

CHAPTER 28:09

LOCAL DEMOCRATIC ORGANS ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTION

1. Short title.
2. Interpretation.
3. Objectives of local government.

PART II

LOCAL DEMOCRATIC ORGANS

4. Establishment of local government areas.
5. Constitution orders.
6. Neighbourhood democratic council to be local authority under Local Authorities (Elections) Act.
7. Duties of local democratic organs.
8. Local democratic organ may make regulations.
9. Local democratic organs to be bodies corporate.
10. Full-time officers.
11. Delegation of powers to local democratic organs.
12. Petty courts.
13. Cessation of application of other laws.
14. Application of this Part to regional democratic councils.

PART III

REGIONAL DEMOCRATIC COUNCILS

15. Regional democratic councils.
16. Composition of regional democratic councils.
17. Councillors to be elected.

LAWS OF GUYANA

4

Cap. 28:09

Local Democratic Organs

SECTION

18. Qualifications for election as councillor.
19. Election of councillors.
20. Convening of meeting to elect chairman and vice-chairman.
21. Election of chairman and vice-chairman.
22. Election of chairman and vice-chairman on vacancy.
23. Vacancy in office of chairman or vice-chairman.
24. Performance of chairman's duties when unable to act.
25. Oath of Office.
26. Chairman and vice-chairman to be justices of the peace.
27. Leave of absence of chairman and vice-chairman.
28. Chairman, vice-chairman and councillors exempted from jury service.
29. Remuneration of chairman and councillors.
30. Vacancy in office of councillor.
31. Signification and filling of vacancy.
32. Oath of office of councillor.
33. Performance of functions of council by chairman or vice-chairman in certain circumstances.
34. Application of certain provisions of the Municipal and District Councils Act, Cap. 28:01.
35. Duty of council to be guided by general policies of Government.

PART IV

THE NATIONAL CONGRESS OF LOCAL DEMOCRATIC ORGANS

36. Composition of the National Congress of Local Democratic Organs.
37. Qualifications for election as a member of the Congress.
38. Convening election meeting.
39. Nominations.
40. Election.
41. Notification of election results to Elections Commission.
42. Certificates of election.
43. Vacancies in office of member of Congress.
44. Signification and filling of casual vacancy.
45. Convening of meeting to elect chairman and vice-chairman.
46. Election of chairman and vice-chairman.

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

5

SECTION

47. Election of chairman and vice-chairman on vacancy.
48. Vacancy in office of chairman and vice-chairman.
49. Application of certain provisions of Part III.
50. Application of certain provisions of the Municipal and District Councils Act, Cap. 28:01.
51. Duty of Congress to be guided by general policies of Government.
52. Power of Minister to provide for other matters relating to the Congress.

PART V

ELECTION OF CERTAIN MEMBERS OF THE NATIONAL ASSEMBLY

53. Convening of meeting of regional democratic councils to elect members of the National Assembly.
54. Nominations.
55. Election.
56. Publication of results.
57. Certificate of election.
58. Filling of casual vacancies among members of the National Assembly elected by councils.
59. Convening of meeting of Congress to elect members of the National Assembly.
60. Nominations.
61. Election.
62. Publication of results.
63. Certificates of election.
64. Filling of casual vacancies amongst members of the National Assembly elected by Congress.

PART VI

ELECTION DISPUTES

65. Determination of questions as to membership and elections relating to councils.
66. Disputed elections to Congress, etc.

LAWS OF GUYANA

6

Cap. 28:09

Local Democratic Organs

SECTION

- 67. Disputed elections to National Assembly under article 60 (3) and (4).
- 68. Appeals.
- 69. Rules of procedure.

PART VII

MISCELLANEOUS

- 70. Regulations.
 - 71. Saving of power to amend subsidiary legislation amended by or under this Act.
 - 72. Authority of Elections Commission.
 - 73. 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.

CHAPTER 28:09

LOCAL DEMOCRATIC ORGANS

12 of 1980

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

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

7

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.

