

CHAPTER 78:02

STATE PLANNING COMMISSION ACT

ARRANGEMENT OF SECTIONS

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An Act to establish a State Planning Commission and to provide for matters connected therewith. 24 of 1977

[17TH NOVEMBER, 1977]

1. This Act may be cited as the State Planning Commission Act. Short title.

2. In this Act— Interpretation.
[O. 80/1980]

“authorised officer” means any employee of the Commission who is duly authorised by the Commission to exact the performance of, or to perform, the act referred to;

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“the Commission” means the State Planning Commission established pursuant to section 3.

Establishment
of a State
Planning
Commission
as a body
corporate.
[3 of 1978]

3. (1) The Minister may by order establish a State Planning Commission, which shall be a body corporate, constituted in such manner as may be specified in the order, and which order may contain such provisions as the Minister deems requisite for the purpose of enabling the Commission to carry out its functions under this Act.

(2) The Minister may, by notice published in the *Gazette*, designate any authority, institution or organisation of a national or public character to be an associate organ of the Commission to assist the Commission in the performance of such of its functions as the Minister may direct in writing.

(3) In performing functions on behalf of the Commission, an associate organ shall have and may exercise the privileges and powers conferred upon the Commission by this Act.

Functions of
the
Commission.
[3 of 1978]

4. (1) The Commission shall be responsible for the central planning of the economy within the framework of the socialist philosophy and objectives of the Government.

(2) Without prejudice to the generality of subsection (1), the functions of the Commission shall be—

(a) to advise the Government on the planning of—

(i) the orderly, balanced economic and social development of Guyana;

(ii) the most effective, efficient and rational utilisation of the human, material and financial resources of Guyana in order to achieve the most rapid economic growth consistent with the continuous improvement in the standard of living, the quality of life and the general material and cultural well-being of the nation;

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(b) to prepare, pursuant to the directions of the Minister, such development plans for Guyana in conformity with the general policies and objectives of the Government;

(c) to monitor, review and evaluate the performance of the national development plans, of the planning mechanisms, procedures methodology and strategies and the performance of the national economy;

(d) to pursue such research as may be necessary to enable it to perform its functions effectively;

(e) to give advice, guidance and directions to all agencies, enterprises and institutions in the public, co-operative and private sectors so as to ensure their efficient operation within the framework of the national development plans;

(f) to perform such other functions relating to the planning of the development of the resources of Guyana as may be referred to it by the Minister;

(g) generally to do all things necessary to ensure the effective discharge of its functions and responsibilities.

5. (1) The Minister may give to the Commission directions of a general or special character as to the policy to be followed by the Commission in the exercise and performance of its functions and the Commission shall give effect to those directions.

Power of Minister to give directions.

(2) The Commission shall afford to the Minister facilities for obtaining information with respect to the functioning of the Commission and shall submit to the Minister not later than the 15th June in each year, or such other date as the Minister may in writing direct, for his approval estimates of expenditure in relation to its operations for the ensuing financial year.

(3) The Commission shall submit to the Minister such reports, in such manner and form, as he may from time to time request.

6. (1) There shall be employed by the Commission such number of persons as the Minister considers necessary to enable the Commission to carry out the functions imposed upon it by this Act.

Employment of Staff.

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(2) The order establishing the Commission may make provision for the Commission or any of its organs or institutions to give effect to subsection (1).

Secondment or transfer of employees of the Commission.

7. (1) It shall be deemed a term of every contract of service of an employee of the Commission that such employee may be assigned duties in any area of Guyana or in any department of the Commission or that such person is liable to be seconded or transferred by the Commission with the consent of the appropriate authority to service in such capacity, as may be agreed upon between the Commission and such authority, in any department, agency or institution of the State or with any body corporate in which the controlling interest is vested in the State:

Provided that nothing in the foregoing provisions of the subsection shall render any person liable to suffer by reason of any assignment, secondment or transfer any loss in leave, or superannuation benefits enjoyed by him immediately prior to such assignment, secondment or transfer.

(2) In this section—

“appropriate authority” means the respective authority duly vested with power to employ a person in the service of the respective department, agency or institution of the State or body corporate in which the controlling interest is vested in the State, as the case may be.

Superannuation benefits of public officers and teachers employed in the service of the Commission.
c. 19:05

8. (1) Sections 54 and 54A of the Public Corporations Act shall apply *mutatis mutandis* to the Commission as if the references in those sections to a public corporation were references to the Commission.

(2) Where an employee of the Commission, other than a person to whom subsection (1) applies, is seconded or transferred from service with the Commission in respect of which a pension is payable to service as mentioned in section 7 (1), in computing the period of his last mentioned service for the purpose of pension notwithstanding anything to the contrary in any other law there shall be reckoned his service with the Commission.

