



GUYANA

ACT NO. 6 OF 1981

MISCELLANEOUS ENACTMENTS (AMENDMENT) ACT 1981

I assent,

L. F. S. Burnham,
President.

21st July, 1981

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Amendment of certain enactments.

SCHEDULE

No. 61

THE LAWS OF GUYANA

[A.D. 1981

AN ACT to amend certain enactments.

A.D. 1981 Enacted by the Parliament of Guyana:—

Short title and commencement 1. (1) This Act may be cited as the Miscellaneous Enactments (Amendment) Act 1981.

Cap. 1:06 (2) Save as otherwise provided in the Schedule, the amendments made by section 2 to the National Assembly (Disqualification) Act, the Ministers, Members of the National Assembly and Special Offices (Emoluments) Act, the Interpretation and General Clauses Act and the Pensions (President, Parliamentary and Special Offices) Act shall be deemed to have come into operation on 6th October, 1980 and the amendments made by that section to the other enactments specified in the Schedule shall, in accordance with the provisions of the Interpretation and General Clauses Act, come into operation on the date of publication of this Act.

Amendment of certain enactments. 2. The enactments specified in the first column of the Schedule are hereby amended in the manner specified in the corresponding entry in the second column of that Schedule.

Section 2

SCHEDULE

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National Assembly
(Disqualification)
Act, Cap. 1:06

Section 2(a)

Substitute for "territory" the following —

"territory, other than in the office of a teacher in the public service:

Provided that the foregoing provisions of this paragraph shall not apply in the case of a person who has not yet made and subscribed the oath of office required by article 167 of the Constitution;"

Ministers, Members
of the National
Assembly and
Special Offices
(Emoluments)
Act, Cap. 1:06

Section 6(1)

For "as from which he may participate generally in the proceedings thereof without contravening article

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167 of the Constitution” substitute “on which the member was declared elected to the National Assembly”.

Section 6(3)

Insert after subsection (2) the following subsection as subsection (3) —

“(3) Where a member of the National Assembly fails to make and subscribe the oath of office required by article 167 of the Constitution on the date of the first sitting of the National Assembly after his election, no payment shall be made under this Act to the member in relation to his office as such member with respect to the period commencing on the date of the first sitting of the National Assembly and ending on the day immediately preceding the date on which he makes and subscribes the oath unless his failure to make and subscribe the oath is for a reason approved, by resolution, by the National Assembly.”.

Paragraph 1 of the Schedule.

Insert a colon at the end and thereafter insert the following proviso and paragraph —

‘Provided that where any such other Member of the National Assembly had served as a legislator for the period prescribed by section 10(1)(e) of the Pensions (President, Parliamentary and Special Offices) Act and where, if he had ceased to be a legislator at the end of that period, his pension —

Cap. 27:03

- (a) computed at the rate provided for in section 10 of that Act, if he has not received any payment under section 9(8) thereof;
- (b) computed at the rate provided for in section 12(1) of that Act, if he has received any payment under section 9(8) thereof,

would have exceeded his salary as such Member of the National Assembly, he shall in addition to such salary be paid a sum equivalent to the difference between such salary and such pension.

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Cap. 27:03

1A. In the proviso to paragraph 1 "legislator" has the same meaning as in section 2 of the Pensions (President, Parliamentary and Special Offices) Act.", and the aforesaid amendment shall be deemed to have come into operation on the 1st January, 1979.

Interpretation and
General Clauses
Act, Cap. 2:01.

Section 5(1).

In the definition of "local Government authority",
for "local Government authority" substitute —

“local democratic organ” or “local
government authority”.

Prison Act,
Cap. 11:01.

Section 33 marginal
note.

Delete "for life".

Pensions Act,
Cap. 27:02.

Section 12.

