

**THE OFFICIAL GAZETTE 20<sup>TH</sup> NOVEMBER, 2020**  
**LEGAL SUPPLEMENT — C**

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**ERRATUM**

The Law Reform Commission (Amendment) Bill 2020 - No. 11 of 2020, published in the Official Gazette dated 10th November, 2020, under the Legal Supplement - C, is hereby withdrawn and is replaced by the following:

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**BILL No. 11 of 2020**

*Friday 20<sup>th</sup> November, 2020.*

PARLIAMENT OFFICE  
Public Buildings,  
Georgetown,  
Guyana.

20<sup>th</sup> November, 2020.

The following Bill which will be introduced in the National Assembly is published for general information.

*S.E. Isaacs,*  
Clerk of the National Assembly.



**BILL No. 11 OF 2020**

**LAW REFORM COMMISSION (AMENDMENT) BILL 2020**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 4 of the Principal Act.
4. Amendment of section 9 of the Principal Act.
5. Amendment of section 11 of the Principal Act.

**A BILL****Intituled****AN ACT** to amend the Law Reform Commission Act.

A.D. 2020 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Law Reform Commission Act, may be cited  
No. 4 of 2016 as the Law Reform Commission (Amendment) Act 2020.

Amendment of section 2 of the Principal Act. 2. Section 2 of the Principal Act is amended by substituting for the definition of “Chairperson” the following definition-

“ “Chairperson” means the Chairperson of the Commission appointed in accordance with section 4(1);”.

Amendment of section 4 of the Principal Act. 3. Section 4 of the Principal Act is amended by substituting for that section the following section as section 4 -

“Appointment and tenure of office. 4. (1) The members of the Commission shall be appointed by the President as follows-

- (a) two members acting in accordance with the President’s own deliberate judgment; and
- (b) the other members, upon the advice of the Minister after the Minister consults with-
  - (i) the organisations that appear to represent the legal profession;
  - (ii) the private sector;
  - (iii) the trade union movement;
  - (iv) the entities representing the interest of consumers’ affairs;
  - (v) the religious community; and

(vi) the Rights Commissions established under article 212G of the Constitution.

(2) The Minister shall nominate the Chairperson and that person shall be a full-time member.

(3) The Chairperson and at least three other members of the Commission shall be persons appearing to be suitably qualified by-

- (a) the holding of, or by having held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court or who is qualified to be appointed as any such judge;
- (b) experience as an attorney-at-law for at least ten years; or
- (c) experience as a teacher of law in a University for at least ten years.

(4) Subject to subsection (3), any other member of the Commission shall be a person who has had a minimum of ten years' experience in any of the following fields-

- (a) banking, industry, economics or commerce;
- (b) social or natural sciences; or
- (c) law enforcement.

(5) A person appointed to be a member shall be appointed for a term not exceeding three years, and on any condition as may be determined at the time of the appointment of the member by the President, after consultation with the Minister.

(6) The names of the Chairperson and other members of the Commission as first constituted and every change in membership shall be published in the *Gazette*.”.

Amendment of section 9 of the Principal Act.

4. Section 9 (2) of the Principal Act is amended by substituting for the words “a full-time member” the words “any other member”.

Amendment of section 11 of the Principal Act.

5. Section 11 of the Principal Act is amended by substituting for that section the following section as section 11-

“Funds of the Commission.

11. The funds of the Commission shall consists of-

- (a) sums allocated from the Consolidated Fund; and
- (b) other sums including grants, gifts, donations or endowments as may, from time to time, be provided to the Commission by any entity or agency, whether national, regional or international.”.

### EXPLANATORY MEMORANDUM

The purpose of this Bill is to amend the Law Reform Commission Act 2016.

**Clause 2 of the Bill** amends section 2 of the Principal Act by modifying the definition of Chairperson to provide that “Chairperson” shall mean the Chairperson of the Commission appointed in accordance with section 4(1). The Chairperson is nominated by the Minister of Legal Affairs and appointed by the President.

**Clause 3 of the Bill** substitutes for section 4, a new section 4 to make provision for an inclusive Law Reform Commission. As a result of this amendment, the Act will now provide that two Commissioners are appointed by the President acting in accordance with the President’s own deliberate judgment. The other members will be appointed by the President upon the advice of the Minister after the Minister consults with the organisations that appear to represent the legal profession, the private sector, the trade union movement, entities representing the interest of consumers, the religious community and the Rights Commissions established under the Constitution. Presently in the Act, none of these interests are represented and the President appoints the entire Commission acting after consultation with the Minister of Legal Affairs.

Additionally, the Commission will now comprise persons who have a legal background as well as persons who have at least 10 years of experience in the areas of banking, industry, economics or commerce, social or natural sciences or law enforcement.

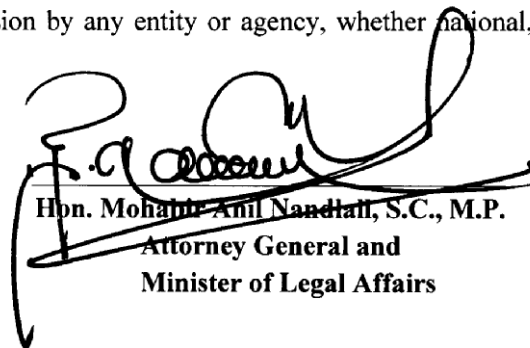
The system of appointment of Commissioners in its current construct is flawed as it does not uphold the tenets of a modern society which should always strive for inclusivity. Law reform is the process by which the law is modified and improved to better respond to the needs of the society. Therefore, to ensure that the Law Reform Commission carries out its mandate effectively, the

Commissioners must comprise of persons who represent the various facets of society. Accordingly, **clause 3 of the Bill** seeks to remedy the defects inherent in the Act by ensuring that the Commissioners will now represent the interests of all Guyanese.

Moreover, expanding the qualifications for Commissioners to include Commissioners with a non-legal background is essential to fulfilling the purpose of the Commission. The Commission will be a body to review diverse matters including law, finance and social issues. Therefore, it is important to also appoint Commissioners with a non-legal background. Commissioners from a non-legal background will bring balance to the law reform process and views not heavily skewed towards a legal lens. Collectively, the Commissioners will bring different perspectives to the law reform process and the end result is a Law Reform Commission that is fit for purpose.

The new section 4, as amended by clause 3 of the Bill, will now provide for only one full-time member of the Commission, that being the Chairperson. Consequently, **clause 4 of the Bill** amends section 9 of the Principal Act by modifying the provisions relating to quorum to provide that in the absence of the Chairperson, any other member may preside at a meeting.

Finally, **clause 5 of the Bill** substitutes for section 11, a new section 11, to provide that in addition to sums allocated from the Consolidated Fund, the funds of the Commission shall also consists of other sums as may be provided to the Commission by any entity or agency, whether national, regional or international.



Hon. Mohanji Anil Nandhan, S.C., M.P.  
Attorney General and  
Minister of Legal Affairs