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TABLE OF CONTENTS **PAGE**

FIRST SUPPLEMENT

LEGAL SUPPLEMENT

A. **ACTS — NIL**

B. **SUBSIDIARY LEGISLATION — NIL**

C. **BILLS —** BILL No. 23 of 2022 – The National Registration (Amendment) Act 2022 … … … … … 447

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THE OFFICIAL GAZETTE 1ST NOVEMBER, 2022
LEGAL SUPPLEMENT – C

BILL No. 23 of 2022

Tuesday 1st November, 2022

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

1st November, 2022

The following Bill which will be introduced in the National Assembly is published for general information.

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

GUYANA

BILL No. 23 of 2022

NATIONAL REGISTRATION (AMENDMENT) BILL 2022

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of the Principal Act.
3. Revocation.
4. Repeal.

SCHEDULE

A BILL

Intituled

AN ACT to amend the National Registration Act.

A.D. 2022 Enacted by the Parliament of Guyana:-

Short title. Cap. 19:08

1. This Act, which amends the National Registration Act, may be cited as the National Registration (Amendment) Act 2022.

Amendment of the Principal Act.

Schedule

2. The provisions of the Principal Act specified in the first column of the Schedule are amended in the manner specified in the corresponding entry in the second column of the Schedule.

Revocation.

3. The provisions of any Regulations inconsistent with the provisions of the Principal Act as amended by this Act are revoked.

Repeal. No. 15 of 2000

4. Sections 9, 18, 19 and 22 of the Election Laws (Amendment) Act 2000 are repealed.

SCHEDULE s. 2

PROVISIONS OF THE PRINCIPAL ACT	HOW AMENDED
Section 2	1. In subsection (1), for the definition of "qualifying date" substitute the following – " "qualifying date", in relation to the registration of any person, means the date specified in section 6(1A)(a) or (b) and with reference to which such person shall be so registered;". 2. Delete subsection (2).
Section 3	1. In subsection (3) – (a) immediately after paragraph (a), insert the following paragraph – "(aA) shall be responsible to the Elections Commission for the preparation, issuance and distribution of identification cards;"; and (b) in paragraph (c), immediately after the word "Act" insert the words "or any other law". 2. Immediately after subsection (3), insert the following new subsection – "(3A) The Commissioner shall notwithstanding anything in any written law be subject to the direction and control of the Commission.".

Section 4(1)	For the words "section 17 of the Election Laws (Amendment) Act 2000" substitute the words "section 4B of the Representation of the People Act".
Section 6	1. For subsection (1), substitute the following subsections – "(1) Registration of – (a) all persons who are qualified to be electors; and (b) all other persons in Guyana of the age of 14 years and over, shall be done in Guyana at the offices established by the Elections Commission under subsection (4), and such registration shall be continuous and done during the periods specified in subsection (1A), and be conducted in such manner as the Elections Commission shall direct. (1A) Every year, registration of persons who – (a) on the 30th of June, are qualified under subsection (1)(a) or (b), shall be continuous from January to May; and (b) on the 31st of December, are qualified under subsection (1)(a) or (b) shall be continuous from July to November.". 2. For subsection (2), substitute the following – "(2) Persons referred to in subsection (1)(b) shall be persons who – (a) are citizens of Guyana; or

	(b) are Commonwealth citizens who are not citizens of Guyana and who are domiciled and resident in Guyana and have been so resident for a period of one year immediately preceding the qualifying date.". 3. Delete subsection (3). 4. For subsection (4), substitute the following subsections – "(4) The Elections Commission shall establish in each registration district or in any part thereof one or more offices situated at such place or places in the district or part thereof as it may specify by notice published in the *Gazette* and at which registration officers shall receive – (a) the application for registration of every person eligible therefor, with an address at the date of his application in a registration division in that district or any part thereof, for the purpose of including his name and other relevant particulars in the central register; and (b) the application for change or correction of any particular of any existing registrant in the central register. (4A) Where a person is unable to attend the office due to physical incapacity, the registration officer may on the approval of the Commissioner, visit the address of the place where the person is located and accept his application for registration or for change or correction of particulars in the central register.

