

LAWS OF GUYANA

INTERPRETATION AND GENERAL CLAUSES ACT

CHAPTER 2:01

Act

8 of 1970

Amended by

4	of	1972	O. 80/1980
31	of	1974	
27	of	1975	
6	of	1981	
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of
Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**Note
on
Subsidiary Legislation**

A considerable number of the delegations made under this Act are now obsolete and a comprehensive review of all delegations is now being undertaken, consequently, all instruments of delegation have been omitted from this publication.

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CHAPTER 2:01

INTERPRETATION AND GENERAL CLAUSES ACT

8 of 1970.

An Act to consolidate the law relating to the construction and interpretation of Acts of Parliament, Subsidiary Legislation, applied Laws and Public documents and to make general provisions for matters connected with or similar to the purposes aforesaid.

[23RD FEBRUARY,1970]

**PART I
SHORT TITLE**

Short title.

1. This Act may be cited as the Interpretation and General Clauses Act.

**PART II
APPLICATION TO THE STATE**

Act binding
on
State.

2. This Act shall be binding on the State.

**PART III
APPLICATION TO LAWS**

Application
of this Act.
[O.80 /1980]

3. (1) This Act shall not apply to the constitutional instruments (save as thereby required) and to applied laws, and, notwithstanding the definitions of “written law” and “Act” in section 5 (but save as required as aforesaid), the expressions “written law” and “Act” in this Act shall not include the constitutional instruments and applied laws.

(2) Subject to subsection (1), this Act shall, unless it is

otherwise expressly provided, apply to this Act and to all written law whether made before or after the coming into operation of this Act.

**PART IV
INTERPRETATION OF TERMS**

Definitions
subject to
context.

4. (1) Where expressions are defined in or for the purposes of or used in any written law or public document, such expressions shall have the meanings assigned to them, unless there is anything in the subject or context repugnant to or inconsistent with such meaning.

Cognate
expressions.

(2) Where a word is defined in or for the purposes of any written law or public document, other parts of speech and grammatical variations of that word and cognate expressions shall have corresponding meanings in or for the purposes of such written law or public document.

Expressions in general use

Definition
of
expressions.
[4 of 1972
O. 80 /1980
6 of 1981]

5. (1) In any written law and in any public document –

“acre” means English acre;

“Act” means any Act of Parliament whether passed before or after the coming into operation of this Act and includes an Ordinance passed by a legislature of the former Colony of British Guiana and includes a resolution, Act or Ordinance within the meaning of the Statute Law Continuation Ordinance and an applied Act;

c. 2:03

“admiralty jurisdiction” means such admiralty jurisdiction as was vested in the Supreme Court of Judicature of Guyana on 22nd February, 1970;

c. 3:02

“amend” includes add to, partially repeal and partially or completely replace;

“applied Act” means an Act of Parliament of the United Kingdom, having effect or having had effect as part of the law of Guyana;

“applied law” means an applied Act and any legislative instrument (other than the constitutional instruments) made thereunder otherwise than by an authority in Guyana, having effect or having had effect as part of the law of Guyana;

c. 1:01 “Chancellor” means the Chancellor as referred to in Chapter XI of the Constitution;

c. 1:01 “Chief Justice” means the Chief Justice as referred to in Chapter XI of the Constitution;

“Commonwealth” has the meaning assigned to it by the Constitution;

“Commonwealth country” means Guyana or any country to which article 47 of the Constitution for the time being applies;

“Commonwealth territory” means a Commonwealth country or a dependency of a Commonwealth country;

c. 1:01 “Constitutional instruments” means the Constitution of the Co-operative Republic of Guyana Act and the Constitution set out in the Schedule thereto;

c. 1:01 “the Constitution” means the Constitution set out in the Schedule to the Constitution of the Co-operative Republic of Guyana Act as amended from time to time;

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“Court of Appeal” means the Court of Appeal of the Supreme Court of Judicature established by the Constitution;

“dependency” includes a protected State, a protectorate and a trust territory administered under the trusteeship system of the United Nations;

“District Commissioner” means the commissioner of a district appointed under the District Government Act and every assistant commissioner of a district;

“enactment” means an Act of Parliament or an applied Act and does not include subsidiary legislation;

“financial year” means, in respect of any matters relating to the revenue and expenditure of Guyana, Sea Defence Board, or any other public body, or in respect of the issue, duration, payment, or expiry of any licence required under any past or future written law, the twelve months beginning on the 1st January in any year;

“function” includes power and duty;

“the Gazette” means the Official *Gazette* of Guyana;

“Georgetown” and “Georgetown City Council” have the respective meanings assigned to these expressions in the Municipal and District Councils Act;

c. 28:01

“the Government” means the Government of Guyana;

“Guyana” has the meaning assigned by articles 1, 2 and 232(1) of the Constitution;

