

LAWS OF GUYANA

EXTRA-MURAL WORK ACT

CHAPTER 11:02

Act

51 of 1955

Amended by

22 of 1998

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 10 ...	1/2012

LAWS OF GUYANA

2

Cap. 11:02

Extra-Mural Work

Note
on
Subsidiary Legislation

	Page
Extra-Mural Work Regulations (Reg. 8/1998)	10

CHAPTER 11:02
EXTRA-MURAL WORK ACT
ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Extra-mural work order.
4. Offender to report to the Commissioner of Police.
5. Injury to offender while employed on public work.
6. Breach of requirement of extra-mural order.
7. Regulations.
8. Orders.

51 of 1955 **An Act to provide a system whereby offenders guilty of minor offences may be made to perform extra-mural work instead of serving terms of imprisonment.**

[3RD DECEMBER 1955]

Short title. **1.** This Act may be cited as the Extra-Mural Work Act.

Interpretation. **2.** In this Act—

“Commissioner” means the Commissioner of Police;

“Courts” means the High Court or a Magistrate’s Court, as the case may require;

“extra-mural work order” means an order made under section 3;

“offender” means a person in respect of whom an extra-mural order is for the time being in force;

“public work” means work prescribed by Regulations made under this Act.

Extra-mural
work order.

3. (1) Where a person—

- (a) has been convicted of an offence for which he is liable to be sentenced to imprisonment; or
- (b) is liable to be committed to prison for failure to pay a fine or debt,

and the Court is of opinion that, if this Act had not been passed, he would have been adequately punished by imprisonment for a period not exceeding six months, but that, having regard to his character, the nature and seriousness of the offence or the circumstances of his failure to pay (as the case may be) and all other circumstances of the case, it is inexpedient so to sentence or to commit him, notwithstanding any provisions contained in any other Act, the Court may in lieu thereof and subject to and in accordance with this Act, make an order requiring him to be employed on public work for such period not exceeding six months and for such number of hours each day (excluding public holidays) as are specified in the order.

(2) Where the Court has reason to doubt whether any such person is physically fit for employment on public work, the Court—

- (a) may cause him to be medically examined;
- (b) shall not make an extra-mural work order unless it is shown to the satisfaction of the Court that he is so fit; and

- (c) shall specify in the extra-mural work order if such an order is made, any public work for which the Court is not satisfied he is physically fit.

(3) The number of hours each day during which the offender shall be required to be employed under the last preceding subsection shall not exceed three, exclusive of any intervals prescribed for meals, refreshment or rest and shall, if the offender is gainfully occupied in employment, occupy only that part of the offender's time which would represent leisure hours.

(4) The Court shall before making an extra-mural work order, explain to the person concerned in ordinary language the effect of the order and the effect of failure to comply therewith and shall not make the order unless he expresses his willingness to comply with the requirements thereof.

Offender to report to the Commissioner of Police.

4. (1) Subject to any regulations made under this Act and the terms of the extra-mural work order, an offender shall, during the period of the extra-mural work order, report daily at such times and places as the Commissioner may specify, to the Commissioner or any other member of the Police Force appointed by him for that purpose.

(2) An offender shall each day be employed on a daily task, set by the person to whom, under the preceding subsection, he is required to report, which shall be such as can, in the opinion of that person, be completed by the offender, having regard to his physical capacity, during the number of hours specified in the order.

(3) If an offender is gainfully occupied in employment, the time at which he is ordered to report daily under subsection (1) shall be such as not to interfere with such employment.

Injury to offender while employed on public work.

5. If an offender is injured by an accident arising out of and in the course of his employment on public work while he is so employed by virtue of an extra-mural work order, he shall be entitled to receive such free medical and hospital treatment and such compensation (if any) as may be prescribed.

Breach of requirement of extra-mural order.

6. (1) If any offender, without reasonable cause—

- (a) fails on any day to report in accordance with section 4(1); or
- (b) fails to perform the task set out on any day under section 4(2); or
- (c) in any way misconducts himself during the time when he is, or should be employed on such task; or
- (d) without permission granted in such circumstances, by such persons and subject to such conditions as may be prescribed, absents himself from any place at which he should perform such task; or
- (e) fails in any other way to comply with any of the requirements of the extra-mural work order or the provision of any regulations made under this Act,

the Commissioner may make a report to the Court, and the Court may cause the offender to be brought before it and shall inquire into the facts alleged.

(2) If on any such inquiry the Court is satisfied as to the truth of any such allegations, the Court may—

-
- (a) order that the offender forfeit any prescribed remission of the period of the extra-mural work order which he may have earned; or
 - (b) pass any sentence or make any order (including an extra-mural work order) which the Court could pass or make if the offender were then convicted of the offence in respect of which the original extra-mural work order was made, due allowance being made for the number of days on which he has completed his daily task, or may admonish the offender without passing any sentence or making any further order.

(3) In this section “the Court” means, if the offender was convicted in the High Court, the High Court, or if he was convicted in a Magistrate’s Court, any Magistrate’s Court having jurisdiction in the area in which the offender resides.

Regulations.

7. The Minister may make regulations—

- (a) prescribing and regulating for the purposes of this Act the functions of the Commissioner or any other member of the Police Force appointed by him;
- (b) regulating the supervision of offenders by the Commissioner or by any other member of the Police Force appointed by him;
- (c) prescribing the nature of the work

which is to be regarded as public work for the purposes of this Act;

- (d) providing for the medical examination of persons for the purpose of section 3(2), and of offenders;
- (e) regulating the employment of offenders on public work, regard being had amongst other things, to any entry made in an extra-mural work order in pursuance of section 3(2)(c);
- (f) providing for the issue of free food to offenders so far as appears to the Minister to be necessary;
- (g) providing in the case of an offender with respect to whom an extra-mural work order has been made for non-payment of a debt, for crediting him with wages in respect of public work performed by him under this Act, and for the application of sums so credited in or towards the payment of such debt;
- (h) providing for the remission of parts of periods specified in extra-mural work order;
- (i) providing for any other matter to be prescribed under this Act;
- (j) generally for carrying the provisions

of this Act into effect.

Orders.
[22 of 1998]

8. The Minister may by order prescribe—

- (a) the classes of offenders that may be excluded; and
- (b) the areas of Guyana to which this Act shall not apply.

and subject to any order that may be made under paragraph (a) or (b) the provisions of this Act shall apply to all offenders under section 3 and to the whole of Guyana.

SUBSIDIARY LEGISLATION

Reg. 8/1998

EXTRA-MURAL WORK REGULATIONS

made under section 7

Citation.

1. These Regulations may be cited as the Extra-Mural Work Regulations 1998.

Definition of
“public work”.

2. “Public Work” includes any work—

- (i) on State or Government land or any other property belonging to, or rented or leased to, the State; or
 - (ii) with the permission of a local government authority, on any land or any other property belonging to, or rented or leased to, the local government authority.
-