CHAPTER 19:08

NATIONAL REGISTRATION ACT

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CHAPTER 19:08

NATIONAL REGISTRATION ACT

24 of 1967

An Act to provide for the establishment of a National Register, for the issue of identification cards, and for purposes connected therewith.

[18TH NOVEMBER, 1967]

PART I

PRELIMINARY

1. This Act may be cited as the National Registration Act.

Short title.

- **2.** (1) In this Act—
- "central register" means the register established by the Commissioner under section 9:

Interpretation. [14 of 2005]

- "district" means a registration district constituted under section 5(1);
- "divisional register" means a divisional register established by a registration officer under section 9;
- "Elections Commission" means the Elections Commission established by virtue of article 161 of the Constitution;

c. 1:01

- "oath of office" means, in relation to any office, the oath for the due execution of that office set out in the Schedule;
- "prescribed" means prescribed by regulations;

Schedule.

- "qualifying date", in relation to the registration of any person, means the date appointed under section 6(1) and with reference to which such person shall be so registered;
- "registration area" means such part of a district which comprises one or more registration divisions;

"registration division" means such part of a district as is comprised in any sub-division thereof appointed under section 5(2);

"regulations" means regulations made under this Act.

(2) Where the qualifying date falls during or after the period appointed by virtue of section 6(1) for the registration of applicants, any question as to the eligibility for registration, or the residence in any registration division on the qualifying date, of any person shall, until that date, be determined on the basis of the likelihood of his being eligible or resident as aforesaid, as the case may be, and this Act shall be construed accordingly.

PART II

ADMINISTRATION

Commissioner, Deputy Commissioner and Assistant Commissioner of Registration [12 of 1996 15 of 2000 14 of 2005]

- **3.** (1) There shall be a Commissioner of Registration, hereinafter referred to as "the Commissioner", a Deputy Commissioner of Registration, hereinafter referred to as the "Deputy Commissioner" and an Assistant Commissioner of Registration, hereinafter referred to as the "Assistant Commissioner".
- (2) Forthwith upon their appointment, the Commissioner, Deputy Commissioner and Assistant Commissioner shall respectively take and subscribe the oath of office before a Judge of the Supreme Court.

(3) The Commissioner—

(a) shall be responsible to the Elections Commission for the making of such arrangements and the doing of such things as are requisite for the compilation and maintenance of the central and divisional registers in conformity with this Act, including the making of arrangements for preparation of the requisite forms and instruments, the issue of such forms and instruments, the collection or reception of the forms

- when filled in, and the keeping of such records as may be requisite;
- (b) may, on the authority of the Elections Commission, issue to persons employed by the Elections Commission directions for the purposes of execution of the provisions of this Act, and
- any directions issued pursuant to this paragraph may confer upon any such person general or special authority to issue directions for purposes aforesaid to any other such person subordinate to him;
- (c) shall in accordance with the directions of the Elections Commission exercise and perform all other powers and duties that by or under this Act are conferred and imposed upon the Commissioner.
- (4) The Deputy Commissioner shall, subject to any general or special directions of the Commissioner, act as assistant generally to the Commissioner and, in his absence, exercise all the powers and perform all the duties of the Commissioner.
- (4A) The Assistant Commissioner shall, subject to any general or special directions of the Commissioner, act as assistant generally to the Deputy Commissioner and, in his absence, exercise all the powers and perform all the duties of the Deputy Commissioner.
- (5) The provisions of subsection (4) shall have effect without prejudice to the jurisdiction of the Deputy Commissioner under section 15(3) and nothing in the said provisions shall be deemed to confer upon the Deputy Commissioner power to determine appeals under section 15(4) from the exercise of such jurisdiction.

L.R.O. 3/1998.

Registration officers, Assistant Registration officers, etc. No. 15 of 2000 [14 of 2005]

- **4.** (1) There shall be appointed in accordance with section 17 of the Election Laws (Amendment) Act 2000, such numbers of registration officers, assistant registration officers, registration clerks, and other officers and employees as may be requisite for the execution of the provisions of this Act; and, subject thereto the persons appointed as such shall respectively discharge such functions in that behalf as they may from time to time, under the authority of the Commissioner, be directed to perform.
- (2) Without prejudice to subsection (1), section 3(4) shall apply in relation to a registration officer and assistant registration officer, as they apply in relation to the Commissioner and Deputy Commissioner, respectively.
- (3) A registration officer shall be assigned to a registration area in a district, and shall be assisted by an assistant registration officer and such other officers and employees as may be necessary, under the direction of the Commissioner.
- (4) Forthwith upon their appointment every officer referred to in subsection (1), shall take and subscribe the oath of office.
- (5) Every oath under this section shall, in the case of a registration officer or an assistant registration officer, be taken and subscribed before the Commission, and in the case of a registration clerk before a registration officer.
- (6) Every oath administered by a registration officer under subsection (5) shall be transmitted by him to the Commissioner.

