

CHAPTER 8:01

CRIMINAL LAW (OFFENCES) ACT

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CRIMINAL LAW (OFFENCES) ACT

1929 Ed.
c. 17
1953 Ed.
c. 10

An Act to consolidate and amend the Laws relating to Procedure with respect to Indictable Offences.

18 of 1893

[1ST MARCH, 1894]

PRELIMINARY

- 1. This Act may be cited as the Criminal Law (Offences) Act. Short title.

- 2. In this Act—
“act” includes any act or omission, and any series of acts or omissions, and any combination of acts and omissions; Interpretation.
[O. 15/1970
25 of 1973
O. 4/1974
88/1975]
“child” means any person who, in the opinion of the Court, is under the age of fourteen years;
“the Court” means the High Court acting in the exercise of its criminal jurisdiction;

“document of title to goods” includes any bill of lading, permit, dock warrant, warehouse-keeper’s certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive any goods thereby represented or therein mentioned or referred to;

“document of title to lands” includes any grant, licence, letters of decree, transport, deed, will, map, paper, or parchment, whether written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title, to any immovable property or real estate, or to any interest in or out of any immovable property or real estate;

“guardian”, in relation to a child, means the parent or other lawful guardian of a child, and includes any person, being of or above the age of eighteen years, who, in the opinion of the Court, has for the time being the actual custody, control, or charge of a child;

“indictable offence” means any offence punishable on indictment before the Court;

“indictment” includes any criminal information triable by a jury;

“night” or “night-time” means the interval between eight o’clock in the evening of any day and 5:45 o’clock in the morning of the following day;

“person”, “owner”, and other words and expressions of the same kind, include the State and all governments, public bodies, bodies corporate, societies, and companies in relation to the acts and things they are capable of doing and owning respectively;

“prison” includes any lock-up house, police cell, or other duly authorised place of detention for persons in custody;

“property” includes every description of movable and immovable property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and also includes not only property originally in the possession or under the control of any person, but also any property into or for which it has been converted or exchanged, and anything acquired by the conversion or exchange, whether immediately or otherwise;

expressions referring to “the public” refer not only to citizens of Guyana within the jurisdiction of the Courts of Guyana, but also to the persons inhabiting or using any particular place, or any number of those persons, and also to any indeterminate persons who happen to be affected by the conduct or matter with reference to which those expressions are used;

“public way” means any highway, market-place, square, street, bridge, or other way which is lawfully used by the public;

“railway” includes a tramway worked by steam or electric power;

“summary conviction offence” means any offence punishable on summary conviction before a magistrate’s court, and includes any matter in respect of which a magistrate’s court can make an order in the exercise of its summary jurisdiction;

“town” includes the City of Georgetown, the towns of New Amsterdam, Bartica, and Morawhanna, towns and local government districts established under section 33 of the Municipal and District Councils Act, and any village under the Local Government Act or any other place having a population of more than three thousand inhabitants, which may be declared, by an order of the Minister, to be a town for the purposes of this Act;

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“trustee” means a trustee on some express trust created by any deed, will, or instrument in writing, and includes the heir, executor, or personal representative of a trustee, and any other person upon or to whom the duty of the trust has devolved or come, and also an

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executor and administrator, and the Official Receiver, and an official manager, assignee, liquidator, or other like officer acting under any Act for the time being in force in relation to joint-stock companies, bankruptcy, or insolvency;

“valuable security” includes any order or other security whatsoever entitling or evidencing the title of any person to any share or interest in any public stock or fund, whether of Guyana or of any Commonwealth territory, or of any foreign country, or in any fund of any body corporate, company, or society, whether in Guyana or in any Commonwealth territory or in any foreign country, or to any deposit in any bank, and also includes any debenture, deed, bond, bill, note, warrant, order (including any post office money order and any postal order), or other security whatsoever for money or for the payment of money whether of Guyana or of any Commonwealth territory or of any foreign country, and any document of title to goods or lands as hereinbefore defined.

PART I

GENERAL PROVISIONS

TITLE 1

Introductory Provisions

Operation of
common law
rules and
principles.

3. Subject to the provisions of this Act and of any other statute for the time being in force, all the rules and principles of the common law relating to indictable offences and other criminal matters shall, so far as they are applicable to the circumstances of Guyana, be in force therein:

Provided that nothing in this section shall extend to cause any attainder, forfeiture, or escheat.

Acts done
partly within
and partly
beyond the
jurisdiction.

4. Where an act which, if done wholly within the jurisdiction of the Court, would be an indictable offence is done partly within and partly beyond the jurisdiction, every person who, within the

jurisdiction does or abets any part of that act shall be liable to be prosecuted and convicted and punished for that offence in the same manner as if the act had been done wholly within the jurisdiction.

5. (1) All indictable offences mentioned in this Act which are committed within the Admiralty jurisdiction of the Court and are cognizable by the Court shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed in Guyana, and may be dealt with, inquired of, tried, and determined therein in the same manner in all respects as if they had been actually committed therein.

Offences committed within Admiralty jurisdiction. [O. 15/1970]

(2) In any indictment relating to any of those offences, the venue in the margin shall be the same as if the offence had been committed in the county of Guyana in which the offence is tried, and the offence shall be averred to have been committed on the high seas:

Provided that nothing herein contained shall alter or affect any of the laws relating to the government of the Guyana Defence Force.

6. When any person convicted of any felony not punishable with death has endured, or shall endure, the punishment to which he has been or may be sentenced therefor, the punishment so endured has and shall have the like effects and consequences as a pardon under the public seal as to the felony whereof the offender has been or may be so convicted:

Effect of undergoing sentence for felony not punishable with death.

Provided that nothing herein contained, nor the enduring of that punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

7. Where, on the trial of any offence under this Act, or under any other written law for the time being in force, it is necessary to prove carnal knowledge, that carnal knowledge shall be deemed complete upon proof of penetration.

Proof of carnal knowledge.

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Presumption
of age of child.

8. Where any person is charged with an offence under this Act, or under any other written law for the time being in force, in respect of a child who is alleged in the indictment to be under any specified age, and the child appears to the Court to be under that age, the child shall, for the purposes of this Act or of that other written law, be deemed to be under that age, unless the contrary is proved.

Saving of right
of correction
of child.
Saving of
jurisdiction of
magistrates'
courts.
c. 10:02

9. Nothing in this Act shall be construed to take away or affect—

(a) the right of the guardian or teacher of a child to administer reasonable and proper punishment to the child;
or

(b) the special jurisdiction in respect of offences which would otherwise be punishable only on indictment which is conferred upon magistrates' courts by the Summary Jurisdiction (Procedure) Act, or by any other written law for the time being in force; or

(c) the jurisdiction of the Court in respect of indictable offences constituted by any other written law for the time being in force and not specified in this Act.

Saving of
offences
constituted by
other written
laws.

Saving of
liability under
other written
laws.

10. Where an indictable offence punishable under this Act is also punishable under any other written law for the time being in force or at common law, that offence may be prosecuted and punished either under this Act, or under that other written law, or at common law, but so that no person is punished twice for the same offence.

TITLE 2

Punishments

Different kinds
of punishment
under the Act.
[18 of 1957]

11. The following punishments are imposed by or may be inflicted under this Act—

- (i) fine;
- (ii) payment of compensation for injury done;
- (iii) disqualification for the holding of offices and otherwise;

- (iv) whipping;
- (v) flogging;
- (vi) imprisonment; and
- (vii) death.

12. (1) The Court may, in its discretion, sentence any person convicted before it of an indictable offence, not being an indictable offence punishable with death, to a fine, in addition to any other punishment to which he is sentenced.

Rules relating to infliction of fines.

(2) Where the amount of the fine which a person may be sentenced to pay on conviction for an indictable offence is not expressly limited by law, the amount of fine to which he may be sentenced shall be in the discretion of the Court but shall not be excessive.

(3) Where any person convicted of an indictable offence is sentenced to pay a fine the Court shall, by its sentence, direct that if the person fails to pay the fine at the time appointed for the payment thereof he shall be imprisoned for the period, not exceeding one-fourth of the maximum term of imprisonment to which he might be sentenced for that offence, and not exceeding in any case one year, the Court thinks fit, unless the fine is sooner paid. Any imprisonment to which any person is sentenced and becomes subject under this subsection shall commence at the expiration of the imprisonment to which he is sentenced for his offence.

13. The Court may, in its discretion, sentence any person convicted before it of an indictable offence to make compensation to any person who suffers any injury (including loss of or damage to his property) as a result of the commission of the offence; and any sum so adjudged shall be regarded and dealt with in all respects as if it were a sum awarded by a judgment of the High Court acting in the exercise of its civil jurisdiction:

Power to award compensation to person injured.
[21 of 1978]

Provided that where the sentence is in respect of an offence committed prior to the coming into operation of this section the compensation shall not exceed that which the court could have awarded at the time of the commission of the offence.

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Criminal Law (Offences)

Effect of
payment of
compensation.
[21 of 1978]

14. (1) Where any person who suffers any injury as aforesaid as a result of the commission of an indictable offence receives compensation for the injury under the order of the court, the receipt of that compensation shall be a bar to any action for the same injury; but subject to the provisions of this section, nothing in this Act shall affect the right of action of any person in respect of any such injury.

(2) Any disposition of property made by a person ordered to pay any sum by way of compensation under section 13 shall, if made subsequent to and within five years of the date of the commission of the offence in respect of which the order was made, be voidable as against the person to whom the compensation is payable and may be levied upon and taken in execution in satisfaction of such compensation unless the person who has received it did so in good faith and for valuable consideration.