“High Court” means the High Court of the Supreme Court of Judicature established by the Constitution;

“local democratic organ” or “local government authority” means any authority responsible for the Government of any area by virtue of any Act relating to local Government;

“made”, when used in relation to written law, includes passed and enacted;

c. 28:01 “New Amsterdam” and “New Amsterdam Town Council” have the respective meanings assigned to these expressions in the Municipal and District Councils Act;

“or”, “other”, and “otherwise” shall be construed disjunctively and not as implying similarity, unless the expression “similar”, or some equivalent expression, is added;

“Parliament”, where the written law in which the expression occurs was made after 26th May, 1966, means the Parliament of Guyana;

“peace officer” includes any magistrate or justice of the peace, and any police, rural or special constable;

“per cent” means “per centum” and when used in relation to a rate of interest payable in any circumstances, means the rate of interest specified payable in respect of a year, unless it is expressly provided that it is payable in respect of any other period;

“person” includes anybody of persons corporate or unincorporate and, without prejudice to the provisions of section 55, includes the State;

“police constable” includes any member of the Guyana Police Force;

“prescribed” or “provided”, when used in or with reference to any Act, means prescribed or provided by that Act or,

where appropriate, by subsidiary legislation made under that Act;

“proclamation” means a proclamation of the President under the public seal;

“public account” includes any estimate of revenue and expenditure and any statement, summary or account of the Government, or the Sea Defence Board or any other public body mentioned in a written law;

“public office”, “public officer” and “public service” have the meanings respectively assigned to them by article 232 of the Constitution;

c. 19:07

“public holiday” means public holiday within the meaning of the Public Holiday Act;

“public lands” means all lands vested in the State (whether as State lands or as Government lands) or vested in any person in trust for the State;

“repeal” includes rescind, revoke or cancel;

“Service Commission” means the Public Service Commission, the Police Service Commission, the Teaching Service Commission or the Judicial Service Commission, as the case may be, established by the Constitution and in relation to any office, includes any authority having the power to make appointments or to exercise disciplinary control over persons holding or acting in that office;

“the State” means the State of Guyana;

“subsidiary legislation” or “statutory instrument” means any proclamation, rule, regulation, order, by-law, resolution, notice, notification, direction or other

instrument, made under or by virtue of any Act, and having legislative effect; and "rule" includes rule of court;

"Summary Jurisdiction Acts" or "Summary Jurisdiction Ordinances" means any Acts and Ordinances for the time being in force regulating the summary jurisdiction of magistrates in respect of criminal and quasi-criminal offences and matters and appeals from decision of magistrates;

c. 1:01

"Supreme Court" means the Supreme Court of Judicature established by the Constitution;

"words" includes figures, punctuation marks, and typographical, monetary and mathematical symbols;

"written law" means the constitutional instruments, Acts of Parliament, subsidiary legislation and applied laws.

1973 Ed.
c. 49:01

(2) In any written law and in any public document, the expression "Commonwealth ship" has the meaning assigned to the expression "British ship" in the law applied to Guyana by the Merchant Shipping Act.

(3) In any written law or in any public document a reference to writing shall be construed as including references to printing, lithography, typewriting, photography, and other modes of representing or reproducing words in visible form.

(4) A power to repeal conferred by any written law includes a power to amend.

References to
Part, section,
etc., of Act
and to

(5) (a) Where in any Act reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section,

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subsection or other division of section, etc.

schedule or form of some other Act is intended, the reference shall be construed as a reference to the Part, division, section, schedule or form of the Act in which the reference is made.

(b) Where in a section or other provision of any Act reference is made to a subsection, paragraph, subparagraph or other division without anything in the context to indicate that a reference to a subsection, paragraph, subparagraph or other division of some other section is intended, the reference shall be construed as a reference to the subsection, paragraph, subparagraph or other division of the section in which the reference is made and this subsection shall apply *mutatis mutandis* to subsections, paragraphs, subparagraphs and other divisions.

Rules relating to particular periods.

6. (1) In any written law made after 8th March, 1856, and in any public document made or executed after 15th July, 1891, unless the context otherwise requires—

- (a) words importing the masculine gender shall include females;
- (b) words in the singular shall include the plural and words in the plural shall include the singular;
- (c) “month” means calendar month.

(2) The meaning of the word “lands” in any Ordinance passed after the 8th March, 1856, and before the 15th July, 1891, shall not be affected by this Act.

(3) In any written law and in any public document made after 23rd February, 1970, unless the context otherwise requires, a reference to the State, in so far as it relates to any period prior to that date, shall be construed as a reference to the Crown.

(4) In any written law made before the coming into operation of this Act, the expression “statute” shall continue to have the same meaning as under the Interpretation Ordinance, 1891 (now repealed).

Cap. 5
1953 Ed.