[6TH OCTOBER, 1980]

PART I

PRELIMINARY

1. This Act may be cited as the Local Democratic Organs Act. Short title.

2. (1) In this Act— Interpretation.
[O.80 of 1980]

“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 ;

c. 1:01

LAWS OF GUYANA

8

Cap. 28:09

Local Democratic Organs

“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 19;

“Court” means the High Court;

“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;

“local government officer” means a person who is the holder of or who is acting in an office of emolument in the service of a local democratic organ and for the avoidance of any doubt does not include any member of any council (however styled) constituting a local democratic organ or a captain appointed under the Amerindian Act;

c. 29:01

“Minister” means the Minister responsible for local government, save that in the case of sections 12 and 69 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 53 and 59 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

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

9

Guyana Act 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.

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.

Objectives of local government.

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 neighbourhoods, and a neighbourhood into people's co-operative units: Provided that the Minister may by order divide any area comprised in a city or town as he may deem fit.

Establishment of local government areas. [7 of 1994]

(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. [6 of 1981]

- (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,

LAWS OF GUYANA

10

Cap. 28:09

Local Democratic Organs

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;

(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);

c. 29:01

(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

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

11

and other means, 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;

(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 rights in, or the charging of any obligations on, any such organ;

(s) the settlement of any disputes among local democratic organs.

6. A neighbourhood democratic council established under this Act shall be a local authority to which the Local Authorities (Elections) Act applies with all the powers conferred on a village council by the Local Government Act.

Neighbourhood democratic council to be local authority

under Local Authorities (Elections) Act. [7 of 1994] c. 28:02

7. 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;

LAWS OF GUYANA

12

Cap. 28:09

Local Democratic Organs

- (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.

Local democratic organ may make regulations.

8. Subject to the provisions of this Act, a local democratic organ may, with the approval of the Minister, make regulations for—

- (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 authorized to carry on under its constitution order; or
- (d) acquiring land compulsorily for local government purposes.

Local democratic organs to be bodies corporate.

9. Every local democratic organ shall be a body corporate by the name prescribed for it by its constitution order.

Full-time officers.
[6 of 1981]

10. (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, 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; and
- (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.

LAWS OF GUYANA

(2) The Minister may by order prescribe the emoluments, if any, to be paid by a local democratic organ to any officer serving full-time as aforesaid.

11. (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. Delegation of powers to local democratic organs.

(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.

12. (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— Petty courts. [6 of 1997]

- (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 twenty-two thousand 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.

LAWS OF GUYANA

14

Cap. 28:09

Local Democratic Organs

Cessation of application of other laws.

13. 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.

Application of this Part to regional democratic councils.

14. In the case of a regional democratic council the provisions of this Part shall apply subject to the provisions of Part III.

PART III

REGIONAL DEMOCRATIC COUNCILS

Regional democratic councils.

15. 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.

Composition of regional democratic councils.

16. 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.

Councillors to be elected.

17. Councillors shall be elected in accordance with the provisions of section 19.

Qualifications for election as councillor.

18. (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.

[6 of 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;

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

15

(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 19; Cap. 1:03

(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.

(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 paragraphs of subsection (2), shall be qualified for election as a councillor and if so elected, to hold or continue in office as a councillor.

19. (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 Election of
councillors.
Cap. 1:03

LAWS OF GUYANA

16

Cap. 28:09

Local Democratic Organs

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.

c. 1:03

(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—

(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

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

17

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;

LAWS OF GUYANA

18

Cap. 28:09

Local Democratic Organs

(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

(l) 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.

Convening of meeting to elect chairman and vice-chairman.
c. 1:03.

20. (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.

(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.

Election of chairman and vice-chairman.

21. (1) The election of the chairman shall be the first business transacted at a meeting called pursuant to section 20 and the election of the vice-chairman shall take place immediately thereafter.

[6 of 1981]

(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

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

19

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.

(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.

(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 25.

22. (1) If any vacancy occurs under section 23 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.