Vacation of
and disqualifi-
cation for
office on
conviction for
treason or
felony.
[4 of 1972]

15. (1) Where a person who is convicted of treason or felony and is sentenced to any term of imprisonment exceeding one year, or to death, at the time of the conviction—

- (a) holds a seat in the National Assembly; or
- (b) holds the office of a justice of the peace in Guyana; or
- (c) holds in Guyana any naval, military, or civil office, or any other public appointment under the Government, the salary or remuneration attached to which, or any part thereof, is in any way derived from the public funds of Guyana; or
- (d) holds any public office or appointment the duties of which are to be performed, either in whole or in part, beyond the limits of Guyana but the salary or remuneration attached to which, or any part thereof, is in any way derived from the public funds of Guyana,

that seat, office, or appointment shall forthwith become vacant, unless the person receives a free pardon from the President within three months after his conviction, or before the filling up of the seat, office, or appointment, if the pardon is given at a later period.

(2) The person shall also become, and (until he has suffered the punishment to which he is sentenced, or any other punishment by competent authority substituted for it, or receives a free pardon from the President) shall thenceforth continue, incapable of holding in Guyana that seat, office, or appointment, or of exercising any electoral or municipal franchise whatever in Guyana.

16. Neither the widow, nor the widower, nor any child, of anyone whose office, or appointment becomes vacant under the last preceding section shall have any claim to a pension under any Act for the time being in force in relation to pensions for the widows and orphans of persons holding those offices or appointments, or any interest in any fund established by law for the purpose of those pensions.

Forfeiture of widow's and children's pension on the conviction.
[4 of 1972]

17. Where any person is convicted of an indictable offence punishable by imprisonment under this Act, the Court may, in its discretion, sentence the person to any less term of imprisonment, as the case may be, than the term prescribed by this Act for the offence.

Reduction of term of imprisonment.

18. Where the Court sentences any person to undergo a term of imprisonment for an indictable offence, and that person is already undergoing, or has been at the same sitting of the Court sentenced to undergo, imprisonment for another offence, the Court may direct that the imprisonment shall commence at the expiration of the imprisonment which the person is then undergoing, or has been so previously sentenced to undergo, as aforesaid.

Cumulative sentences.

19. Where any person is convicted of an indictable offence, not being an indictable offence punishable with death, the Court may, in its discretion, according to the circumstances of the case, substitute for a punishment prescribed by this Act, or by any written law for the time being in force, for the offence a different punishment as follows:

Alternative punishments.

(a) a fine;

(b) if it thinks proper, according to the circumstances of the case, order that, in addition to, or in the case of any misdemeanour in lieu of, any other punishment, the person convicted shall enter into his own recognisance, with or without sureties, for keeping the peace and being of good

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behaviour and that in default of entering into the recognisance, he be imprisoned, in addition to the term (if any) of imprisonment to which he may be sentenced, for any term not exceeding six months.

Police supervision.
c. 9:01

20. A person who is convicted of certain indictable offences mentioned in the Prevention of Crimes Act after a previous conviction may be directed to be subject to the supervision of the police under that Act.

Punishment of common law misdemeanour where punishment is not specified.

21. Where an offence is a misdemeanour at common law and no punishment is provided by any written law for that offence, a person convicted thereof shall be liable to imprisonment for one year.

Punishment of statutory misdemeanour where punishment is not specified.

22. Where an offence is declared by this Act, or by any other written law for the time being in force, to be a misdemeanour, and the punishment for that offence is not specified, a person convicted thereof shall be liable to imprisonment for one year.

Punishment of statutory felony where punishment is not specified.

23. Where an offence is declared by this Act, or by any other written law for the time being in force, to be a felony, and the punishment for that offence is not specified, a person convicted thereof shall be liable to imprisonment for three years.

TITLE 3

Abetment and Conspiracy

Accessory before the Fact

Accessory before the fact may be dealt with as principal.

24. Everyone who becomes an accessory before the fact to any felony, whether it is a felony at common law or by virtue of any written law for the time being in force, may be indicted, tried, convicted, and punished in all respects as if he were a principal felon.

25. Everyone who counsels, procures, or commands any other person to commit any felony, whether it is a felony at common law or by virtue of any written law for the time being in force, shall be guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon has or has not been previously convicted, or is or is not amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

Accessory before the fact may be so indicted or for substantive felony.

Accessory after the Fact

26. Everyone who becomes an accessory after the fact to any felony, whether it is a felony at common law or by virtue of any written law for the time being in force, may be indicted and convicted, either as an accessory after the fact to the principal felony together with the principal felon or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon has or has not been previously convicted, or is or is not amenable to justice, and may thereupon be punished in the same manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

Accessory after the fact may be so indicted or for substantive felony.

27. Every accessory after the fact to any felony (except where it is otherwise expressly enacted), whether the same is a felony at common law or by virtue of any written law for the time being in force, shall be liable to imprisonment for two years.

Punishment of accessory after the fact.

Accessories generally

28. Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment and may be tried together, notwithstanding that the principal felon is not included in the same indictment or is or is not in custody or amenable to justice.

Trial of several accessories or receivers on one indictment.

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Accessory to
felony
committed
within
Admiralty
jurisdiction.
[O. 15/1970]

29. Where anyone becomes, within the Admiralty jurisdiction of the Court, an accessory to any felony cognizable by the Court, whether it is a felony at common law or by virtue of any written law for the time being in force, and whether the felony is committed within that jurisdiction or elsewhere, or is begun within that jurisdiction and completed elsewhere, or is begun elsewhere and completed within that jurisdiction, the offence of that person shall be felony, and in any indictment relating to the offence the venue in the margin shall be the same as if the offence had been committed in the county of Guyana in which it is tried, and it shall be averred to have been committed on the high seas:

Provided that nothing herein contained shall alter or affect any of the laws relating to the government of the Guyana Defence Force.

Barring of
further liability
of accessory
once tried.

30. No one who has been once duly tried and acquitted or convicted either as an accessory before or after the fact, or for a substantive felony, under this Title shall be liable to be afterwards prosecuted for the same offence.

Abettor in Misdemeanour

Abetting
misdemeanour.

31. Everyone who aids, abets, counsels, or procures the commission of any misdemeanour, whether it is a misdemeanour at common law or by virtue of any written law for the time being in force, may be indicted, tried, convicted, and punished in all respects as a principal offender.

Conspiracy

Conspiracy to
prevent
collection of
rates or taxes.

32. Everyone who conspires with any other person to prevent, by force and intimidation, the collection of any rates or taxes, the levying and collection of which is authorised by any written law for the time being in force, shall be guilty of a misdemeanour and shall be liable to imprisonment for two years.

Conspiracy to
commit felony
not punishable

33. Everyone who, wherever no express provision is made by this Act, or by any other written law for the time being in force, for the punishment thereof, conspires with any other person to commit any

felony not punishable with imprisonment for seven years or more, or any misdemeanour, or to do anything in any part of the world which, if done in Guyana, would be a felony not punishable with imprisonment as aforesaid, or a misdemeanour, shall be guilty of a misdemeanour and shall be liable to imprisonment for three years.

with imprisonment for 7 years or misdemeanour.

34. Everyone who, in any case where no express provision is made by this Act, or by any other written law for the time being in force, for the punishment thereof, conspires with any other person to commit any felony punishable with imprisonment for seven years or more, or to do anything in any part of the world which, if done in Guyana, would be a felony punishable with imprisonment as aforesaid, shall be guilty of felony and liable to imprisonment for seven years.

Conspiracy to commit felony punishable with imprisonment for 7 years.

TITLE 4

Attempt, Incitement and Threat
Attempt and Incitement

35. Everyone who, in any case where no express provision is made by this Act, or by any other written law for the time being in force, for the punishment thereof, attempts to commit, or incites or attempts to incite any other person to commit, any felony not punishable with imprisonment for seven years or more, or any misdemeanour, under this Act shall be guilty of a misdemeanour and liable to imprisonment for one year.

Attempt to commit felony not punishable with imprisonment for 7 years or misdemeanour .

36. Everyone who, wherever no express provision is made by this Act, or by any other written law for the time being in force, for the punishment thereof, attempts to commit, or incites or attempts to incite any other person to commit, any felony punishable with imprisonment for seven years or more under this Act shall be guilty of a misdemeanour and liable to imprisonment for two years.

Attempt to commit felony punishable with imprisonment for 7 years.

37. Everyone who, in any case where no express provision is made by any written law for the time being in force for the punishment thereof, attempts to commit, or incites or attempts to incite any other person to commit, any indictable offence at common law or under any written law, other than this Act, for the time being in force, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Attempt to commit indictable offence at common law or under other written law.

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Threat

Doing threatening act generally.

38. Everyone who, with intent to intimidate or annoy any person, breaks or injures, or threatens to break or injure, any dwelling-house, or, by the discharge of firearms or otherwise, alarms or attempts to alarm any person in any dwelling-house, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Doing threatening act by night.

39. Everyone who, with intent to intimidate or annoy any person by night, breaks or injures, or threatens to break or injure, any dwelling-house, or, by the discharge of firearms or otherwise, alarms or attempts to alarm any person in any dwelling-house, shall be guilty of felony, and liable to imprisonment for five years.

Use of letter threatening injury or destruction.

40. Everyone who, without lawful excuse (the proof whereof shall lie on him), sends, delivers, utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter, document, or writing containing any threat to burn, or otherwise injure or destroy, any building, or any megass heap, or any standing crop of canes or other vegetable produce, or any ship or vessel, or to kill, maim, or wound any cattle, shall be guilty of felony and liable to imprisonment for seven years.

Use of letter threatening to murder or injure.

41. Everyone who, without lawful excuse (the proof whereof shall lie on him), sends, delivers, utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter, document, or writing containing any threat to murder or kill, or to cause grievous bodily harm to, or to shoot at, any person shall be guilty of felony and liable to imprisonment for ten years.

Use of letter threatening to accuse of crime.

42. Everyone who, without lawful excuse (the proof whereof shall lie on him), sends, delivers, utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter, document, or writing containing any accusation of any person, or any threat to accuse any person, of—

(a) any indecent assault, or any assault with intent to commit a rape, or any attempt or endeavour to commit a rape; or

(b) carnally knowing or attempting to know any girl so as to be punishable under this Act; or

(c) any infamous offence, that is to say, buggery, any attempt or assault with intent to commit buggery, or any unnatural practice; or

(d) counselling or procuring any person to commit any infamous offence aforesaid; or

(e) any offence punishable by any written law for the time being in force with imprisonment for seven years or more or with death,

shall be guilty of felony and liable to imprisonment for life.

