

LAWS OF GUYANA

STATE PLANNING COMMISSION ACT

CHAPTER 78:02

Act

24 of 1977

Amended by

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| 3 | of | 1978 | O. 80/1980 |
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CHAPTER 78:02

STATE PLANNING COMMISSION ACT

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24 of 1977

An Act to establish a State Planning Commission and to provide for matters connected therewith.

[17TH NOVEMBER, 1977]

Short title.

1. This Act may be cited as the State Planning Commission Act.

Interpretation.

2. In this Act—

[O. 80/1980] “authorised officer” means any employee of the Commission who is duly authorised by the Commission to exact the performance of, or to perform, the act referred to;

“the Commission” means the State Planning Commission established pursuant to section 3.

Establishment
of a State
Planning
Commission as
a body
corporate.
[3 of 1978]

3. (1) The Minister may by order establish a State Planning Commission, which shall be a body corporate, constituted in such manner as may be specified in the order, and which order may contain such provisions as the Minister deems requisite for the purpose of enabling the Commission to carry out its functions under this Act.

(2) The Minister may, by notice published in the Gazette, designate any authority, institution or organisation of a national or public character to be an associate organ of the Commission to assist the Commission in the performance of such of its functions as the Minister may direct in writing.

(3) In performing functions on behalf of the Commission, an associate organ shall have and may exercise the privileges and powers conferred upon the Commission by this Act.

Functions of the
Commission.
[3 of 1978]

4. (1) The Commission shall be responsible for the central planning of the economy within the framework of the socialist philosophy and objectives of the Government.

(2) Without prejudice to the generality of subsection (1), the functions of the Commission shall be—

(a) to advise the Government on the planning of—

(i) the orderly, balanced economic and social development of

Guyana;

- (ii) the most effective, efficient and rational utilisation of the human, material and financial resources of Guyana in order to achieve the most rapid economic growth consistent with the continuous improvement in the standard of living, the quality of life and the general material and cultural well-being of the nation;
- (b) to prepare, pursuant to the directions of the Minister, such development plans for Guyana in conformity with the general policies and objectives of the Government;
- (c) to monitor, review and evaluate the performance of the national development plans, of the planning mechanisms, procedures methodology and strategies and the performance of the national economy;
- (d) to pursue such research as may be necessary to enable it to perform its functions effectively;
- (e) to give advice, guidance and directions to all agencies, enterprises and institutions in the public, co-operative and private sectors so as to ensure their efficient operation within the framework of the national

development plans;

- (f) to perform such other functions relating to the planning of the development of the resources of Guyana as may be referred to it by the Minister;
- (g) generally to do all things necessary to ensure the effective discharge of its functions and responsibilities.

Power of
Minister to give
directions.

5. (1) The Minister may give to the Commission directions of a general or special character as to the policy to be followed by the Commission in the exercise and performance of its functions and the Commission shall give effect to those directions.

(2) The Commission shall afford to the Minister facilities for obtaining information with respect to the functioning of the Commission and shall submit to the Minister not later than the 15th June in each year, or such other date as the Minister may in writing direct, for his approval estimates of expenditure in relation to its operations for the ensuing financial year.

(3) The Commission shall submit to the Minister such reports, in such manner and form, as he may from time to time request.

Employment of
Staff.

6. (1) There shall be employed by the Commission such number of persons as the Minister considers necessary to enable the Commission to carry out the functions imposed upon it by this Act.

(2) The order establishing the Commission may make provision for the Commission or any of its organs or institutions to give effect to subsection (1).

Secondment or transfer of employees of the Commission.

7. (1) It shall be deemed a term of every contract of service of an employee of the Commission that such employee may be assigned duties in any area of Guyana or in any department of the Commission or that such person is liable to be seconded or transferred by the Commission with the consent of the appropriate authority to service in such capacity, as may be agreed upon between the Commission and such authority, in any department, agency or institution of the State or with anybody corporate in which the controlling interest is vested in the State:

Provided that nothing in the foregoing provisions of the subsection shall render any person liable to suffer by reason of any assignment, secondment or transfer any loss in leave, or superannuation benefits enjoyed by him immediately prior to such assignment, secondment or transfer.