PART III

REGISTRATION

Registration districts and registration divisions. [12 of 1996 15 of 2000 14 of 2005] **5.** (1) Guyana shall be divided into registration districts having such boundaries, and distinguished by such names, as shall be specified by order of the President.

- (2) The districts shall be subdivided into registration areas and registration divisions having such boundaries, and distinguished by such numbers, as the Commissioner, with the approval of the Elections Commission may appoint.
- **6.** (1) It shall be lawful for the Commission by order with effect from a specific date to authorize the registration of –

Registration of persons. [12 of 1996

(a) all persons who are qualified to be electors; and

6 of 1997 15 of 2000

(b) all other persons in Guyana of the age of fourteen years and over,

14 of 2005 31 of 2007]

and such registration shall continue and be conducted in such manner and at times as the Commission shall direct, suspending temporarily for periods prescribed by the Commission;

- (2) Subject to subsection (3), such Order shall apply to all person referred to in subsection (1) (b)
- (3) Any such order may exclude from its application any person or class of persons.
- (4) The Commission shall establish in each registration district one or more offices and obtain in so far as practicable the registration of every person eligible therefor, resident at the qualifying date in a registration division in that district:

Provided that—

(a) the Commissioner may establish an office situated at such place in any district, and at which there shall be received the applications for registration of persons who are at the qualifying date resident therein or in such part thereof, as he may specify by notice published in the *Gazette*;

- (aa) every registration officer shall, either by himself or an authorized officer, by house to house visits within the registration division or sub-division assigned to him, obtain as far as practicable the application for registration of every person, who is on the appointed date of the age of fourteen years or above for the purpose of ascertaining every person qualified for registration to have his name included in the National Register of Registrants.

 (b) persons to whom an order applies under subsection
- (2)(b) may apply for registration in such manner as may be prescribed.
- (5) The parent or guardian of any child who has attained the age of fourteen years and is eligible for registration shall apply therefor on his behalf.
- (6) Every person who refuses to make application for registration to the registration officer for any registration division in the prescribed manner, or fails without reasonable excuse (the proof whereof shall be upon him) so to do at any office established under proviso (a) to subsection (4) for the purpose, or who, being the parent or guardian of any child of the age of fourteen years and over, refuses to make such an application on his behalf, or fails as aforesaid so to do at any such office, shall, if the eligibility of such person or child (as the case may be) for registration and his residence in the registration division on the qualifying date are proved to the satisfaction of the court, be liable on summary conviction to a fine of sixteen thousand two hundred and fifty dollars or to imprisonment for six months.
- (6A) The Elections Commission shall use the official list of electors from the 2001 general and regional elections as the base to commence continuous registration.

Provided that at any stage the Commission may undertake such verification as necessary by a means to be determined by the Commission.

(7) The court may, upon such proof, order the person to apply (as early as may be in the manner provided by this Act and any regulations) for registration to the registration officer at such place and within such time, prior to the expiration of the period (if any) prescribed under section 14(1), as shall be specified in the order and, if the said person fails to comply with such order he shall be guilty of an offence and shall be liable on summary conviction to a fine of

sixteen thousand two hundred and fifty dollars and to imprisonment for six months.

7. (1) A registration record shall be prepared in not less than duplicate for the registration of a person under this Act.

Registration record [18 of 2005]

- (2) For the purposes of the preparation as mentioned in the preceding subsection of a registration record for the registration of any person, it shall be lawful to make such amendments as are necessary to bring into conformity with subsection (3), in relation to such registration, any record prepared in conformity with subsection (1) for any previous registration of that person; and any record so amended for the purpose of the registration of any person shall be deemed to have been prepared therefor in conformity with subsection (1).
- (3) A registration record shall contain such matters and particulars as may be prescribed.
- **8.** Without prejudice to the provisions of section 15(6), the registration of a person may be cancelled or altered in accordance with any regulations made in that behalf.

Cancellation and alteration. of registration.

