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Bluebook 20th ed.

English text of the Constitution of 1980 as scheduled to the Act, and as amended to Act No. 8 of 2001 190 (1980) Title 9: Miscellaneous

ALWD 6th ed.

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, "Title 9: Miscellaneous," Constitution of the Co-operative Republic of Guyana Act : 189-194

McGill Guide 9th ed.

, "Title 9: Miscellaneous" 189.

MLA 8th ed.

"Title 9: Miscellaneous." Constitution of the Co-operative Republic of Guyana Act, , p. 189-194. HeinOnline.

OSCOLA 4th ed.

, 'Title 9: Miscellaneous' 189

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(3) The officer shall be removed from office by the President if the question of his removal from office has been referred to a tribunal appointed under this article and the tribunal has recommended to the President that the officer ought to be removed from office for inability as aforesaid or for misbehaviour.

(4) If the prescribed authority advises the President that the question of removing the officer from office under this article ought to be investigated then—

(a) the President shall act in accordance with the advice of the Judicial Service Commission, in appointing a tribunal which shall consist of a Chairman and not less than two other members, selected by the Judicial Service Commission from among persons who hold or have 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 are qualified to be admitted to practice in Guyana as attorneys-at-law and have been so qualified for such period as is prescribed by Parliament for the purposes of subparagraph (b) of article 129(1) in relation to the office of Puisne Judge; and

(b) that tribunal shall enquire into the matter and report on the facts thereof to the President and recommend to him whether the officer ought to be removed under this article.

(5) The provisions of the Commissions of Inquiry Act as in force immediately before the commencement of this Constitution shall, subject to the provisions of this article and of article 197(9), apply as nearly as may be in relation to tribunals appointed under this article, or, as the context may require, to the members thereof as they apply in relation to Commissions or Commissioners appointed under that Act, and in such application shall have effect as if they formed part of this Constitution.

(6) If the question of removing the officer from office has been referred to a tribunal under this article, the President, acting in accordance with the advice of the prescribed authority, may suspend the officer from performing the functions of his office, and any such

suspension may at any time be revoked by the President, acting in accordance with such advice as aforesaid, and shall in any case cease to have effect if the tribunal recommends to the President that the officer should not be removed from office.

Powers and  
procedure of  
Commissions  
[2 of 2000  
5 of 2001]

227. (1) Save as otherwise provided in this Constitution, in the exercise of its functions under this Constitution a Commission shall not be subject to the direction or control of any other person or authority.

(2) Subject to affirmative resolution of the National Assembly, a commission shall make rules, relating to the procedure of the commissio; and until such rules are made, the commission shall regulate its own procedure

(3) A Commission may, subject to the next following paragraph, act notwithstanding any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings.

(4) Any question for decision by a Commission shall be determined by a majority of the votes of the members of the Commission present and voting at a meeting of the Commission at which a quorum is present, and if on any question the votes are equally divided the Chairman or other member presiding shall have a casting vote in addition to his original vote:

Provided that, where the votes are equally divided on the question whether any power to remove a public officer from his office should be exercised, the Chairman or other member presiding shall not have a casting vote and the Commission shall be deemed to have decided that power should not be exercised.

(5) For the purposes of the preceding paragraph a quorum shall consist, in the case of the Elections Commission, of the Chairman and not less than four members, two of whom have been appointed by the President in his own deliberate judgment and two from among members appointed on the advice of the Leader of the Opposition tendered in accordance with article 161(3)(b):

(i) without just cause, such just cause being determined by the Chairman, the meeting shall stand adjourned to a day not later than two days; or

(ii) in the case of the declaration of the results of the election of the President, the meeting shall stand adjourned to the following day, at the same time and place and notice of such adjournment shall be given to the absent members; and if at the adjourned meeting a quorum is not present, the members then present, being not less than four including the Chairman, shall be deemed to constitute a quorum and any decision made at that or any such meeting shall be valid in law and binding.”.

(6) Any question whether—

(a) a Commission has validly performed any function vested in it by or under this Constitution;

(b) any member of a Commission or any other person has validly performed any function delegated to such member or person by a Commission in pursuance of the provisions of this Constitution; or

(c) any member of a Commission or any other person has validly performed any other function in relation to the work of the Commission or in relation to any such function as is referred to in the preceding subparagraph,

shall not be enquired into in any court.

