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LAW REVISION ACT

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CHAPTER 2:02

LAW REVISION ACT

4 of 1972 **An Act to provide for the Revision of the Laws of Guyana and for matters connected therewith, including Miscellaneous Amendments, Repeals and Validations.**

[23RD SEPTEMBER, 1972]

Short title. **1.** This Act may be cited as the Law Revision Act.

Interpretation. **2.** In this Act—

“Act” includes part of an Act but does not include subsidiary legislation made under the Act;

“Commission” means the Law Revision Commission established under section 3;

“in force” in relation to any written law means made and brought into operation;

“Law Revision Order” means an order made by the Commission under section 5;

“revision date” means the 1st January in each year unless with respect to any year the Commission, by order, directs that there shall be no revision date in that year or appoints either in addition to or in substitution for the 1st January some other date or dates to be the revision date or the revision dates for that year; and the “relevant revision date” means the revision date in relation to which the Laws of Guyana were last revised under section 6.

Establishment and functions of Commission. **3.** (1) There shall be a Law Revision Commission consisting of a chairman and not more than four other members whose functions shall be to prepare, publish and maintain in accordance with this Act an edition of the laws of Guyana to be known as the “Laws of Guyana”.

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(2) The Attorney-General, the Chief Parliamentary Counsel, and their successors in office, shall be members of the Commission, and the Attorney-General and his successors in office shall be the Chairman of the Commission.

(3) All other appointments to the Commission shall be made by the President.

(4) The Commission may delegate all or any of its functions under this Act to any one or more of its members.

4. The Laws of Guyana shall be published in loose-leaf form or in such other form as the Commission may determine and shall comprise such pages as may be authorised to be included therein under section 5.

Form of
Publication.

5. (1) The Commission with the approval of the President shall by order authorise the inclusion in the Laws of Guyana of every page to be comprised therein, and every page so authorised, and no other, shall form part of the Laws of Guyana.

Inclusion or
removal of
pages to be
authorised by
order.

(2) The Commission with the approval of the President may by order direct the removal of pages from the Laws of Guyana and any page so directed to be removed shall cease to form part of the Laws of Guyana.

(3) Every page comprised in the Laws of Guyana shall bear a reference to the Law Revision Order by which its inclusion therein was authorised.

6. (1) The Laws of Guyana shall be revised as soon as practicable after each revision date, that is to say, the Commission shall prepare the necessary pages and make the necessary orders for the inclusion of these pages in the Laws of Guyana and (with respect to the second or any subsequent revision) for the removal of pages no longer required, to the intent that the Laws of Guyana shall, subject to such omissions as are authorised under section 8, contain all the written laws in force in Guyana on such revision date.

Periodical
revision of
Laws of
Guyana.

(2) The Commission may authorise the inclusion under section 5 in the Laws of Guyana of an Appendix of pages containing such treaties and conventions and such constitutional, legislative or other documents as may from time to time be specified in the Schedule and the Commission shall have power by order to amend the said Schedule.

Contents of
Laws of
Guyana.

7. (1) The Laws of Guyana shall contain—

- (a) every Act in force in Guyana on the relevant revision date, unless omitted under section 8;
- (b) such subsidiary legislation in force in Guyana on the relevant revision date as the Commission thinks fit to include therein;
- (c) any enactments or documents authorised to be included in the Laws of Guyana under section 6(2);
- (d) a chronological list of Acts, a table of contents and an index;
- (e) a list of the Acts omitted under the authority of section 8(d), (e) or (f).

(2) The Commission may, if it thinks fit, include in the Laws of Guyana written laws made but not in force on the relevant revision date or written laws made after the relevant revision date, and in any such case there shall be inserted in the Laws an appropriate note with reference to the commencement date of such written law.

Power to omit
certain laws.

8. It shall not be necessary to include in the Laws of Guyana—

- (a) any Appropriation Act or Supplementary Appropriation Act;
- (b) any applied law;
- (c) any subsidiary legislation which the Commission thinks fit to omit;
- (d) any loan Act or loan guarantee Act;
- (e) any Act of a temporary nature which can, in the opinion of the Commission, be conveniently omitted;
- (f) any Act authorised by order of the President to be omitted from the Laws of Guyana.