	(4B) On receipt of an application, every registration officer shall by himself or an authorised officer verify by visit, the address claimed – (a) by a person who applies to be a first-time registrant; or (b) by an existing registrant who applies to change or correct his registered address. (4C) Every visit under subsections (4A) and (4B) shall be done not later than forty-eight hours of the application or claim and include scrutineers appointed by the governing party and the combined opposition parties in the National Assembly. (4D) On a successful verification of the address, the particulars of the first-time registrant, including his address, or the address of the existing registrant, shall be entered or changed or corrected, as the case may be, in the divisional and central registers as soon as practicable.". 5. Delete subsection (6). 6. For subsection (6A), substitute the following subsections – "(6A) In continuing the system of continuous registration, the Elections Commission shall continue to use the official list of electors, in force at the commencement of this section, created from the 2001 general and regional elections as its base. (6B) Without prejudice to the system of continuous registration under this section, if for any reason whatsoever or due to any unforeseen circumstances, there is a cessation of continuous registration whether before this section came

	into force or after, the official list of electors for the last general and regional elections or the last preliminary list of electors, whichever is later in time, immediately preceding the cessation, shall be the base from which to continue the continuous registration as provided for under this Act.". 7. Delete subsection (7).
New Sections 8A, 8B and 8C	Immediately after section 8, insert the following new sections – "List of dead persons to be sent to the Commissioner; cancellation of registration. Cap. 44:01 8A. The Registrar General of Births and Deaths, appointed under the Registration of Births and Deaths Act, shall send to the Commissioner once every month a list of all persons fourteen years and more whose deaths have been registered under the Registration of Births and Deaths Act in the preceding month. (2) The Commissioner shall cancel the registration of any person from the central and divisional registers whose name is on the list of dead persons sent by the Registrar General to the Commissioner under subsection (1). (3) The Commissioner shall send to the Commission a quarterly report of the registrations that have been cancelled under this section. Deaths reported to the Guyana Police Force and documented by hospitals and health centres. 8B. (1) The Commissioner of Police shall send to the Commissioner once every four months a list of all persons fourteen years and more whose deaths have been reported to or recorded by police stations or police outposts throughout the country in those months.

		(2) The Chief Medical Officer of the Ministry of Health shall send to the Commissioner once every four months a list of all persons fourteen years and more whose deaths have been reported to or recorded by hospitals or health centres throughout the country in those months.
	Cancellation of registration of persons reported dead under section 8B.	8C. (1) The Commissioner shall prepare a list from the central register for every division comprising names of persons registered in the division that are on any list of dead persons sent to the Commissioner under section 8B and send that list to the registration officer of the division. (2) The registration officer of the division shall – (a) subject the list of names received from the Commissioner as a separate list to claims and objections under section 15; and (b) if necessary, accompanied by scrutineers, visit the address of the person in the registration record to verify any information on the death of the person from persons living at that address. (3) If the Commissioner, after consideration of the information received from the process outlined in subsection (2), is satisfied that the person is dead, the Commissioner shall cancel the

	registration of the person who is dead from the central and divisional registers. (4) The Commissioner shall send to the Commission a report of the registrations that have been cancelled under this section.".
Section 9	1. In subsection (1), delete the words "the house to house registration process mentioned in". 2. In subsection (2) – (a) for the words "divisional registration officer", substitute the words "divisional registration office"; and (c) delete the words "as resident".
Section 11(2)	For subsection (2), substitute the following – "(2) A person who wilfully and with the intention to deceive – (a) applies to be registered in more than one divisional register; or (b) applies to be registered more than once in any register, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months.".
Section 12	1. Immediately after the words "12." insert the words "(1)". 2. Immediately after the words "in accordance with" insert the words "this section and".

	3. Delete the words ", and cause them to be issued in such manner as he thinks fit to,". 4. Immediately after subsection (1) as so amended, insert the following new subsections – "(2) The particulars obtained under this Act and the Regulations made thereunder in the registration process for the preparation of the registration cards shall be extracted and utilised in the preparation of the identification cards; in particular, a photo and a facsimile of the signature of the person registered, as they appear on his registration card, shall be utilised as the signature on his identification card. (3) The preparation, issuance and distribution of national identification cards shall be a continuous process, so that as soon as a person is registered under section 6 the person can be issued a national identification card as soon as practicable after the registration, whether or not it is an election period. (4) National identification cards shall be distributed in every registration office of a registration division established under section 6(4) where registration of persons is done. (5) The identification card shall be in Form 2 in the Schedule.".
Section 13(2)	For the words "sixteen thousand two hundred and fifty dollars", substitute the words "one hundred thousand dollars".

