

**GUYANA**

**ACT No. 2 of 1980**

**CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF  
GUYANA ACT 1980**

**I assent,**

**A. CHUNG  
President.**

**20<sup>th</sup> February, 1980.**

**ARRANGEMENT OF SECTIONS**

**SECTION**

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**SCHEDULE** - The Constitution.

AN ACT to enact a new Constitution of the Co-operative Republic of Guyana, to repeal the Guyana Independence Act 1966, the Guyana Independence Order 1966 and the existing Constitution, and to provide for matters incidental thereto or connected therewith.

20<sup>th</sup> February, 1980

A.D. 1980	Enacted by the Parliament of Guyana: -
Short title	<b>1.</b> This Act may be cited as the Constitution of the Co-operative Republic of Guyana Act 1980.
Interpretation	<b>2. (1)</b> In this Act - "appointed day" means the day fixed for the coming into operation of the Constitution by a proclamation issued under section 4; "the Constitution" means the Constitution set out in the Schedule; "the existing Assembly" means the National Assembly constituted under the existing Constitution; "the existing Constitution" means the Constitution in force immediately before the appointed day; "existing laws" means all laws which had effect as part of the law of Guyana immediately before the appointed day and includes any Act or other written law made before

that day and coming into force on or after that day;

"the existing Parliament" means the Parliament which

enacted this Act;

"service commission" means the Public Service Commission,

the Police Service Commission, the Judicial Service

Commission or the Teaching Service Commission in

existence immediately before the appointed day;

and, save where the context otherwise requires, expressions used in sections 1 to 22

(inclusive) have the same meaning as in the Constitution and the provisions of article 232 thereof shall apply for the purpose of interpreting those sections as they apply for the purpose of interpreting the Constitution.

(2) References in article 133 of the Constitution to any question as to the interpretation of the Constitution shall be construed as including references to any question as to the interpretation of any provision of this Act.

Constitutional  
Instruments  
(including the  
existing  
Constitution)  
repealed

**3.** Subject to the provisions of this Act, on the appointed day all the provisions of the Guyana Independence Act 1966, the Guyana Independence Order 1966 (in so far as they form part of the law of Guyana) and the existing Constitution are repealed and thereupon the Constitution shall have effect as the supreme law of Guyana in place of the existing Constitution.

Appointed Day

**4.** The President shall by proclamation fix a day, being a day

not later than 6<sup>th</sup> October, 1980, for the coming into operation of the Constitution.

5. At any time after the enactment of this Act, the existing

Exercise of  
powers of  
Parliament  
before  
appointed  
day.

Parliament may for the purpose of enabling the Constitution to function on and after the appointed day exercise any of the powers conferred on the Parliament established by the Constitution.

Existing laws  
[23 of 1990]

6. The power conferred by section 7(2) to make orders may be

exercised by the President under the existing Constitution at any time after the enactment of this Act to such extent as may, in his opinion, be necessary or expedient to enable the Constitution to function on and after the appointed day.

7. (1) Subject to the provisions of this Act, the existing laws

shall continue in force on and after the appointed day as if they had been made in pursuance of the Constitution but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act.

(2) The President may by order made at any time within the period of three years next after the commencement of the Constitution make such modifications to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Act or otherwise for giving effect or enabling effect to be given to those provisions.

(3) Anything done under any existing law before its modification by or under this section which would, but for this subsection, cease by

virtue of that modification to have effect, shall continue to have effect as if done under that law as modified.

(4) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under any existing law (including any amendment to any such law made under this section) or is otherwise prescribed or provided for immediately before the appointed day by or under the laws repealed by section 3, that prescription or provision shall, on and after that day, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Act) as if it had been made under the Constitution by Parliament or, as the case may require, by the other authority or person.

(5) All enactments passed or made by any Parliament or person or authority under or by virtue of the Guyana Independence Order 1966 and the existing Constitution and not before the appointed day declared by a competent court to be void by reason of any inconsistency with any provision of the existing Constitution and that are not repealed, lapsed or spent or that had not otherwise had their effect, shall be deemed to have been validly passed or made and to have had full force and effect as part of the law of Guyana immediately before the appointed day even if any such enactments were inconsistent with any provision of the existing Constitution.