PART II

OFFENCES AGAINST THE PERSON AND REPUTATION

TITLE 5

Assault

43. Everyone who assaults any person shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.

Common assault.

44. Everyone who, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture, or respecting any person concerned or employed therein, assaults any person, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Assault in pursuance of combination to raise the rate of wages.

45. Everyone who—

(a) indecently assaults any female; or

(b) does anything to any female by her consent which, but for that consent, would be an indecent assault, the consent being obtained by false and fraudulent representations as to the nature and quality of the act,

Indecent assault on female.
[19 of 1991]

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shall be guilty of a misdemeanour and liable to imprisonment for five years.

Assault with intent to commit felony.

46. Everyone who—

(a) assaults any person with intent to commit felony, or to resist or prevent the lawful apprehension or detainer of himself or of any other person, or to rescue any person from lawful custody; or

Assault, obstruction or resistance.

(b) assaults, obstructs, or resists any peace officer acting in the execution of his duty, or any person acting in aid of that officer; or

(c) assaults, obstructs, or resists any person acting in the lawful execution of any process against any movable or immovable property or with intent to rescue any movable property taken under that process or under any lawful distress,

shall be guilty of a misdemeanour and liable to imprisonment for two years.

Assault on person protecting wreck.

47. Everyone who assaults, obstructs, or resists any magistrate, officer, or other person lawfully authorised in that behalf, in or on account of the execution of his duty in or concerning the preservation of any ship or vessel in distress, or of any ship or vessel, goods or effects, wrecked, stranded, or cast on shore or lying under water, shall be guilty of felony and liable to imprisonment for seven years.

TITLE 6

Bodily Injury, etc.

Doing bodily harm by wanton misconduct.

48. Everyone who, having the charge of any cart, carriage or other vehicle, of whatever description and by whatever means drawn, driven or propelled, by wanton or furious driving or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person, shall be guilty of a misdemeanour and liable to imprisonment for two years.

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- 49.** Everyone who assaults any person so as to cause him actual bodily harm shall be guilty of a misdemeanour and liable to imprisonment for five years. Assault causing actual bodily harm.
- 50.** Everyone who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any person, whether with or without any weapon or instrument, shall be guilty of a misdemeanour and liable to imprisonment for five years. Unlawful wounding.
- 51.** Everyone who, with intent to injure, aggrieve, or annoy any person, unlawfully and maliciously administers to, or causes to be administered to or taken by, that person any poison or other noxious or destructive thing shall be guilty of a misdemeanour and liable to imprisonment for five years. Administering poison with intent to injure.
- 52.** Everyone who unlawfully and maliciously administers to, or causes to be administered to or taken by, any person any poison or other noxious or destructive thing, so as thereby to endanger the life of that person or so as thereby to cause grievous bodily harm to that person, shall be guilty of felony and liable to imprisonment for ten years. Administering noxious thing so as to endanger life or cause grievous bodily harm.
- 53.** Everyone who, with intent to cause any grievous bodily harm to any person, unlawfully and maliciously puts any explosive substance in any place whatever, shall be guilty of felony and liable to imprisonment for fourteen years. Putting explosive substance with intent.
- 54.** Everyone who, by the explosion of any explosive substance, unlawfully and maliciously burns, maims, disfigures, disables, or causes any grievous bodily harm to any person shall be guilty of felony and liable to imprisonment for life. Malicious burning by explosion.
- 55.** Everyone who, with intent to maim, disfigure, disable, or cause any grievous bodily harm to any person, or to resist or prevent the lawful apprehension or detainer of himself or of another unlawfully and maliciously— Discharging loaded firearm with intent.
- (a) discharges, or in any manner attempts to discharge, at any person any kind of loaded firearm; or

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(b) causes any explosive substance to explode, or sends or delivers to, or causes to be taken or received by, any person any explosive substance or other noxious or dangerous thing; or

(c) puts or lays at any place, or casts or throws at or upon, or otherwise applies to, any person any corrosive fluid or other noxious or destructive substance,

shall be guilty of felony and liable to imprisonment for life.

Meaning of
“loaded fire-
arm”.

56. Any musket, rifle, gun, pistol, or other arm loaded with any explosive substance and with any ball, shot, slug, or other material, shall be deemed to be a loaded firearm within the meaning of this Title.

Feloniously
wounding.

57. Everyone who—

(a) with intent to maim, disfigure, disable, or cause any grievous bodily harm to any person; or

(b) with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person,

unlawfully and maliciously, by any means whatsoever, wounds or causes any grievous bodily harm to any person shall be guilty of felony and liable to imprisonment for life, and, in any of the cases mentioned in paragraph (a), to whipping or flogging.

Administering
drug with
intent to
commit
indictable
offence.

58. Everyone who, with intent to commit or to facilitate the commission of any indictable offence, or the flight of the offender upon the commission or attempted commission thereof, unlawfully causes or attempts to cause any person to be affected by chloroform, laudanum, or any other stupefying or overpowering drug or thing, shall be guilty of felony and liable to imprisonment for life.

Disabling with
intent to
commit
indictable
offence.

59. Everyone who, with intent to commit or to facilitate the commission of any indictable offence or the flight of the offender upon the commission or attempted commission thereof—

(a) attempts to choke, suffocate, or strangle any person; or

(b) by any violent means whatever, renders or attempts to render any person insensible, unconscious, or otherwise incapable of resistance,

shall be guilty of felony and liable to imprisonment for life, and to whipping or flogging.

60. Everyone who unlawfully and maliciously—

(a) prevents or impedes any person on board of, or having quitted, any ship or vessel in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life; or

(b) prevents or impedes any person endeavouring to save the life of any such person as aforesaid,

Preventing the saving of life of ship-wrecked person.

shall be guilty of felony and liable to imprisonment for life.

61. Everyone who—

(a) sets or places, or causes to be set or placed any spring-gun, man-trap or other engine calculated to destroy human life or to cause grievous bodily harm, with intent that it may, or whereby it does, destroy or cause grievous bodily harm to a trespasser or other person coming in contact therewith; or

(b) when the spring-gun, man-trap, or engine has been set or placed by any other person in any place then being in, or afterwards coming into, the offender's possession or occupation, knowingly and wilfully permits it to continue so set or placed with the intent aforesaid or whereby it produces the effect aforesaid,

Setting spring-gun, man-trap or other engine, with intent.

shall be guilty of a misdemeanour and liable to imprisonment for five years:

Provided that nothing in this section shall extend to any gin or trap usually set with the intent of destroying vermin, or to any spring-gun, man-trap, or other engine aforesaid, set or placed in the night time in any dwelling-house for the protection thereof.

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Cap. 8:01

Criminal Law (Offences)

Endangering passenger on railway by unlawful act.

62. Everyone who, by any unlawful act or by any wilful neglect, endangers or causes to be endangered the safety of any person conveyed or being in or upon any railway, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Throwing missile at railway vehicle with intent to endanger safety of person therein.

63. Everyone who unlawfully and maliciously throws, or causes to fall or strike, at, against, into, or upon any engine, tender, carriage, or truck used upon any railway, any wood, stone, or other thing, with intent to injure or to endanger the safety of any person being in or upon the engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage, or truck of any train of which the first-named engine, tender, carriage, or truck forms part, shall be guilty of felony and liable to imprisonment for life.

Obstructing railway with intent to endanger passenger.

64. Everyone who unlawfully and maliciously, as to any railway—

(a) puts, places, casts, or throws upon or across it any wood, stone, or other thing; or

(b) takes up, removes, or displaces any rail, sleeper, or other thing belonging to it; or

(c) turns, moves, or diverts any points or other machinery belonging to it; or

(d) makes or shows, or hides or removes, any signal or light upon or near it; or

(e) does or causes to be done any other act with intent to injure or endanger the safety of any person travelling or being upon it,

shall be guilty of felony and liable to imprisonment for life.

TITLE 7

Incest, Rape and Similar Offences

Test of relationship when incest charged.

65. The expressions “brother” and “sister” in the two next succeeding sections, respectively, include half-brother and half-sister, and the three next succeeding sections shall apply, whether the relationship between the person charged with an offence under the two

next succeeding sections and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

66. (1) Any male who has carnal knowledge of a female who is to his knowledge his granddaughter, daughter, sister, or mother, shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Incest by males.
[25 of 1939
O. 4/1974]

(2) It is immaterial that the carnal knowledge was had with the consent of the female.

(3) If any male attempts to commit the offence as aforesaid, he shall be guilty of a misdemeanour and liable to imprisonment for two years.

(4) On the conviction before any court of any male of an offence under this section, or of an attempt to commit the offence against any female under eighteen years of age, the Court may divest the offender of all authority over that female, and if the offender is her guardian, remove him from the guardianship and appoint any person or persons to be her guardian or guardians during her minority or any less period:

Provided that the Court may at any time vary or rescind the order by the appointment of any other person as the guardian or in any other respect.

67. Any female of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son, to have carnal knowledge of her (knowing him to be her grandfather, father, brother, or son, as the case may be) shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Incest by females of or over 16.

68. (1) All proceedings under the two last preceding sections are to be held *in camera* if the Court so orders.

Proceedings *in camera*.
[19 of 1991]

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Director of Public Prosecutions' authority for proceedings.

(2) No prosecution for any offence under the two last preceding sections shall be commenced without the written authority of the Director of Public Prosecutions.

Carnally knowing girl between 15 and 16 years. [19 of 1991 16 of 2005]

69. (1) Everyone who unlawfully and carnally knows any girl of or above the age of fifteen years and under the age of sixteen years shall be guilty of a misdemeanour and liable to imprisonment for ten years.

(2) It shall be a sufficient defence to any indictment under this section if it is made to appear to the Court or jury that the accused person had reasonable cause to believe that the girl was of or above the age of sixteen years.

Other proceedings in camera.