(2) In this section—

“appropriate authority” means the respective authority duly vested with power to employ a person in the service of the respective department, agency or institution of the State or body corporate in which the controlling interest is vested in the State, as the case may be.

Superannuation benefits of public officers and teachers employed in the service of the Commission.
c. 19:05

8. (1) Sections 54 and 54A of the Public Corporations Act shall apply mutatis mutandis to the Commission as if the references in those sections to a public corporation were references to the Commission.

(2) Where an employee of the Commission, other than a person to whom subsection (1) applies, is seconded or transferred from service with the Commission in respect of which a pension is payable to service as mentioned in section 7 (1), in computing the period of his last mentioned service for the purpose of pension notwithstanding anything to the contrary in any other law there shall be reckoned his

service with the Commission.

Power to obtain information.

9. (1) Subject to subsection (4) and notwithstanding anything to the contrary in any other law it shall be lawful for the Commission to request any person to supply to the Commission such information as the Commission deems necessary to carry out the functions imposed upon it by this Act either by such person being interviewed personally by an authorised officer or by way of the completion by that person of a form sent to his last known address by the Commission.

(2) Any person having the custody or charge of any public records or documents, or of the records or documents of any person from which in the opinion of any authorised officer of the Commission information necessary to the Commission for the carrying out of its functions can be obtained, shall grant to the authorised officer access to such records or documents for the purpose of obtaining such information therefrom.

(3) A person shall not be required to supply information under this Act which involves the disclosure of any technical process or trade secret in or relating to the undertaking of which he is the owner or in the conduct or supervision of which he is engaged.

(4) Where a person to whom a request has been made under subsection (1) satisfies the Minister by representations made to him in writing within seven days of the receipt of such request that undue hardship is imposed upon him by reason of that request, the Minister may direct that such request be waived or be modified to such extent as he deems fit.

Powers of entry.

10. (1) Any authorised officer of the Commission may, for any purpose connected with the carrying out of the functions of the Commission, enter at all reasonable times any dwelling house or any premises where persons

are employed, or any premises where it appears to him likely that persons are employed, and may make such enquiries as may be necessary for the performance of his duties in relation to such functions.

(2) An authorised officer shall before exercising any of the powers conferred upon him by this Act produce his written authorisation to such persons as may be directly affected by the proposed exercise by him of those powers.

Restriction on
Publication.

11. Except for the purposes of a prosecution under this Act—

- (a) no individual return, or part thereof, made for the purposes of this Act;
- (b) no answer given to any question put for the purposes of this Act;
- (c) no report, abstract, or other document, containing particulars comprised in any such return or answer so arranged as to enable identification of such particulars with any person, undertaking or business,

shall be published or disclosed to any person not employed in the execution of a duty under this Act, unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of an undertaking or business, from the owner for the time being of the undertaking or business:

Provided that nothing in this section shall prevent or restrict the publication or disclosure of any such report, abstract, or other document without such consent where —

- (a) the particulars in such report, abstract or other document, enable identification merely by reason of the fact that the particulars relate to the business activities of a person who is the only individual engaged in that category of business or activity; or
- (b) such publication or disclosure is lawfully required in any court or tribunal or under the provisions of any other law.

Offences.
[3 of 1978]

12. (1) Any person being a person employed in the execution of any duty under this Act, who—

- (a) by virtue of such employment becomes possessed of any information which might exert an influence upon or affect the market value of any movable or immovable property and before such information is made public in accordance with the provisions of this Act, directly or indirectly uses such information for personal gain; or
- (b) without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment, shall be guilty of an offence.

(2) Any person who without lawful authority seeks the disclosure by an employee of the Commission of information obtained pursuant to this Act in excess of the

authority of that employee shall be guilty of an offence.

(3) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who publishes or communicates such information to any person shall be guilty of an offence.

