

**LAWS OF GUYANA**

**RACIAL HOSTILITY ACT**

**CHAPTER 23:01**

**Act**

**38 of 1964**

Amended by

9 of 2002    O. 36/1966A

**Current Authorised Pages**

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**Note**  
**on**  
**Subsidiary Legislation**

**This Chapter contains no subsidiary legislation.**

## CHAPTER 23:01

## RACIAL HOSTILITY ACT\*

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title.
2. Excitement of hostility or ill-will on grounds of race.
3. Disabilities consequent upon conviction under section 2.
4. Civil remedy.

38 of 1964

**An Act to make provision for preventing conduct tending to excite hostility or ill-will against persons by reason of their race.**

[28<sup>th</sup> NOVEMBER, 1964]

Short title.

1. This Act may be cited as the Racial Hostility Act.

Excitement of  
hostility or  
ill-will  
on grounds  
of race.  
[6 of 1997]  
[9 of 2002]

2. (1) A person shall be guilty of an offence if he wilfully excites or attempts to excite hostility or ill-will against any section of the public or against any person on the grounds of their or his race—

- (a) by means of words spoken by him in a public place or spoken by him and transmitted for general reception by wireless telegraphy or telegraph; or

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\*This Act was originally made by the Governor in the form of Regulations by virtue of the power conferred by article 50(3) of the Constitution of British Guiana as inserted by British Guiana (Constitution) Order, 1964 (U.K.) (S.I. 1964 No. 921).

- (b) by causing words spoken by him or by some other person to be reproduced in a public place from a record; or (c) by means of written (including printed) matter or pictorial matter published by him.

(2) This section shall not apply in relation to—

- (a) anything said or done in the course of any proceedings of the National Assembly or any judicial proceedings; or
- (b) the publication of any matter by order, or under the authority, of the National Assembly.

(3) Any person guilty of an offence under this section shall be liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for seven years.

(4) For the purpose of this section the proprietor, printer, publisher or editor of any newspaper, or the printer of any other printed document, in which any particular matter has been published, shall be presumed himself to have so published that matter unless he proves that such publication was made without his authority, consent or knowledge and did not arise from want of due care on his part.

Interpretation.

(5) In this section—

“judicial proceedings” means any proceedings had or taken in or before any court, tribunal, commission of enquiry or person in which evidence may be taken on oath;

“local government authority” means an authority constituted by law with functions relating to the government or administration of any district or area in Guyana;

“newspaper” includes any journal, magazine or other periodical publication;

“political party” means an organisation the function, or one of the functions, of which is to sponsor or otherwise to support candidates for election to the National Assembly or any local government authority;

“public place” means any highway, or any open space, building or other place to which, at the material time, the public or any section thereof have or are permitted to have access, whether on payment or otherwise;

“record” means –

- (i) any disc, tape, sound track, perforated roll or other device in which sounds or other data are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced there from;
- (ii) any film, negative, tape, or other device in which one or (with or without more visual images are embodied so as to be capable with or without the aid of some other equipment) of being reproduced there from”.

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“telegraph” has the meaning assigned to it by section 61(1) of the Post and Telegraph Act; and

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“wireless telegraphy” has the meaning assigned to it by section 2 of the Post and Telegraph Act.

(6) In this section expressions referring to printing shall be construed as including references to any mechanical method of representing or reproducing words in visible form or of reproducing pictorial matter.

(7) This section shall not affect the operation of any other law by virtue of which any act or omission constitutes an offence.

Disabilities consequent upon conviction of offence under section 2. [O. 36/1966A) 6 of 1997] [9 of 2002]

**\*3.** (1) If a person is convicted of an offence under section 2, then, irrespective of any punishment to which he may be sentenced in pursuance of that section, for a period of five years commencing with the date of his conviction he shall be disqualified for —

- (a) election as a member of the National Assembly;
- (b) membership of any local government authority; and
- (c) any of the following offices and appointments, that is to say —
  - (i) the office (by whatever name called) of agent or deputy agent or assistant agent of any candidate for election to the National Assembly or any local government authority;
  - (ii) any office in a political party whether paid or unpaid (including membership of any committee or other body that is concerned with the direction of the policy or activities of

such party);

- (iii) any office established by Guyana law being an office power to make appointments to which is vested in the President or a Minister;
- (iv) the appointment of editor of any newspaper or any appointment on the editorial staff of any newspaper; and
- (v) any appointment on the managerial or editorial staff of any broadcasting station.

(2) Any person who, being disqualified in pursuance of subsection (1) for any office or appointment referred to in paragraph (c) of that subsection, performs any of the functions of that office or appointment, shall be liable on summary conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for three years

(3) Where a person who is a member of a local government authority is convicted of an offence under section 2, his disqualification in pursuance of subsection (1) of this section for membership of that authority shall not take effect—

- (a) until the expiration of any period prescribed by or under any law during which he may enter an appeal against his conviction or a notice of

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\* Order 36/1966B provided that this subsection shall have effect as if inserted by Parliament pursuant to articles 60(2) (d) (i) and 120 of the Constitution of Guyana. (See footnote at page 3 above.)

such an appeal or may apply for leave to bring such an appeal; or

- (b) if within the time so prescribed he enters such an appeal or a notice of such an appeal or applies for leave to bring such an appeal, unless and until the appeal is dismissed or discontinued and no further appeal against the dismissal is available to him as of right or, as the case may be, his application for leave to bring such an appeal is refused or withdrawn.

(4) Where a person has become disqualified as prescribed by subsection (1) and the conviction by reason of which he became so disqualified is set aside on appeal or he is granted a free pardon in respect thereof, the disqualification shall thereupon cease to have effect but without prejudice to its previous operation.

(5) In this section—

“Guyana law” means law enacted by any legislature established in and for Guyana;

“broadcasting station” means stations, and includes a television station; and for the dissemination of any form of radio-electric communication, including, radio-telephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations; and

“local government authority”, “newspaper” and “political party” have the same meanings as in section 2.

Civil Remedy.  
[9 of 2002]

4. Nothing in this Act limits or negates or shall be construed as limiting or negating the right of any person who suffers damage of the type contemplated by this Act to enforce that right in the civil jurisdiction of any Court.

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