; and
  - (b) in the second stage, an audit of systemic aspects of the electoral process, including the post-balloting phase.
- (ii) The audit will be carried out under CARICOM auspices by a team proposed by the Chairman of CARICOM, after consultation with the Leaders of the political parties which participated in the 15 December 1997 elections, and agreed to by the Leaders of the PPP/Civic and the PNC. The Terms of Reference for the conduct of the audit are annexed hereto.
- (iii) The PPP/Civic and the PNC will cooperate in the enactment of any enabling legislation that may be required for the effective conduct of the audit.
- (iv) The Parties to this Accord will accept the findings of the first stage of the

audit as binding upon them; and the enabling legislation will provide for such findings to be admissible for the purposes of any Election Petition in respect of any matters of fact to which they relate.

2. A Moratorium

An immediate moratorium on public demonstrations and marches will be declared and implemented. The ban on these activities will be simultaneously lifted. These arrangements will subsist for a minimum period of three months from 17 January, 1998.

3. Dialogue

The PPP/Civic and the PNC will activate arrangements for sustained dialogue between them with a view to fostering greater harmony and confidence and resolving issues on which agreement can be reached.

4. Constitutional Reform

- (i) A Constitution Reform Commission will be established by law, with a wide mandate and a broad-based membership drawn from representatives of political parties, the Labour Movement, religious organisations, the private sector, the youth and other social partners. The Terms of Reference of the Commission and its membership will be determined by the National Assembly after a process of consultations with the political parties. It will be mandated to consult with civil society at large.
- (ii) The Commission will also be mandated to conclude its deliberations and present its report to the National Assembly within eighteen months of 17 January 1998. The process for implementing the changes recommended by the Commission and approved by the National Assembly to be concluded in sufficient time to allow for post-reform general elections which will be held within eighteen months after the presentation of the report of the Commission to the National Assembly.
- (iii) Among the matters to be addressed by the Constitutional Reform Commission will be measures and arrangements for the improvement of race relations in Guyana, including the contribution which equal opportunities legislation and concepts drawn from the CARICOM Charter of Civil Society

can contribute to the cause of justice, equity, and progress in Guyana

5. Creating a New Environment

The political Leaders of the PPP/Civic and the PNC will issue a joint statement confirming their commitment to the agreed process of dispute settlement and their resolve to avoid the use by or on behalf of their respective Parties of language which is accusatory and which might have an inflammatory effect in the current political context.

6. Implementation

For the purposes of the implementation of these measures, the PPP/Civic and the PNC will each appoint a senior representative with plenipotentiary powers for ensuring the smooth and uninterrupted translation of these agreed undertakings and arrangements into practice in a manner which supports the return of Guyana to normalcy.

7. CARICOM's Continuing Role

The parties also accept that the Chairman and Bureau of CARICOM will retain a continuing interest in the implementation of the measures, and remain at the disposal of both Parties in that regard.

The Menu of Measures set out in paragraphs 1 to 7 above is agreed this 17th day of January 1998 by.

.....  
(Sgd)  
Janet Jagan  
PEOPLE'S PROGRESSIVE  
PARTY/CIVIC

.....  
(Sgd)  
H. D. Hoyte  
PEOPLE'S NATIONAL  
CONGRESS

.....  
(Sgd)  
H. Forde  
On behalf of the Chairman of the  
CARIBBEAN COMMUNITY

## ANNEX

TERMS OF REFERENCE OF THE AUDIT PROVIDED FOR IN  
THE PARAGRAPH 1 OF THE MENU OF MEASURES AGREED  
BY THE LEADERS OF THE PPP/CIVIC AND PNC  
DATED 17 JANUARY 1998

As provided for in the agreed Menu of Measures an independent audit will be carried out in relation to the 1997 General Elections. The first stage of the audit will be an urgent review of the due process of the count on and after 15 December 1997, including a review of the role of the Elections Commission. It must be completed within three months of 17 January 1998. This first stage of the audit will have as its primary purposes an examination of the processes of the count from the close of poll to the declaration of the final results of the election by the Elections Commission, the validity and authenticity of all relevant documents, and the ascertainment of the votes that were duly cast for the respective political parties.