Insert after subsection (3) the following subsection
as subsection (4) —

“(4) Where an officer continues in the public service after attaining the age of fifty-five years and where the Minister responsible for the public service certifies in writing that such continued service was at the request of the Government, that officer —

- (a) notwithstanding anything in the foregoing provisions of this section, may be granted a pension computed after taking into account the entire period of service rendered by him whether or not the pension so payable exceeds the limit described in these provisions:

Provided that the pension granted to him under this subsection shall not exceed the highest annual rate of salary payable to him at any time in a pensionable office in Guyana.

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Pensions Regulations, 1957 (contained in the Schedule to the Principal Act).

Regulation 6(2).

- (b) although still in the service may, at his option exercisable in accordance with section 14 (without the right of revocation granted thereby), be paid an amount not exceeding the amount which would have been payable as gratuity to him under that section if he had retired on attaining the age of fifty-five years, and any amount so paid shall be set off against the superannuation benefits granted to him on his retirement or against any gratuity payable on his death to his legal personal representative.”.

- (a) For “Elections Officer” substitute “Election Officer”;

- (b) for “two months” substitute “twelve months”,
and the aforesaid two amendments shall be deemed to have come into operation on 6th October, 1980.

Regulation 6(2A).

Insert after paragraph (2) the following paragraph as paragraph (2A) —

“(2A) If an officer —

- (a) resigned from the public service not earlier than one month prior to the date on which lists of candidates may be submitted to the Chief Election Officer in order to become qualified for election, as a member of a regional democratic council, held before the publication of the Miscellaneous Enactments (Amendment) Act 1981 in the *Gazette*;
- (b) was a candidate at the election; and
- (c) was declared to be elected as a member of that council or failed to be so elected.

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he shall, if on application made by him he is re-employed in the public service within twelve months after the notification by the Elections Commission in the *Gazette* of the results of the election, be deemed for the purposes of this regulation to have been employed in the public service as if he had not resigned and as if during the period commencing with the effective date of his resignation and ending on the day immediately preceding his re-employment he had been on leave of absence without pay, and that period shall be taken into account as qualifying service.”,

and the aforesaid amendment shall be deemed to have come into operation on 6th October, 1980.

Regulation 7(2A).

Insert after paragraph (2) the following paragraph as paragraph (2A) —

“(2A) Where the holder of an office referred to in paragraph (2) is allowed to continue in office after attaining the age of retirement referred to therein, he —

- (a) notwithstanding the provisions of paragraph (2), may be granted a pension computed after taking into account the entire period of service rendered by him whether or not the pension so payable exceeds the limit described in section 12:

Provided that the pension granted to him under this paragraph shall not exceed the highest annual rate of salary payable to him at any time in a pensionable office in Guyana:

- (b) although still in service may, at his option exercisable in accordance with section 14 (without the right of revocation granted thereby), be paid an amount not exceeding the amount which would have been payable as gratuity to him under that section if he had retired on attaining the age of retirement referred to in paragraph (2) and any amount so paid shall be set off against the superannuation benefits granted to him on his retirement or against any gratuity payable on

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- his death to his legal personal representative.”.
- Regulation 7(3). (a) For “paragraph (2)” substitute ‘paragraphs (2) and (2A)’.
- (b) For “paragraph applies” substitute “paragraphs apply”.
- Regulation 7(4). Insert “, (2A)” after “(2)” where it occurs for the first time.
- Regulation 7(4A). Insert after paragraph (4) the following paragraph as paragraph (4A) —
- “(4A) The amendment effected in relation to paragraph (4) by the Miscellaneous Enactments (Amendment) Act 1981 shall not apply to any person who retired from any of the offices referred to in that paragraph before the coming into operation of that amendment.”.
- Regulation 7(5). (a) For “paragraph (2)” substitute “paragraphs (2) and (2A)”.
- (b) For “applies” substitute “apply”.
- Pensions (President, Parliamentary and Special Offices) Act, Cap. 27:03.
- Section 6(2). For “person” substitute “child”.
- Section 6A. Insert after section 6 the following section as section 6A —
- ‘Gratuity where office holder dies leaving no widow or entitled child

6A. (1) Where a person dies while he is President or Prime Minister and he does not leave a widow or entitled child, there shall be paid to the legal personal representative of the deceased person a gratuity of an amount not exceeding the highest annual rate of salary payable at any time to the deceased person as President or Prime Minister, as the case may be, as the President shall determine.