9. (1) The Commissioner shall establish a central register which shall consist of a computerized database of the information of the originals of the registration records and the originals of the registration records of all persons registered under the house to houses registration process mentioned in section 6, and the data so generated shall be utilized to effect the continuous registration process.

Registers. [12 of 1996 15 of 2000 14 of 2005 31 of 2007]

- (1A) The Commission shall be empowered to determine from time to time procedures for the acquisition and electronic processing of data.
- (2) Every registration officer shall establish for each registration division in his district a divisional registrar which shall consist of the duplicate registration cards of all persons registered under this Act as resident in that

registration division or such other copies thereof prepared in conformity with section 7(1) as may be prescribed.

Adaptation of registers on change in districts or registration divisions. [14 of 2005]

10. Where any change is made in the number or the boundaries of districts or registration divisions, the Commissioner in consultation with the registration officer of any district affected thereby shall combine or divide any registers or transfer registration cards from one register to another or make such other adjustments in the registers affected as are rendered necessary by the changes.

Registration to be in one registration division. [14 of 2005]

- **11.** (1) No person shall be registered in more than one divisional register or more than once in any register established under section 9.
- (2) A person resident at the qualifying date in more than one registration division may not apply to be registered in reference to more than one such division and, where a refusal to apply to the registration officer of any such division for such person's registration, together with his decision in writing (made on his behalf by his parent or guardian, in the case of a child of the age of fourteen years and over) to be registered in reference to any other such division, has been communicated to such registration officer, section 6(6) shall not apply, in relation to such person's registration, except with reference to his residence in that other division.

Identification cards.
[15 of 2000]

12. The Commission shall, in accordance with regulations made for the purpose, prepare identification cards for, persons registered under this Act and shall cause every such registration record to be issued in such manner as the Commission thinks fit to the person for whom it has been prepared, or to be made for his procurement in such manner as the Commissioner may specify by notice published in the Gazette.

Power of Commissioner to require information. [14 of 2005]

13. (1) Without prejudice to any powers of a registration officer under this Act or any regulations, the Commissioner or any officer duly authorised by him in that behalf may by notice require any person, within such time and in such manner as may be specified in such notice, to furnish such information as may be or become relevant to the registration, or the cancellation or alteration of the registration, of a person under this Act.

- (2) Any person who, without reasonable cause (the burden of proof whereof shall lie upon him), fails to comply with any requirement under subsection (1), shall be liable on summary conviction to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months.
- 14. (1) After the day appointed under section 6(1) for the end of the registration of applicants for the purposes of any order the Elections Commission shall direct the Commissioner in writing to prepare a preliminary list from the central register established under section 9 (1) in which he shall enter the full name, the address, the occupation and the serial number on the registration record of every person registered for those purposes who is qualified for registration, with reference to such date, being not later than the qualifying date, as may be appointed in such directions, as an elector for elections to the National Assembly, or who belongs to such other class of persons as may instead be prescribed for the time being.

Preparation of preliminary lists.
[7 of 1973
12 of 1996
14 of 2005
18 of 2005]

- (2) A sufficient number of copies of the preliminary list, in so far as it comprises entries relating to persons resident in each registration division of any registration area, shall be certified and sent to the registration officer for such registration area by the Commissioner.
- (3) The date appointed by the Elections Commission in directions under subsection (1) is the date with reference to which a register of electors shall be compiled or revised, as the case may be.
- (4) Every reference to a registration officer in section 15 (3), (4) and (5), includes a reference to "an assistant registration officer".

Publication of preliminary lists and claims and objections in respect thereof. [7 of 1973 12 of 1996 18 of 2005]

- 15. (1) On the prescribed day, the Commissioner shall cause a copy of the preliminary list prepared under section 14(1) to be affixed to such buildings as the Elections Commission shall appoint by notice published in the *Gazette*, and every such registration officer as may have received copies of any list pursuant to section 14(2) shall cause a copy of such list to be affixed to each of not less than two buildings in his registration division, together with a notice to submit within the prescribed times claims and objections in respect of entries in the list a copy of which the Commissioner or registration officer, as the case may be, has caused to be affixed as aforesaid.
- (2) Claims and objections under subsection (1) shall be made in the prescribed manner.
- (3) Such claims and objections shall be determined by the registration officer, in the case of claims and objections that may affect any list copies of which have been received as mentioned in subsection (1), from him, and by the Deputy Commissioner in any other case.
- (4) Decisions by the Deputy Commissioner or by a registration officer under subsection (3) shall be subject to appeal to the Commissioner, whose decision shall be final.
- (5) Subject as may be prescribed, the Commissioner, the Deputy Commissioner and every registration officer shall regulate his own procedure in determining claims and objections under any of the provisions of subsections (3) and (4).
- (6) The Commissioner shall cause to be made to the central and divisional registers such alternations as may be required to give effect to the decisions on claims and objections.