(3) All proceedings under sections 69, 70, 71, 75, 76, 77 and 87(1)(a) are to be held *in camera* unless the Court otherwise orders.

Carnally knowing girl under 15 years. [16 of 2005]

70. Everyone who unlawfully and carnally knows any girl under the age of fifteen years, whether he believes her to be of or above that age or not, shall be guilty of felony and liable to imprisonment for life.

Carnally knowing female idiot. [19 of 1991]

71. Everyone who unlawfully and carnally knows any female idiot or imbecile female, under circumstances which do not amount to rape, but which prove that the offender knew, at the time of the commission of the offence, that the female was an idiot or imbecile, shall be guilty of a misdemeanour and liable to imprisonment for five years.

Procuring defilement of female by threat or fraud or administration of drug. [19 of 1991]

72. Everyone who—

(a) by any threat or intimidation, procures or attempts to procure any female to have any unlawful carnal connection, either within or without Guyana; or

(b) by any false pretence, false representation, or other fraudulent means, procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection either within or without Guyana; or

(c) applies, administers to, or causes to be administered to or taken by, any female, any drug, matter, or thing with

intent to stupefy or overpower, so as thereby to enable any person to have unlawful carnal connection with her,

shall be guilty of a misdemeanour and liable to imprisonment for ten years.

73. Everyone who—

(a) procures or attempts to procure any female under twenty-one years of age to have any unlawful carnal connection, either within or without Guyana, with any other person; or

(b) procures or attempts to procure any female to become, either within or without Guyana, a common prostitute; or

(c) procures or attempts to procure any female to leave Guyana with intent that she may become an inmate of a brothel elsewhere; or

(d) procures or attempts to procure any female to leave her usual place of abode in Guyana with intent that she may, for the purposes of prostitution, become an inmate of a brothel either within or without Guyana,

Procuration.
[18 of 1955
19 of 1991]

shall be guilty of a misdemeanour and liable to imprisonment for ten years.

74. Everyone who conspires with any other person to induce, by any false pretence, false representation, or other fraudulent means, any female to have any unlawful carnal connection, either within or without Guyana, shall be guilty of a misdemeanour and liable to imprisonment for five years.

Conspiracy to defile female.
[18 of 1955
19 of 1991]

75. Everyone who attempts to commit rape shall be guilty of a misdemeanour and liable to imprisonment for ten years.

Attempt to commit rape.
[19 of 1991]

76. Everyone who commits rape shall be guilty of felony and liable to imprisonment for life.

Rape.

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Cap. 8:01

Criminal Law (Offences)

Rape by personation of husband.

77. Everyone who induces a married woman to permit him to have carnal knowledge of her, by personating her husband shall be deemed to be guilty of rape.

Anonymity of complainant in rape cases.
[19 of 1991]

78. (1) After a person is accused of a rape offence, no matter likely to lead members of the public to identify a person as the complainant in relation to that accusation shall either be published in Guyana in a written publication available to the public or be broadcast in Guyana except as authorised by a direction given in pursuance of this section.

(2) If, before the commencement of a trial at which a person is charged with a rape offence, he or another person against whom the complainant may be expected to give evidence at the trial applies to the Court for a direction in pursuance of this subsection and satisfies the Court—

(a) that the direction is required for the purpose of inducing persons to come forward who are likely to be needed as witnesses at the trial; and

(b) that the conduct of the applicant's defence at the trial is likely to be substantially prejudiced if the direction is not given,

the Court shall direct that subsection (1) shall not, by virtue of the accusation alleging the offence aforesaid, apply in relation to the complainant.

(3) If at a trial at which a person is charged with a rape offence the Court is satisfied that the effect of subsection (1) is to impose a substantial and unreasonable restriction upon the reporting of proceedings at the trial and that it is in the public interest to remove or relax the restriction, the Court shall direct that the subsection shall not apply to such matter relating to the complainant as is specified in the direction; but a direction shall not be given in pursuance of this subsection by reason only of an acquittal of a defendant at the trial.

(4) If any matter is published in contravention of subsection (1), the following persons namely—

(a) in the case of a publication in a newspaper or periodical, any proprietor, and editor, and any publisher of the newspaper or periodical;

(b) in the case of any other publication, the person who publishes it; and

(c) in the case of a broadcast a body corporate which transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,

shall be guilty of an offence and liable on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for five years.

(5) For the purpose of this section a person is accused of a rape offence if—

(a) an information is laid alleging that he has committed a rape offence; or

(b) he appears before a Court charged with a rape offence; or

(c) a Court before which he is appearing commits him for trial on a new charge alleging a rape offence; or

(d) an indictment charging him with a rape offence is preferred before a Court,

and reference in this section to an accusation alleging a rape offence shall be construed accordingly.

(6) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment upon a publication or broadcast, and a direction in pursuance of this section does not affect the operation of subsection (1) at any time before the direction is given.

(7) In this section —

(a) “a broadcast” means a broadcast by wireless telegraphy of sound or visual images intended for general reception, and cognate expressions shall be construed accordingly;

(b) “complainant”, in relation to a person accused of a rape offence or an accusation alleging a rape offence, means the woman against whom the offence is alleged to have been committed;

(c) “a rape offence” means any offence committed under sections 69, 70, 71, 75, 76, 77 or 88(1); and

(d) “written publication” includes a film, a sound track and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.

Supplying or procuring any means for use in procuring miscarriage.

79. Everyone who unlawfully supplies or procures any poison or other noxious thing, or any instrument or other thing whatsoever knowing that it is intended to be unlawfully used or employed with intent to procure the miscarriage of any female, whether she is or is not with child, shall be guilty of a misdemeanour and liable to imprisonment for five years.

Use by female of means of procuring her own miscarriage.

80. If a female, whether she is or is not with child, unlawfully administers, or permits to be administered, to herself any poison or other noxious thing, or unlawfully uses, or permits to be used, on herself any instrument or other thing whatsoever, with intent to procure her own miscarriage, she shall be guilty of felony and liable to imprisonment for ten years.

Treatment by another of female with intent to procure miscarriage.

81. Everyone who, with intent to procure the miscarriage of any female, whether she is or is not with child, unlawfully administers to, or causes to be administered to or taken by, her any poison or other noxious thing, or unlawfully uses any instrument or other thing whatsoever with the like intent, shall be guilty of felony and liable to imprisonment for life:

Provided that the female herself shall not be indictable under this section.

82. (1) If on the trial of any indictment under section 66 the jury are satisfied that the defendant is guilty of an offence under section 69, 70 or 71, or of an attempt to commit any of the said offences, but are not satisfied that the defendant is guilty of an offence under section 66, the jury may acquit the defendant of the offence under section 66 and find him guilty of that offence of which they are satisfied he is guilty, and he shall be liable to be punished accordingly.

Other verdicts which may be returned on an indictment under sec. 66. [25 of 1939]

(2) If on the trial of any indictment for rape or an offence under section 70 the jury are satisfied that the defendant is guilty of an offence under section 66, 69, 71, or 72, or of an indecent assault under section 45, or of an attempt to commit any of the said offences, but are not satisfied that the defendant is guilty of the offence charged in the indictment or of an attempt to commit the same, the jury may acquit the defendant of the offence charged in the indictment and find him guilty of that offence of which they are satisfied he is guilty and he shall be liable to be punished accordingly.

Other verdicts which may be returned on an indictment under sec. 70 or 76. [25 of 1939]

TITLE 8

Bigamy, Abduction and Similar Offences

83. (1) Everyone who, being married, marries any other person during the life of the former husband or wife, whether the second marriage has taken place in Guyana or elsewhere, shall be guilty of felony and liable to imprisonment for seven years.

Bigamy. [O. 15/1970]

(2) The offence may be dealt with, inquired of, tried, determined, and punished in any county in Guyana where the offender is in the same manner in all respects as if the offence had been actually committed in that county:

Provided that nothing in this section shall extend—

(a) to any second marriage contracted elsewhere than in Guyana by any other than a citizen of Guyana; or

(b) to any person marrying a second time whose husband or wife has been continually absent from that person for the space of seven years then last past, and has not been known by that person to be living within that time; or

(c) to any person who, at the time of the second marriage, has been lawfully divorced from the bond of the first marriage; or

(d) to any person whose former marriage has been declared void by the sentence of any court of competent jurisdiction.

Abduction of female for marriage or carnal knowledge from motives of lucre.

84. (1) Where any female has any interest, whether present or future, or absolute, conditional, or contingent, in any personal or real estate or in any movable or immovable property, or is a presumptive heiress or co-heiress, or presumptive next of kin or one of the presumptive next of kin, to any one having that interest, every person who—

(a) from motives of lucre, takes away or detains that female, being of any age, against her will, with intent to marry or carnally know her or to cause her to be married or carnally known by any other person; or

(b) fraudulently allures, takes away, or detains that female, being under the age of twenty-one years, out of the possession, and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her or to cause her to be married or carnally known by any other person,

shall be guilty of felony and liable to imprisonment for fourteen years.

(2) Everyone who is convicted of any offence against this section shall be incapable of taking any estate or interest whatever in any personal or real estate, or in any movable or immovable property, of the female, or in which she has any such interest, or which may come to her as such heiress, co-heiress, or next of kin, as aforesaid; and if any marriage aforesaid has taken place, the estate or property shall, upon the conviction, be settled in the manner appointed by the Court on any application made by or on behalf of the Attorney-General.

85. Everyone who, by force, takes away or detains any female against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony and liable to imprisonment for fourteen years.

Forcible abduction of female for marriage or carnal knowledge.

86. Everyone who takes away or detains any unmarried girl, being under the age of eighteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent unlawfully and carnally to know her, or cause her to be unlawfully and carnally known by any person, whether the carnal knowledge is intended to be with any particular person or generally, shall be guilty of a misdemeanour and liable to imprisonment for ten years:

Abduction of girl under 18 years for unlawful carnal knowledge. [19 of 1991]

Provided that it shall be a sufficient defence to any indictment under this section if it is made to appear to the Court or jury that the accused person had reasonable cause to believe that the girl was of or above the age of eighteen years.

