

CHAPTER 1:08

LEGISLATIVE BODIES (EVIDENCE) ACT

ARRANGEMENT OF SECTIONS

SECTION

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1929 Ed.
c. 6
1953 Ed.
c. 67

An Act for enabling the Cabinet and certain Committees of the National Assembly to procure and take evidence.

7 of 1880

[28TH JULY, 1880]

1. This Act may be cited as the Legislative Bodies (Evidence) Act. Short title.
2. In this Act Interpretation.
[4 of 1972]

“Committee” means a Committee referred to in the definition of “legislative body”.

“legislative body” means—

- (a) the Cabinet; or
- (b) any Special Select Committee of the National Assembly; or
- (c) any Committee of the National Assembly empowered by resolution of the Assembly to summon witnesses.

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Power to legislative body to summon person to give evidence and to produce documents.
[4 of 1972]

3. (1) Where it appears to a legislative body that anyone within Guyana is able to give any information with respect to the subject matter of any question arising for its determination or has any books, plans, or documents in his possession or under his control in any way relating to the subject matter of that question, that body may cause a summons to be issued to the person in Form 1 in the Schedule, or, in any other form the circumstances render expedient, requiring the person to be and appear before the legislative body at the time and place specified, for the purpose of being examined (and, if so required, then and there to produce the books, plans, or documents mentioned in the summons), and thereafter to remain in attendance until permitted to withdraw.

(2) The summons shall be served by the Registrar or by a marshal, and may be served in the same way as a summons is now by law required to be served on a person who is summoned to attend as a witness before the High Court in its civil jurisdiction.

Administration of oath or affirmation to witness.
[4 of 1972]

4. (1) A legislative body may administer an oath to any witness examined before it.

(2) Any oath to be administered to a witness appearing before the Cabinet or before a Committee shall be administered by the Secretary to the Cabinet or by the Chairman of the Committee or a person appointed by the Chairman, as the case may be.

Apprehension of witness refusing or neglecting to attend.
[4 of 1972]

5. If any person summoned to attend as a witness before a legislative body, refuses or neglects, without sufficient cause, to attend at the time and place mentioned in the summons, that body may issue a warrant in Form 2 in the Schedule, or in any other form the circumstances require, signed by the person carrying out the functions of secretary to the body, authorising and directing the Registrar or any marshal to arrest that person and detain him in custody until he can be brought before the legislative body:

Provided that no person shall be detained under the warrant for a longer period than one week.

6. Every person who—

Committal of witness in certain cases. [4 of 1972 6 of 1997]

(a) being summoned to attend as a witness before a legislative body—

- (i) refuses to be sworn; or
- (ii) where he conscientiously objects to take an oath, refuses to make a solemn affirmation and declaration; or
- (iii) refuses to answer, or to answer fully and satisfactorily, to the best of his knowledge and belief, all questions put to him; or
- (iv) if required to produce any books, plans, or documents in his possession or under his control, refuses or omits, without sufficient cause, to do so; or

(b) being present before the legislative body, wilfully insults any member thereof,

shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars and to imprisonment for six months:

Provided that where the improper conduct has taken place before any committee of the National Assembly, the circumstances shall be reported in writing by that committee to the Council.

7. Upon consideration by a legislative body of any question arising for its determination—

Privilege of witness. [4 of 1972]

- (a) every witness examined under this Act shall be entitled to the same protection, privileges, and immunities as a witness in the High Court in its civil jurisdiction; and
- (b) no officer of the public service who is charged with the commission of any breach of his duty shall be required to give any evidence or make any statement upon oath with respect to or in connection with any charge against himself; and
- (c) three or more members of the Cabinet or of a Committee shall have all the powers of the Cabinet or of that Committee, respectively, under this Act.

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8. Every person examined under this Act who wilfully gives false evidence shall be guilty of perjury.

SCHEDULE

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FORM 1

SUMMONS TO WITNESS

To A.B.

You are hereby required to appear before the Cabinet of Guyana [or before the Special Select Committee appointed by the National Assembly onor before the Committee appointed by the National Assembly onor before the Committee of Ways and Means] at [place] ato'clock, m., on theday of19, and thereafter to remain in attendance until permitted to withdraw. [If the production of any books, plans, or documents is required, add, and you are hereby further required then and there to produce (here describe in general terms the books, plans, or documents required).]

Therefore fail not at your peril.

Dated this .. . day of , 19 .

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FORM 2

s. 5

*WARRANT OF APPREHENSION WHERE WITNESS NEGLECTS
TO ATTEND*

To the Registrar and all Marshals.

Whereas *A.B.* was duly summoned to appear as a witness before [*as in last form*] ato'clock m., on theday of 19... ; And Whereas the said summons has, by the return of the marshal, been duly served; And Whereas the said *A.B.* has neglected to obey the said summons—Now Therefore this is to empower you to apprehend the said *A.B.* and bring him before [*as in last form*] and for so doing, this shall be your sufficient warrant.

Issued by direction of the Cabinet of Guyana [or by direction of the Special Select Committee appointed by the National Assembly on or by direction of the Committee appointed by the National Assembly onor by direction of the Committee of Ways and Means].

Dated thisday of, 19 . .

(Signed)