(4) Any person who—

- (a) hinders or obstructs any authorised officer in the exercise of any of his powers or the discharge of any of his duties under this Act; or
- (b) without lawful excuse refuses or fails to supply the particulars required in any return, form or other document lawfully left with or sent to him, or who refuses or fails to answer any question or enquiry addressed to him under the authority of this Act; or
- (c) without lawful excuse refuses or fails to comply with any directions issued by the Commission pursuant to section 4 (2) (e);
- (d) knowingly or recklessly makes in any return, form or other document completed or supplied pursuant to this Act in any answer to any questions asked him under the authority of this Act, any statement which is untrue in any material particular; or
- (e) without lawful authority suppresses from the Commission

or, with intent to deprive the Commission of the benefit thereof, destroys, defaces, or mutilates, any return, form or other document containing particulars collected or requested under this Act; or

- (f) writes or makes on any return, form or other document issued for the purpose of this Act and furnished to an authorised officer, any indecent, obscene or insulting remarks, drawing or other matter,

shall be guilty of an offence.

Penalties.
[6 of 1997]

13. Every person who is guilty of an offence under this Act or any regulations made thereunder and for which no special penalty is provided shall be liable on summary conviction therefor to a fine of not less than thirteen thousand dollars nor more than three hundred and twenty-five thousand dollars and to imprisonment for a term of not less than three months nor more than one year for each such offence, and in the event of a continuing offence to a further fine not exceeding thirty- two thousand five hundred dollars for each day on which the offence is continued after conviction.

Regulations.

14. The Minister may make regulations for the purpose of carrying out the provisions of this Act.

Consolidated
Fund.

15. There shall be defrayed out of monies provided by Parliament for the purpose all expenses incurred or arising under this Act in respect of the establishment of, or carrying out of its functions by, the Commission and not otherwise lawfully charged on the Consolidated Fund.

SUBSIDIARY LEGISLATION

O. 2/2000

**STATE PLANNING COMMISSION
(ESTABLISHMENT) ORDER***made under section 3*

- Citation. 1. This Order may be cited as the State Planning Commission (Establishment) Order.
- Interpretation. 2. In this Order—
- First Schedule. “Board” means the Board constituted in accordance with the First Schedule;
- “Council” means the National Economic and Social Council;
- “Panel” means the Technical Advisory Panel;
- “Secretariat” means the State Planning Secretariat;
- Second Schedule. “Guidelines” means guidelines prescribing the functions of the respective organs of the Commission as contained in the Second Schedule;
- “Terms of reference” means the terms of reference issued by the Minister prescribing by notice published in the Gazette the functions of the Committees.
- Establishment of the State Planning Commission. 3. (1) There is hereby established a State Planning Commission which shall comprise the Minister and the following principal organs—
- (a) the State Planning Board;

- (b) the State Planning Secretariat;
- (c) the National Economic and Social Council; and
- (d) the Technical Advisory Panel.

(2) For the purpose of enabling the Commission to carry out its functions the bodies establishing in the Ministerial regions and commonly known as the Regional Development Councils, the local government authorities constituted under the Municipal and District Councils Act, for the City of Georgetown, the Town of New Amsterdam and the Town of Linden, respectively, and the National Science Research Council shall be deemed to be associate organs of the Commission.

State Planning
Secretariat.

4. (1) The Secretariat shall be the principal executive and administrative organ of the Commission.

THE STATE PLANNING SECRETARIAT

(2) The Secretariat shall comprise —

- (a) The Chairman of the Board;
- (b) The Chief Planning Officer; and
- (c) such other professional, technical and other employees of the Secretariat as the Board, with the approval of the Minister, considers necessary for the efficient discharge by the Secretariat of its functions.

(3) The Chairman of the Board shall be the head of the Secretariat by virtue of his office and shall be responsible

[Subsidiary]

State Planning Commission (Establishment) Order

to the Minister for ensuring that the Secretariat is efficiently organised and that it discharges its responsibility in accordance with the general policy directions of the Minister and the provisions of the Act.