(7) In this article, except as otherwise provided or required by the context, the expression “Commission” means the Elections Commission, the Judicial Service Commission, the Public Service Commission, the Teaching Service Commission, or the Police Service Commission:

Provided that (without prejudice to the power of Parliament to make provision in relation to the functions of the Elections Commission) in the preceding paragraph that expression does not include the Elections Commission.

**228.** Notwithstanding any provision of this Constitution relating to the making of appointments to, removal of persons from, or the vacation of, any office, Parliament may provide for the imposition of disqualification for any office prescribed by Parliament on any person convicted by a court of an offence relating to excitement of hostility or ill-will against any person or class of persons on the grounds of his or their race.

Disqualifica-  
tion for office  
of persons  
exciting racial  
hostility

TITLE 10

INTERPRETATION

Appointments

**229.** (1) Where any person has vacated any office established by this Constitution (including any office established under article 100, 124 or 125) he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Constitution.

(2) Where by this Constitution a power is conferred upon any person or authority to make any appointment to any public office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this paragraph, then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

(3) The preceding paragraph shall have effect in relation to the office of any Judge of the Supreme Court of Judicature or the Clerk or Deputy Clerk of the National Assembly as if that office were a public office.

Resignations

**230.** (1) Any person who is appointed or elected to or otherwise selected for any office established by this Constitution (including any office established under article 100, 124 or 125) may resign from that office and, save as otherwise provided by articles 156(1), 157 and 178(1), shall do so by writing under his hand addressed to the person or authority by whom he was appointed, elected or selected.

(2) The resignation of any person from any such office as aforesaid signified by writing under his hand shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it or employed to assist that person in the performance of the functions of his office.

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**231.** Where by this Constitution a person is required to vacate an office when he attains an age prescribed by or under the provisions of this Constitution nothing done by him in the performance of the functions of that office shall be invalid by reason only that he has attained the age so prescribed.

Vactions of office on attaining a prescribed age.

**233.** (1) In this Constitution, except as otherwise provided or required by the context—

Interpretation  
[17 of 1984  
14 of 2000  
17 of 2000]

“alien” means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

“attorney-at-law” means a person having a general right of audience in the Supreme Court of Judicature;

“Commissioner of Police” means the officer, however styled, commanding the Police Force;

“the Commonwealth” means Guyana and any country to which article 47 applies and any dependency of any such country;

“court” means any court of law in Guyana;

“elected member of the National Assembly” means any person elected as a member of the National Assembly pursuant to the provisions of paragraph (2) of article 60 or article 160 (2);

“election” means an election of members to serve in the National Assembly, or other elected body established by or under this Constitution, as the case may be;

“financial year” means any period of twelve months beginning on the first day of January in any year or such other date as Parliament may prescribe;

“Guyana” includes, in relation to any period before the day on which this Constitution commences, or anything done before that day,

Guyana as it was before that day as well as the former Colony of British Guiana;

‘law’ includes any instrument having the force of law and any unwritten rule of law and “lawful” and “lawfully” shall be construed accordingly;

“local democratic organ” means any local government authority;  
“consultation” or “meaningful consultation” means the person or entity responsible for seeking consultation shall-

- (a) Identify the persons or entities to be consulted and specify to them in writing the subject of the consultation and an intended date for the decision on the subject of consultation;
- (b) Ensure that each person or entity to be consulted is afforded a reasonable opportunity to express a considered opinion on the subject of the consultation and
- (c) Cause to be prepared and archived a written record of the consultation and circulate the decision or entities consulted;

“oath” includes affirmation;

“oath of office” means, in relation to any office, the oath for the due execution of that office set out in the Schedule to this Constitution or such other oath in that behalf as may be prescribed by Parliament;

“Parliament” means the Parliament of Guyana;

“the Police Force” means the Police Force established by the Police Act and includes any other police force established by or under an Act of Parliament to succeed to or to supplement the functions of that Force but does not include any police force forming part of any naval, military or air force or any police force established by any local democratic organ