(2) Where a person dies while he is entitled to receive the President’s pension or the Prime Minister’s pension

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and the aggregate of the pension paid or payable to him, up to the date of his death, under section 4 is less than his highest annual rate of salary, there shall be paid to his legal personal representative a gratuity equal to the deficiency.

(3) In this section "entitled child" has the same meaning as in section 6.'

Section 9(8).

Insert after subsection (7) the following subsection as subsection (8) —

"(8) Where a person who has served as a legislator for periods amounting in the aggregate to not less than twelve years continues as a legislator thereafter he may, if he has attained the age of fifty years, at his option exercisable in accordance with section 12, be paid, although he has not ceased to be a legislator, an amount not exceeding the amount which would have been payable as gratuity to him under that section if he had ceased to be a legislator on the day on which he completed the aforesaid twelve years of service, and any amount so paid shall be set off against the superannuation benefits granted to him on his ceasing to be a legislator after that payment or against any gratuity payable under this Act on his death to his legal personal representative."

Section 15A.

Insert after section 15 the following section as section 15A —

"Gratuity where contributor dies leaving no eligible relative or dependant

15A. (1) Where a person, having become a contributor under this Act, dies, in the opinion of the Minister, in the course of service as a legislator, and where on the occurrence of the death no person is otherwise entitled under this Act to any benefits thereunder, there shall be paid to the legal personal representative of the deceased person a gratuity of an amount not exceeding either the person's highest annual rate of salary payable at any time to him or the commuted pension gratuity which might have been

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granted to him under section 12 if he had retired on the date of his death in the circumstances described in section 9(1)(c)(ii) and had opted to receive a gratuity and reduced pension, whichever is higher, as the President shall determine.

(2) Where any such person to whom a pension or pension and gratuity, as the case may be, has been granted under this Act dies and the aggregate of the sums paid or payable up to the date of his death on account of such pension or pension and gratuity is less than his highest annual rate of salary, there shall be paid to his legal personal representative a gratuity equal to the deficiency."

**Promissory Oaths
Act, Cap. 27:06.**

Section 6(3).

For "any written law shall (save as otherwise provided by that law)" substitute "any other written law shall (save where that other written law provides that the oath shall be taken before a person other than the President)",

and the aforesaid amendment shall be deemed to have come into operation on 25th October, 1980.

Section 6(4).

Insert after subsection (3) the following subsection as subsection (4) —

"(4) Anything done or any action taken under subsection (3) on or after 25th October, 1980 and before the commencement of this subsection, which would have been lawful and valid had subsection (3) as amended by the Miscellaneous Enactments (Amendment) Act 1981 been in force at the material time, shall be deemed always to have been lawfully and validly done or taken."

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Dependants'
Pension Act,
Cap. 27:08.

Section 2.

Insert after paragraph (e) of the definition of "officer" the following paragraph —

"(f) every officer and every soldier of the Guyana Defence Force;"

Section 6B.

Insert after section 6A the following section as section 6B —

"Date when
an officer or
soldier of
the Guyana
Defence
Force al-
ready in
service be-
comes a con-
tributor.

6B. Anything in sections 5 and 20(3) to the contrary notwithstanding, an officer who has been appointed before the commencement of this section and who by virtue of the amendment of this Act by the Miscellaneous Enactments (Amendment) Act 1981 is eligible to become a contributor shall be registered as a contributor with effect from the first day of July, 1981 and the first monthly deduction in respect of such officer shall be made in that month."

Section 11(1).

For "five" substitute "seven".

Section 11(2).

