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MONDAY 25TH JANUARY, 2016
ACT NO. 4 of 2016

LAW REFORM COMMISSION ACT 2016

I assent.

David Granger,
President.

January 25, 2016

ARRANGEMENT OF SECTIONS

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AN ACT to provide for the establishment of a Law Reform Commission for keeping under review the laws of Guyana for the purpose of their simplification, modernisation, systematic development and reform and for connected matters.

A.D. 2016

Enacted by the Parliament of Guyana:

1. This Act may be cited as the Law Reform Commission Act 2016.

2. In this Act-

"Chairperson" means the Chairperson of the Commission elected under section 4(2);

"Commission" means the Law Reform Commission established under section 3;

"judicial office" means an office of a Judge of the High Court or of a Judge of the Court of Appeal;

"member" means a member of the Law Reform Commission appointed under section 4;

"Minister" means the Minister responsible for Legal Affairs.
3. There is established a commission to be known as the Law Reform Commission which shall consist of not less than three nor more than seven members.

4. (1) The members shall be appointed by the President acting after consultation with the Minister.

(2) The Chairperson of the Commission shall be elected by and from the members of the Commission and shall be a full-time member.

(3) The President shall in respect of two other members of the Commission designate those members in the instruments appointing them as full-time members of the Commission.

(4) A person appointed to be a member shall be a person appearing to be suitably qualified by—

(a) the holding of, or by having held judicial office;
(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.

(5) A person appointed to be a member shall be appointed for such term, not exceeding three years, and on such conditions as may be determined at the time of his appointment 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 the membership thereof shall be published in the Gazette.

5. The Chairperson and other members shall before entering upon their duties take the oath of office before the President.
6. (1) A member may at any time resign his office by letter addressed to the President.

(2) A member shall be eligible for re-appointment for one term.

(3) The appointment of the Chairperson or any other member may be terminated by the President if the Chairperson or other member-

(a) becomes of unsound mind or is incapable of carrying out his duties;
(b) is convicted of any felony or misdemeanour;
(c) is absent without leave from four consecutive meetings of
the Commission; or
(d) fails to carry out any of the duties or functions conferred upon him by this Act:

Provided that the appointment of the Chairperson or other member shall not be terminated under this subsection unless he has been given a reasonable opportunity to be heard.

7. It shall be the duty of the Commission to keep under review all the law applicable to Guyana with a view to its systematic development and reform, including in particular the modification of any branch of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law and for that purpose-

(a) to receive and consider suggestions for the reform of the law which may be forwarded to it either on the invitation of the Commission or otherwise, by Judges, public officials, lawyers and members of the general public;
(b) to receive and consider proposals for changes in the law referred to it by the Minister or recommended by any law reform committee, association of lawyers or other learned bodies;

(c) to prepare and submit to the Minister from time to time specific programmes for the examination of different branches of the law with a view to reform including recommendations as to whether such examination should be carried out by the Commission or some other body in relation to branches of the law that require technical expertise;

(d) to undertake, in pursuance of any recommendation of the Minister, the formulation of drafting instructions relating to the proposals for reform contained in such recommendation;

(e) to undertake, pursuant to any recommendations approved by the Minister, the examination of particular branches of the law and the formulation, by means of drafting instructions or otherwise, of proposals for reform therein;

(f) to provide at the instance of the Minister advice and information to Ministries and Departments of Government and Statutory Authorities concerned with proposals for the amendment or reform of any branch of the law;

(g) to obtain such information in regard to the laws and legal systems of other countries as in the opinion of the Commission is likely to facilitate the performance of any of its functions.
8. (1) In performing any of its functions under section 7 the Commission may from time to time—
(a) consult any person who has specialised knowledge in any branch of the law or technical expertise in any particular field;
(b) set up temporary law reform committees to examine particular branches of the law with a view to making recommendations for reform in the form of proposals, reports or drafting instructions.

(2) In appointing persons as members of a committee under subsection (1)(b), the Commission shall not restrict consideration to members of the legal profession.

(3) The Minister may authorise the payment of remuneration and expenses to persons appointed or consulted under this section.

9. (1) Subject to the provisions of this Act, the Commission may regulate its own procedure and may make rules for that purpose.

(2) The quorum of the Commission shall be three members including the Chairperson and in the absence of the Chairperson a full-time member may preside at a meeting.

10. The Commission may, acting within the funds and resources available to it—
(a) employ a secretary and such other officers and employees as are required for the proper performance of the functions of the Commission; and
(b) retain the services of professional persons.
11. The funds of the Commission shall consist of such funds as shall be provided to the Commission from the Consolidated Fund.

11A. The Commission shall prepare and submit for approval its annual budget in accordance with section 79 of the Fiscal Management and Accountability Act.

12. The Chairperson shall prepare at the beginning of each year a report of the activities of the Commission and a programme for Law Reform for that year and submit both to the Minister no later than the 31st January of that year.

13. The Commission shall submit to the Minister an annual report of its activities during the financial year which shall include information on its financial affairs no later than the 30th of April together with an audited financial statement and the audited financial statement and the report shall be tabled in the National Assembly no later than the 30th of June.

Passed by the National Assembly on the 14th January, 2016.

S.E. Isaac,
Clerk of the National Assembly.

(BILL No. 12/2015)