Election of
chairman and
vice-chairman
on vacancy.

LAWS OF GUYANA

20

Cap. 28:09

Local Democratic Organs

(2) Section 21 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 of 1981 14 of 1985]

23. (1) Subject to the other provisions of this Act, 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 25, unless his failure to take such oath within the said period is for any reason approved by the council;
- (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 25;
- (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 25.

(2) A vacancy shall occur in the office of vice-chairman if the holder thereof is elected to the office of chairman.

(3) Where a person who holds the office of chairman or vice-chairman of a council ceases to be a member thereof by virtue of a dissolution of that council under article 73(2) of the Constitution, he shall not by reason thereof vacate the office of chairman or vice-chairman, as the case may be, until a chairman or vice-chairman, as the case may be, of the council is elected under this Act after the election, following such dissolution, of the members of the council.

LAWS OF GUYANA

24. (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.

Performance of chairman's duties when unable to act.

(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 21 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 29 (1) at the disposal of the said office in the manner specified for the payment of such funds.

25. The chairman and vice-chairman shall, before performing any of the functions of their respective offices (save those referred to in section 21) take before the President an oath of office in the form set out in the Second Schedule.

Oath of Office. Second Schedule.

26. 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.

Chairman and vice-chairman to be justices of the peace.

LAWS OF GUYANA

22

Cap. 28:09

Local Democratic Organs

Leave of absence of chairman and vice-chairman.

27. 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.

Chairman, vice-chairman and councillors exempted from jury service.

28. The chairman, the vice-chairman and other councillors shall, during their continuance in office, be exempted from jury service.

Remuneration of chairman and councillors.

29. (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.

Vacancy in office of councillor.

30. 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 from 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 32, unless his failure to take such oath within that period is for a reason approved by the council.

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

23

31. (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. Signification and filling of vacancy.

(2) Any such vacancy shall be filled pursuant to section 99A of the Representation of the People Act, as modified by section 19. Cap. 1:03.

32. 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. Oath of office of councillor. Second Schedule.

33. During the period commencing on the date on which a council is dissolved under article 73(2) of the Constitution and ending with the date on which the first meeting of the members of the council, elected at an election following such dissolution, is held, the functions conferred on the council by this Act or any other written law shall be performed— Performance of functions of council by chairman or vice-chairman in certain circumstances. [14 of 1985]

- (a) by the chairman of the council; or
(b) in the event of a vacancy arising in the office of the chairman on account of his death or resignation, or during any period when the chairman is unable to perform the functions of his office, by the vice-chairman.

34. (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— Application of certain provisions of the Municipal and District Councils Act. Cap. 28:01.

- (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;

LAWS OF GUYANA

24

Cap. 28:09

Local Democratic Organs

Third
Schedule.

(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.

(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).

Duty of
council to be
guided by
general policies
of Govern-
ment.

35. 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

Composition
of the National
Congress of
Local
Democratic
Organs.

36. (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 37 to 44 (inclusive).

(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.

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

25

37. A person shall be qualified for election as a member of the Congress if he is a member of a council.

Qualifications
for election as
a member of
the Congress.

38. 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.

39. (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.

Nominations.

(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.

40. (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.

Election.

(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.

41. 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*.

Notification of
election results
to Elections
Commission.

42. 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.

Certificates of
election.

LAWS OF GUYANA

26

Cap. 28:09

Local Democratic Organs

Vacancies in office of member of Congress.

43. 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 32 (as applied by section 49) 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 from being or is disqualified from continuing to be a member of the Congress.

Signification and filling of casual vacancy.

44. (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 38, 39 and 40) 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.

Convening of meeting to elect chairman and vice-chairman.

45. (1) Within seven days after the date on which publication in the *Gazette* has been completed pursuant to section 41 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.

LAWS OF GUYANA

(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.

46. Section 21 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.

47. (1) If any vacancy occurs under section 48 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 21 shall, in so far as it is applicable, apply *mutatis mutandis* to a meeting called under this section.

48. (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 25 (as applied by section 49) 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.