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9. (1) Subject to subsection (4) and notwithstanding anything to the contrary in any other law it shall be lawful for the Commission to request any person to supply to the Commission such information as the Commission deems necessary to carry out the functions imposed upon it by this Act either by such person being interviewed personally by an authorised officer or by way of the completion by that person of a form sent to his last known address by the Commission.

Power to obtain information.

(2) Any person having the custody or charge of any public records or documents, or of the records or documents of any person from which in the opinion of any authorised officer of the Commission information necessary to the Commission for the carrying out of its functions can be obtained, shall grant to the authorised officer access to such records or documents for the purpose of obtaining such information therefrom.

(3) A person shall not be required to supply information under this Act which involves the disclosure of any technical process or trade secret in or relating to the undertaking of which he is the owner or in the conduct or supervision of which he is engaged.

(4) Where a person to whom a request has been made under subsection (1) satisfies the Minister by representations made to him in writing within seven days of the receipt of such request that undue hardship is imposed upon him by reason of that request, the Minister may direct that such request be waived or be modified to such extent as he deems fit.

10. (1) Any authorised officer of the Commission may, for any purpose connected with the carrying out of the functions of the Commission, enter at all reasonable times any dwelling house or any premises where persons are employed, or any premises where it appears to him likely that persons are employed, and may make such enquiries as may be necessary for the performance of his duties in relation to such functions.

Powers of entry.

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(2) An authorised officer shall before exercising any of the powers conferred upon him by this Act produce his written authorisation to such persons as may be directly affected by the proposed exercise by him of those powers.

Restriction on
Publication.

11. Except for the purposes of a prosecution under this Act—

- (a) no individual return, or part thereof, made for the purposes of this Act;
- (b) no answer given to any question put for the purposes of this Act;
- (c) no report, abstract, or other document, containing particulars comprised in any such return or answer so arranged as to enable identification of such particulars with any person, undertaking or business,

shall be published or disclosed to any person not employed in the execution of a duty under this Act, unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of an undertaking or business, from the owner for the time being of the undertaking or business:

Provided that nothing in this section shall prevent or restrict the publication or disclosure of any such report, abstract, or other document without such consent where—

- (a) the particulars in such report, abstract or other document, enable identification merely by reason of the fact that the particulars relate to the business activities of a person who is the only individual engaged in that category of business or activity; or
- (b) such publication or disclosure is lawfully required in any court or tribunal or under the provisions of any other law.

Offences.
[3 of 1978]

12. (1) Any person being a person employed in the execution of any duty under this Act, who—

- (a) by virtue of such employment becomes possessed of any information which might exert an influence upon or affect the

market value of any movable or immovable property and before such information is made public in accordance with the provisions of this Act, directly or indirectly uses such information for personal gain; or

(b) 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, shall be guilty of an offence.

(2) Any person who without lawful authority seeks the disclosure by an employee of the Commission of information obtained pursuant to this Act in excess of the authority of that employee shall be guilty of an offence.

(3) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who publishes or communicates such information to any person shall be guilty of an offence.

(4) Any person who—

(a) hinders or obstructs any authorised officer in the exercise of any of his powers or the discharge of any of his duties under this Act; or

(b) without lawful excuse refuses or fails to supply the particulars required in any return, form or other document lawfully left with or sent to him, or who refuses or fails to answer any question or enquiry addressed to him under the authority of this Act; or

(c) without lawful excuse refuses or fails to comply with any directions issues by the Commission pursuant to section 4 (2) (e);

(d) knowingly or recklessly makes in any return, form or other document completed or supplied pursuant to this Act in any answer to any questions asked him under the authority of this Act, any statement which is untrue in any material particular; or

(e) without lawful authority suppresses from the Commission or, with intent to deprive the Commission of

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the benefit thereof, destroys, defaces, or mutilates, any return, form or other document containing particulars collected or requested under this Act; or

(f) writes or makes on any return, form or other document issued for the purpose of this Act and furnished to an authorised officer, any indecent, obscene or insulting remarks, drawing or other matter,

shall be guilty of an offence.

Penalties.
[6 of 1997]

13. Every person who is guilty of an offence under this Act or any regulations made thereunder and for which no special penalty is provided shall be liable on summary conviction therefor to a fine of not less than thirteen thousand dollars nor more than three hundred and twenty-five thousand dollars and to imprisonment for a term of not less than three months nor more than one year for each such offence, and in the event of a continuing offence to a further fine not exceeding thirty-two thousand five hundred dollars for each day on which the offence is continued after conviction.

Regulations.

14. The Minister may make regulations for the purpose of carrying out the provisions of this Act.

Consolidated
Fund.

15. There shall be defrayed out of monies provided by Parliament for the purpose all expenses incurred or arising under this Act in respect of the establishment of, or carrying out of its functions by, the Commission and not otherwise lawfully charged on the Consolidated Fund.