PART IV

GENERAL

16. (1) For the purpose of securing the registration of persons eligible therefor under any order made in pursuance of section 6 and who are qualified to be registered as electors for elections to the National Assembly and of ensuring the effectiveness of the central and divisional registers (in so far as such persons are registered therein) as registers of such electors, registration pursuant to this Act shall be under the general direction and supervision of the Elections Commission; and, accordingly, article 162 of the Constitution shall apply to this Act.

Supervision by Elections Commission [O. 80/1980 15 of 2000]

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(2) For the avoidance of doubt, it is hereby declared that, for the purposes of this section and any regulations relating to the Elections Commission under section 19(3)(d) or (e), the Elections Commission shall have the like powers, privileges and authority as are conferred on, and may exercise them and otherwise act in the like manner as is provided in relation to, that Commission by article 119 of the Constitution.

Statistics.

17. The Minister responsible for statistics as for the time being assigned may direct the Commissioner to cause any matters or particulars contained in any register established under section 9 to be compiled and tabulated, or to cause any such compilation or tabulation or abstracts thereof or extracts therefrom to be published, with or without observations, for statistical purposes in such manner as the said Minister thinks fit; and the Commissioner shall comply with any such directions:

Provided that no publication, or report issued in respect of anything done, in compliance with any such directions as aforesaid shall contain any matters or particulars comprised in any individual registration card so arranged as to enable their identification as

being matters or particulars pertaining to any individual person, except with his previous consent in writing.

Expenses in carrying out this Act.

18. There shall be defrayed out of moneys provided by Parliament for the purpose all expenses incurred in the execution of the provisions of this Act and any regulations and not otherwise lawfully charged on the Consolidated Fund.

Regulations [29 of 1990 12 of 1996 15 of 2000 18 of 2005]

- **19.** (1) Subject to negative resolution of the National Assembly, the Commission may, make regulations—
 - (a) prescribing remuneration and allowances to be paid to persons appointed under sections 3 and 4;
 - (b)imposing duties upon applicants for registration pursuant to this Act:
 - (c) assigning functions to persons employed for the purposes of this Act;
 - (d) prescribing the grounds on which claims and objections may be made under section 15;
 - (e) providing for the extension (whether before or after the expiration) of any time ending with a prescribed day, or as otherwise prescribed, within which anything is required by or under this Act to be done;
 - (f) providing for the revision, with reference to such date as the Commission may from time to time appoint, of the central and divisional registers by way of the preparation and publication of preliminary lists, to which sections 14 and 15 shall apply *mutatis mutandis* and, in particular, with the following modification, that is to say, the substitution of references to the said date for the references in section 14(1) to the qualifying date;
 - (g) prescribing anything to be prescribed under this Act;
 - (h) generally for the better carrying out of the provisions of this Act.

- (2) Any regulation may impose liability to a fine not exceeding five thousand dollars, or imprisonment for a term not exceeding six months, on summary conviction of the breach of any regulation.
- (3) Without prejudice to the generality of the foregoing provisions of this section, regulations may—
 - (a) make provision for specified cases or classes of cases defined by reference to any circumstances specified therein, including provision having due effect outside Guyana;
 - (b) make different provisions for different cases or classes of cases defined as aforesaid;
 - (c) impose conditions;
 - (d) require acts or things to be performed or done to the satisfaction of the Elections Commission or any person referred to in subsection (1)(c);
 - (e) empower any person or the Elections Commission, to require acts or things to be performed or done or prohibit acts or things from being performed or done;
 - (f) prescribe periods or dates within or on which acts or things shall be performed or done or conditions shall be fulfilled;
 - (g) provide for appeal against any requirement or prohibition by the Commission or any person as aforesaid under paragraph (e).

Commission to determine every form. [18 of 2005]

- **19A.** (1) The Commission may determine the nature and content of and publish, every form referred to in section 3 (3) (a).
- (2) The Commission shall determine and effect such amendments as may be necessary to any form as determined by the Commission and may completely substitute one form for another where circumstances so justify.
- (3) The Forms in the Schedule to the Regulations shall continue to have effect as though determined by the Commission until amended by determination of the Commission.