New Section 13A	Immediately after section 13, insert the following new section – "Submission of false information. 13A. Any person who, without reasonable cause (the burden of proof whereof shall lie on him), for the purpose of registration, knowingly – (a) submits information or a document containing information that is false; (b) submits information or a document containing information that does not belong to the person; or (c) withholds information about an existing registration, commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for five years.".
Section 14	1. For subsection (1), substitute the following – "(1) After the end of registration of applicants – (a) in May, under section 6, the Commissioner shall in June prepare a preliminary list from the central register established under section 9(1) in which the Commissioner shall enter the full name, the address, the occupation and the serial number on the registration record of every person registered who is qualified for registration, with reference to the qualifying date specified in section 6(1A)(a), as an elector for elections to the National Assembly; and

	(b) in November, under section 6, the Commissioner shall in December prepare a preliminary list from the central register established under section 9(1) in which the Commissioner shall enter the full name, the address, the occupation and the serial number on the registration record of every person registered who is qualified for registration, with reference to the qualifying date specified in section 6(1A)(b), as an elector for elections to the National Assembly.". 2. In subsection (2) – (a) immediately after the words "preliminary list," insert the words "prepared under subsection (1)(a) or (b),"; and (b) for the words "persons resident" substitute the word "every person registered with an address". 3. For subsection (3), substitute the following – "(3) The dates specified under subsection (1)(a) and (b) are the dates with reference to which a register of electors shall be compiled or revised, as the case may be.".
Section 15	In subsection (1) for the words "section 14(1) or 14A" substitute the words "section 14(1)(a) or (b), or 14A".
Section 16	1. Delete the words "any order made in pursuance of". 2. Immediately after subsection (2), insert the following new subsection – "(3) For the removal of doubt it is hereby declared that the power of the Commission to supervise the

	functioning of the Commissioner or Deputy Commissioner shall include the power to issue directions to the Commissioner or Deputy Commissioner in respect of the employment of any person by him in relation to the registration of electors.".
Section 19	1. In subsection (1), delete paragraph (g). 2. In subsection (2), for the words "five thousand dollars" substitute the words "five million dollars", and for the words "six months" substitute the words "five years". 3. In subsection (3) – (a) in paragraph (e), delete the words "person or"; and (b) in paragraph (g), delete the words "or any person".
New Section 19B	Immediately after section 19A, insert the following new section – "Removal of difficulties. 19B. (1) If any difficulty arises in connection with the application of this Act or any relevant subsidiary legislation, the Commission shall, by order, make any provision, including the amendment of the said legislation, that appears to the Commission to be necessary or expedient for removing the difficulty; and any such order may modify any of the said legislation in respect of any particular matter or occasion so far as may appear to the Commission to be necessary or expedient for removing the difficulty. (2) Any order under subsection (1) shall be subject to negative resolution of the National Assembly, only if Parliament is not dissolved and

	not otherwise, and shall not be made after the expiry of three months from the date of the election.".
Section 20	1. In subsection (1), for the words "five thousand dollars" substitute the words "five million dollars", and for the words "six months" substitute the words "five years". 2. In subsection (2), for the words "five thousand dollars" substitute the words "five million dollars", and for the words "six months" substitute the words "five years".
Section 21	For the words "five thousand dollars" substitute the words "five million dollars", and for the words "six months" substitute the words "five years".
Section 22	For the words "five thousand dollars", substitute the words "five million dollars", and for the words "six months" substitute the words "five years".
Section 23	1. In subsection (1), for the words "five thousand" substitute the words "five million dollars", and for the words "six months" substitute the words "five years". 2. In subsection (2), for the words "five thousand dollars" substitute the words "five million dollars", and for the words "six months" substitute the words "five years".
Section 24	For the words "two thousand dollars" substitute the words "fifty thousand dollars", and for the words "three months" substitute the words "six months".
Section 25	1. In subsection (1), for the words "to imprisonment for five years" substitute the words "to a fine of five million dollars and to imprisonment for five years".

