



GUYANA

ACT No. 18 of 1988

LOCAL GOVERNMENT (AMENDMENT) ACT 1988

I assent.

H. D. HOYTE.
President.

1988—07—14.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Insertion of new section 81A in the Principal Act.

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A.D. 1988

AN ACT to amend the Local Government Act.
Enacted by the Parliament of Guyana:—

Short title
Cap. 28:02

1. This Act, which amends the Local Government Act, may be cited as the Local Government (Amendment) Act, 1988

Insertion of
new section
81A in the
Principal
Act.

2. The Principal Act is hereby amended by the insertion after section 81 of the following section as section 81A —

“Conditions
governing
sale of pro-
perty by
parate exe-
cution

Cap. 28:04

81A.(1) Before any property is put up for sale in pursuance of the proceedings brought by parate execution under this Act the property shall be valued by the Chief Valuation Officer appointed to value property for rating purposes under the Valuation for Rating Purposes Act.

(2) A reserve price based on the price of the property fixed by the Chief Valuation Officer below which, subject to the other provisions of this section, the property shall not be sold, shall be fixed by the Registrar.

(3) The sale of the property shall be advertised by the Registrar in three issues (as far as possible in consecutive issues) of at least one newspaper having circulation in Guyana, on a conspicuous part of the property and on the notice board of the Court or office where the auction is proposed to be held and the advertisement shall contain —

- (a) a description of the property with its location;
- (b) the reserve price of the property;
- (c) the date, time and place of the sale;
- (d) any other matter that may be prescribed by the Minister by regulations.

(4) The Registrar shall give a minimum of one week's notice to the Central Housing and Planning Authority established under the Housing Act of the date and time of every sale of property at auction for the recovery of rates.

(5) The sale of the property shall not take place until the expiry of at least three days from the date of the last advertisement as provided for in this section.

(6) The Registrar shall in the first instance restrict the bidding to a bidder who furnishes proof by affidavit to the Registrar that he or any member of his family does not own a house or a housing plot or who furnishes proof that though he owns a house or a housing plot such house or housing plot is far removed from the location of his place of employment or business, and that he wants the property he is bidding for as a residence or for business:

Provided that if there is no such bidder willing to purchase the property at a price equal to or higher than the reserve price, and there are other bidders, who are willing to do so the Registrar may allow those other bidders to bid at the said auction.

(7) In subsection (6) "family" means the person, his spouse and minor children (whether born in or out of wedlock).

(8) If in connection with the sale of any property under this section any person files an affidavit under subsection (6) which is false in any material particular he shall be liable to a fine of five thousand dollars and to imprisonment for one year, and if he is the purchaser of the property the sale shall be set aside.

(9) On the day fixed for the sale of the property if there are no buyers or if all the biddings fall below the reserve price, on a request made therefor by the Central Housing and Planning Authority established under the Housing Act, the Registrar shall sell the property at the reserve price to that Authority and notwithstanding anything contained in the Housing Act the aforesaid Authority shall have power to purchase the property under this section: Cap. 36:20

Provided that if the Central Housing and Planning Authority does not request to purchase the property, the sale shall be postponed to a date to be fixed by the Registrar, which shall be not later than twenty-one days from that day and thereupon the sale shall be re-advertised in the same manner provided for in subsection (3) and the property sold by the Registrar to the highest bidder without reserve.

(10) If before, or on the date of, the sale, at any time before the sale is completed, the owner of the property or any other person authorised by him to do so produces before the marshal conducting the sale a cer-

tificate from the treasurer of the council stating that a sum equivalent to the amount of rates and interest due thereon up to the day of sale, as certified by the treasurer of the council, together with costs, including costs of the proceedings related to the sale, has been paid to the treasurer, the marshal shall cancel the proposed sale.

(11) The provisions of this section shall apply to parate execution under this Act notwithstanding any other law to the contrary.

(12) The Minister may by regulations make provisions with respect to all or any of the following matters:—

- a) the matters to be taken into account in valuing any property for the purposes of this section;
- b) subject to the provisions of this section and the rules of the High Court, the procedure relating to the sale of the property;
- c) requiring the council to pay the cost of advertisement in a newspaper under subsection (3) and for payment of the sums to the council from the proceeds of the sale of the property.

(13) In this section "Registrar" means the Registrar of the Supreme Court of Judicature".

Passed by the National Assembly on 1988—02—19