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- 9.** Subject to sections 10 and 12, the pages duly authorised for inclusion in the Laws of Guyana shall, in all courts and for all purposes, be the sole and proper Statute Book of Guyana in respect of the written laws contained therein as in force on the relevant revision date.
- 10.** No written law omitted, under the authority of this Act or otherwise, from the Laws of Guyana shall be deemed to be without force and validity by reason only of the fact that it is so omitted.
- 11.** In the preparation of the Laws of Guyana the Commission shall have the following powers:
- (a) to omit
 - (i) all written laws or parts of written laws which have been repealed expressly or by necessary implication, or which have expired or have become spent or have had their effect;
 - (ii) all repealing enactments contained in written laws and also all tables or lists of repealed enactments, whether contained in schedules or otherwise;
 - (iii) all preambles and long titles to written laws, where such omission can, in the opinion of the Commission, conveniently be made;
 - (iv) all words of enactment in any written law or provision of a written law;
 - (v) all provisions prescribing the date when, or manner in which, any written law or part of any written law is to come into force, where such omission can, in the opinion of the Commission, conveniently be made;
 - (vi) all amending written laws or parts of written laws where the amendments effected by such written laws have been embodied by the Commission in the written laws to which they relate;
 - (b) to consolidate into one written law any two or more written laws in *pari materia*, making the alterations thereby rendered necessary in the consolidated written laws, and
- Laws of Guyana to constitute sole and proper Statute Book.
- Validity of laws not affected by omission from the Laws.
- Powers of Commission.

affixing such date thereto as may seem most convenient;

(c) to alter the order of the provisions in any written law and, in all cases where it is necessary to do so, to renumber the provisions of any written law;

(d) to alter the form of arrangement of any provision of any written law, either by combining it in whole or in part with another provision or other provisions, or by dividing it into two or more provisions or by transposing words;

(e) to divide any written law, whether consolidated or not, into parts, or other divisions and to give such parts or divisions a suitable heading;

(f) to transfer any provisions contained in any written law from that written law to any other written law to which it more properly belongs or to a separate written law;

(g) to arrange the written laws, whether consolidated or not, in any group or sequence that may be convenient irrespective of the date of enactment;

(h) to add a long title, a short title or a citation to any written law which may require it, and, if necessary, to alter the long title, short title or citation of any written law;

(i) to shorten and simplify the phraseology of any written law;

(j) to correct grammatical and typographical errors, or any clerical or printing errors in any written law, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any written law;

(k) to add, delete, alter and substitute definitions of terms and expressions in any written law;

(l) to supply or alter marginal notes, head notes or headings;

(m) to correct cross-references;

(n) to make such formal alterations as to names, localities, offices, titles and otherwise as may be necessary to bring any written law into conformity with the circumstances of Guyana;

(o) to make such modifications and adaptations and to attach such qualifications and exceptions to any written law as may appear to be necessary or desirable by reason of

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changes in the constitution of Guyana or of any Commonwealth territory or generally in the circumstances of Guyana or in the Government or the public service thereof;
(p) to do all things relating to form and method which may be necessary for the perfecting of the Laws of Guyana.

12. Nothing in this Act, except in sections 16 and 17, shall be construed to confer power on the Commission to make any alterations or amendments in the substance of any written law.

No power to make alterations of substance.

13. Where in any written law or other instrument or document reference is made to any written law the provisions of which have been by virtue of this Act embodied in the Laws of Guyana, such reference shall where necessary and practicable be deemed to extend and apply to the corresponding provisions in the Laws of Guyana.

Construction of references to laws embodied in the Laws of Guyana.

14. (1) Where any error or omission in the Laws of Guyana comes to the attention of the Commission, it shall be its duty to take the necessary measures to rectify such error or omission forthwith.

Rectification of error or omission in the Laws of Guyana.

(2) Such error or omission may be rectified—

(a) by means of an amendment to the Laws of Guyana effected by order of the Commission.

(b) either alternatively or in addition to the means provided in paragraph (a), by the inclusion in and removal from the Laws of Guyana, in accordance with section 5, of such pages as the circumstances may require.

(3) An amending order under subsection (2)(a) or a Law Revision Order under subsection 2(b) may have retrospective effect to the date of coming into operation of the Law Revision Order from which the error or omission resulted.

15. (1) Notwithstanding the provisions of section 6(1), where the Commission deems it expedient, in the interests of economy or convenience, in revising any page of the Laws of Guyana to which an amendment has been made since the last revision or to which the Commission proposes to make an amendment, the Commission may, as

Alternative mode of amending Laws.