	2. In subsection (3), for the words "five thousand dollars", substitute the words "five million dollars", and for the words "six months", substitute the words "five years". 3. In subsection (4), for the words "five thousand dollars", substitute the words "five million dollars", and for the words "six months", substitute the words "five years".
New Section 25A	Immediately after section 25, insert the following new section – "Other offences related to identification cards. 25A. (1) A person commits an offence if the person, when providing information for obtaining the issue or re-issue of an identification card – (a) deliberately provides false information; or (b) makes a false statement of a material nature with the intention of misleading the Commissioner. (2) A person commits an offence who – (a) fraudulently obtains an identification card; (b) fraudulently uses an identification card; or (c) falsely alleges the loss or destruction of that person's identification card and applies for a new card while in possession of an identification card. (3) A person commits an offence if the person permits or induces another person to use an

	identification card in order to impersonate a registered person. (4) A person who commits an offence under this section is liable on summary conviction to a fine of five million dollars and to imprisonment for five years.".
Section 26	For the words "five thousand dollars" substitute the words "five million dollars", and for the words "six months" substitute the words "five years".
Section 27	For the words "five thousand dollars" substitute the words "five million dollars", and for the words "six months" substitute the words "five years".
New Section 27A	Insert immediately after section 27, the following new section – "General penalty provision. 27A. Any person who contravenes any provision of this Act or any regulations for which a penalty is not provided is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months.".

Explanatory Memorandum

This Bill seeks to amend the National Registration Act, Cap. 19:08.

Clause 2 of the Bill provides for the provisions of the Principal Act specified in the first column of the Schedule to the Bill to be amended in the manner specified in the corresponding entry in the second column.

Section 2 of the Principal Act, which is the interpretation section, is amended by substituting the definition of "qualifying date". The qualifying date is the date specified in section 6(1A)(a) or (b), and it is the date with reference to which a person shall be registered.

Section 3 of the Principal Act is amended to insert a new paragraph (aA) to subsection (3) which provides that the Commissioner shall be responsible to the Elections Commission for the preparation, issuance and distribution of identification cards. New subsection (3A) is section 18 of the Election Laws (Amendment) Act 2000, No. 15 of 2000, amended to provide that the Commissioner shall notwithstanding anything in any written law be subject to the direction and control of the Commission.

Section 4(1) is consequentially amended to reflect the new reference of section 17 of the Election Laws (Amendment) Act 2000 which has been inserted in the Representation of the People Act as section 4B.

Section 6 is amended to provide in subsection (1) and new subsection (1A) for continuous registration to be done in two periods, during the months of January and May with the qualifying date being 30th June, and during the months of July to November with the qualifying date being 31st December.

Subsection (2) is amended to provide that persons in Guyana of the age of 14 years and over who are entitled to register under subsection (1)(b), shall be persons who are citizens of Guyana, or persons who are commonwealth citizens who are not citizens of Guyana and who are domiciled and resident in Guyana and have been so resident for a period of one year immediately preceding the qualifying date.

Subsection (3) is consequentially deleted.

Subsection (4) is amended to remove references to residency and house to house registration. The Commission shall establish offices in registration districts at which registration officers shall receive the application for registration of every person eligible to register, with an address at the date of application in a registration division in that district, for the purpose of including his name and other relevant particulars in the central register.

New subsection (4A) provides that where a person is unable to attend the office due to physical incapacity, the registration officer may on the approval of the Commissioner, visit the address of the place where the person is located and accept his application for registration.

New subsection (4B) provides that for the purpose of verification of the address claimed by a first time registrant or an existing registrant who applies to change or correct his address, a registration officer or an authorised officer shall visit the address claimed. On successful verification of the address the application shall be granted.

Subsections (6) and (7) which provide that it is an offence for a person who refuses to make application for himself or his child to register, and empower the Court's to order the person to apply for registration, are deleted.

Subsection (6A) provides for the Commission to continue to use the official list of electors in force at the commencement of this section, created from the 2001 general and regional elections as its base.

New subsection (6B) provides that if for any reason whatsoever or due to any unforeseen circumstances, there is a cessation of continuous registration the official list of electors for the last general and regional elections or the last preliminary list of electors, whichever is later in time, immediately preceding the cessation, shall be the base from which to continue the continuous registration as provided for under this Act.