87. (1) Everyone who detains any female, against her will—

- (a) in or upon any premises, with intent unlawfully and carnally to know her, or to cause her to be unlawfully and carnally known by any other person, whether the carnal knowledge is intended to be with any particular person or generally; or
- (b) in any brothel,

Detention of female with intent to have carnal knowledge. [19 of 1991]

shall be guilty of a misdemeanour and liable to imprisonment for ten years.

(2) Where a female is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain her in or upon the premises or in the brothel if, with intent to compel or induce her to remain in or upon the premises or in the brothel, that person withholds from her any wearing apparel or any other property belonging to her, or if, where wearing apparel has

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been lent or otherwise supplied to her by or by the direction of that person, that person threatens her with legal proceedings if she takes away with her any wearing apparel so lent or supplied.

(3) No legal proceedings whatever, whether civil or criminal, shall be taken against the female for taking away or being found in possession of any wearing apparel necessary to enable her to leave the premises or brothel.

Permitting
defilement of
girl on
premises.
[19 of 1991
16 of 2005]

88. (1) Everyone who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl of the age mentioned in this section to resort to, or to be in or upon, those premises for the purpose of being unlawfully and carnally known by any person, whether the carnal knowledge is intended to be with any particular person or generally, shall—

(a) if the girl is of or above the age of fifteen years and under the age of sixteen years, be guilty of a misdemeanour and liable to imprisonment for ten years; and

(b) if the girl is under the age of fifteen years, be guilty of felony and liable to imprisonment for life.

(2) It shall be a sufficient defence to any indictment under this section if it is made to appear to the Court or jury that the accused person had reasonable cause to believe that the girl was of or above the age of sixteen years.

Power to
appoint
guardian of
seduced girl.
[O. 4/1974]

89. Where, on the trial of any person for an offence under this Part, it is proved, to the satisfaction of the Court, that the seduction or prostitution of any girl under the age of sixteen years has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, the Court may divest the father, mother, guardian, master or mistress of all authority over her, and appoint any person or persons willing to take charge of her to be her guardian until she has attained the age of eighteen years or any other age below twenty-one as the Court directs, and the Court may from time to time rescind or vary the order by the appointment of any other person or persons as the guardian, or in any other respect.

90. Everyone who unlawfully takes, or causes to be taken, any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, shall be guilty of a misdemeanour and liable to imprisonment for five years.

Abduction of unmarried girl under 16 years.
[19 of 1991]

91. Everyone who, with intent to deprive any father, mother, or guardian of any child of the possession of the child, or with intent to steal any article upon or about the person of the child, to whomsoever the article may belong, unlawfully—

Child-stealing.

(a) leads, or takes away, or decoys or entices away, or detains, the child; or

(b) receives, or harbours, the child knowing it to have been dealt with as aforesaid,

shall be guilty of felony and liable to imprisonment for seven years:

Provided that nothing in this section shall extend to any person who gets or takes possession of any child, claiming in good faith a right to the possession of the child, or being the mother, or claiming to be the father, of the child, if the child is illegitimate.

92. Everyone who, being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging—

Refusal or neglect of employer to furnish food, etc., to apprentice or servant.

(a) wilfully and without lawful excuse refuses or neglects to provide it; or

(b) unlawfully and maliciously does or cause to be done any bodily harm to the apprentice or servant, so that his life is endangered, or his health has been or is likely to be permanently injured,

shall be guilty of a misdemeanour and liable to imprisonment for three years.

Ill-treatment
and neglect of
child.

93. (1) Everyone who, being the guardian of a child—

(a) wilfully ill-treats, neglects, abandons, or exposes the child, in a manner likely to cause it unnecessary suffering, or injury to its health; or

(b) when the child is ill and needs attendance and provision, and being able to procure or provide them, wilfully neglects to procure for it the attendance of a duly qualified medical practitioner, or to provide it with suitable medicines and medical comforts and with proper food,

shall be guilty of a misdemeanour and liable to a fine of thirty-seven thousand five hundred dollars and to imprisonment for two years.

(2) If it is proved that anyone convicted under this section was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that the sum of money was accruing or becoming payable, the Court may, in its discretion, increase the amount of the fine, but so that the fine shall not exceed sixty-five thousand dollars.

(3) The interest aforesaid in any sum of money accruable or payable in the event of the death of the child shall be charged in the indictment and put to the jury in the same way, as far as may be, as a previous conviction is charged and put.

Abandoning or
exposing child
under 2 years.

94. Everyone who unlawfully abandons or exposes any child, being under the age of two years, whereby its life is endangered or its health is or is likely to be permanently injured, shall be guilty of a misdemeanour and liable to imprisonment for five years.

TITLE 9

Homicide

Manslaughter

Manslaughter.

95. Everyone who commits manslaughter shall be guilty of felony and liable to imprisonment for life.

96. Everyone who—

(a) counsels or procures any person to commit suicide actually committed in consequence of the counsel or procurement; or

(b) aids or abets any person in the commission of suicide, shall be guilty of felony and liable to imprisonment for life.

Procuring or abetting commission of suicide.

97. Everyone who attempts to commit suicide shall be guilty of a misdemeanour and liable to imprisonment for two years.

Attempt to commit suicide.

98. (1) Everyone who disposes of the dead body of any child in any manner, with intent to conceal the fact that its mother was delivered of it, whether the child died before, during, or after birth, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Disposal of dead body of child with intent to conceal its birth.

(2) If any person tried for the murder of a child, or for infanticide or child destruction, is acquitted thereof, the jury by whose verdict the person is acquitted may find, in case it so appears in evidence, that the child had been born within twelve months before its death, and that that person disposed in some manner of its dead body, with intent to conceal the fact that its mother was delivered of it, and thereupon the Court may pass sentence as if that person had been convicted upon an indictment under this section.

[25 of 1939]

Infanticide and child destruction

99. (1) Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

Infanticide.
[25 of 1939]

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the jury may, notwithstanding that the circumstances were such that but for the provisions of this section they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of the jury upon an indictment for the murder of a child to return a verdict of manslaughter or a verdict of guilty but insane, or a verdict of concealment of birth in pursuance of section 98(2).

Child
destruction.
[25 of 1939]

100. (1) Any person who with intent to destroy the life of a child capable of being born alive, or by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to wit, of child destruction and liable to imprisonment for life:

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

(2) For the purposes of this section evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be *prima facie* proof that she was at that time pregnant of a child capable of being born alive.

(3) Where upon the trial of any person for the murder or manslaughter of any child, or for infanticide or for an offence under section 81 or 82, the jury are of opinion that the person charged is not guilty of murder, manslaughter or infanticide, or of an offence under either of the said sections, as the case may be, but that he is shown to be guilty of the felony of child destruction, the jury may find

him guilty of that felony, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment for child destruction.

(4) Where upon the trial of any person for the felony of child destruction the jury are of opinion that the person charged is not guilty of that felony, but that he is shown by the evidence to be guilty of an offence under section 81 or 82, the jury may find him guilty of that offence, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment under either of the said sections.

Murder

101. Everyone who commits murder shall be guilty of felony and liable to suffer death as a felon. Murder.

102. Every offence which amounted to petit treason at common law shall be deemed in Guyana to be murder only and no greater offence; and all persons guilty in respect thereof, whether as principals or as accessories, shall be liable to be dealt with indicted, tried, convicted, and punished as principals and accessories in murder. Petit treason.

103. Everyone who— Conspiracy or
incitement to
commit
murder.
[O. 15/1970]

(a) conspires, confederates, or agrees with any person to murder, or to cause or procure the murder of, any other person, whether the person intended to be murdered is a citizen of Guyana or not, or is within Guyana or not; or

(b) solicits, counsels, or attempts to procure any person to murder any other person, whether the person whose murder is solicited, counselled, or attempted to be procured is a citizen of Guyana or not, or is within Guyana or not,

shall be guilty of felony and liable to imprisonment for ten years.

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Attempt to commit murder in certain specified ways.

104. Everyone who, with intent to commit murder—

(a) administers to, or causes to be administered to or taken by, any person any poison or other noxious or destructive thing; or

(b) attempts to administer to, or attempts to cause to be administered to or taken by, any person any poison or other noxious or destructive thing; or

(c) by any means whatsoever, wounds or causes any grievous bodily harm to any person; or

(d) by the explosion of any explosive substance, destroys or damages any building; or

(e) sets fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein; or

(f) casts away or destroys any ship or vessel; or

(g) discharges, or in any manner attempts to discharge, at any person any kind of loaded firearm, as defined in section 56; or

(h) attempts to drown, choke, suffocate, or strangle any person,

shall, whether any bodily injury is effected or not, be guilty of felony and liable to imprisonment for life.

Attempt to commit murder in other ways.

105. Everyone who, by any means other than those mentioned in the last preceding section, attempts to commit murder shall be guilty of felony and liable to imprisonment for life.

Accessory after the fact to murder.

106. Every accessory after the fact to murder shall be guilty of felony and liable to imprisonment for life.

Justifiable or excusable homicide.

107. No punishment or forfeiture shall be incurred by any person who kills another person by misfortune, or in his own defence, or in any other manner without felony.

TITLE 10

Defamatory Libel

108. (1) A defamatory libel is matter published without any legal justification or excuse, designed to insult the person to whom it is published, or calculated to injure the reputation of any person by exposing him to hatred, contempt, or ridicule.

Definition of defamatory libel.

(2) That matter may be expressed either in words legibly marked upon any substance whatever, or by any object signifying the matter otherwise than by words, and may be expressed either directly or by insinuation or irony.

109. For the purposes of this Title, publishing a defamatory libel is exhibiting it in public, or causing it to be read or seen, or showing or delivering it, or causing it to be shown or delivered to, with a view to its being read or seen by, the person defamed or by any other person.

Definition of publication.