Special provisions relating to certain expressions

Reference to
the
President,
the Minister,
etc.
[4 of 1972
O. 80 of 1980]

7. In any written law or in any public document—

- (a) a reference to “the President” (however expressed) shall be construed as a reference to the President of Guyana for the time being;
- (b) a reference to “the Minister” shall be construed as a reference to the person assigned or charged under article 107 of the Constitution with responsibility for the subject matter of such law or document and a certificate by the President as to the person assigned or charged with such responsibility shall be conclusive for all purposes;
- (c) a reference to “the Ministry” shall be construed as a reference to the business of the Government of Guyana under the administration of the Minister, or any part thereof as the President may direct as constituting a Ministry, and a reference to “the Permanent Secretary” shall be construed as a reference to the permanent secretary to the Ministry.

Reference to
diplomatic or
consular
officer.

8. (1) A reference in any written law to a diplomatic or consular officer or representative of the Government of Guyana in any country shall include a reference to the corresponding diplomatic or consular officer or representative of any State specified for the purposes of this section by the President by

notice in the *Gazette*.

c. 18:01

(2) In any written law the expressions defined in Article 1 of the Vienna Convention on Diplomatic Relations and Article 1 of the Vienna Convention on Consular Relations as respectively set out in the First and Second Schedules to the Privileges and Immunities (Diplomatic, Consular, and International Organisations) Act shall unless the context otherwise requires have the respective meanings assigned to these expressions in the said Articles.

Meaning of
"service by
post".
[4 of 1972]

9. Where any written law expressly or impliedly authorises or requires any document to be served by post, whether the expression "serve", "give", or "send", or any other expression is used, then, unless the context otherwise requires, the service may be effected by properly addressing, pre-paying, and posting a letter containing the document, and, unless the contrary is proved, the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post:

Provided that—

- (a) where the Postmaster General places for delivery—
 - (i) the letter; or
 - (ii) in the case of a registered letter, a notice that the letter is awaiting delivery;

in the private letter box of the addressee of the letter, then service of the document shall be deemed to have been effected on the day after the letter or the notice, as the case may be, was placed or would in the ordinary course of post be placed in the letter box;

- (b) when the place to which the letter is addressed is one in which there is no house to house delivery of letters, service shall not be deemed to have been effected unless—

Meaning of
“rules of
court”.
[4 of 1972]

10. (1) In any written law, unless the context otherwise requires, “rules of court”, when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that court.

(2) The power of the authority to make rules of court as hereinbefore defined includes a power to make rules of court for the purpose of any written law directing or authorising anything to be done by rules of court.

Mode of
presenting
or laying
document
before
National
Assembly.
[4 of 1972]

11. Where any law requires any document to be presented to or laid before the National Assembly such law shall be construed as requiring such document to be presented to or laid before the Assembly in accordance with the standing Rules and Orders of the Assembly.

**PART V
AMENDED LAWS**

References in
a written law
to another
written law.

12.(1) A reference in any written law to any other written law shall be construed as a reference to such other written law as the same may be amended from time to time.

(2) Any written law which amends another written law shall be read and construed as one with the amended written law.

Amended
Act referred

13. In an amending Act the amended Act may be referred to as “the Principal Act” and this subsection shall

to as "the Principal Act".

apply *mutatis mutandis* to subsidiary legislation.

Effect of repeal of an amended written law.

14. Where any written law which has been amended by any other written law is repealed, such repeal shall include the repeal of all those provisions of such other written law by which such first-mentioned written law was amended.

**PART VI
PUBLICATION, COMMENCEMENT AND CITATION OF
ACTS**

Publication and commencement of Acts.

15. Every Act shall be published in the *Gazette* and shall come into operation on the date of publication unless it is provided in that Act or some other written law that it shall come into operation on some other date.

Time of coming into operation of Acts.
[4 of 1972]

16. Where any Act is expressed to come into operation on a particular day, it shall be construed as coming into operation immediately on the expiration of the previous day.

Mode of citing of Acts.

17. Where any Act contains a short title, it shall be sufficient in all courts and for all purposes to cite the Act by the short title.

**PART VII
OPERATION OF ACTS**

Judicial notice of Acts.
[4 of 1972]

18. Every Act shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

Every section of an Act a substantive enactment.

19. (1) Every section of an Act shall have effect as a substantive enactment without introductory words.

(2) An Act may be altered, amended or repealed

in the same session of Parliament in which it is enacted.