Substitute —

"(2) The Minister shall appoint six persons to be directors as follows —

- (a) two persons, who, in the Minister's opinion, are qualified for appointment by reason of their experience of, and shown capacity in, matters relating to the functions of the Board of Directors;
- (b) three persons who, in the Minister's opinion, respectively represent the following trade unions —
 - (i) the Guyana Public Service Union;
 - (ii) the Guyana Teachers' Association; and
 - (iii) the Guyana Trades Union Congress; and

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(c) one person who, in the Minister's opinion, represents the Police Association."

Section 11(3).

Delete "or re-election".

Section 15(3).

For "Consolidated" substitute "Deposits".

Section 20(1)(c).

For "four hundred and eighty" substitute "three hundred", and the aforesaid amendment shall be deemed to have come into operation on 1st November, 1978.

Section 20(3).

For "public officers" substitute "officers".

Schedule Part II
under heading
"III — First Wife's
Prospective
Pension."

1st Paragraph.

For "public officer" substitute "officer".

Local Government
Act, Cap. 28:02.

The section after
section 48 and bearing
marginal note
"Trespass c. 8:02".

For the number of the section, substitute "49".

Section 66(1)(a).

For "Board" substitute "Minister".

Local Authorities
(Elections) Act,
Cap. 28:03.

Section 183(1).

For "182" substitute "181".

National Insurance
and Social Security
Act, Cap. 36:01.

Section 19(1)(a)(iv).

Insert "in addition to such free medical care and attention as may be prescribed" before "periodical payments".

Section 44(2).

(a) For "within three years from the time when" substitute "after".

(b) After "arose" insert ", whether or not by virtue of this subsection, prior to its amendment by the Miscellaneous Enactments

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Cap. 7:02

(Amendment) Act 1981, or by virtue of the provisions of the Limitation Act such sums would have been irrecoverable immediately prior thereto".

Section 45(3).

- (a) Delete "within three years".
- (b) After "lost" insert " , whether or not by virtue of this subsection, prior to its amendment by the Miscellaneous Enactments (Amendment) Act 1981, or by virtue of the provisions of the Limitation Act the sum equal to the amount of the benefit lost would have been irrecoverable immediately prior thereto".

Cap. 7:02

Section 45A.

Insert after section 45 the following section as section 45A —

"45A. Nothing in the amendments effected to sections 44 and 45 by the Miscellaneous Enactments (Amendment) Act 1981 shall enable proceedings to be brought in respect of a claim which was the subject matter of proceedings instituted and determined prior to the coming into operation of those amendments."

Poor Relief Act,
Cap. 36:02.

Section 11(4).

- (a) For "six" and "three" substitute "nine" and "four" respectively.
- (b) For "a public officer who shall be" substitute "appointed".

Rent Restriction
Act, Cap. 36:23.

Section 3(3).

- (a) For the colon substitute a full stop.
- (b) Delete the proviso.

Teachers' Pensions
Act, Cap. 39:05.

Section 7(7).

- (a) For "Elections Officer" substitute "Election Officer";

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(b) for "two months" substitute "twelve months", and the aforesaid two amendments shall be deemed to have come into operation on 6th October, 1980.

Section 7(7A).

Insert after subsection (7) the following subsection as subsection (7A) —

"(7A.) Anything in subsection (2) to the contrary notwithstanding, if a teacher —

(a) resigned from his office as a teacher not earlier than one month prior to the date on which lists of candidates may be submitted to the Chief Election Officer in order to become qualified for election to a regional democratic council held before the publication of the Miscellaneous Enactments (Amendment) Act 1981 in the *Gazette*;

(b) was a candidate at the election; and

(c) was declared to be elected as a member of that council or failed to be so elected

he shall, if on application made by him he is re-employed as a teacher in a school within twelve months after the notification by the Elections Commission in the *Gazette* of the results of the election, be deemed for the purposes of this section to have been employed as a teacher in a school as if he had not resigned and as if during the period commencing with the effective date of his resignation and ending on the day immediately preceding his re-employment he had been on leave of absence without pay, and that period shall be taken into account as qualifying service.",

and the aforesaid amendment shall be deemed to have come into operation on 6th October, 1980.