The Principal Act is amended to insert **new sections 8A, 8B and 8C** which concern cancellation of registration of persons who are dead. Section 8A provides for the Registrar General of Births and Deaths to send to the Commissioner once every month a list of all persons fourteen years or more whose deaths have been registered in the preceding month. The Commissioner shall cancel the registration of any person from the central and divisional registers whose name is on the list.

The Commissioner shall send to the Commission a quarterly report of the registrations that have been cancelled under this section.

Section 8B provides for a list of all persons fourteen years and more that have been reported to or recorded by police stations or police outposts and hospitals and health centres to be sent to the Commissioner once every four months.

Section 8C provides for the names of persons registered in a division that are on a list of dead persons sent to the Commissioner under section 8B to be subject to the claims and objections process, and if necessary, there shall be a visit to the address of the person in the registration record by registration officers and scrutineers to verify any information on the death of that person from persons living at that address. The Commissioner shall cancel the registration of a person if he is satisfied from information received from the claims and objections process or the visit, that the person is dead and shall report to the Commission on the registrations cancelled.

Section 9 is amended to remove the reference to house to house registration and residency.

Section 11(2) is substituted with an offence. A person who wilfully and with intention to deceive applies to be registered in more than one divisional register or more than once in any register commits an offence.

Section 12 is amended by deleting the words giving power to the Commissioner to issue identification cards in such manner as he thinks fit. The existing provision of section 12 has become subsection (1), and four new subsections are inserted. Subsections (2) and (5) have been brought over from section 9 of the Election Laws (Amendment) Act 2000. Subsections (3) and (4) provide for the preparation, issuance and distribution of national identification cards to be continuous and for their distribution in every registration office.

Section 13 is amended to increase the fine for committing the offence of failing to furnish certain information to the Commissioner or any authorised officer from sixteen thousand two hundred and fifty dollars to one hundred thousand dollars.

New section 13A creates the offence of submission of false information for the purpose of registration. The penalty on summary conviction of the offence is a fine of five hundred thousand dollars and imprisonment for five years.

Section 14 is amended to provide for the preparation of a preliminary list after each period of continuous registration under section 6.

Section 15 is consequentially amended to make reference to sections which provide for the preliminary lists.

Section 16 is amended to insert a new subsection (3) which is section 19 of the Elections Laws (Amendments) Act 2000, amended to keep the provisions relevant to this Act. Subsection (3) provides for the power of the Commission to supervise the functioning of the Commissioner or Deputy Commissioner to include the power to issue directions to the Commissioner or Deputy Commissioner in respect of their employment of any person in relation to the registration of electors.

Section 19 is amended by the deletion of paragraph (g) and the provision of an increase in the maximum penalty in subsection (2) that may be prescribed by regulations for the breach of any regulation.

New section 19B is section 22 of the Elections Laws (Amendments) Act 2000, amended to remove the irrelevant references. Section 19B provides for the removal of difficulties in connection with the application of the Act and any relevant subsidiary legislation.

Sections 20 to 25 have been amended to increase penalties for the offences committed under those sections.

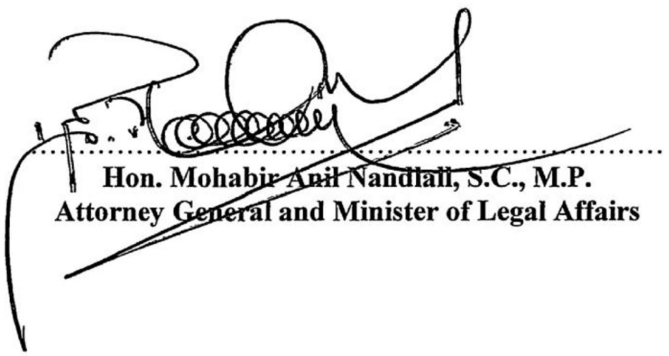
New section 25A provides for other offences in relation to identification cards.

Sections 26 and 27 have been amended to increase penalties for offences committed under those sections.

New section 27A provides for a general penalty for contravention of any provision of the Principal Act where a penalty has not been provided.

Clause 3 provides for the provisions of any Regulations inconsistent with the provisions of the Principal Act as amended by this Act to be revoked.

Clause 4 provides for the repeal of certain sections of the Elections Laws (Amendments) Act 2000.



Hon. Mohabir Anil Nandlall, S.C., M.P.
Attorney General and Minister of Legal Affairs