LAWS OF GUYANA

28

Cap. 28:09

Local Democratic Organs

Application of certain provisions of Part III. [6 of 1981]

49. Sections 24, 25, 26, 27, 28, 29 and 32 apply *mutatis mutandis* in respect of the Congress as they apply in respect of a council:

Provided that, where the Minister makes an order under section 52 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 29(2) of determining the sum payable as remuneration to the chairman or vice-chairman, as the case may be.

Application of certain provisions of the Municipal and District Councils Act, Cap. 28:01.

50. Section 34, as it applies to a council, applies *mutatis mutandis* to the Congress, but subject to the following modifications -

(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.

51. 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. [6 of 1981]

52. 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, including the payment of remuneration to the chairman and vice-chairman 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.

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

29

PART V

ELECTION OF CERTAIN MEMBERS OF THE
NATIONAL ASSEMBLY

*Election of members of the National Assembly by regional
democratic councils*

53. 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.

Convening of
meeting of
regional
democratic
councils to
elect members
of the National
Assembly.

54. 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.

Nominations.

55. (1) If there is only one candidate, the chairman shall declare him to be duly elected as a member of the National Assembly.

Election.

(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.

56. As soon as practicable after the election, 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*.

Publication of
results.

57. The Elections Commission shall furnish the councillor who has been elected as a member of the National Assembly with a certificate that he has been so elected.

Certificate of
election.

LAWS OF GUYANA

30

Cap. 28:09

Local Democratic Organs

Filling of casual vacancies

58. Section 44 applies *mutatis mutandis* to the filling of casual vacancies amongst members of the National Assembly who were elected by a council.

amongst members of the National Assembly elected by councils.

*Election of members of the National Assembly
by Congress*

Convening of meeting of Congress to elect members

59. The clerk of the Congress shall cause a meeting of the Congress to be held at a time fixed by him on the day appointed by the President under article 60(4) of the Constitution for the purpose of electing to serve as members of the National Assembly two of the members of the

of the National Assembly.
Nominations.

Congress who are qualified to be so elected.

60. (1) At the meeting the chairman shall call for nominations of candidates for election to each of the two offices of 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.

Election.

61. (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 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.

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

31

62. 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. Publication of results.

63. 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. Certificates of election.

64 Section 44 applies mutatis mutandis to the filling of casual vacancies among members of the National Assembly who were elected by the Congress. Filling of casual vacancies

PART VI

ELECTION DISPUTES

among members of the National Assembly elected by Congress.

Disputed elections to regional democratic councils

65. (1) Any question — Determination of questions as to membership

- (a) regarding the qualification of any person to be elected as a member of a council; and elections relating to councils.
(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,

LAWS OF GUYANA

32

Cap. 28:09

Local Democratic Organs

may, with a view to securing any appropriate remedial orders, be dealt with as provided in subsection (2) or section 66, as the case may be.

c. 1:04

(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.

Fourth
Schedule.

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

33

*Disputed elections to Congress and to chairmanship
and vice-chairmanship of Congress and councils*

66. (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

Disputed
elections to
Congress, etc.

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.

(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—

c. 1:05

(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;

LAWS OF GUYANA

(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

Disputed elections to National Assembly under art. 60(3) and (4).

67. (1) Any question referred to in article 163 (1) (a), (b) 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 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 authorized 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.

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

35

(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. c. 1:05

68. An appeal shall lie to the Court of Appeal— Appeals.

(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.

69. 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. Rules of procedure.

PART VII

MISCELLANEOUS

70. The Minister may make regulations— 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;

L.R.O. 3/1998

LAWS OF GUYANA

36

Cap. 28:09

Local Democratic Organs

- (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.

71. 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.

72. The exercise by the Elections 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.

73. Any regulations made by the Minister under this Act and, except as provided in section 12, any order made by him under this Act shall be subject to negative resolution of the National Assembly.