PART V

MISCELLANEOUS OFFENCES

Breach of duty. [29 of 1990 12 of 1996 15 of 2000 18 of 2005]

20. (1) Every officer required to take the oath of office who—

- (a) wilfully or without reasonable excuse omits to register any person eligible in that behalf;
- (b) wilfully or without reasonable excuse enters in any register established under section 9 the registration record of any person who is not eligible to be registered or the registration record of any fictitious or non-existent person;
- (c) wilfully or without reasonable excuse enters any false or incorrect matter or thing upon a registration record or an identification card;
- (d) wilfully or without reasonable excuse omits to enter upon a registration record or in any divisional register any relevant matter or thing that he knows or reasonably believes to be true; or

(e) wilfully or negligently otherwise fails in any material respect to perform the undertaking given by him in the oath of office,

shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months. In this subsection, reference to a registration record includes reference to any copy thereof prepared undersection 7(1).

- (2) If any person, being employed under any officer mentioned in subsection (1), is guilty of any wilful or negligent act or omission in material breach of his duty imposed by this Act or any regulations, he shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.
- (3) An action for damages does not lie in respect of the breach of any undertaking or duty referred to in the preceding subsections of this section.
- **21.** Every person who procures, or induces another person to procure, his registration in more than one divisional register or more than once in any register established under section 9 shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

Illegal registration. [29 of 1990 12 of 1996 15 of 2000]

- **22.** Every person who without lawful authority, the proof thereof shall lie upon him—
 - (a) wilfully destroys, mutilates, defaces or makes any alteration to an identification card; or
 - (b) destroys, mutilates, defaces or removes, or makes any alteration in the central register or any divisional register or any notice published in pursuance of this Act or any

Destroying or defacing identification cards or other documents. [29 of 1990 12 of 1996 15 of 2000]

document or copy thereof that has been made available for inspection by the public in pursuance of this Act,

shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

Making false objection or statement. [27 of 1990 12 of 1996 15 of 2000]

- 23. (1) Every person who, upon any grounds that he knows or has reasonable grounds to believe to be false, objects under section 15 to any entry in a list, shall be liable on summary conviction to a fine of five thousand and to imprisonment for six months.
- (2) Every person who knowingly makes a false statement for the purpose of being registered, or of remaining registered, shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months

Selling, purchasing or pledging identification cards. [29 of 1990 12 of 1996 15 of 2000]

24. Every person who sells or attempts to sell, or purchases or attempts to purchase, or pledges or attempts to pledge, or receives by way of pledge in any manner whatsoever an identification card shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for three months.

False registration record and identification cards. [29 of 1990 12 of 1996 18 of 2005]

(1) Every person who, with intent to deceive, forges or 25. counterfeits any registration record or identification card, or utters any identification card knowing it to be forged, shall be guilty of felony and shall be liable on conviction on indictment to imprisonment for five years.

record shall be construed according to the meanings assigned thereto

(2) In subsection (1), references to forgery and a registration

by section 240 of the Criminal Law (Offences) Act and section 20(1), respectively. c. 8:01

- (3) Every person who, directly or by implication, falsely represents himself to be the person to whom any identification card refers shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.
- (4) Every person who gives, lends or otherwise furnishes any identification card for the commission of an offence under the preceding subsection shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.
- **26.** Every person who assumes, either in whole or in part, the name, designation or description of any person appointed under section 3 or 4, or appointed as a scrutineer, to which he is not entitled, for the purpose of registering any person under this Act or for any other purpose in connection therewith or of doing any other act which he would not by law be entitled to do on his own authority, shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

Personation of officers. [29 of 1990 12 of 1996]

27. If any person—

- (a) having been employed for the purposes of this Act, without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment, or
- (b) having possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person, or

Divulging and obtaining information without lawful authority. [29 of 1990 12 of 1996 15 of 2000]

LAWS OF GUYANA

(c) in the pretended performance of duties under this Act or any regulations obtains, or seeks to obtain, information which he is not authorised to obtain,

he shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

Authorisation of disclosure of information by the Commission. [14 of 2005]

28. Notwithstanding anything in this Act, the Commission may authorise the release of such information as the Commission may deem necessary to facilitate the verification of registrants' records in any particular case.

SCHEDULE

FORM 1

OATH OF OFFICE

,					faithfully				
in accordance with the National Registration Act, and any regulations made thereunder. So help me God [To be omitted in affirmation].									