(6) Without prejudice to the generality of the foregoing provisions of this section, if a proclamation of emergency is in force under article 16

of the existing Constitution immediately before the appointed day by virtue of a resolution of the existing Assembly, the proclamation shall on and after that day have effect as if it had been made under article 150 of the Constitution and (without prejudice to its continuance in force for further periods by virtue of the provisions of paragraph (3)(c) of the said article 150) as if its continuance in force to the date referred to in that resolution had been approved by a resolution passed by the National Assembly under the provisions of paragraph (3)(c) of the said article 150; and if any person is on the appointed day detained or restricted in the manner referred to in article 151 of the Constitution the provisions of that article requiring his case to be reviewed by a tribunal established for the purpose of that article not later than three months from the commencement of the detention or restriction shall, in relation to that person, have effect as if the detention or restriction had commenced on the appointed day.

(7) The provisions of this section shall be without prejudice to any powers conferred by any law upon any person or authority to make provision for any matter, including the making of modifications to any existing law.

(8) In this section "modification" includes amendment, adaptation or other alteration authorised by subsection (1).

**(9) [Paragraph (9) deleted by Act No.23 of 1990]**

(10) For so long as the legal profession in Guyana continues to be divided into barristers and solicitors, any reference in the Constitution to a lawyer, however described, shall be deemed to be a reference to an advocate or a legal

adviser or a barrister or a solicitor, as the case may be, in the corresponding provision of the existing Constitution.

Parliament

**8.** (1) Notwithstanding any difference between the composition of the existing Assembly and that of the National Assembly established by the Constitution, with effect from the appointed day and until the National Assembly sits for the first time after the first election held pursuant to the provisions of article 60(2) of the Constitution, but subject to subsection (5), the existing Assembly shall be deemed to be the National Assembly established by the Constitution (referred to in this section in respect of that period as "the transitional National Assembly").

(2) Without prejudice to the generality of subsection (1), the persons who immediately before the appointed day were members of the existing Assembly shall with effect from that day be members of the transitional National Assembly, and all questions concerning membership and functioning of the transitional National Assembly shall be regulated as nearly as may be practicable by the existing law applicable in the like case to the existing Assembly.

(3) All matters pending before the existing Assembly immediately before the appointed day may be continued and completed by the transitional National Assembly.

(4) Unless and until the transitional National Assembly otherwise resolves, any person who is a member of that Assembly by virtue of subsection (2) shall be deemed to have made and subscribed before the Assembly the oath referred

to in article 167 of the Constitution.

(5) Unless sooner dissolved by the President pursuant to the provisions of article 70(2) of the Constitution, the Parliament constituted by the President and the transitional National Assembly shall stand dissolved on 26<sup>th</sup> October, 1980.

(6) The first election of members of the National Assembly pursuant to the provisions of paragraphs (3) and (4) of article 60 of the Constitution shall be held on such day as the President may by proclamation appoint, being a day which he considers to be as early as practicable after the holding of the first election of members of the regional democratic council or of the National Congress of Local Democratic Organs, as the case may be.

(7) All moneys granted, voted or appropriated by the existing Assembly in respect of the services of Guyana for the current financial year shall be deemed to have been granted, voted or appropriated by the National Assembly established by the Constitution and in accordance with the Constitution.

Standing  
Orders

**9.** The rules and orders of the existing Assembly as in force immediately before the appointed day shall, until it is otherwise provided for under article 165 and article 173 of the Constitution, as the case may be, be the rules of procedure of the National Assembly and of the Supreme Congress of the People established under the Constitution, but shall be construed with such modifications,

President

adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

**10.** (1) The person who immediately before the appointed day holds the office of Prime Minister under the existing Constitution shall, subject to the provisions of article 97 of the Constitution relating to the taking of an oath by the President), assume office as President of the Co-operative Republic of Guyana that day as if he had been elected thereto in pursuance of the provisions of the Constitution and shall, unless he sooner dies or resigns or unless he ceases to hold office by virtue of articles 93 and 94 of the Constitution, continue in office until the person elected President in the next following Presidential election held for the purposes of article 91 of the Constitution assumes office.

(2) On the assumption of his office pursuant to subsection (1) the first President of Guyana shall cease to be a member of the National Assembly and his seat shall thereby become vacant and may be filled as nearly as practicable in accordance with the provisions of article 70 of the existing Constitution.

Prime  
Minister

**11.** Until a Prime Minister is appointed under article 101 of the Constitution, the person who immediately before the appointed day holds the office of Minister under the existing Constitution which, however styled, ranks next in seniority after the office of Prime Minister and who is an elected member of the existing Assembly shall, on and after that day, hold the office of Prime Minister as if he had been appointed thereto under that article.

Ministers,  
Attorney  
General,  
Parliamentary  
Secretaries,  
etc.

**12.** (1) Subject to the provisions of sections 10 and 11, the persons who immediately before the appointed day held office as Minister (other than as Prime Minister), Attorney General, Parliamentary Secretary, Speaker, Deputy Speaker or Minority Leader shall, on and after that day, hold the corresponding office established by the Constitution as if they had been appointed or elected thereto, as the case may be, in accordance with the provisions of the Constitution.