110. No one commits an indictable offence by publishing—

No indictable offence when publication on—
(a) invitation or challenge of person defamed;
[4 of 1972]

(a) defamatory matter on the invitation or challenge of the person defamed thereby, nor if it is necessary to publish that defamatory matter in order to refute some other defamatory statement published by that person concerning the alleged offender:

Provided that—

(i) the defamatory matter is honestly believed to be true, and is relevant to the invitation or challenge or the required refutation; and

(ii) the publishing does not, in manner or extent, exceed what is reasonably sufficient for the occasion; or

(b) any defamatory matter in any proceeding held before or under the authority of any court of justice, or in any inquiry held under the authority of any written law or by order of the President, a Minister or a Service Commission; or

(b) in proceeding in court of justice or official inquiries;

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(c) papers of the National Assembly;

(c) to the National Assembly defamatory matter contained in a petition to the Council or by the order or under the authority of either of the Council any paper containing defamatory matter, or any extract from or abstract of that paper:

Provided that the extract or abstract is published in good faith and without ill-will to the person defamed; or

(d) fair report of and comment on parliamentary proceedings;

(d) in good faith for the information of the public, a fair report of the proceedings of the National Assembly, or of the public proceedings of any court of justice, whether preliminary or final, or in good faith any fair comment upon any of those proceedings; or

(e) matter of public interest believed to be true;

(e) any defamatory matter which he honestly and on reasonable grounds believes to be true, and which is relevant to any subject of public interest, the public discussion of which is for the public benefit; or

(f) and (g) fair comment on conduct of public affairs or on literary publication or public performances;

(f) fair comments upon any person who takes part in public affairs, provided those comments are confined to the public conduct of that person in public affairs; and

(g) fair comments on any published book or other literary production, or any composition or work of art or performance publicly exhibited, or any other communication made to the public on any subject, if those comments are confined to criticism on the book or literary production, composition, work of art, performance, or communication:

Provided that nothing in this section shall justify or excuse—

(i) the publishing of defamatory matter on any person other than the author, artist, or publisher, of the book or literary production, composition, or work of art, or the performer, manager, or conductor of the performance, or the maker of the communication; or

(ii) the publishing of any defamatory matter on that author, artist, publisher, performer, manager, conductor, or maker, except so far as it fairly arises out of the criticism; or

(h) defamatory matter for the purpose, in good faith, of seeking remedy or redress for any private or public wrong or grievance from a person who has, or is reasonably believed by the person publishing to have, the right to remedy or redress that wrong or grievance:

(h) matter in good faith, to obtain redress for a wrong;

Provided that—

- (i) the defamatory matter is honestly believed to be true, and is relevant to the remedy or redress sought; and
- (ii) the publishing does not, in manner or extent, exceed what is reasonably sufficient for the occasion; or

(i) in answer to any inquiry made of him, defamatory matter relating to some subject as to which the person by whom or on whose behalf the inquiry is made has, or on reasonable grounds is believed by the person publishing to have, an interest in knowing the truth:

(i) answer to inquiry by interested person;

Provided that—

- (i) the matter is published for the purpose, in good faith, of giving information in respect thereof to that person; and
- (ii) the defamatory matter is honestly believed to be true, and is relevant to the inquiry made; and
- (iii) the publishing does not, in manner or extent, exceed what is reasonably sufficient for the occasion; or

(j) to another person defamatory matter for the purpose of giving information to that person with respect to some subject as to which he has, or on reasonable grounds is believed to have, such an interest in knowing the truth as to make the conduct of the person giving the information reasonable under the circumstances:

(j) information to person interested in subject matter of information.

Provided that the defamatory matter is relevant to that subject and is either true, or is made without ill-will to the person defamed and in the honest belief, on reasonable grounds, that it is true.

Responsibility
of proprietor
of publication.

111. (1) Every proprietor of any newspaper, review, magazine, or other writing or print periodically published, (hereinafter called “periodical”) is *prima facie* criminally responsible for defamatory matter inserted and published therein:

Provided that the *prima facie* liability may be rebutted by proof that the particular defamatory matter was inserted in the periodical without the cognizance of the proprietor thereof and without negligence on his part.

(2) General authority given to the person actually inserting the defamatory matter to manage or conduct the periodical as editor or otherwise, and to insert therein what he, in his discretion, thinks fit, shall not be negligence within the preceding provision unless it is proved that the proprietor, when originally giving that general authority, meant that it should extend to inserting and publishing defamatory matter, or continued the general authority knowing that it had been exercised by inserting defamatory matter in any number or part of the periodical.

(3) No person commits an indictable offence by selling any number or part of the periodical, unless he knew either that that number or part contained defamatory matter or that defamatory matter was habitually contained in the periodical.

(4) No prosecution shall be commenced against any proprietor, publisher, editor, or any person responsible for the publication of a periodical, or against any person selling a periodical, for any defamatory matter published therein, without the consent in writing of the Director of Public Prosecutions.

(5) On any trial for publishing a defamatory libel contained in a periodical, after evidence of the publishing of the number or part of the periodical containing the alleged defamatory matter is given, sufficient, in the opinion of the Court, for that purpose, other writings or prints, purporting to be other numbers or parts of the same periodical previously or subsequently published, shall be admissible in evidence for the prosecution or for the defence without further proof.

112. (1) No person commits an indictable offence by selling any book, pamphlet, print, or writing or other thing not forming part of a periodical, although it contains defamatory matter, if, at the time of the sale, he did not know that the defamatory matter was contained in that book, pamphlet, print, writing, or other thing.

Responsibility of seller of writing not part of periodical for defamatory matter published therein.

(2) The sale by a servant of any book, pamphlet, print, writing, or other thing whether periodical or not, shall not make his master or employer criminally responsible in respect of defamatory matter contained therein, unless it is proved that the master or employer authorised that sale, knowing that the book, pamphlet, print, writing, or other thing contained defamatory matter, or, in case of a number or part of a periodical, that defamatory matter was habitually contained in that periodical.

Responsibility for act of servant.

113. It shall be a defence to an indictment for a defamatory libel that the publishing of the defamatory matter in the manner in which it was published was for the public benefit at the time when it was published, and that the matter itself was true:

Defence that matter was published for public benefit and was true.

Provided that that defence shall not be entertained unless it is pleaded in the manner provided for in the Criminal Law (Procedure) Act.

c. 10:01

114. Everyone who—

Publication of defamatory libel.

(a) publishes any defamatory libel shall be guilty of a misdemeanour and liable to fine and to imprisonment for one year;

(b) publishes any defamatory libel, knowing the same to be false, shall be guilty of a misdemeanour and liable to fine and to imprisonment for two years;

Publication of defamatory libel known to be false.

(c) publishes, or threatens to publish, or offers to abstain from publishing, or offers to prevent the publishing of, any defamatory libel, with a view to extort any money or valuable security or any valuable thing, or to induce any person to confer upon or procure for any person any

Publication of defamatory libel in order to extort money.

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appointment or office of profit or trust, or in consequence of any person having been refused that money, security, thing, appointment, office, or trust, shall be guilty of a misdemeanour and liable to imprisonment for three years.

PART III

OFFENCES AGAINST RIGHTS OF PROPERTY
AND RIGHTS ARISING OUT OF CONTRACTS

TITLE 11

Malicious Injury to Property

Interpretation of "explosive substance".

115. In this Title, unless the context otherwise requires, the expression "explosive substance" includes any materials for making any explosive substance; also any apparatus, machine, implement, or materials used or intended to be used, or adapted, for causing, or aiding in causing, any explosion in or with any explosive substance; and also any part of that apparatus, machine, or implement, or of those materials.

Injury to Growing Things

Injury to tree growing in park, to amount exceeding \$30. [4 of 1972]

116. Everyone who unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages the whole or any part of any tree, sapling, or shrub, or any underwood, growing in any park, pleasure-ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, the injury done being to an amount exceeding thirty dollars, shall be guilty of felony and liable to imprisonment for five years.

Injury to tree growing elsewhere than in park, to amount exceeding \$75. [4 of 1972]

117. Everyone who unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages the whole or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any of the situations mentioned in the preceding section, the injury done being to an amount exceeding seventy-five dollars, shall be guilty of felony and liable to imprisonment for three years.

118. Everyone who, having been thrice summarily convicted before a magistrate or a magistrate's court thereof, unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, wherever it is growing, the injury done being to an amount not exceeding three dollars, shall be guilty of a misdemeanour and liable to imprisonment for one year.

Injury to tree, wherever growing, to amount not exceeding \$3 after 3 previous summary convictions. [4 of 1972]

119. Everyone who, having been twice summarily convicted before a magistrate or a magistrate's court thereof, unlawfully and maliciously destroys, or damages with intent to destroy, any plant, root, fruit, or vegetable production growing in any garden, orchard, nursery ground, greenhouse, or conservatory shall be guilty of felony and liable to imprisonment for three years.

Destroying vegetable product growing in a garden, etc. after 2 previous summary convictions.

Injury to Animals

120. Everyone who, having been twice summarily convicted before a magistrate or a magistrate's court thereof, unlawfully and maliciously kills, maims, or wounds any dog, bird, beast, or other animal, not being an animal mentioned in the next succeeding section but being either the subject of larceny at common law or being ordinarily kept in a state of confinement or for any domestic purpose shall be guilty of a misdemeanour and liable to imprisonment for one year.

Injury to animal other than cattle.

121. Everyone who unlawfully and maliciously kills, maims, or wounds any horse, mare, gelding, colt, or filly, or any mule, or any ass, or any bull, cow, ox, steer, heifer, or calf or any ram, ewe, sheep, or lamb, or any goat or kid, or any boar, sow, barrow, hog, or pig shall be guilty of felony and liable to imprisonment for fourteen years.

Injury to cattle.

Injury to Machinery

122. Everyone who unlawfully and maliciously cuts, breaks, or destroys, or damages with intent to destroy or to render useless, any machine or engine, whether fixed or movable, which is used or

Destroying agricultural or manufacturing

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machine or
implement.

intended to be used for the grinding of sugar-canes, the pulping or cleaning of coffee, or the ginning or cleaning of cotton, or for sowing, reaping, mowing, thrashing, ploughing, or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement, whether fixed or movable, which is prepared for or employed in the business of any plantation or cattle farm, or in mining, or in any manufacture whatsoever, shall be guilty of felony and liable to imprisonment for seven years.