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

37

FIRST SCHEDULE

**AMENDMENTS TO THE REPRESENTATION OF THE
PEOPLE ACT CAP 1:03**

s. 19
[30 of 1990
22 of 1997]

Provision	How amended
Section 2(1)	<p>(a) For the definition of “election” substitute the following— ‘ “election” means an election of members of a regional democratic council under section 19 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; “councillor” means a member of a council; “regional democratic council” means a regional democratic council established for any region under section 5 of the Local Democratic Organs Act”.</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)	Substitute the following—

LAWS OF GUYANA

38

Cap. 28:09

Local Democratic Organs

Provision

How amended

“(2) The region of the council to which the 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.”

Section 8(1)

Substitute a colon for the full stop at the end and insert the following proviso—

“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.”

Section 11(1)

- (a) For “one hundred and not more than one hundred and twenty” substitute “one hundred and fifty and not more one than hundred and seventy-five”.
- (b) After “section 2(3)” insert “for any division in the region of the council in respect of which the election is held.”

Section 11(3)

Substitute the following—

“(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 addresss and occupation of each such person, such number being

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

39

Provision	How amended
	not less than the number of members prescribed under section 16 of the Local Democratic Organs Act for that council and not more than the number so prescribed plus ten.”
Section 12	(a) For “one of their number” substitute “any elector whose name is on the official list of electors for any division of any region; and for “another as deputy representative both of whom shall be candidates named in that list” substitute “and other such elector as deputy representative.” (b) In paragraph (a) delete “(other than persons who are not candidates)”. (c) In paragraphs (b) and (c) delete “and persons who are not candidates.”
Section 14(3)	After “more than one list” insert “in respect of the same region.”
Section 22	Delete.
Section 34(2)(a)	Delete.
Section 40(1)(c)	Before the semicolon insert “and of the Local Democratic Organs Act.”
Section 93(1)(f)	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”.
Section 108(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 16 of the Local Democratic Organs Act.”
Section 108(4)	Delete.
Section 108(5)	Delete.
Section 109	After “including his own name” insert “if he is a candidate”.

LAWS OF GUYANA

40

Cap. 28:09

Local Democratic Organs

Provision

How amended

Section 110

- (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 111

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 109 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

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

41

Provision

How amended

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 65 of the Local Democratic Organs Act not to have been qualified to be elected as such a member, the name of that person.”

- Section 112 For “the National Assembly” substitute “the council.”
- Section 116(2) For “one thousand” substitute “five hundred.”
- Section 116(3) For “one thousand” substitute “five hundred”.
- Section 118(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 16 of the Local Democratic Organs Act

LAWS OF GUYANA

42

Cap. 28:09

Local Democratic Organs

Provision

How amended

for the council in respect of
which the election is held;”

Section 143 (e) For “the National Assembly” substitute “any council.”

Section 143 (f) For “the National Assembly” substitute “any council.”

Section 147(1) (b) For “the National Assembly” substitute “any council or any other local democratic organ.”

Section 165 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 Guyana) (Adaptation and Modification of Laws) (Representation of the People) Order, 1980) substitute the subheading “Regional Elections.”

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

43

Provision	How amended
Form 2	<p>(a) In the heading, after “List of Candidates” insert “for Region No. .”</p> <p>(b) For “National Assembly” substitute “regional democratic council for Region No. .”</p>
Form 3	<p>(a) For “Members of the National Assembly in the general” substitute “members of the regional democratic council for Region No. in the regional”.</p> <p>(b) For the paragraph numbered (2) in the declaration substitute—</p> <p>“(2) that I am aware of the provisions of section 18 of the Local Democratic Organs Act with respect to the qualifications and disqualifications for election as a member of a regional democratic council;”</p> <p>(c) In paragraph (3) of the declaration for “Member of the National Assembly” substitute “member of the regional democratic council for Region No. ”.</p>
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.”
Form 6 and 8	For “the election” substitute “the elections.”

LAWS OF GUYANA

44

Cap. 28:09

Local Democratic Organs

Provision

How amended

Form 9

After “National Assembly” insert “and the members of the regional democratic council for each region of Guyana”.

