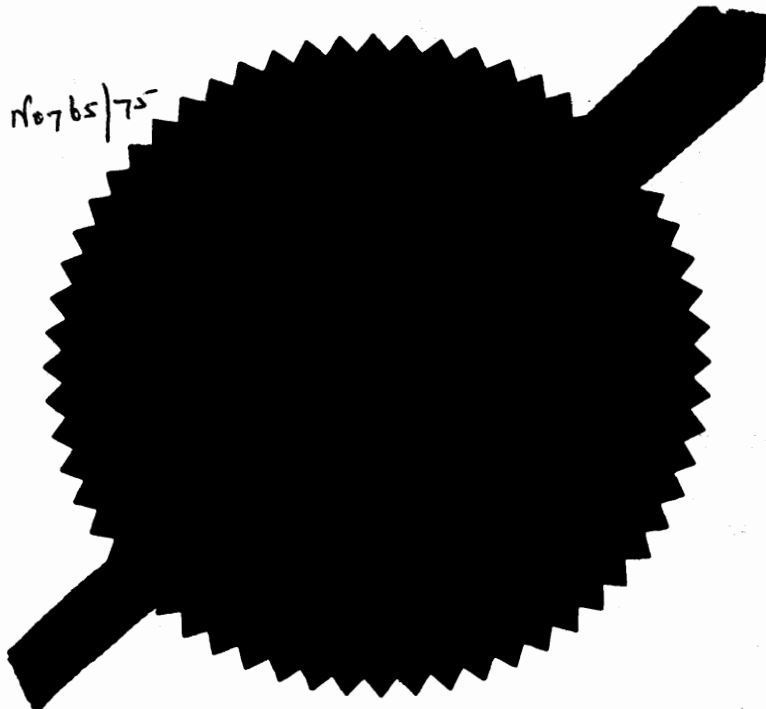


Seal No 765/75



GUYANA

ACT No. 35 OF 1975

CONSTITUTION (AMENDMENT) ACT 1975

I assent.

A. Chung
A. Chung,
President.

29th December, 1975.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Alteration of article 8 of the Constitution.
3. Alteration of article 92 of the Constitution.

4. Amendment of the Acquisition of Lands for Public Purposes Act.
5. Amendment of section 30 of the Housing Act.
6. Saving.

AN ACT to alter the Constitution in accordance with article 73 thereof and to effect amendments to the Acquisition of Lands for Public Purposes Act.

A.D. 1975. Enacted by the Parliament of Guyana:—

Short title
and com-
mencement.

1.(1) This Act may be cited as the Constitution (Amendment) Act 1975.

(2) Sections 2, 3 and 4 shall come into operation on such date as the President may by order appoint and different dates may be appointed for different provisions:

Provided that section 4 shall not come into operation earlier than paragraph (a) of section 2, and section 3.

Alteration
of article
8 of the
Constitu-
tion.

2. Article 8 of the Constitution is hereby altered in the following respects —

(a) by the deletion of paragraph (1) thereof and the substitution of the following paragraph therefor —

“(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except by or under the authority of a written law which provides for compensation for the property or any interest in or right over property so possessed or acquired and either fixes the amount of compensation or specifies the principles on which the compensation is to be determined and given and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate.”;

(b) by the addition of the following paragraph as paragraph (7) —

“(7) For the purposes of this article, the provisions contained in the Acquisition of Lands for Public Purposes Act shall be deemed to specify the principles on which and the manner in which the payment of compensation is to be determined and given for property compulsorily acquired thereunder.”.

A.D. 1975]

CONSTITUTION (AMENDMENT)

[No. 35]

3. Article 92 of the Constitution is hereby altered by the substitution of a full stop for the semicolon at the end of subparagraph (b) of paragraph (1) and the deletion of all the words following thereafter in that paragraph.

Alteration
of article
92 of the
Constitu-
tion.