Section 7(9).

Insert after subsection (8) the following subsection as subsection (9) —

"(9) Where a teacher continues in service as a teacher after attaining the age of fifty-five years and where the Teaching Service Commission certifies in writing that such continued service was at the request of the Government, that teacher —

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- (a) notwithstanding anything to the contrary in this Act, may be granted a pension computed after taking into account the entire period of service rendered by him whether or not the pension so payable exceeds any limit prescribed in this Act:

Provided that the pension granted to him under this subsection shall not exceed the highest annual rate of salary payable to him at any time in a pensionable office in Guyana;

- (b) although still in service may, at his option exercisable in accordance with the provisions of this Act, be paid an amount not exceeding the amount which would have been payable as gratuity to him if he had retired on attaining the age of fifty-five years, and any amount so paid shall be set off against the superannuation benefits granted to him on his retirement or against any gratuity payable on his death to his legal personal representative.”.

Financial Administration and Audit Act, Cap. 73:01.

Section 2(1).

- (a) In the definition of “officer” after “Government” insert “or of a local democratic organ”.
- (b) In paragraph (b) of the definition of “public moneys” for “officer or not” substitute “officer or not, not being moneys or other receipts of a local democratic organ (from whatever source arising) other than its receipts from the Government on account of any service in respect of which moneys have been appropriated under any Act or its receipts on behalf of the Government.”

Section 2(2).

Substitute —

- (2) References in this Act to a department include—
- (a) references to a Ministry; and
- (b) in relation to expenditure incurred, on any service in respect of which moneys have been appropriated under any Act, through, or public moneys received by, a local democratic organ or any officer thereof, references to a local democratic organ,

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- and the expression "accounting officer of the department" shall be construed accordingly'.
- Section 11(4)(c). Omit "and" at the end.
- Section 11(4)(d) Re-number paragraph (d) as paragraph (e) and insert immediately before that paragraph the following paragraph as paragraph (d) —
- “(d) the Minister responsible for regional development, where the person seeking authorisation to appeal or the appellant, as the case may be, is a person in the employ of a local democratic organ; and”.
- Bank of Guyana
Act, Cap. 85:02.
- Section 13. For "section 14" substitute "sections 14 and 14A".
- Section 14(3). After "whatsoever" insert "and the Minister has not authorised the Supernumerary Deputy Governor to act for the Deputy Governor".
- Section 14A. After section 14 insert the following section as section 14A —
- “Super-
numerary
Deputy
Governor.
- 14A.(1) If the Minister thinks fit he may appoint a Supernumerary Deputy Governor of the Bank and the Supernumerary Deputy Governor so appointed shall perform such functions as the Minister may assign to him from time to time.
- (2) The term of office, salary and allowances of the Supernumerary Deputy Governor shall be such as may be specified by the Minister from time to time:
- Provided that the Minister may terminate the appointment of a Supernumerary Deputy Governor before the expiry of the term so specified on the occurrence of any of the events specified in any of the paragraphs of section 15(2).
- (3) The Supernumerary Deputy Governor shall, in case he is so authorised by the Minister, act for the Deputy Governor whenever the Deputy Governor is unable to perform the functions of his office whether by reason of illness

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or any other cause whatsoever and for the Governor whenever the Governor is unable to perform the functions of his office, and the Deputy Governor is unable to act for the Governor, for any such reason or cause.

(4) During the period when the Supernumerary Deputy Governor acts for the Deputy Governor or Governor, the Supernumerary Deputy Governor shall, if so directed by the Minister, act **as the Deputy Chairman or Chairman, as the case may be, of the Board.**"

Section 16.

For "the Deputy Governor", wherever the expression occurs, substitute "the Deputy Governor, the Supernumerary Deputy Governor".

Housing of Labour
Workers on Sugar
Estates Act,
Cap. 99:04.