PART VIII
SUBSIDIARY LEGISLATION

Provisions
relating to
subsidiary
legislation.
[4 of 1972
6 of 1997]

20. (1) Where any written law confers power on any authority to make subsidiary legislation, the following provisions shall, unless the context otherwise requires, have effect with reference to the making and operation of such subsidiary legislation—

- (a) where subsidiary legislation purports to be made in exercise of a particular power, it shall be deemed also to be made in exercise of all other powers thereunto enabling;
- (b) no subsidiary legislation shall be inconsistent with the provisions of any Act;
- (c) where subsidiary legislation is in excess of the power under which it is made, it shall nevertheless be valid to the extent to which it is not in excess of that power;
- (d) any subsidiary legislation may at any time be amended, suspended or revoked by the same authority and in the same manner by and in which it was made:

Provided that where such authority has been replaced wholly or in part by another authority, the power conferred upon the original authority may be exercised by the substituted authority concerning all matters or things within its

jurisdiction as if it were the original authority;

- (e) here may be annexed to the breach of any rule, regulation, by-law or order, any penalty not exceeding nineteen thousand five hundred dollars recoverable on summary conviction and in the case of a continuing offence a further penalty of one thousand nine hundred and fifty dollars for each day during which the offence continues.

(2) Where in any written law a provision conferring a power to make subsidiary legislation is amended or replaced by any written law but the written law containing such provision is not itself repealed, then all subsidiary legislation made under the provision and in force at the time of such amendment or substitution shall, unless the context otherwise requires and so far as it is capable of being made under the amended or the substituted provision, continue in force as if made under such provision, subject to amendment or repeal by subsidiary legislation made under such provision.

(3) The provisions of this section shall, so far as they are applicable, apply to appointments made, to permissions, licences, certificates and other documents issued and to any acts or things done or granted under a power conferred by any written law as they apply to subsidiary legislation.

Publication
of
Subsidiary
Legislation.

21. (1) All proclamations, rules, regulations, orders and by-laws shall be published in the *Gazette* and shall come into operation on the date of publication unless it is otherwise expressly provided that they shall come into operation on some other date.

(2) Statutory instruments other than those specified in subsection (1) need not be published unless expressly required by the Act conferring power to make them, and,

whether published or not, such instruments shall come into operation at the time of their making or at such other time as may be specified therein.

Retrospective operation.

(3) Subsidiary legislation may be made to operate retrospectively to any date which is not earlier than the coming into operation of the Act under which the subsidiary legislation is made:

Provided that no person shall be made or shall become liable to any penalty whatsoever in respect of any act committed or the failure to do anything before the date on which such subsidiary legislation was published in the *Gazette*.

Meaning of negative and affirmative resolution.
[4 of 1972]

22. (1) The expression “subject to negative resolution of the National Assembly” when used in relation to the making of subsidiary legislation shall mean that such subsidiary legislation shall be laid before the National Assembly with all convenient speed after the making thereof and if the National Assembly within such period as shall be prescribed by the standing orders of the Assembly resolves—

- (a) that the subsidiary legislation shall be annulled, the subsidiary legislation shall be void as from the date of the resolution;
- (b) that the subsidiary legislation shall have effect subject to specified amendments, the subsidiary legislation shall have effect subject to such amendments;

but without prejudice to the validity of anything done under the annulled or amended legislation or to the making of new subsidiary legislation, and the resolution shall be published by the Clerk of the National Assembly as soon as practicable in

the *Gazette*.

(2) The expression “subject to affirmative resolution of the National Assembly” used in relation to the making of subsidiary legislation shall mean that such subsidiary legislation shall not have the force of law unless and until affirmed by a resolution of the National Assembly and if affirmed shall have effect subject to any amendments that may be embodied in the resolution.

References and terms in subsidiary legislation.

23. (1) Any reference in subsidiary legislation to “the Act” shall, unless the context otherwise requires, be construed as a reference to the Act under which such subsidiary legislation was made.

(2) In any written law a reference to an Act shall, unless the context otherwise requires, be deemed to include a reference to any subsidiary legislation made under the Act to which reference was made.

(3) Terms and expressions used in subsidiary legislation shall, unless the context otherwise requires, have the same meaning as in the Act under which such subsidiary legislation was made.

Application of certain sections to subsidiary legislation.

24. Sections 5, 16 and 17 shall apply, *mutatis mutandis* and so far as they are not inapplicable, to subsidiary legislation as they apply to Acts.

PART IX POWERS AND FUNCTIONS

Exercise of powers between passing and coming into

25. Where in any Act which is not to come into operation immediately on the publication thereof, there is conferred—

(a) a power to make, or a power

operation of
Act.
[4 of 1972]

exercisable by making, subsidiary
legislation; or

- (b) a power to make appointments; or
- (c) a power to do any other thing under
or for the purposes of the Act;

that power may be exercised at any time after the date of
publication of the Act:

Provided that no subsidiary legislation,
appointment, act or thing done under that power shall, unless it
is necessary to bring the Act into operation, have any effect
until the Act comes into operation.

Construction
of provisions
as to exercise
of functions.
[4 of 1972]

26. (1) Where any written law confers a power or
imposes a duty, the power may be exercised and the duty shall
be performed from time to time as occasion requires.

