

LAWS OF GUYANA

NATIONAL ASSEMBLY (DISQUALIFICATION) ACT

CHAPTER 1:06

Act

33 of 1961

Amended by

4 of 1972

4 of 1981

8 of 1982

16 of 1988

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National Assembly (Disqualification)

Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 1:06

NATIONAL ASSEMBLY DISQUALIFICATION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Disqualification.
3. Exceptions.
4. Government contracts.

FIRST SCHEDULE—Offices Disqualifying for Membership of Legislature.

SECOND SCHEDULE—Offices not Disqualifying for Membership of Legislature.

33 of 1961

An Act to make provision for disqualifying the holders of specified offices and persons belonging to the Guyana Defence Force or the Guyana Police Force, or interested in Government contracts, for membership of the National Assembly.

[18TH JULY, 1961]

Short title.

1. This Act may be cited as the National Assembly (Disqualification) Act.

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Disqualifi-
cation.
[4 of 1972
6 of 1981
8 of 1982]

2. (1) Subject to section 3, a person shall be disqualified for membership of the National Assembly—

- (a) while he 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, other than in the office of a teacher in the public service:

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

- (b) while he is a member of the legislature of any country or territory outside Guyana; or
- (c) without prejudice to the generality of any provisions of this section, while he—
 - (i) is a member of the Guyana Police Force or of the Guyana Defence Force; or
 - (ii) holds or acts in any office referred to in the First Schedule.

(2) For the avoidance of doubt it is hereby declared that nothing in this Act shall be deemed to disqualify or ever to have disqualified a person for membership of the National Assembly by reason only of the fact that he holds or acts in

any office of emolument in, or in the service of, any public corporation or any corporate body in which the controlling interest vests in the State or in any agency on behalf of the State.

Exceptions.
[4 of 1972]

3. The grounds hereinbefore prescribed for disqualification for membership of the National Assembly shall be deemed not to include holding or acting in (whether for emolument or not) any office—

- (a) to which a member of the National Assembly is expressly or impliedly authorised or required to be appointed by any written law; or
- (b) which (without prejudice to the generality of any provisions of this section) is referred to in the Second Schedule.

Government
contracts.
[8 of 1982
16 of 1988
6 of 1997]

4. (1) A person shall be disqualified for membership of the National Assembly if he is a party to, or a partner in a firm, or a director or manager of a company, not being a company in which the controlling interest vests in the State or in any agency on behalf of the State, which is party to any Government contract other than a disclosed contract for the furnishing or providing of wares, merchandise or services of a value exceeding thirty thousand dollars, to be used or employed in the service of the public.

(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 cases 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.

(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, 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 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) [Omitted]

(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

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Act, the name of the person referred to in that subsection from the list of candidates referred to therein;

(ii) [Omitted]

(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.

s. 2(c) (ii)
[8 of 1982]

FIRST SCHEDULE

OFFICES DISQUALIFYING FOR MEMBERSHIP OF
LEGISLATURE

Rent Assessor.

c. 69:02 Member of an assessment committee constituted under the Rice Farmers (Security of Tenure) Act.

c. 65:05 Commissioner appointed under section 7 of the Petroleum (Production) Act.

Appointed member of Public Utility and Public Health Services Arbitration Tribunal

c. 98:01 Arbitrator appointed under section 4 of the Labour Act.

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- c. 19:03 Commissioner appointed under the Commissions of Inquiry Act.
- 1953 Ed.
c. 111 Medical referee appointed for the purposes of the Workmen's Compensation Act.
- Member of the Customs Tariff Tribunal.
- c. 49:07 Assessor of a court of inquiry appointed under Part 1 of the Shipping Casualties (Investigation and Prevention) Act.
- c. 81:01 Member of the Board of Review established under section 79 of the Income Tax Act.
- c. 56:03 Arbitrator appointed by the Minister under section 31 of the Hydro- Electric Power Act.
- c. 28:04 Member of a local rating valuation appeals panel established under the Valuation for Rating Purposes Act.
- Member of the Guyana Fire Brigade.
- c. 16:01 Supernumerary constable, subordinate officer, inspector or officer appointed under section 82 of the Police Act.
- c. 11:01 Prison Officer within the meaning of the Prison Act.
- c. 1:03 Chief Elections officer, returning officer, deputy returning officer, election clerk, presiding officer, assistant presiding officer, poll clerk appointed under the Elections Act.
- Clerk or other member of the staff of the National Assembly.

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s. 3(b)
[8 of 1982]

SECOND SCHEDULE

OFFICES NOT DISQUALIFYING FOR MEMBERSHIP OF
LEGISLATURE

Member of the Advisory Council on the Prerogative of
Mercy constituted under the Constitution.

Member of any board, panel, committee or other similar body
(whether incorporated or not) established by any law for the
time being in force in Guyana, other than an office mentioned
in the First Schedule.