Section 2.

In the definition of "labour worker" substitute for paragraph (g) the following paragraphs —

"(g) any person employed by the Demerara Sugar Terminals Limited, not being a person who is —

- (i) a director or manager, or such other person (by whatever name called) who, in the opinion of the Committee referred to in section 4, exercises managerial functions;
- (ii) employed in a professional or administrative capacity or a combination of both of those capacities;
- (h) any person belonging to such class of persons engaged in the loading of sugar for export as the Minister may, from time to time, approve for the purpose by direction in writing."

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Mahaica,
Mahaicony-Abary
Agricultural
Development
Authority Act 1977,
No. 27 of 1977.

Second Schedule.**Paragraph 1(1).**

- (a) Substitute in sub-subparagraph (b) for the words "Regional Minister for the Ministerial Region" the words "chairman of the regional democratic council for the region".
- (b) Delete sub-subparagraph (k).
- (c) Substitute for sub-subparagraph (n) the following —
 "(n) a person (other than the person mentioned in sub-subparagraph (b)) representing the interests of the local democratic organs in the area, appointed by the Minister responsible for regional development after consultation with the chairman of the National Congress of Local Democratic Organs; and".
- (d) Substitute in sub-subparagraph (o) for the word "five" the word "eight".

Local Democratic
Organs Act, No. 12
of 1980.

Section 5(o).

After "means" insert "the procedure to 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 person in connection therewith".

Section 9(1)(b).

After "council" insert "unless the Minister, where he considers it justifiable, having regard to the time which such chairman or vice-chairman is required to devote for the discharge of the functions of his office, in any case has by written notice to the chairman or vice-chairman, as the case may be, directed that he should not be a full-time officer of the council".

Section 17.

Insert after subsection (2) the following subsection as subsection (3) —

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“(3) Notwithstanding anything in subsection (2) (a), a person who holds or acts in any office of emolument in a civil capacity in the service of the Government of Guyana or of any other Commonwealth territory, not being the holder of any such office specified in any paragraph of subsection (2), shall be qualified for election as a councillor and if so elected, to hold or continue in office as a councillor.”.

Section 20.

Insert after subsection (6) the following subsection as subsection (7) —

“(7) Where the chairman or vice-chairman is a full-time officer of the council and is the holder of, or is acting in, any office of emolument in a civil capacity in the service of the Government of Guyana or of any other Commonwealth territory, he shall, unless he is granted leave of absence from his office in such service by the authority competent to grant such leave for the period for which he functions as such full-time officer of the council, resign from the office in such service before he takes the oath prescribed for his office as chairman or vice-chairman under section 24.”.

Section 22(1).

Substitute a semicolon for the full stop at the end of paragraph (d) and thereafter insert the following paragraphs as paragraphs (e) and (f) —

(e) being a full-time officer of the council and the holder of, or acting in, any office of emolument in a civil capacity in the service of the Government of Guyana or of any other Commonwealth territory, does not, unless he is granted leave of absence from his office in such service by the authority competent to grant such leave, resign from his office in such service before he takes the oath prescribed for his office by section 24;

(f) being a full-time officer of the council, becomes the holder of, or acts in, any office of emolument referred to in paragraph (e) after he takes the oath prescribed for his office by section 24.”.

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Section 47.

For the full stop substitute a colon and thereafter insert the following proviso —

“Provided that, where the Minister makes an order under section 50 prescribing the remuneration payable to the chairman or vice-chairman of the Congress, such remuneration shall be paid out of the funds of the Congress and the Congress shall not, so long as the order is in force, exercise its power, under section 28 (2) of determining the sum payable as remuneration to the chairman or vice-chairman, as the case may be.”

Section 50.

After “functions of the Congress” insert “including the payment of remuneration to the chairman and vice-chairman of the Congress,”.

Passed by the National Assembly on the 22nd of June, 1981.



F. A. Narain,

Clerk of the National Assembly.

(Bill No. 6/1981)