(2) Where any written law confers a power or
imposes a duty on the holder of an office, the power may be
exercised and the duty shall be performed by the holder for the
time being of the office or by a person appointed to act for him
or by a person lawfully performing the functions of such office.

(3) Where under any written law any authority or
person is empowered to appoint a person—

- (a) to perform any function; or
- (b) to be a member of any board, tribunal,
commission, committee or similar
body; or
- (c) to be or do any other thing;

that authority may make the appointment either by appointing a person by name or by appointing the holder of an office by the term designating his office.

(4) Where provision is made by any law for the appointment of a person to perform any function in the public service, then notwithstanding that the law constitutes an office for the purpose, the Minister may, if he is of the opinion that the functions involved do not warrant the constitution of a public office for the purpose, designate the holder of an existing public office to perform those functions.

Delegation
of
functions.
[4 of 1972
10 of 1986]

27. (1) Where any written law confers any function on the President, a Minister or a specified public officer, the President, the Minister or the specified public officer may, by order, delegate any other public officer to exercise such function on his behalf and thereupon or from the date specified, the person delegated shall have and may exercise such function.

(2) Where any written law confers any function on a public officer, the Minister responsible for the administration of the Ministry to which the public officer belongs may by order delegate any other officer to exercise that function.

(3) Subject to the provisions of subsection (3A), nothing in subsection (1) or subsection (2) shall authorise the President, any Minister or any specified public officer to delegate any person to make subsidiary legislation or to hear any appeal.

(3A) The President may delegate a Minister or a Parliamentary Secretary to make subsidiary legislation or to hear any appeal on his behalf.

(4) In this section "public officer" includes the

President, a Minister or a Parliamentary Secretary and “specified public officer” means the person for the time being holding any public office which has been specified, either generally or for the purposes of a particular Act, under this section by the President by notice in the *Gazette*.

Effect of
delegation
of
functions.

28. (1) Where any written law confers power on any person to delegate the exercise on his behalf of any function conferred upon him under any written law —

- (a) such delegation shall not preclude the person so delegating from exercising the functions so delegated;
- (b) such delegation may be conditional, qualified or limited in such manner as the person so delegating may think fit;
- (c) where the delegation may be made only with the approval of some person, such delegation may be conditional, qualified or limited in such manner as the person whose approval is required may think fit; and
- (d) the delegation may be to a named person or to the person for the time being holding any office designated by the person so delegating.

(2) The delegation of any power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of any duty shall be deemed to include the delegation of any power incidental thereto or connected therein.

(3) This section shall apply *mutatis mutandis* to a

delegation under section 27(2), except that if the Minister so directs, the delegation shall preclude the public officer on whom the function was conferred by the written law from exercising the function.

PART X
APPOINTMENTS
BOARDS, COMMITTEES AND CORPORATIONS

Powers
incidental to
appointment
of boards, etc.

29. (1) Where any written law confers a power or imposes a duty upon any person to make any appointment or to constitute or establish any board then the person having such power or duty shall, unless the context otherwise requires, also have power—

- (a) to remove, suspend, dismiss, revoke the appointment of, or grant leave of absence to, any person appointed in the exercise of such power or duty and to reappoint or reinstate such person;
- (b) to appoint a qualified person to act temporarily for any person appointed who is unable to perform his functions through absence or illness or other cause or to appoint a qualified person for the unexpired term of office of any person whose office becomes vacant by reason of resignation, dismissal, death or any other cause;
- (c) to specify the period for which any person appointed in exercise of such power or duty shall hold such appointment:

Provided that where the first-mentioned power or duty

is only exercisable upon the recommendation or is subject to the approval or consent of some other person or to some other condition, then the powers under this section shall only be exercisable upon such recommendation or subject to such approval or consent or other condition.

(2) Any appointment under the provisions of any written law may, unless the context otherwise requires, be made to have effect retrospectively as from the date upon which the person appointed in fact began to exercise the powers or perform the duties of his appointment, not being a date earlier than the coming into operation of the written law under which the appointment is made.

(3) Where under any written law a power is conferred upon any person or any authority to appoint the members of any board, that person or authority may appoint a chairman, a vice-chairman and a secretary (which expressions shall be deemed to include, respectively, a reference to any other office of like functions).

(4) At any meeting of a board the chairman shall preside or, in his absence, the vice-chairman, if any, and if there be no vice-chairman or if he is also absent, the members present may appoint one of their number to act as chairman for that meeting.

(5) Where any board is established under any written law, the validity of any act or thing done in pursuance of any of the powers of such board shall not be affected by —

- (a) any vacancy in the membership thereof; or
- (b) any defect in the appointment or qualifications of a person purporting to be a member thereof; or

- (c) the presence at or participation in any proceedings, of any person not entitled to be present thereat or to participate therein; or
- (d) any minor irregularity (not calculated to cause any prejudice, injustice or hardship to any person) in the convening or conduct of any meeting thereof.