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an alternative to incorporating the amendment in the Laws of Guyana by removing the page and inserting in its place a page setting out the law as amended—

(a) allow the page to which the amendment relates to continue to form part of the Laws of Guyana; and

(b) include in the Laws of Guyana a page (in this section called an “amendment page”) setting out the particulars of the amendment.

(2) The exercise of its powers under this section in respect of an amendment shall in no way prejudice the power of the Commission at any time to incorporate that amendment in the Laws of Guyana by removing the amended page and inserting in its place a page setting out the law as amended.

(3) An amendment page shall for all purposes form part of the Laws of Guyana and shall be included in or removed from the Laws of Guyana in the same manner as any other page of the Laws of Guyana.

COMMISSION’S POWERS IN RESPECT OF A REVISION

Commission’s powers with respect to revision of a law imposing a fee or charge. [6 of 1997]

16. (1) In the first revision under this Act, after the enactment of this section, where any law (in whatever terms) prescribes, as a fee or charge (not being a tax or a duty), or as the rate of such fee or charge, a sum which comprises—

(a) dollars and cents, the Commission may delete the cents;

(b) cents only, the Commission may substitute for the cents a dollar.

(2) Where any law prescribes a fee or charge referred to in subsection (1) such fee or charge shall after compliance with subsection (1), be increased in the manner provided by section 17(1) to (3), inclusive, as if the fee or charge were a monetary penalty within the meaning of the said section 17(1) to (3).

17. (1) In the first revision under this Act, after the enactment of this section, of any written law imposing a specified monetary penalty, the Commission shall, in lieu of such penalty, substitute a penalty calculated in accordance with the provisions of subsections (2) and (3).

Commission's power with respect to revision of a law imposing a specified monetary penalty.
[6 of 1997]

(2) The penalty shall first be increased as follows—

(a) where the law imposing the penalty or effecting the last amendment thereto was made before the year 1975 by multiplying the penalty by sixty-five;

(b) where the law imposing the penalty or effecting the last amendment thereto was made in or after the year 1975 but before the 1st January, 1985, by multiplying the penalty by fifty-five;

(c) where the law imposing the penalty or effecting the last amendment thereto was made in or after the 1st January, 1985, but before the 1st January, 1985, by multiplying the penalty by three.

(3) The figure arrived at in calculating the increased penalty (in dollars) in accordance with subsection (2) and any monetary penalty imposed by a law made in 1995 or after (if not a multiple of five) shall be rounded off to the next higher figure which is a multiple of five.

(4) Any sum specified in any law for the purpose of a bond or recognizance into which anyone is to enter in respect of a criminal charge or matter shall be increased in the manner provided by subsection (1) to (3), inclusive, as if the sum were a monetary penalty within the meaning of those subsections.

(5) Any sum specified in any law as a monetary penalty which any authority is authorised to impose in subsidiary legislation in respect of a criminal offence shall be increased in the manner provided by subsections (1) to (3), inclusive, as if the sum were a monetary penalty within the meaning of those subsections.

SCHEDULE

DOCUMENTS TO BE INCLUDED IN APPENDIX TO THE LAWS OF GUYANA.

1. Articles of Capitulation proposed in 1803 by the Governor General and the Court of Policy of the Colonies of Essequibo and Demerara, and the Commanding Officers of the Sea and Land Forces of the Batavian Republic in the said Colony, to their Excellencies the Commanders-in-Chief of His Britannic Majesty's Sea and Land Forces off Demerara, with the Answers to such articles; and Additional Articles thereto.

2. The Act relating to the Boundaries between Berbice and Surinam (7th February, 1800), in the English version only.

3. A Proclamation by the Provisional Government and other Members of the Court of Policy and Criminal Justice in the Colony of Berbice relating to the Capitulation of the Colony (27th September, 1803); and Additional Article thereto.

4. Award of the Tribunal of Arbitration constituted under Article I of the Treaty of Arbitration signed at Washington on the 2nd February, 1897, between Great Britain and the United States of Venezuela, dated the 3rd October, 1899.

5. Award of His Majesty the King of Italy with regard to the boundary between the Colony of British Guiana and the United States of Brazil, dated the 6th June, 1904.