(4) The Chief Planning Officer shall be the principal professional executive and administrative officer of the Secretariat and shall be responsible to the Chairman of the Board the efficient day- to-day functioning of the Secretariat.

Functions of
the Secretariat.

5. Subject to such general or special directions as may be given by the Minister, the Secretariat shall perform its functions in accordance with its guidelines to prepare such development plans as may be required, from, time to time, co-ordinate the work of the Commission, give such advice and guidance, prepare such documentation and do all things necessary to ensure the efficient performance by the Commission of its functions and the effective implementation of development plans in conformity with national objectives and the provisions of the Act.

THE NATIONAL ECONOMIC AND SOCIAL COUNCIL

The National
Economic and
Social Council.

6. The Council shall consist of such number of representatives as the Minister may appoint from those socio-economic and other organisations of a national character which he considers capable of making; a significant contribution to the economic development of Guyana; and, without prejudice to the generality of the foregoing, those organisation shall include the bodies commonly known respectively as the Guyana Trades Union Congress, the Guyana Association of Local Authorities, the Guyana Manufacturer's Association, the Consultative Association of Guyanese Industry Limited, the Guyana Consumer's Association and the Guyana Co-operative Union.

Functions of
the Council.

7. It shall be the function of the Council, in accordance with its guidelines, to advise the Minister on the formulation

of national development policies and strategies, to monitor, review and evaluate national Development Plans, analyse their impact upon the welfare and well-being of the citizens of Guyana and, from time to time, to tender such advice and make such recommendations to the Minister as it deems necessary.

Committee of
the Council.

8. (1) The Council may establish committees of the Council for the more effective discharge of the functions and, without prejudice to the generality of the foregoing, there shall be established committees to deal with the sub-matters mentioned in the Third Schedule.

Third
Schedule.

(2) The principal function of a committee shall be in accordance with its terms of reference to monitor, keep under review and evaluate the performance of those sectors or areas of the national economy which are included in the subject-matter assigned to it.

Relations with
other
Agencies.

9. For the purpose of carrying out its functions, every organ or associate organ of the Commission and every committee of such organ or associate organ shall be entitled to the co-operation of every agency, department, body corporate or institution in the public sector, and also of all other agencies and persons who are amenable to the Commission's directions under the provisions of the Act.

THE TECHNICAL ADVISORY PANEL

Technical
Advisory
Panel.

10. (1) The Panel shall consist of such number of persons as the Minister deems fit to appoint from time to time from among persons who are in his opinion suitably qualified in those disciplines which are relevant to the development of the economy.

(2) The Chairman of the Panel may establish committees of the Panel for such purposes as the Chairman deems fit.

[Subsidiary]*State Planning Commission (Establishment) Order*

Functions of
the Panel.

11. It shall be the function of the Panel or any member thereof to undertake such activities relating to the work of the Commission or to the economy of Guyana in general in accordance with the guidelines of the Panel and to render advice or make recommendations to "the Minister on any matter referred to the Panel by him.

Duty of
Organs and
associate
Organs to
submit annual
Reports.

12. (1) The Chairman of every Committee of the Council shall submit to the Chairman of the Council not later than 21st January in each year an annual report on its activities for the previous calendar year.

(2) The Chairman of the Council shall submit to the Minister not later than the 15th February in each year an annual report on its activities for the previous calendar year and shall send a copy of the report to the Chairman of the Board.

(3) The Chairman of the Panel shall submit to the Minister not later than the 15th February in each year an annual report on the work of the Panel for the previous calendar year, and shall send a copy of the report to the Chairman of the Board.

(4) The Chairman or head of every associate organ shall submit to the Chairman of the Board not later than the 15th February in each year an annual report on its activities as an associate organ for the previous calendar year.

(5) The Chief Planning Officer shall submit to the Chair- man of the Board not later than the 15th February in each year an annual report on the work of the Secretariat for the previous calendar year.