(6) In this section the term "board" includes corporation, tribunal, commission, committee and other similar body.

Establishment
of corporate
bodies.
[4 of 1972]

30. (1) Where any written law contains words establishing or providing for the establishment of a body corporate, those words shall, unless the context otherwise requires, operate—

- (a) to vest in that body when established—
 - (i) perpetual succession;
 - (ii) the power to sue in its corporate name;
 - (iii) the power to enter into contracts in its corporate name, and to do so that, as regards third parties, the body shall be deemed to have the same power to make contracts as an individual has;
 - (iv) the right to have a common seal and to alter or change that seal;
 - (v) the right to acquire and hold any movable or immovable property for purposes for which

- the body is constituted and to dispose of, or charge, such property;
- (vi) the right to regulate its own procedure and business;

- (b) to make that body liable to be sued in its corporate name.

(2) Service upon a corporation of any notice, order or other document shall be executed by delivering the same to, or by sending it by registered post addressed to, the secretary or the person performing the functions of secretary at the office of the corporation.

(3) The application of the seal of the corporation on any document shall be authenticated by the signatures of the chairman or deputy chairman and the secretary of the Corporation or some other person authorised by the Corporation to act in that behalf.

Continuance
in office after
dissolution of
Parliament of
a Member
thereof as
members of
certain
Boards.

31. (1) Where at any time Parliament is dissolved, no person who was a member thereof at the time of such dissolution shall, by reason only of such dissolution, cease to be a member, director, chairman, or vice-chairman of any board to which he was appointed or of which he was a member, director, chairman or vice-chairman by virtue of his being a member of Parliament, and any such person shall, notwithstanding such dissolution, continue to be a member, director, chairman or vice-chairman, as the case may be, of such board until the first meeting of Parliament held after such dissolution.

(2) In this section the expression "board" includes advisory council, committee and any body or authority, however created.

Power of majority.
[4 of 1972]

32. (1) Where any written law confers functions upon a body or a number of persons consisting of or not being less than three, such functions may, unless the context otherwise requires, be performed in the name of that body or number of persons by a majority of those persons.

(2) Whenever such body or number of persons is assembled, the chairman or other member presiding shall have a casting as well as an original vote, in all matters in which a decision is taken by vote.

(3) The exercise of any power vested in such body or number of persons may be signified either by the chairman or other person presiding at the meeting or other proceeding at which such power was exercised or at which, as the case may be, authority to exercise it was confirmed, or by any person from time to time authorised by such body or number of persons to signify the exercise of such power.

PART XI LAW OFFICERS

Functions of Attorney-General may be performed by Solicitor-General.
[O.80 /1980]

33. (1) Subject to subsection (4), any functions authorised or required by or under any written law to be discharged by the Attorney-General may be discharged by the Solicitor-General:

Provided that, save where the office of Attorney-General is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to act, the Solicitor-General shall discharge such only of the said functions as the Attorney-General may assign to him.

(2) During any period when the office of Attorney-General is vacant, any certificate, petition, direction, notice, proceeding or other document, matter or thing whatsoever authorised or required, by or under any written law to be given,

delivered, served, taken or done to, on or against the Attorney-General, may be given, delivered, served, taken or done to, on or against the Solicitor-General.

(3) For the avoidance of doubt it is hereby declared that, subject to the provisions of the following subsection, where the office of Attorney-General is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to act, the functions of that office at common law shall be discharged by the Solicitor-General.

(4) Where the office of Attorney-General is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to act, the President may direct the Solicitor-General not to discharge all or any of the aforesaid functions of that office.

Functions of
Director of
Public
Prosecutions
may be
performed by
Assistant.
[4 of 1972]

34. The provisions of subsection (1) (excluding the words "Subject to subsection (4)" and subsection (2) of section 33 shall apply to the office and the functions of the Director of Public Prosecutions as if all references in that section to the Attorney-General were references to the Director of Public Prosecutions and all references to the Solicitor-General were references to the Assistant Director of Public Prosecutions.

Vesting of
rights,
privileges,
etc., in
Director of
Public
Prosecutions.
[4 of 1972]

35. All the rights, privileges and functions in respect of any criminal cause or matter vested immediately before the 26th May, 1966, in the Attorney-General under any written law or the common law or by any custom or practice, shall be deemed as from that date to have become vested in the Director of Public Prosecutions.

Functions of
office of
Deputy
State

36. Notwithstanding anything to the contrary in any law the Deputy State Solicitor shall have and may exercise and perform all the functions in respect of the offices of the State

Solicitor.
[31 of 1974]

Solicitor, Official Receiver and Public Trustee as are conferred or imposed by any law.

Evidence of
signature of
Attorney-
General and
Director of
Public
Prosecutions.