4. The Acquisition of Lands for Public Purposes Act is hereby amended in the following respects —

Amendment
of the
Acquisition
of Lands
for Public
Purposes
Act.
Cap. 62:05

- (a) by the insertion of the words “, subject to this Act,” between the words “shall” and “assess” in section 15;
- (b) by the substitution of the following paragraph for paragraph (a) of section 18 —
 - “(a) the market value of the land ascertained by reference to prices current at the 31st March, 1939;”;
- (c) by renumbering section 18 as section 18(1) and by the addition of the following subsection as subsection (2) thereof —
 - “(2) The certificate of the Chief Valuation Officer certifying the market value of land ascertained as provided in paragraph (a) of subsection (1) shall be *prima facie* evidence of the market value so ascertained.”;
- (d) by the repeal of section 19 and the substitution of the following section therefor —

“Award of
additional
amount as
compensa-
tion.

- 19. (1) In determining claims for compensation for lands acquired under this Act, the Court shall have power to consider and award to the claimant, in addition to the matters herein specified, a sum being such percentage of the market value of the land, ascertained as provided in section 18(1) (a), as may be certified for the purpose by the Minister.
- (2) In determining the additional sum to be awarded to the owner of land pursuant to subsection (1) the Minister may, in his discretion, have regard to —
 - (a) the cost of acquisition of the land to the owner;
 - (b) any outlay or improvements on the land since 31st March, 1939, not being any outlay or improvements mentioned in section 18(1)(d)(vi).

- (3) In any proceedings for the determination of claims for compensation for lands acquired under this Act, a document purporting to be a certificate given under the hand of the Minister for the purposes of subsection (1) shall, without any proof, be received as *prima facie* evidence of the fact that the certificate was given by him and shall be conclusive evidence of the matters stated therein relating to the additional sum to be awarded to the claimant under this section.”; and

- (e) by the insertion of the following section as section 24A —

“Payment in bonds at discretion of the Minister and issue thereof.

C.O. 62:07.

24 A. Where any land is acquired under this Act the compensation for the land may, in the discretion of the Minister, be paid either in whole or in part by the issue of land bonds under the Land Bonds Act of such type as the Minister determines to a nominal amount equal to the amount of compensation payable or to such part thereof as may be determined by the Minister, as the case may be, and the provisions of the Land Bonds Act shall apply *mutatis mutandis* for the purpose subject, however, to the following modifications —

- (a) section 5(1) shall not apply;
- (b) for the words “two million dollars” in section 6(2), there shall be substituted the words “one hundred million dollars or such greater value as may be approved by resolution of the National Assembly”;
- (c) for the reference in section 6(3) to section 4 of the Land Bonds Act there shall be substituted a reference to this section;

(d) for the words "the passing of this Act" in section 6(3) there shall be substituted the words "the exercise of his powers under section 24A of the Acquisition of Lands for Public Purposes Act";

(e) the following section shall be substituted for section 8 —

Interest
on land
bonds.

8. (1) Land bonds shall bear interest at such rate as the Minister shall determine.

(2) The interest upon the principal represented by each land bond shall run from the date specified in that behalf in the bond. Payment of interest in the case of each fixed-date or drawing bond and of principal and interest in the case of each annuity bond shall be made half-yearly on the date specified in that behalf in the bond, at the office of the Accountant General."

5. Section 30(1) of the Housing Act is hereby amended by the insertion of the words "and shall be paid" immediately after the word "assessed."

Amendment
of section 30
of the
Housing
Act.

6. Nothing in this Act shall be construed as affecting article 8 of the Constitution as in force immediately before the commencement of section 2 in so far as that article applied for the purposes of the Bauxite Nationalisation Act.

Saving.
Cap. 65:06.

Passed by the National Assembly on the 18th of December, 1975; in accordance with article 73 of the Constitution.

F. A. Narain
F. A. Narain,

Clerk of the National Assembly.

(Bill No. 34/1975)