(6) The Chairman of the Board shall submit to the Minister not later than the 31st March in each year an annual report on the activities of the Commission for the previous calendar year and that report shall be laid by the Minister

before the National Assembly.

Relationship
between
organs and
Institution of
the
Commission.

13. Where in the performance of its functions, an organ, institution or associate organ of the Commission or any committee thereof is required to-

- (a) make any report or to tender any advice to the Minister; or
- (b) make any report or to give any instructions or advice to another organ, institution, associate organ or committee,

such report, advice or instructions shall be made or given by the Chairman of the respective organ, institution or committee to the Minister or the Chairman of the other organ, institution, associate organ or committee, as the case may be.

Regulations of
procedure.

14. Subject to the Act and save as otherwise provided in this Order, every organ, institution or associate organ of the Commission shall regulate its proceedings.

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FIRST SCHEDULE

1. The Board shall consist of—

- (a) a person appointed by the Minister as Chairman of the Board;
- (b) the Chairman of the Panel, who shall be the deputy Chairman of the Board;
- (c) the Chairman of the Council; and
- (d) such number of persons appointed by the Minister from among persons appearing to him to be suitably

qualified by reason of their professional or technical expertise or their having shown capacity in fields of activity which, in the opinion of the Minister, will enable them to make a significant contribution to the planning of the economic development of Guyana.

2. If the Minister attends any meeting of the Board he shall preside thereat.

3. The Chief Planning Officer shall ex officio be Secretary to the Board and a member thereof.

4. The names of the members of the Board as first constituted and every change in the membership thereof shall be published in the Gazette.

5. The Minister may constitute from among the members of the Board such committees as he considers necessary for the effective performance by the Board of its functions and he may assign to any such committee or a member of the Board authority to perform on behalf of the Board such functions as he may determine and, without prejudice to the generality thereof, there shall be constituted a standing committee of the Board known as the Appointments Committee for the purpose of carrying out of the provisions of section 6(1) of the Act.

6. It shall be the function of the Board, in accordance with its guidelines, to advise the Minister on the formulation of strategies, policies and programmes for national development to give effect to the provisions and objectives of the Act; to supervise the work of and give advice, guidance and directions to the Secretariat; and to supervise generally the work of the Commission.

SECOND SCHEDULE**Guidelines for the Board:**

- (a) To advise the Minister on the formulation of national strategies, policies and programmes to give effect to the provisions and objectives of the Act and, in particular, to section 4 thereof;
- (b) to ensure that the plans, policies and programmes and activities of the Secretariat conform with the general policies and objectives of the Government, and the provisions of the Act;
- (c) to give all necessary guidance, advice and directions to the Secretariat to ensure compliance with the requirements of paragraph (b);
- (d) to monitor, review and evaluate all plans prepared by the Secretariat, give appropriate guidance, advice and directions in connection therewith to the Secretariat and tender appropriate advice to the Minister;
- (e) to monitor, review and evaluate the work of the Commission and give such guidance, advice and directions as may be appropriate to ensure its efficient functioning in accordance with the general policies and objectives, of the Government and the provisions of the Act;

- (f) to give advice on any specific matter referred to it by the Minister;
- (g) to collaborate with the other organs of the Commission and with other bodies performing functions related to those of the Commission and its organs;
- (h) to do all things necessary and take all appropriate action within its powers to ensure that the Commission functions; as efficiently as possible in accordance with the general policies and objectives of the Government and the provisions of the Act.