37. (1) Where under a written law the consent or authority of the Attorney-General or the Director of Public Prosecutions is necessary before any action or prosecution is commenced, any document purporting to be the consent or authority of the Attorney-General or Director of Public Prosecutions shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to such consent or authority is that of the Attorney-General or the Director of Public Prosecutions, as the case may be.

(2) Where under section 33 of this Act the Solicitor-General is exercising the powers of the Attorney-General, the provisions of this section shall apply to the Solicitor-General as they apply to the Attorney-General.

PART XII TIME AND DISTANCE

Standard
Time.
[27 of 1975
6 of 1992]

38. (1) Subject to subsection (2), where any expression of time occurs in any written law or public document, the time referred to shall signify the standard time of Guyana which shall be four hours behind Greenwich Mean Time.

(2) Nothing in this section shall affect the use of local mean time for purposes of astronomy, meteorology, navigation or other purposes for which that time is adopted by international usage or the construction of any document referring to a point of time in connection with any of those purposes.

Power to
amend or
modify
other
enactments.

(3) The Minister assigned responsibility for legal matters (other than criminal prosecutions) may, by order which shall be subject to negative resolution of the National Assembly, amend or modify any enactment for the purpose of giving

[27 of 1975] effect to the provisions of this section.

Provisions where no time prescribed. **39.** In any written law where no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion arises.

Computation of time. [4 of 1972] **40.** In computing time for the purpose of any written law unless the context otherwise requires the following provisions shall apply—

- (a) in a law prescribing a period of days within which an act is to be or may be done, a period of days from the occurrence of an event shall be reckoned exclusively of the day on which the event occurs;
- (b) in a law prescribing a period of days for any other purpose a reference to days shall be construed as a reference to clear days;
- (c) where the day or the last day on which any act or proceeding is directed or allowed to be done or taken is a public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day following not being a public holiday;
- (d) when an act or proceeding is directed or allowed to be done or taken—
 - (i) within any time not exceeding six days, public holidays shall not be reckoned in the

computation of the time;

- (ii) within any time exceeding six days, public holidays shall not be reckoned so as to reduce the time to less than six days not being public holidays.

Power to extend time.

41. Where in any written law a time is prescribed for doing any act or taking any proceeding and power is given to a court, public body, public officer or other authority to extend such time, then the power may be exercised by the court, public body, public officer or other authority notwithstanding the expiration of time prescribed.

Rules as to time or manner of submitting public accounts or issuing licences.
[4 of 1972]

42. Where in any written law any provision is made as to the time or manner of submitting, publishing, balancing, taking, or making up any public account, or as to the form in which it shall be submitted, published, balanced, taken, or made up, or as to the time or manner of issuing, or of entertaining applications for issuing, any licences required to be taken out thereunder or as to the time of making, or rendering, any returns, abstracts, statements, or reports, then notwithstanding anything to the contrary in any such law the Minister responsible for finance, or in the case of returns, abstracts, statements or reports not relating to the subject of finance, the Minister responsible for the respective subject, may make rules varying or changing the time, manner, or form aforesaid.

Measurement of distance.

43. In the measurement of any distance for the purposes of any written law, that distance shall be measured in a straight line on a horizontal plane.

**PART XIII
OFFENCES, PENALTIES AND PROSECUTIONS**

Liability for offence by corporate body.
[4 of 1972]

44. Where an offence committed by a body corporate under any written law is proven to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Penalties deemed to be maximum penalties.
[4 of 1972]

45. Where in any written law a penalty is prescribed for an offence, such provision shall imply —

- (a) that such offence shall be punishable upon conviction by a penalty not exceeding the penalty prescribed; and
- (b) if the amount of the fine is unspecified, that such offence shall be punishable by a fine of any amount in the discretion of the court provided that the amount of the fine shall not be excessive.

Penalties maybe cumulative or alternative.

46. Where in any written law more than one penalty is prescribed for an offence, the use of the word “and” shall mean that the penalties may be inflicted alternatively or cumulatively.

Offence under two or more laws.
[4 of 1972]

47. (1) Where an act or omission constitutes an offence under two or more laws, the offender shall be liable to be prosecuted and punished under either or any of those laws, but a conviction or an acquittal upon such prosecution shall be a bar to prosecution for the same offence, or for an offence which is substantially the same offence, under any other of such laws.

(2) In this section a reference to laws includes a reference to the common law.

**PART XIV
APPLIED LAWS**

Construction
of applied
laws.

48. An applied law shall be deemed to extend to Guyana so far only as local laws and circumstances permit; and in applying that law or portion thereof it shall be construed with any verbal alteration, not affecting the substance, necessary to render it applicable to the particular matter in question.

Reference to
applied laws.

49. (1) Where in any written law or in any public document made after 15th July, 1891, reference is made to an applied Act, the applied Act may be cited by its short title, if any, either with or without reference to the chapter, or by reference to the regnal year in which it was passed and where necessary either by a reference to a particular chapter or to a particular session of Parliament of the United Kingdom or by reference to a section of the applied Act.