(2) Any person holding the office of Prime Minister or of Minister by virtue of the provisions of section 11 or of subsection (1) of this section respectively who, immediately before the appointed day, was assigned responsibility under the existing Constitution for any business of the Government of Guyana, including the administration of any department of Government, shall, on and after that day, be deemed to have been assigned responsibility there for under article 107 of the Constitution.

Cabinet

**13.** Subject to paragraph (1) of article 106 of the Constitution, every person who does not otherwise become a member of the Cabinet established by the Constitution but who immediately before the appointed day is a member of the Cabinet under the existing Constitution shall on and after that day be a member of the Cabinet established by the Constitution as if he had been appointed thereto under that paragraph.

Supreme  
Court of  
Judicature

**14.** (1) The Supreme Court of Judicature in existence immediately before the appointed day shall on and after that day be the Supreme Court of Judicature for the purposes of the Constitution as if it were established thereunder.

(2) Any decision given before the appointed day by any court forming part of the Supreme Court of Judicature in existence immediately before that day shall, for the purpose of its enforcement or for the purpose of any appeal therefrom, have effect on and after that day as if it were a decision of the corresponding court established by the Constitution.

Existing  
Officer

**15.** (1) Subject to the provisions of this Act, every person who immediately before the appointed day holds or is acting in a public office shall, on and after that day, hold or act in that office or the corresponding office established by the Constitution, as the case may be, as if he had been appointed to do so in accordance with the provisions of the Constitution:

Provided that any person who, under the laws repealed by section 3 or any other existing law, would have been required to vacate his office at the expiration of any period shall vacate his office at the expiration of that period.

(2) Subsection (1) shall apply in relation to the offices of Chancellor, Chief Justice, Justice of Appeal, Puisne Judge, Ombudsman, Clerk and Deputy Clerk of the National Assembly and, subject to section 17, to the offices of Chairman, Deputy Chairman (if any) and member of the Judicial Service Commission, the Public Service Commission, the Police Service Commission, the



authority, be deemed, on and after that day, to have been delegated to that person or authority in accordance with the provisions of the Constitution.

**18.** Where any proceedings are pending immediately before the appointed day before any court, body or authority in respect of which a corresponding court, body or authority is established by or under the Constitution, those proceedings may on and after that day be continued and completed by or before such corresponding court, body or authority as if they had been commenced in or before such corresponding court, body or authority:

Provided that in the case of any proceedings before any court, tribunal or the Ombudsman (including any disciplinary proceedings) where the hearing was partly completed immediately before the appointed day (in this section referred to as "the original hearing"), no person shall take part in the continued hearing, either as the sole or other member, as the case may be, of the corresponding court, body or authority established by or under the Constitution unless he has also taken part in the original hearing, and where the original hearing cannot be so continued the hearing shall be recommenced.

Local  
democratic  
organs.

**19.** Any local government authority in existence immediately before the appointed day shall be deemed to be a local democratic organ for the purposes of the Constitution as if it were constituted thereunder.

Amendment  
of certain  
provisions of  
Amerindian  
Lands  
Commission  
Act.  
Cap. 59:03

**20.** Notwithstanding anything contained in the Constitution, sections 2 and 3 of the Amerindian Lands Commission Act as in force immediately

before the appointed day may be amended by Parliament only in the same manner as the provisions specified in article 164(2)(b) of the Constitution.

Electoral districts and list of electors.

**21.** (1) The polling districts and divisions constituted under any existing law in relation to elections of members of the existing Assembly shall be deemed to be the polling districts and divisions for the purposes of elections to be held under article 60 (2) of the Constitution subject to any amendments duly made thereto under such law.

(2) The list of electors last prepared before the appointed day for the purposes of holding elections of members of the existing Assembly shall, subject to any further revision in accordance with law, be deemed to be the list of electors prepared by the Elections Commission under article 162 of the Constitution for the purposes of article 60(2) thereof.

Amendment of this Act.

**22.** (1) Parliament may amend section 3 and this section in the same manner as it may alter any of the provisions specified in article 164 (2) (a) of the Constitution.

(2) Parliament may amend any other provision of this Act, with the exception of the Schedule thereto, in the same manner as it may alter any of the provisions specified in article 164 (2)(b) of the Constitution.

(3) Article 164(3) of the Constitution shall apply for the purpose of construing references in this section to any provision of this Act and to the alteration of any such provision as it applies for the purpose of construing references

in the said article 164 to any provision of the Constitution and to the alteration of any such provision.