Those conducting the independent audit will have authority to enquire into all matters they consider pertinent to the conduct of their enquiry and will expect the facilitation of their efforts by the members and staff of the Elections Commission to the extent and in the manner they consider appropriate. The audit will encompass all electoral Regions but will give priority to Regions 4 and 6.

The second stage of the audit will extend beyond matters enquired into in the first stage to include systemic aspects of the electoral process. It will include enquiry into the post-balloting phase of the elections but will not be confined to that phase. Notwithstanding anything in the first phase of the audit, the scope of the second phase will include both an enquiry into the electoral arrangements as planned and as actually carried out, as well as proposals for any modifications for future elections.



## SECOND SCHEDULE

S.2

CONFIDENTIAL

## GUYANA

## THE ST. LUCIA STATEMENT

1. In signing the 'Herdmanston Accord' on 17 January 1998, the Leaders of Guyana's two main political Parties stated that they were doing so 'specially mindful of the willingness of (their) CARICOM colleagues to remain engaged with Guyana in this endeavour'. It is in this spirit that as colleagues we have taken the opportunity of our St. Lucia Summit, on the occasion of the 25th Anniversary of CARICOM, to initiate a dialogue with them on the current situation in Guyana - conscious of our own full participation as signatories to the 'Herdmanston Accord'.

2. We are also fully resolved that it is pre-eminently our task - to be in the front line of all efforts to assist Guyana as part of our own family.

3. Our conversations with President Jagan and Mr Hoyte have convinced us all of the necessity to return Guyana to the agreed path of the 'Herdmanston Accord' - within the time-frame agreed in the Accord. Convinced that there is no time to lose in securing this, we have resolved together to place our collective commitment behind the undertakings, arrangements, and measures in paragraphs (a) to (j) below to which President Jagan and Mr Hoyte, representing the PPP/Civic and the PNC respectively, have agreed between themselves and with CARICOM, namely -

(a) All parties to the 'Herdmanston Accord' reaffirm their commitment to the Accord, and to the implementation of its provisions as initially contemplated.

(b) Both stages of the Electoral Audit as provided for in paragraph 1 of the 'Herdmanston Accord' have been presented to the political Parties in Guyana. All the parties to the Accord have agreed to accept the findings of the first stage of the Audit - as set out in paragraph 1 (i) (a) of the Accord - as binding upon them; but it is recognised that this does not preclude the pursuit of election petitions which have been filed in the courts by both parties.

(c) The next substantive step to which the parties are committed under the Accord is that of Constitutional Reform on the basis and within the framework provided for in paragraph 1 of the Accord. We recall that provision specifically and reaffirm our determination to pursue it in spirit and letter.

(d) Mindful that among the matters to be addressed by the Constitutional Reform Commission will be

'Measures and arrangements for the improvement of race relations in Guyana; including the contribution which equal opportunities legislation and concepts drawn from the CARICOM Charter of Civil Society can contribute to the cause of justice, equity and progress in Guyana' -

It is accepted that the parties will take steps for the early implementation of specific measures to achieve these objectives in advance of constitutional reform itself.

(e) We are all agreed that it is feasible to complete the work of the Constitution Reform Commission and to have the Report submitted to the National Assembly by 16 July 1999 as originally contemplated, thereby maintaining the timetable in paragraph 4 (ii) of the Accord, and we commit ourselves to achieving it.

(f) To enable this timetable to be met, the parties have agreed that they will settle as soon as possible, by law in the manner required by the 'Herdmanston Accord', the terms of reference and the naming of the Constitution Reform Commission mindful that CARICOM is resolved to assist them in every way required, but more specifically by arranging for the provision of constitutional experts and facilitators.

(g) The parties have also agreed that the necessary enabling legislation should be enacted in time to allow the Opposition to take their seats in the National Assembly by 15 July 1998. Mr Hoyte has indicated his intention that, without prejudice to the outcome of the election petitions referred to above, the PNC will assume their seats in the National Assembly by that date, and President Jagan has indicated her agreement to secure the enactment of the necessary enabling legislation.