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“public office” means an office of emolument in the public service and for the avoidance of doubt it is hereby declared that the expression includes the office of a teacher in the public service and any office in the Police Force;

“public officer” means the holder of any public office and includes any person appointed to act in any such office;

“the public service” means, subject to the provisions of paragraph (5), the service of the Government of Guyana in a civil capacity;

“regional democratic council” means the local democratic organ for any region established under article 72;

“session” means, in relation to the National Assembly, the sittings of the Assembly, commencing when it first meets after this Constitution comes into force or after the prorogation or dissolution of Parliament at any time and terminating when Parliament is prorogued or is dissolved without having been prorogued;

“sitting” means, in relation to the National Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in committee; and;

“the State” means the Co-operative Republic of Guyana.

(2) In this Constitution, unless it is otherwise provided or required by the context—

(a) a reference to power to make appointments to any office shall be construed as including a reference to power to make appointments on promotion and transfer and to confirm appointments and to power to appoint a person to act in or perform the functions of that office at any time when the office is vacant or the holder thereof is unable (whether by reason of absence or infirmity of mind or body or any other cause) to perform the functions of that office; and

(b) a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office

(3) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint or elect a person, to perform the functions of an office if the holder thereof is unable to perform those functions, the validity of any performance of those functions by the person so directed or of any appointment or election made in exercise of that power shall not be called in question in any court on the ground that the holder of the office was not or is not unable to perform the functions of the office.

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(4) For the purposes of this Constitution, a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of public service.

(5) In this Constitution references to the public service shall not be construed as including service in—

(a) the office of President, Minister, Attorney General, Parliamentary Secretary, Speaker, Deputy Speaker, Minority Leader, Ombudsman, or member of the National Assembly

(b) the office of a member of any Commission established by this Constitution or of the Public Service Appellate Tribunal;

(c) the office of a member of any board, committee or other similar body (whether incorporated or not) established by any law in force in Guyana;

(d) the office of any Judge of the Supreme Court of Judicature or Clerk or Deputy Clerk of the National Assembly except for the purposes of the next following paragraph and save as otherwise provided in any other provision of this Constitution; or

(e) any body of persons organized as a national service within the meaning of article 154.

(6) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that —

(a) nothing in this paragraph shall be construed as conferring on any person or authority power to require a Judge of the Supreme Court of Judicature, the Director of Public Prosecutions, the Commissioner of Police, the Auditor General or the Clerk or Deputy Clerk of the National Assembly to retire from his office; and

(b) any power conferred by any law to permit a person to retire from the public service shall, in the case of any public officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the Commission that, if he were to retire, would be the appropriate Commission in relation to him for the purposes of article 214.

(7) Any provision in this Constitution that vests in any person or authority the power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish that office or to any law providing for the compulsory retirement of public officers generally or any class of public officers on attaining an age specified by or under that law. [17 of 2000]

(8) Subject to article 227 (6) and article 216 (12), no provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions shall be construed as precluding a court from exercising jurisdiction in relation to any question whether that person or authority has exercised those functions in accordance with this Constitution or any other law.

(9) The Interpretation and General Clauses Act as in force immediately before the commencement of this Constitution, shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applied for the purpose of interpreting, and in relation to, any Act in force immediately before such commencement, and in such application shall have effect as if it formed part of this Constitution.

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SCHEDULE

FORM OF OATH

OATH OF OFFICE

I ....., do hereby solemnly declare that I will bear true faith and allegiance to the People of Guyana, that I will faithfully execute the office of .....without fear or favour, affection or ill-will and that in the execution of the functions of that office I will honour, uphold and preserve the Constitution of the Co-operative Republic of Guyana.