(2) That reference shall, unless the context otherwise requires, be read as referring, in the case of applied laws included in any revised edition of the laws of Guyana purporting to be printed by authority, to that edition, and in the case of applied laws not so included and made before the reign of George I, King of Great Britain and Northern Ireland, to the edition prepared under the direction of the Record Commission of the Government of the United Kingdom, and in other cases to the copies of such applied laws purporting to be printed by the Queen's printer or under the superintendence of Her Majesty's stationery office in the United Kingdom.

Citation or
description
of
a portion of
an applied
Act.

50. In any applied law made after 15th July, 1891, a description or citation of a portion of an applied Act shall, unless the context otherwise requires, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion

comprised in the description or citation.

**PART XV
REPEAL OF WRITTEN LAW**

Effect of substitutionary provisions. [4 of 1972]

51. Where a written law made after the 8th March, 1856, whether before or after the coming into operation of this Act, repeals in whole or in part any former written law and substitutes provisions for the written law repealed, the repealed written law shall, unless the context otherwise requires, remain in force until the substituted provisions come into operation.

Effect of repeal of repealing written law.

52. Where a written law made after the 8th March, 1856, repeals a repealing written law, it shall not be construed as reviving any written law previously repealed, unless words are added reviving that written law.

References to repealed law and to re-enacted law. [4 of 1972]

53. Where a written law made after 15th July, 1891, repeals and re-enacts with or without modification any provisions of a former written law, then unless the context otherwise requires—

- (a) a reference in any other written law or in any public document to the provisions so repealed shall be construed as a reference to the provisions so re-enacted;
- (b) a reference in any other written law or in any public document to the provisions so re-enacted shall, in so far as such reference relates to any period before such repeal and re-enactment, be construed as a reference to the provisions so repealed.

Savings in cases of

54. Where a written law made after 15th July, 1891,

repeal.
[4 of 1972]

repeals any other written law then, unless the context otherwise requires, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any written law so repealed or anything duly done or suffered under any written law so repealed; or
- (c) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any written law so repealed; or
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any written law so repealed; or
- (e) affect any investigation, legal proceeding, or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture, or punishment aforesaid;

and the investigation, legal proceeding, or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment may be imposed as if the repealing written law had not been made.

**PART XVI
MISCELLAENOUS PROVISIONS RELATING TO
WRITTEN LAW**

Saving rights of the State. [4 of 1972]

55. Unless it so appears by necessary implication, no written law shall in any manner whatsoever affect the rights of the State, and notwithstanding that the rights of the State are not affected by a written law the State may take advantage of the provisions of that written law.

Acts for benefit of particular persons.

56. Every written law which affects or benefits some particular person or association or body corporate shall be deemed to contain provision saving the rights of the State, of all bodies politic and corporate and of all other persons except persons affected or benefited by the written law and those claiming by or under them.

Division of written law into Parts, Preamble, Schedule, etc.

57. (1) Where any written law is divided into Parts, Titles or other divisions, the fact and particulars of such divisions shall be taken notice of in all courts and for all purposes whatsoever.

(2) The preamble of any written law may be referred to for assistance in explaining the scope and object of the written law.

(3) Every schedule, table or marginal note to any written law, together with any notes to any Act or note to any Part thereof shall be construed and have effect as part of the written law.

Deviation in Forms.

58. Whenever forms are prescribed in any written law, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them.

Citation of another

59. In any written law a description or citation of a

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written law.
[4 of 1972]

portion of any other written law shall, unless the context otherwise requires, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Ex-officio
proceeding
not to abate
on death,
etc.
[4 of 1972]

60. A civil or criminal proceeding taken under any written law by or against any person in virtue of his office (whether in that person's own name or in the name of his office) shall not be discontinued or abated by his death, resignation, absence or removal from office, but may be carried on by or, as the case may be, against the person for the time being holding that office.

Change of
title.
[4 of 1972]

61. The Minister responsible for the public service may by order declare that a title specified in the order has been substituted for the existing title of any public office or of any Ministry, or any department, division or other section of a Ministry, and thereupon, unless the context otherwise requires, for every reference in any written law or any public or official document to the existing title there shall be substituted a reference to the substituted title.

Affirmation
instead of
oath.
[4 of 1972]

62. Anyone who objects to taking an oath required by or under any law and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief, or if it is not practicable to administer an oath to such a person as aforesaid in the manner appropriate to his religious belief, he shall be required to make a solemn affirmation in like form as the oath save that for references to the word "swear" there shall be substituted the words "solemnly affirm" or other cognate expression and no reference shall be made to the Deity; and the affirmation shall, to all intents and purposes, be of the same force and effect as if he had taken the oath.