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## OF GUYANA

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**MONDAY 15TH JANUARY, 2024**

THE OFFICIAL GAZETTE 15TH JANUARY, 2024
LEGAL SUPPLEMENT — B

GUYANA

RULE No. 1 of 2024

# RULES

**Made Under**

**THE HIGH COURT ACT**
**(CAP. 3:02)**

**IN EXERCISE OF THE POWERS CONFERRED UPON THE RULES COMMITTEE BY SECTIONS 67 AND 68 OF THE HIGH COURT ACT, THE RULES COMMITTEE MAKES THE FOLLOWING RULES:-**

## ARRANGEMENT OF RULES

**Rule**

1. Citation.
2. Insertion of new Rule 48.10A in the Principal Rules.
3. Amendment of Rule 48.11 of the Principal Rules.
4. Amendment of Rule 48.14 of the Principal Rules.

Citation.

No. 2 of 2016

1. These Rules, which amend the Civil Procedure Rules 2016, may be cited as the Civil Procedure (Amendment) Rules 2024.

Insertion of new Rule 48.10A in the Principal Rules.

2. The Principal Rules are amended by the insertion immediately after Rule 48.10 of the following Rule –

"**48.10A Valuation of immovable property**

(1) Before immovable property levied on under a Writ of Seizure and Sale is advertised to be sold under Rule 48.11, the Registrar must request a valuation of the property from the Chief Valuation Officer.

(2) The Chief Valuation Officer must within 14 days of the receipt of the Registrar's request, provide the Registrar with a valuation of the property.

(3) Where the valuation is not provided under sub-Rule (2), the Registrar must invite the Judgment Creditor to provide a valuation obtained from a valuer chosen from a list of valuers approved by the Chief Valuation Officer within 14 days of the receipt of the invitation.

(4) Where the valuation is not provided by the Judgement Creditor, the Registrar must invite the Judgment Debtor, if the Judgment Debtor appears, to provide a valuation obtained from a valuer chosen from a list of valuers approved by the Chief Valuation Officer within 14 days of the receipt of the invitation.

(5) The value amount obtained under this Rule shall be valid until the sale of the property.".

Amendment of Rule 48.11 of the Principal Rules.

3. Rule 48.11 of the Principal Rules is amended by the substitution for that Rule of the following –

"**48.11 Sale of immovable property by auction after advertisement**

(1) The Marshal must sell by auction the immovable property levied on under this Part, and not being a plantation in cultivation, for a price not less than the valuation price of the property obtained under Rule 48.10A, not less than 21 days after an advertisement, signed by the Registrar, of the sale has been published once in a newspaper of general circulation in Guyana, and simultaneously once in the *Gazette*.

(2) Where the property is unsold for want of buyers at a price not less than the valuation price, the Registrar must fix a new date for the sale of the property to be not less than 10 days of the attempt to sell under

sub-Rule (1) and publish the date once in an advertisement of the sale in a newspaper of general circulation in Guyana, and the Marshal must sell the property by auction for not less than the judgment sum.

(3) Where the property is unsold for want of buyers at a price not less than the judgment sum, the Registrar must fix a new date for the sale of the property to be not less than 10 days of the attempt to sell under sub-Rule (2) and publish the date once in an advertisement of the sale in a newspaper of general circulation in Guyana, and the Marshal must sell the property by auction to the highest bidder at a price not less than 75 per cent of the judgment sum.

(4) Where the property is not sold under sub-Rule (3), the Marshal must, within 7 days of the attempt to sell under sub-Rule (3), notify the Judgment Creditor that the property was not sold and the Registrar must fix a new date for the sale of the property to be not less than 10 days of the notification of the Judgment Creditor and publish the date once in an advertisement of the sale in a newspaper of general circulation in Guyana, and the Marshal must sell the property by auction at whatever sum is realised.

(5) Where the property is sold, under sub-Rule (1), (2), (3) or (4), Rule 48.14, providing for the terms of the sale of the property, including default in making payments and consequences of default, shall apply.".

Amendment of Rule 48.14 of the Principal Rules.

4. Rule 48.14 of the Principal Rules is amended by the substitution for that Rule of the following –

"**48.14 Terms of sale where proceeds exceed $500,000**

(1) Whenever any immovable property (not being a plantation in cultivation) is to be sold at execution, other than summary or parate execution, for a sum exceeding five hundred thousand dollars the purchaser must, on the day of sale, pay 25 per cent of the purchase money, five hundred thousand dollars of which must be paid in cash at the time of sale and the balance of the 25 per cent must be paid by manager's cheque by 3 p.m. on the next day following, not being a holiday.

(2) After the deposit of the 25 percent of the purchase money, the purchaser must,

(a) if the purchase money does not exceed the sum of five million dollars, pay the balance by three equal instalments, with interest at the rate of 6 per cent *per*

*annum*, at the expiration of 1, 2 and 3 months respectively from the date of sale; and

(b) if the purchase money exceeds the sum of five million dollars, pay the balance with interest at the rate of 6 per cent *per annum*, by three equal instalments at the expiration of 2, 4 and 6 months, respectively from the date of sale.

(3) In the event of the purchaser making default in payment of,

(a) the full 25 per cent of the purchase money, the deposit paid on the 25 percent shall be forfeited; or

(b) any of the instalments of the balance of the purchase money, after the payment of the 25 percent of the purchase money, the 25 percent deposited together with any instalment deposited preceding the default shall, unless the Court on an urgent application with notice filed within 7 days of the default extends the time for payment, be forfeited,

and applied by the Marshal towards discharge of the execution costs and Judgment debt or debts.

(4) The Registrar must not effect forfeiture unless the Registrar indicates to the purchaser his or her intention to forfeit the deposit and gives the purchaser an opportunity to make any representation from which the Registrar can ascertain such information as the Registrar needs including whether the purchaser has applied to the Court for an extension of time.

(5) If after application of the deposit as provided under sub-Rule (3),

(a) there is any balance due on the said costs and debts the property may, after being re-advertised by the Registrar once in an advertisement of the sale in a newspaper of general circulation in Guyana, again be put up for sale by auction and sold in accordance with the provisions of sub-Rule (6); or

(b) there is no balance due on the said costs and debts, the property shall be released to the Judgment Debtor.

(6) Where the property is put up for sale by auction in the circumstances set out in sub-Rule (5)(a), the Marshal shall sell the property,

(a) where the default in payment occurs on the first sale under Rule 48.11(1), for not less than the valuation price, and where the property is unsold for want of

buyers at that price, sale shall be in accordance with Rule 48.11(2), (3) and (4); and

(b) where the default occurs on the second sale under Rule 48.11(2), for not less than the judgment sum, and where the property is unsold for want of buyers at that price, sale shall be in accordance with Rule 48.11(3) and (4).".

Made this 15th day of January, 2024.

MEMBERS OF THE RULES COMMITTEE:

.....
Yonette Cummings-Edwards, O.R., C.C.H.
Chancellor of the Judiciary (ag) and
Chairperson of the Rules Committee

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Roxanne George, C.C.H., S.C.
Chief Justice (ag)

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Deo Rishi Persaud
Justice of Appeal

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Nigel Hawke
Solicitor General

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Rafiq Turhan Khan, S.C.
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