



GUYANA

ACT No. 16 of 1988

NATIONAL ASSEMBLY (DISQUALIFICATION) (AMENDMENT) ACT 1988

I assent,

**H. D. HOYTE,
President,**

1988—07—22

ARRANGEMENTS OF SECTIONS

SECTION

- 1. Short title.**
- 2. Amendment of section 4 of the Principal Act.**
- 3. No disqualification on account of Government contract in certain cases.**

AN ACT to amend the National Assembly (Disqualification) Act.

A.D. 1988 Enacted by the Parliament of Guyana :—

Short title

Cap. 1:06

1. This Act, which amends the National Assembly (Disqualification) Act, may be cited as the National Assembly (Disqualification) (Amendment) Act 1988.

Amendment
of section 4
of the Prin-
cipal Act

2. Section 4 of the Principal Act is hereby amended in the following respects —

(a) in subsection (1), by the substitution, for the word “one”, of the word “ten”;

(b) by the deletion of subsections (2) and (3), and the substitution therefor of the following subsections as subsections (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) —

“(2) For the purposes of subsection (1), a contract shall be deemed to be disclosed, by any person who —

(a) is a party to the contract; or

(b) is a partner in a firm, or a director or manager of a company, which is a party to the contract,

in the case referred to in subsection (3), (4), (5) or (6), if the nature of the contract, and the interest therein of the said person, firm or company, as the case may be, are disclosed to the person, and within the time, specified in subsection (3), (4), (5) or (6), as the case may be, and not otherwise.

Cap. 1:03

(3) In the case of a person whose name is included in any list of candidates submitted under section 11 of the Representation of the People Act in connection with an election to the National Assembly, a contract shall be deemed to be disclosed for the purposes of subsection (1), —

(a) where the contract is subsisting immediately before the extraction of his name from the list of candidates under section 98 of the aforesaid Act, if, before such extraction, he informs the appropriate person; and

(b) where the contract is made after the extraction of his name from such list of candidates, if, before the

expiry of thirty days from the date on which such contract is made, he informs the Speaker of the National Assembly,

of the matters, relating to the contract, referred to in subsection (2).

(4) In the case of a person who is a candidate for election, or was elected, to serve as a member of the National Assembly by a regional democratic council or the National Congress of Local Democratic Organs, a contract shall be deemed to be disclosed for the purposes of subsection (1) —

- (a) where the contract is subsisting immediately before the nomination of such person as a candidate for the election, if, as soon as may be after the nomination and in any case before the casting of votes in that election, he informs the appropriate person; and
- (b) where the contract is made after the nomination of such person at the election, and where he is elected as a member of the National Assembly at such election, if, before the expiry of thirty days from the date on which such contract is made, he informs the Speaker of the National Assembly,

of the matters, relating to the contracts, referred to in subsection (2).

(5) In the case of a person who is to be or is appointed a Minister or Parliamentary Secretary, but is not an elected member, of the National Assembly, a contract shall be deemed to be disclosed for the purposes of subsection (1) —

- (a) where the contract is subsisting immediately before his appointment as Minister or Parliamentary Secretary, if, before such appointment, he informs the appropriate person; and
- (b) where the contract is made after his appointment as Minister or Parliamentary Secretary, if, before the expiry of thirty days from the date on which such contract is made, he informs the Speaker of the National Assembly,

of the matters, relating to the contract, referred to in subsection (2).

(6) In the case of a person who is a candidate for election, or was elected, as the Speaker of the National Assembly, not being an elected member thereof, a contract shall be deemed to be disclosed for the purposes of subsection (1) —

- (a) where the contract is subsisting immediately before the nomination of such person as a candidate at such election, if, as soon as may be after the nomination and in any case before the casting of votes in that election, he informs the Clerk of the National Assembly; and
- (b) where the contract is made after the nomination of such person at the election, and where he is elected as the Speaker of the National Assembly if, before the expiry of thirty days from the date on which such contract is made, he informs the Elections Commission,

of the matters, relating to the contract referred to in subsection (2).

(7) A contract once disclosed to the appropriate person, the Speaker or Clerk of the National Assembly or the Elections Commission under subsection (3), (4), (5) or (6) shall be deemed always to be a disclosed contract for the purposes of subsection (1) and shall not be deemed to be required, by this section, to be disclosed to any person on any subsequent occasion.

(8) The appropriate person or the Speaker of the National Assembly receiving information under subsection (3), (4) or (5) shall cause to be published in a newspaper having circulation in Guyana, and to be delivered to the Elections Commission for publication in the Gazette, a notice setting out the following particulars, namely, the name and address of the person to whom it relates, the nature of the contract and the interest therein of that person or of any firm of which he is a partner or company of which he is a director or manager; and the Clerk of the National Assembly or the Elections Commission receiving any information under subsection (6) shall publish a notice setting out the aforesaid particulars in a newspaper having circulation in Guyana and in the *Gazette*

Provided that failure by the appropriate person, the Speaker or Clerk of the National Assembly or the Elections Commission to comply with this subsection shall not be deemed to affect the qualification of any person for membership of the National Assembly.

(9) The appropriate person receiving information under subsection (4)(a) shall, in addition to complying with the require-

ments of subsection (8), inform the members of the regional democratic council or the National Congress of Local Democratic Organs, as the case may be, of the particulars mentioned in subsection (8), before the casting of votes referred to in subsection (4)(a).

(10) The Clerk of the National Assembly receiving information under subsection (6)(a) shall, in addition to complying with the requirements of subsection (8), inform the members of the National Assembly of the particulars mentioned in subsection (8), before the casting of votes referred to in subsection (6)(a).

(11) In this section —

(a) “appropriate person” means —

- (i) for the purposes of subsection (3)(a), the person who may extract, under section 98 of the Representation of the People Act, the name of the person referred to in that subsection from the list of candidates referred to therein, Cap. 1:03
- (ii) for the purposes of subsection (4)(a), in relation to a regional democratic council, the chairman of that council, and in relation to the National Congress of Local Democratic Organs, the chairman of that Congress, and
- (iii) for the purposes of subsection (5)(a), the President;

(b) “Government contract” means any contract made with the Government or a department of the Government or an officer of the Government contracting as such.’

3. (1) Notwithstanding anything contained in section 4 of the Principal Act, no person who became a member of the National Assembly after 30th October 1985 and before the expiry of six weeks from the commencement of this Act shall be deemed to be disqualified, or ever to have been disqualified, to be elected as or to be a member of the National Assembly on account only of the fact that he, or any firm of which he is or was a partner or any company of which he is or was a director or manager, is or was a party to a Government contract, other than a disclosed contract, if that Government contract was made before such commencement. No disqualification on account of Government contract in certain cases.

(2) In this section “Government contract” has the same meaning as in section 4 of the Principal Act.

Passed by The National Assembly on 1988—02—19