Destroying
draining
engine.

123. Everyone who unlawfully and maliciously—

- (a) pulls down or destroys, or damages with intent to destroy or to render useless, any steam engine or other engine for draining, or for in anywise assisting in draining, the lands of any plantation or place, or any appliance or apparatus in connection with that steam or other engine; or
- (b) stops, obstructs, or hinders the working of that steam or other engine, or of the appliance or apparatus aforesaid,

with intent, or so as thereby, to destroy or damage the cultivation of the plantation or place, or to hinder, obstruct, or delay the working thereof, shall be guilty of felony and liable to imprisonment for seven years.

Injury to Public or Private Work

Cutting of
materials of
sea-banks or
sea-walls.

124. Everyone who unlawfully and maliciously—

- (a) cuts off, draws up, or removes any piles, fascines, stones, or other materials fixed in the ground, and used for securing any sea-bank, sea-wall, or pier, or the bank, dam, or wall of or belonging to any river, creek, canal, trench, drain, aqueduct, marsh, reservoir, pool, port, harbour, dock, quay, wharf, stelling, jetty, or lock; or

Obstruction of
water-ways.

- (b) opens, or draws up, any flood-gate, koker, or sluice on, or does any other damage or injury to, any navigable river, creek, or canal, or to any draining-trench or canal, with intent, or so as thereby, to obstruct or prevent the carrying

on, completing, or maintaining the navigation or drainage thereof,

shall be guilty of felony and liable to imprisonment for seven years.

125. Everyone who unlawfully and maliciously—

Destroying sea-banks or sea-walls.

(a) breaks or cuts down, or otherwise destroys or damages, any sea-bank, or sea-wall, or the bank, dam, or wall of or belonging to any river, creek, canal, trench, drain, aqueduct, marsh, reservoir, or pool whereby any land or building is, or is in danger of being, overflowed or damaged; or

(b) throws, breaks, or cuts down, or levels, undermines, or otherwise destroys, any quay, wharf, stelling, jetty, lock, floodgate, koker, sluice, draining-wheel, weir, tunnel, towing-path, drain, water-course, or other work belonging to any port, harbour, dock, or reservoir, or on or belonging to any navigable river, creek, or canal, or to any draining-trench or canal,

shall be guilty of felony and liable to imprisonment for ten years.

126. Everyone who unlawfully and maliciously—

Destruction of dams or sluices, to destroy fish.

(a) cuts through, breaks down or otherwise destroys the dam, floodgate, koker, or sluice of any fish-pond or of any water which is private property, or in which there is any private right of fishery, with intent thereby to take or destroy any of the fish in that pond or water, or so as thereby to cause the loss or destruction of those fish; or

(b) puts any lime, or other noxious or destructive thing, in that fish-pond or water, with intent thereby to destroy any of the fish that may then be or that may thereafter be put therein; or

(c) cuts through, breaks down, or otherwise destroys the dam, floodgate, koker, or sluice of any mill-pond, reservoir, or pool,

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shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Destroying
public bridge.

127. Everyone who unlawfully and maliciously throws or pulls down, or in any manner destroys, any public bridge, (whether over water or not), or any viaduct or aqueduct, on, over, or under which bridge, viaduct or aqueduct any highway, railway, or canal passes, or does any injury with intent, or so as thereby, to render the bridge, viaduct, or aqueduct, or the highway, railway, or canal passing on, over, or under it, or any part thereof, dangerous or impassable, shall be guilty of felony and liable to imprisonment for life.

Destroying
turnpike-gates
and
accessories.

128. Everyone who unlawfully and maliciously throws down levels, or otherwise destroys, in whole or in part, any turnpike-gate or toll-bar, or any wall, chain, rail, post, bar, or other fence belonging to any turnpike-gate or toll-bar, or set up or erected to prevent passengers passing by without paying toll directed to be paid by any statute for the time being in force in relation thereto, or any house, building, or weighing-engine erected for the better collection, ascertainment, or security of that toll, shall be guilty of a misdemeanour and liable to imprisonment for five years.

Obstruction on
railway.

129. Everyone who unlawfully and maliciously—

- (a) puts, places, casts, or throws upon or across any railway any wood, stone, or other thing; or
- (b) takes up, removes, or displaces any rail, sleeper, or other thing belonging to any railway; or
- (c) turns, moves, or diverts any points or other machinery belonging to any railway; or
- (d) makes or shows, or hides or removes, any signal or light upon or near to any railway; or
- (e) does or causes to be done any other act,

with intent to obstruct, upset, overthrow, destroy, or damage any engine, tender, carriage, or truck using the railway, shall be guilty of felony and liable to imprisonment for life.

130. Everyone who, by any unlawful act, obstructs or causes to be obstructed any engine or carriage using any railway shall be guilty of a misdemeanour and liable to imprisonment for two years.

Obstructing railway engine or carriage.

131. Everyone who unlawfully and maliciously—

Injury to electric or magnetic telegraph or telephone.

(a) cuts, breaks, throws down, destroys, damages, or removes any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of, or being used or employed in or about, any electric or magnetic telegraph or telephone, or other similar appliance or instrument, in the working thereof; or

(b) prevents or obstructs in any manner whatsoever the sending, conveyance, or delivery of any communication by any telegraph or telephone, or other similar appliance or instrument,

shall be guilty of a misdemeanour and liable to imprisonment for two years.

Injury to Ship, Vessel or Beacon

132. Everyone who unlawfully and maliciously sets fire to, or casts away, or in any manner destroys any ship or vessel, whether complete or in an unfinished state, shall be guilty of felony and liable to imprisonment for life.

Destroying ship or vessel.

133. Everyone who unlawfully and maliciously sets fire to, or casts away, or in any manner destroys any ship or vessel, with intent thereby to prejudice an owner or part owner of the ship or vessel or of any goods on board the ship, or any person who has underwritten or underwrites any policy of insurance thereupon, or upon the freight thereof, or upon any goods on board, shall be guilty of felony and liable to imprisonment for life.

Destroying ship or vessel, with intent to prejudice owner or underwriter.

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Attempting to destroy ship or vessel.

134. Everyone who unlawfully and maliciously, by any overt act, attempts to set fire to, cast away, or destroy any ship or vessel, in such circumstances that, if the ship or vessel were thereby set fire to, cast away, or destroyed, the offender would be guilty of felony, shall be guilty of felony and liable to imprisonment for fourteen years.

Placing explosive in ship or vessel, with intent to destroy or damage.

135. Everyone who unlawfully and maliciously places or throws in, into, upon, against, or near any ship or vessel any explosive substances, with intent to destroy or damage any ship or vessel, or any engine, machinery, working tools, goods, or chattels, shall, whether or not any explosion takes place and whether or not any damage is actually caused, be guilty of felony and liable to imprisonment for fourteen years.

Damaging ship or vessel otherwise than by fire or explosion, with intent to destroy it.

136. Everyone who unlawfully and maliciously damages, otherwise than by fire or by any explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the ship or vessel, or render it useless shall be guilty of felony and liable to imprisonment for seven years.

Masking light, with intent to bring ship into danger.

137. Everyone who unlawfully masks, alters, or removes any light or signal, or unlawfully exhibits any false light or signal, with intent to bring any ship, vessel, or boat into danger, or unlawfully and maliciously does anything tending to the immediate loss or destruction of any ship, vessel, or boat and for which no punishment is in this Act provided, shall be guilty of felony and liable to imprisonment for life.

Removal or destruction of marine signal ship, buoy or beacon.

138. Everyone who unlawfully and maliciously cuts away, casts adrift, removes, alters, defaces, sinks or destroys, or unlawfully and maliciously does any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other manner unlawfully and maliciously injures or conceals, any light-ship, buoy, buoy-rope, beacon, perch, or mark used or intended for the guidance of seamen or for the purpose of navigation shall be guilty of felony and liable to imprisonment for seven years.

139. Everyone who unlawfully and maliciously destroys any part of any ship or vessel which is in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise or articles of any kind belonging to the ship or vessel, shall be guilty of felony and liable to imprisonment for fourteen years.

Destroying ship or vessel in distress or wrecked.

Injury by Fire to Building, etc.

140. Everyone who unlawfully and maliciously sets fire to any church, chapel, meeting-house, or other place of divine worship shall be guilty of felony and liable to imprisonment for life.

Setting fire to places of worship.

141. Everyone who unlawfully and maliciously sets fire to any dwelling-house, any person being therein, shall be guilty of felony and liable to imprisonment for life.

Setting fire to dwelling-house, some person being therein.

142. Everyone who unlawfully and maliciously sets fire to any house, stable, coach-house, outhouse, warehouse, office, shop, store, megass or other logie, mill, boiling-house, curing-house, still-house, store-house, granary, hovel, shed, or fold, or to any farm building, or to any building or erection used in farming land or in carrying on the business of any plantation or cattle farm or any trade or manufacture or any branch thereof, whether it is then in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony and liable to imprisonment for life.

Setting fire to buildings.

143. Everyone who unlawfully and maliciously sets fire to any station, engine-house, warehouse, or other building belonging or appertaining to any railway, port, dock, or harbour, or to any canal or other navigation, shall be guilty of felony and liable to imprisonment for life.

Setting fire to railway buildings.

144. Everyone who unlawfully and maliciously sets fire to any building, other than those in this Title before mentioned, belonging to the State, or to any county, town, parish, or place, or devoted or

Setting fire to public building not before mentioned.

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dedicated to public use or ornament, or erected or maintained by public subscription or contribution, shall be guilty of felony and liable to imprisonment for life.

Setting fire to building not before mentioned.

145. Everyone who unlawfully and maliciously sets fire to any building, other than those in this Title before mentioned, shall be guilty of felony and liable to imprisonment for fourteen years.

Setting fire to thing in building, the setting fire to which is felony.

146. Everyone who unlawfully and maliciously sets fire to any matter or thing, being in, against, or under any building, in such circumstances that, if the building were thereby set fire to, the offender would be guilty of felony, shall be guilty of felony and liable to imprisonment for fourteen years.