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Second Schedule

Articles 4,5 6 and 6A

1. The National Flag
2. The Coat of Arms
3. The National Anthem
4. The National Pledge

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**FOURTH SCHEDULE art. 2120(1)**

Convention on the Rights of the Child

Convention on the Elimination of All Forms of

Discrimination against Women

Convention on the Elimination of All Forms of Racial

Discrimination

Convention Against Torture and Other Inhuman or

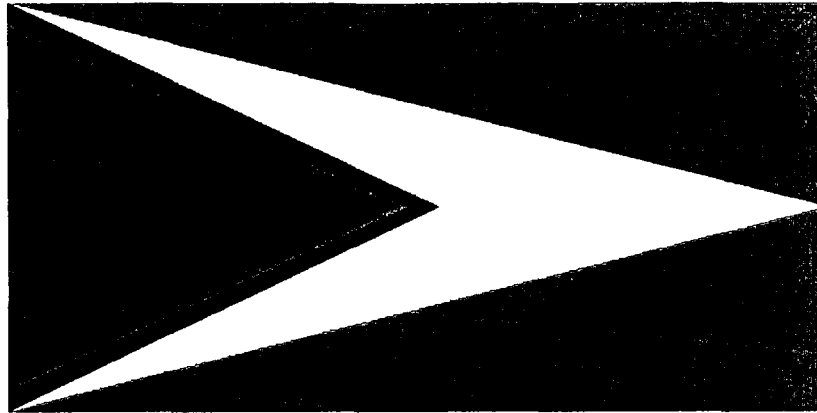
Degrading Treatment or Punishment

Covenant on Economic, Social and Cultural Rights

Covenant on Civil and Political Rights

Inter-American Convention on the Prevention

Punishment and Eradication of Violence against Women.



### **The Golden Arrowhead**

The official heraldic description of the Guyana flag – popularly known as the golden arrowhead – reads as follows:

Vert on a pile throughout issuant from the asxter or timoriated argent a pile gules timbriated table upon the same base.

The design and the colour of Guyana Flag are interpreted as follows :

The green background symbolises the agricultural and forested nature of Guyana. The white symbolises its waters and rivers potential. The golden arrow symbolises Guyana's mineral wealth and its forward thrust. The black border the endurance that will sustain the golden arrow's forward thrust into the future. The red triangle represents the zeal and dynamic nature of the nation building that lies before this young and independent country.

The Greater King of Arms has described the design as being one of the most significant departures in national flag design in modern times.

The Flag is designed to be of a proportion 3 \* 5 on land and 1 \* 2 at sea. The colour proportions are green 50" gold 24" white 67" and black 1"



### Guyana Coat-of-Arms

The design of Guyana's Coat of Arms is interpreted as follows: -

The Amerindian head-dress symbolises the Amerindians as the indigenous people of the country. The two diamonds at the sides of the head-dress represent the country's mining industry. The helmet is the monarchical insignia. The two jaguars holding a pick-axe a sugar cane and a stalk of rice symbolise labour and the two main agricultural industries of the country sugar and rice. The shield which is decorated with the national flower, the Victoria Regina Lily, is to protect the nation. The three blue wavy lines represent the many waters of Guyana. The Canje Pheasant at the bottom of the shield represents a rare bird found principally in this part of the world.



## GUYANA NATIONAL ANTHEM

Dear land of Guy-a-na, of riv-ers and plains, made  
 rich by the sun-shine and lush by the rains, God  
 gem-like and fair between moun-tains and sea, Your  
 chil-dren ac-tute you, dear land of the tree.

Green Land of Guyana, our heroes of yore,  
 Both bondsmen and free, laid their bones on your shore;  
 This soil so they hallowed, and from them are we  
 All sons of one mother, Guyana the free.

Great Land of Guyana, diverse though our strains,  
 We are born of their sacrifice, heirs of their pains;  
 And ours is the glory their eyes did not see -  
 One land of six peoples, united and free.

Dear Land of Guyana, to you will we give  
 Our homage, our service, each day that we live  
 God guard you, great Mother, and make us to be  
 More worthy our heritage - land of the free.

THE NATIONAL PLEDGE

I pledge myself to honour always the flag of Guyana,  
and to be loyal to my country, to be obedient to the  
laws of Guyana, to love my fellow citizens, and to  
dedicate my energies towards the happiness and  
prosperity of Guyana.

Third Schedule

Article 222A

Entities

The Ethnic Relations Commission  
The Human Rights Commission  
The women and Gender Equality Commission  
The Indigenous Peoples' Commission  
The Rights of the Child Commission  
The Judiciary  
The Office of the Auditor General