(h) Mrs Jagan has also agreed to make all normal parliamentary arrangements to facilitate the due functioning of the Opposition in the National Assembly, including exploring in consultation with all Parties in the Assembly the establishment of a Parliamentary Management Committee for the better organisation and functioning of parliament as established in a number of parliamentary democracies.

(i) Building on this historic process of the meeting of Guyana's political leaders with CARICOM Leaders in St. Lucia and the demonstration that through dialogue lies the path to the resolution of Guyana's problems, the parties have agreed to redouble their efforts for dialogue as provided in paragraphs 3 and 6 of the 'Herdmanston Accord'. Further, the two leaders have given CARICOM Heads of Government their assurance that they will themselves meet on a periodic basis to facilitate the achievement of all the processes to which they committed their parties by the 'Herdmanston Accord'.

(j) The two leaders have recognised the value of high level Facilitator acceptable to them whose functions will be developed in conjunction with them. Therefore, they have accepted the offer of CARICOM to provide such a Facilitator who will be appointed as a matter of urgency to further assist in the due implementation of these several agreements.

3. In the context of the conversations in St. Lucia CARICOM leaders are satisfied that there will be an end to illegal protest on the streets of Guyana as dialogue and parliamentary

processes take their rightful and more prominent place in Guyana's governance. We are strengthened in this by the assurance that the rule of law will be upheld and that as a consequence violence in the political life of the country will cease. None of us wish to stifle dissent in any of our countries; but none of us will accept disorder and threats to life and property as a way of political life.

4. CARICOM remains committed to the peaceful settlement of differences and disputes within our region and States. These goals are fully supported by both President Jagan and Mr Hoyte. We are therefore heartened by their assurance that this is the path along which they will work to achieve national unity and cohesiveness for the betterment of Guyana and all its peoples, we are certain that all Guyanese will lend their tangible support to this.

5. We express our genuine appreciation of the statesmanship shown by our colleagues in Guyana in making this historic Agreement possible and once again pledge the commitment of the Caribbean Community to remaining engaged with Guyana in the implementation of the 'Herdmanston Accord' and this Agreement and to be at the disposal of the Parties for this purpose.

MADE THIS 2ND DAY OF JULY 1998, and accepted by;

.....  
(Sgd)  
Kenneth D. Anthony  
THE CARIBBEAN COMMUNITY  
CHAIRMAN

.....  
(Sgd)  
Janet Jagan  
PEOPLE'S PROGRESSIVE PARTY/CIVIC

.....  
(Sgd)  
H. D. Hoyte  
PEOPLE'S NATIONAL CONGRESS

A.D. 1999]

## CONSTITUTION REFORM COMMISSION

No. 1

## THIRD SCHEDULE

S 14

## SPECIAL SELECT COMMITTEE

Members from the People's Progressive Party/Civic (8)

The Hon. Reepu Daman Persaud, O. R., J.P., M.P., \*  
Minister of Agriculture and Parliamentary Affairs

The Hon. Clement J. Rohee, M.P.,  
Minister of Foreign Affairs

The Hon. Charles R. Ramson, S.C., M. P.,  
Attorney General and  
Minister of Legal Affairs

Mr. Feroze Mohamed, M. P.,  
(Government Chief Whip)

Mr. Bernard C. De Santos, S.C., M.P.,

Mr. Khemraj Ramjattan, M. P.,

Ms. Pauline Sukhai, M. P.,

Mr. Winslow M. Zephyr, M. P.,  
Deputy Speaker of the National Assembly.

Members from the People's National Congress (4)

Mrs. Clarissa S. Riehl, M.P.

Mr. Lance Carberry, M.P.

Mrs. Deborah J. Backer, M. P.

Mr. Raphael G.C. Trotman, M.P.,

Member from the United Force (1)

Mr. Manzoor Nadir, M.P.

Member from the Alliance for Guyana (1)

Dr. Rupert Roopnarain, M.P.  
\*Chairman

*Passed by the National assembly on 11th January, 1999*

*F. A. Narain*  
Clerk of the National Assembly

BILL No. 1/1999