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

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

45

Provisions

How amended

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 our finger to be immersed in electoral ink. After that fold the folded ballot sheet a second time and put 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.

LAWS OF GUYANA

46

Cap. 28:09

Local Democratic Organs

Provision

How amended

Form 11

Substitute the following—

**FORM 11
THE REPRESENTATION OF THE
PEOPLE ACT**

**FORM OF BALLOT PAPER
GENERAL ELECTIONS**

C.O.N.

Counterfoil

1.

The Conservative
Party Candidates' List

No.

L.A.B.

.....

2.

The Labour Party
Candidates' List

Elector's
No. in
Official
List

L.I.B.

.....

3.

The Liberal Party
Candidates' List

.....
(Perforated line)

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

47

Provision

How amendend
REGIONAL ELECTIONS
FOR REGION No.....

	1	F.A.R. The Farmers' Party Candidates' List
	2	M.I.N. The Miners' party Candidates' List
..... Elector's No. in Official List	3	L.O.G. Th Loggers' Party Candidates' List

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

47

Provision

How amendend
REGIONAL ELECTIONS
FOR REGION No.....

	1	F.A.R. The Farmers' Party Candidates' List
	2	M.I.N. The Miners' party Candidates' List
..... Elector's No. in Official List	3	L.O.G. Th Loggers' Party Candidates' List

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

47

Provision

How amendend
REGIONAL ELECTIONS
FOR REGION No.....

	1	F.A.R. The Farmers' Party Candidates' List
	2	M.I.N. The Miners' party Candidates' List
..... Elector's No. in Official List	3	L.O.G. Th Loggers' Party Candidates' List

LAWS OF GUYANA

48

Cap. 28:09

Local Democratic Organs

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 Co-operative 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—

“(Back of Form)
Instructions to Postal Voter

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

49

Provision

How amended

1. Enclosed herewith for the exercise of your votes at the General Elections and the Regional Elections, respectively, are—

- (i) a ballot sheet;
- (ii) an envelope marked “for ballot sheet only”;
- (iii) a larger envelope addressed to the Chief Election Officer who issued the ballot sheet to you; and
- (iv) a form of Declaration of Identity.

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.

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;

LAWS OF GUYANA

50

Cap. 28:09

Local Democratic Organs

Provision

How amended

(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.....

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

51

Provision

How amended

11. You must not tear or cut the ballot sheet.”

Form 4

For “GENERAL ELECTIONS 19 ” substitute
“GENERAL AND REGIONAL ELECTIONS
19 ”.

SECOND SCHEDULE

ss. 23, 25, 32

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.

THIRD SCHEDULE

s. 34

AMENDMENTS TO THE MUNICIPAL AND
DISTRICT COUNCILS ACT,
CAP 28:01

Provision

How amended

Section 50(2)

Delete “Mayor, Deputy Mayor,”.

Section 53

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”.

LAWS OF GUYANA

52

Cap. 28:09

Local Democratic Organs

Provision	How amended
Section 172(c)	For “the City Council or the Town Council” substitute “a council”.
Section 191 (1)	For “section 40 of the Local Authorities (Elections) Act” substitute “section 18(1) of the Local Democratic Organs Act”.
Section 192 (2)	For “section 40 of the Local Authorities (Elections) Act” substitute “section 18(1) of the Local Democratic Organs Act”.
Section 259	Substitute the following— “259. A person who has a right to compensation under section 243 shall be paid compensation in accordance with article 142 of the Constitution.

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.”

LAWS OF GUYANA

Local Democratic Organs

Cap. 28:09

53

Provision

How amended

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
Cap. 1:03
declaration shall be filled in the manner provided by section 99A of the Representation of the People Act as modified by section 19 (2) of the Local Democratic Organs Act.”

Section 31(1) (a) After “effective” insert “local”.
(b) In the proviso insert a full stop after “in due course” and before 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.)”

L.R.O. 3/1998

END of Cap 28:09