Guidelines for the State Planning Secretariat:

- (a) To prepare, monitor, review and evaluate development plans for Guyana in conformity with the general policies and objectives of the Government and the provisions of the Act;
- (b) to formulate policy recommendations to the Board for the efficient mobilisation and utilisation of the human, natural and financial resources of Guyana;
- (c) to develop appropriate planning systems, mechanisms, procedures and methodologies and to monitor, review and evaluate their performance and make recommendations, from time to time,

for improving their efficiency;

- (d) to co-ordinate all activities within the Commission and between the Commission and other bodies;
- (e) to give advice, guidance and directions to all relevant agencies, enterprises and institutions to ensure their efficient operation within the framework of plans for national development;
- (f) to prepare appropriate manuals, work-sheets, forms and other documents which are deemed necessary to facilitate the proper discharge of their responsibilities to the Commission by employees of the Commission and other personnel and bodies involved in the planning process;
- (g) to organise such training courses and activities as may be deemed necessary to facilitate the efficient discharge of their responsibilities by personnel, whether employed by the Commission or not, who are involved in the process of planning;
- (h) to ensure, compile and disseminate in such manner as may be deemed necessary all information and data required, or collected, as the case may be, by the respective organs and institutions' of the Commission;

- (i) to pursue such research as may be necessary to enable it to perform its functions efficiently;
- (j) to undertake such other functions as may be assigned to it by the Board in relation to the functions of the Commission;
- (k) to carry out such administrative and other -functions as would enable the other organs and institutions of the Commission to perform their respective functions efficiently.

Guidelines for the Council:

(1) To advise the Minister on the formulation of strategies, policies and programmes to give effect to the provisions and objectives of the Act and in particular to section 4 thereof;

(2) to review and; evaluate any development plan prepared by the Secretariat and make such comments and recommendations and give such advice to the. Minister in connection therewith as it may consider appropriate;

(3) to monitor any such plan during the course of its implementation and to keep the Minister advised of the impact thereof on the various sectors of the economy and on the welfare and well-being of the citizens, with special reference to –

- (a) the areas in which the implementation of the plan appears to be achieving the desired objectives;
- (b) the areas in which the implementation

of the plan appears to be deviating from, or failing; to achieve, the desired objectives;

- (c) any problems and difficulties which are identified from time to time;

(4) to tender such advice and make such recommendations to the Minister as it may deem necessary from time to time to enable him to take appropriate action to deal with the problems and difficulties referred to in paragraph 3(c) above;

(5) to make recommendations from time to time to the Minister for improving the work of the Commission and strengthening the planning mechanism generally;

(6) to submit to the Minister from time to time such information, reports and other data it may consider useful in the task of framing, revising, monitoring or evaluating any development plan;

(7) to submit to the Minister from time to time such information, reports and other data it may consider useful in the task of framing, revising monitoring or evaluating any development plan;

(8) to give advice on any specific matter referred to it by the Minister;

(9) to collaborate with the other organs of the Commission and with relevant organisations and agencies for the effective discharge of its responsibilities;

(10) generally, to do all things necessary and to take all appropriate action within its powers to ensure that the Commission functions as effective as possible in accordance with the policies and objectives of the

Government and: the provisions of the Act.

Guidelines for the Panel:

- (a) To advise the Minister or the Board on any technical matter related to national development, the economy of Guyana or the functions of the Commission that may be referred to it by the Minister or the Board;
- (b) to carry out such investigations and inquiries, prepare such studies and reports, and provide such information as may be requested, from time to time, by the Minister or the Board;
- (c) to investigate at the request of the Minister or the Board, and report on any proposal, project, programme, policy or activity of the Commission;
- (d) to give all necessary assistance to the Commission in the performance of its functions as may be requested by the Minister or the Board;
- (e) to collaborate with other organs of the Commission and with other bodies performing functions related to those of the Commission and its organs and generally to do all things necessary to ensure that the Commission functions as efficiently as possible in accordance with the general policies and objectives of the Government and the provisions of the Act.

cl. 8

THIRD SCHEDULE

1. Production, Productivity and Workers' Welfare
 2. Consumer Affairs.
 3. Education.
 4. Culture (including Sports and Recreation).
 5. Health, Housing and the Environment.
 6. Agriculture.
 7. Science and Technology.
 8. Status of Women.
 9. Co-operativism.
 10. Children and Young Persons.
 11. Public Utilities.
 12. Public Sector Agencies (other than Public Utilities).
 13. National Cohesion and Security.
 14. Law and national development.
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