

LAWS OF GUYANA

NATIONAL ASSEMBLY (SPEAKER'S ELECTION AND  
VACATION OF OFFICE) ACT

CHAPTER 1:05

Reg. 42 of 1964

Amended by

O.50/1980

**Current Authorised Pages**

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**Note**

This Act was originally made by the Governor in the form of Regulations by virtue of the power conferred by section 3(4) of the British Guiana (Constitution) Order, 1964 (U.K) (S.I. 1964 No. 921) and Article 70 of the Constitution of British Guiana as inserted by the said Order.

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**CHAPTER 1:05**

**NATIONAL ASSEMBLY (SPEAKERS ELECTION AND VACATION OF  
OFFICE) ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. Interpretation.
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Reg. 42 of 1964

**An Act to provide for the determination of questions as to the validity of elections to the office of Speaker of the National Assembly or as to the vacation of that office.**

[29<sup>TH</sup> DECEMBER, 1964]

Short title.

**1.** This Act may be cited as the National Assembly (Speaker's Election and Vacation of Office) Act.

Interpretation.

**2.** In this Act—

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“costs” include charges and expenses;

“Court” means the High Court;

“Judge” means a judge of the Court;

“Registrar” means the Registrar of the Supreme Court.

Reference of  
questions as  
to election of  
Speaker or  
vacation of  
his office.

3. (1) Any question whether any person has been validly elected as Speaker of the National Assembly from among persons who are not members of that Assembly, or, having been so elected, has vacated the office of Speaker, shall be determined by the Court upon a reference thereto in accordance with this Act.

(2) No such question shall be referred to the Court except—

- (a) by the Clerk of the National Assembly when so authorised by a resolution of the Assembly; or
- (b) by a member of the Assembly.

Delivery of  
reference.

4.(1) A reference to the Court under this Act questioning whether a person was duly qualified to be elected to be Speaker shall be delivered to the Registrar within twenty-one days of the election.

(2) The reference shall be in the prescribed form, state the prescribed matters and be signed by such person as may be prescribed.

(3) The Registrar shall send a copy of the reference to the Clerk of the National Assembly, who shall cause it to be laid before the Assembly.

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Security for  
costs.

5. (1) When a question has been referred to the Court under this Act by a member of the National Assembly the member so referring the question shall at the time of delivering the reference to the Registrar or within three days afterwards give security for all costs which may become payable by him to any witness summoned on his behalf or to any party to the reference.

(2) Security shall be an amount of one thousand dollars and shall be given in the prescribed manner by recognisance entered into by any number of sureties approved by the Court not exceeding four or by a deposit of money, or partly in one way and partly in the other.

Parties to a  
reference.

6. The parties to a reference to the Court under this Act shall be—

- (a) the Clerk of the National Assembly or the member referring the question, as the case may be;
- (b) the person whose election or tenure of office as Speaker is questioned;
- (c) such other person as the Court may direct.

Determina-  
tion of  
reference.  
[O.50/1980]

7. At the conclusion of the hearing of a reference under this Act, the Court shall determine whether the person has been validly elected as Speaker or whether he has vacated the office of Speaker, as the case may be, and shall forthwith certify in writing the determination to the Clerk of the National Assembly, who shall cause it to be laid before the Assembly.

Powers  
under Act  
exercisable by  
single

8. Any of the powers of the Court conferred by or under any of the provisions of this Act may be exercised by a single judge:

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judge.                      Provided that any power, jurisdiction or authority vested in the Court under section 11 with respect to proceedings brought under or by virtue of this Act shall only be exercisable by such number of judges as could exercise that power, jurisdiction or authority if the proceedings were an ordinary action within the jurisdiction of the Court.

Service of notices.                      **9.** Any summons, notice or document required to be served on any person with reference to any proceeding under this Act may be served—

- (a) by delivering it to that person; or
- (b) by leaving it at, or sending it by post by a registered letter to, his last known place of abode; or
- (c) in such manner as may be—
  - (i) prescribed; or
  - (ii) directed by any judge before whom the proceeding is taken.

Costs.                      **10.** Subject to the provisions of this Act and rules made by virtue of any such provisions, the rules of court with respect to costs in actions, causes and matters in the Court shall, so far as practicable, apply in relation to the costs of proceedings under this Act.

Powers of the Court.                      **11.** The Court shall, subject to the provisions of this Act and rules made by virtue of any such provisions, have the same powers, jurisdiction and authority with respect to any proceedings brought under or by virtue of this Act as if the proceedings were an ordinary action within the jurisdiction of the Court.

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Rules of court.  
c. 3:02

**12.** The power conferred by the High Court Act to make rules of court shall be deemed to include the power to make rules of court for any of the purposes of this Act and, without prejudice to the generality of such power, for prescribing anything which this Act authorises or requires to be prescribed.

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SUBSIDIARY LEGISLATION

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R. 7/1964.

**NATIONAL ASSEMBLY (SPEAKER'S  
ELECTION AND VACATION OF OFFICE)  
(PROVISIONAL) (RULES)**

*made under section 12*

Citation.

1. These Rules may be cited as the National Assembly (Speaker's Election and Vacation of Office) (Provisional) Rules.

Form of  
reference and  
prescribed  
matters.  
Form 1  
Appendix.

2. A reference in respect of any question as to the election of any person as Speaker to the National Assembly or his vacation of office shall be as in Form 1 of the Appendix to these Rules, shall contain the particulars required therein and shall be signed by the person making the same.

Security for  
costs.  
c. 1:04  
Sub Leg.

3. Subject to such modifications and adaptations as may be necessary for the purpose, the provisions of rules 11 and 12 of the National Assembly (Validity of Election) Rules shall apply when a member of the National Assembly is required to give security for costs under section 5 of the Act:

Provided that—

- (a) every reference to section 7 shall be construed as a reference to section 5 of the Act;
- (b) the said provisions shall be deemed not to include any reference to section 9; and



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- (c) the Registrar may require any surety to a recognizance to swear an affidavit as to his sufficiency.

Notice of hearing.

4. The time and place of trial of a reference to which these Rules relate shall be fixed by the Registrar after consultation with the Chief Justice and notice thereof shall be given in writing by posting the notice at the Registry and by sending a copy thereof to the person making the reference, to the Clerk of the National Assembly and to the Attorney-General.

Procedure on reference.

5. On the hearing of a reference the Court shall proceed as if such reference were a motion before the Court in the exercise of its original jurisdiction and shall follow the procedure of the Court on the hearing of a motion so far as the same is applicable.

Fees of Court.

6. (1) No fees of Court shall be payable by or on behalf of the Clerk of the National Assembly in respect of any proceedings under these rules.

(2) Where the costs of any proceedings in relation to which any provisions of the preceding paragraph apply, are ordered to be paid by a party to the proceedings other than a person exempted by that paragraph, such costs shall, unless the Court otherwise orders, include the amount of any fees which would have been payable by such a person in respect of those proceedings but for the provisions of the preceding paragraph.

Commencement.  
c. 3:02

7. These Rules shall come into immediate operation, the rule-making authority having so certified under the provisions of section 67 of the High Court Act.

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APPENDIX

Form 1

REFERENCE OF QUESTION AS TO ELECTION OF  
SPEAKER OR VACATION OF HIS OFFICE, IN THE HIGH  
COURT OF GUYANA

THE NATIONAL ASSEMBLY (SPEAKER'S  
ELECTION AND VACATION OFFICE)

\* (Election of Speaker)

(Vacation of office by Speaker)

Whereas I, the undersigned A.B., being the Clerk of the National Assembly was duly authorised by resolution thereof on (date) to refer (or being a member of the National Assembly am desirous of referring) a question to the High Court under the provisions of the above Act as to the election of X.Y. to the office of Speaker of that Assembly (or the vacation of the office of Speaker of that Assembly by X.Y.)

And whereas (here state the facts and grounds on which the reference is based)

Wherefore I hereby refer the question so that the honourable Court may determine whether the said X.Y. has been validly elected as Speaker (or whether the said X.Y. has vacated his office of Speaker).

(Signed).....

(Address).....

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