Attempting to set fire to building or thing in building.

147. Everyone who unlawfully and maliciously, by any overt act, attempts to set fire to any building, or to any matter or thing mentioned in the preceding section, in such circumstances that, if it were thereby set fire to, the offender would be guilty of felony, shall be guilty of felony and liable to imprisonment for ten years.

Setting fire to agricultural produce.

148. Everyone who unlawfully and maliciously—

(a) sets fire to any heap or stack of corn, rice, grain, pulse, tares, hay, straw, plantain leaves, haulm, stubble, or any cultivated vegetable produce, or to any heap or stack of trash, ground cane, megass, cane-tops, corn stalks, coals, charcoal, wood, or bark, or any other substance used for fuel, or to any heap or bale of cotton, or of plantain fibre, or of any other fibre; or

(b) sets fire to any field, piece, or crop of sugar-canes, coffee, cocoa, or cotton, or to any plantain walk, or to any crop of hay, grass, corn, rice, grain, or pulse, or any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees, wherever the same may be growing,

shall be guilty of felony and liable to imprisonment for fourteen years.

149. Everyone who unlawfully and maliciously, by any overt act, attempts to set fire to any matter or thing mentioned in the preceding section, in such circumstances that, if the same were thereby set fire to, the offender would be guilty of felony, shall be guilty of felony and liable to imprisonment for seven years.

Attempting to set fire to agricultural produce.

Injury to Property by Explosion

150. Everyone who unlawfully and maliciously places or throws in, into, upon, under, against, or near any building, any explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion takes place and whether or not any damage is actually caused, be guilty of felony and liable to imprisonment for fourteen years.

Placing explosive in building with intent to destroy it.

151. Everyone who unlawfully and maliciously, by the explosion of any explosive substance, destroys, throws down, or damages the whole or any part of any dwelling-house, any person being therein, or of any building whereby the life of any person is endangered, shall be guilty of felony and liable to imprisonment for life.

Destroying dwelling-house or building with explosive, to the danger of life.

152. Everyone who unlawfully and maliciously causes, by any explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether or not any injury to person or property is actually caused, be guilty of felony and liable to imprisonment for life.

Causing explosion likely to endanger life or property.

153. Everyone who unlawfully and maliciously—

(a) does any act with intent to cause by an explosive substance, or conspires with any other person to cause by an explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property; or

(b) makes, or has in his possession or under his control, any explosive substance, with intent by means thereof to endanger life or to cause serious injury to property, or to enable any other person by means thereof to endanger life or to cause serious injury to property,

Attempt to cause explosion or making or keeping explosive, with intent to endanger life or property.

shall, whether or not any explosion takes place and whether or not any injury to person or property is actually caused, be guilty of felony and liable to imprisonment for twenty years, and the explosive substance shall be forfeited.

Punishment of accessory to explosion.

154. Everyone who, by the supply of or solicitation for money, the providing of premises, or the supply of materials, or in any other manner whatsoever, procures, counsels, aids, abets, or is accessory to the commission of any offence mentioned in the last four preceding sections, or any of them, shall be guilty of felony, and shall be liable to be indicted, tried, and punished for that offence as if he had been guilty as a principal offender.

Manufacture or possession of explosive under suspicious circumstances.

155. Everyone who makes or knowingly has in his possession or under his control any explosive substance, in such circumstances as to give rise to a reasonable suspicion that he is not making it, or does not have it in his possession or under his control, for a lawful object, shall, unless he shows that he made it, or had it in his possession or under his control, for a lawful object, be guilty of felony and liable to imprisonment for fourteen years.

Manufacture or possession of explosive, etc. for commission of indictable offence.

156. Everyone who makes or knowingly has in his possession any explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or other thing, with intent thereby, or by means thereof, to commit, or for the purpose of enabling any other person to commit, any indictable offence whatsoever, shall be guilty of felony and liable to imprisonment for ten years.

Issue of warrant to search for and seize explosive, etc.

157. (1) Any magistrate or justice of the peace of any county or place in which any explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or other thing is suspected to be made, kept, or carried in the circumstances mentioned in the last two preceding sections, or either of them, may, upon reasonable cause assigned upon oath by any person, authorise by warrant under his hand any police constable to search, either in the daytime or in the night-time, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any cart, carriage, ship, vessel, or boat in which that thing is suspected to be so made, kept, or carried.

(2) Everyone acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining the explosive substance, dangerous or noxious thing, machine, engine, instrument, and thing found upon the search, which he may have good cause to suspect to be within the provisions of the last two preceding sections, or either of them, and every barrel, package, case, and other receptacle in which the thing may be, the same powers and protections which are given to persons searching for explosives under the warrant of a magistrate or justice of the peace by any Act for the time being in force relating to explosives.

158. (1) If any person is charged before a magistrate with an offence against any of the provisions of this Act relating to explosive substances, no further proceedings shall be taken against that person without the consent in writing of the Director of Public Prosecutions, except the proceedings the magistrate thinks necessary, by remand or otherwise, to secure the safe custody of the person.

Procedure under provisions relating to explosives.

(2) In framing an indictment for the offence, the same criminal act may be charged in different counts as constituting different offences under this Act, and, on the trial of the indictment, the prosecutor shall not be put to his election as to the count on which he must proceed.

Injury to other Things

159. Everyone, being possessed of a dwelling-house or other building, or part of a dwelling-house or other building, held for any term of years, or other less term, or at will, or held over after the termination of any tenancy, who--

Injury by tenant.

(a) pulls it down or demolishes it, or begins to pull it down or demolish it, or any part thereof; or

(b) pulls down or removes any fixture fixed in or to the dwelling-house or building or part thereof,

shall be guilty of a misdemeanour and liable to imprisonment for one year.

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Injury to
works of art.
[24 of 1990]

160. Everyone who unlawfully and maliciously destroys or damages any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing kept for the purposes of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other repository, being either at all times or from time to time open for the admission of the public to view the article or thing either by the permission of the proprietor thereof or on the payment of money before entering it, or any picture, statue, monument, or other memorial of the dead, or painted glass or other ornament or work of art, in any church, chapel, temple, mosque, synagogue, meeting-house, or other place of divine worship, or in any building belonging to the State, or to any county, town, parish, or place, or to any college or school, or in any street, square, churchyard, or yard of any temple, mosque or synagogue, burial-ground, or public garden or ground, or any fountain, statue, or monument exposed to public view, or any ornament, railing, or fence surrounding the fountain, statue, or monument, shall be guilty of a misdemeanour and liable to imprisonment for one year.

Supplemental Provisions

Injury not
specially
provided for.
[4 of 1972]

161. Everyone who unlawfully and maliciously commits any damage, injury, or spoil to or upon any movable or immovable property, either of a public or private nature, for which no punishment is hereinbefore provided, the damage, injury, or spoil being to an amount exceeding seventy-five dollars, shall be guilty of a misdemeanour and liable to imprisonment for two years and, if the offence is committed in the night-time, to imprisonment for five years.

Case of
offender being
in possession
of property
injured.

162. Every provision of this Title not hereinbefore so applied shall apply to every person who, with intent to injure or defraud any other person, commits any of the offences mentioned in this Title, although the offender may be in possession of the property against or in respect of which the offence is committed.

Malice against
owner of
property not
necessary.

163. Every punishment by this Title imposed on any person who unlawfully and maliciously commits any offence against or in respect of property shall equally apply and be enforced, whether the offence is committed from malice conceived against the owner of the property against or in respect of which it is committed or otherwise.

164. Nothing shall be an offence under any provision contained in this Title unless it is done without legal justification:

Saving of act done under colour of right.

Provided that, where the offence consists in an injury to anything in which the offender has an interest, the existence of that interest, if partial, shall not prevent his act being an offence, and the fact that the thing injured belonged wholly to the offender shall not prevent his act being an offence, if it is done with intent to injury or defraud.

TITLE 12

Larceny and Similar Offences

Simple Larceny

165. Everyone who commits simple larceny or any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable to imprisonment for three years.

Simple larceny.

166. Everyone who, being a bailee of any chattel, money, or valuable security, fraudulently takes or converts it to his own use, or to the use of any person other than the owner thereof, although he does not break bulk or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof on an indictment for larceny.

Larceny by bailee.

167. The common law distinction between grand larceny and petty larceny shall have no force or effect in Guyana and every larceny, whatever may be the value of the property, shall be deemed to be of the same nature and shall be subject to all the incidents applicable to grand larceny.

Abolition of distinction between grand and petty larceny. [4 of 1972]

168. (1) Everyone who commits simple larceny, or any offence hereby made punishable like simple larceny, after having been previously convicted on indictment for felony shall be liable to imprisonment for ten years.

Increase of punishment on conviction for simple larceny after previous convictions.

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(2) Everyone who commits simple larceny, or any offence hereby made punishable like simple larceny, after having been convicted on indictment of any misdemeanour punishable under this Act, shall be liable to imprisonment for seven years.

c. 8:02

(3) Everyone who commits simple larceny, or any offence hereby made punishable like simple larceny, after having been twice previously convicted of any of the offences specified in the sixth and seventh Titles of the Summary Jurisdiction (Offences) Act, or either of them, or in any other Act relating to offences of a similar description (whether both convictions have been in respect of an offence of the same description or not, and whether both convictions or either of them have or has been or shall be before or after the commencement of this Act) shall be liable to imprisonment for seven years.

Larceny of Things attached to or growing on Land

Larceny of things fixed to building or land.

169. Everyone who steals, or rips, cuts, severs, or breaks with intent to steal, any glass, shingles or woodwork belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or anything made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden, or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial-ground, shall be guilty of felony, and liable to be punished as in the case of simple larceny.

Stealing growing tree in park, of value exceeding \$30. [4 of 1972]

170. Everyone who steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, growing in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, the value of the article stolen, or the amount of the injury done, exceeding thirty dollars, shall be guilty of felony, and liable to be punished as in the case of simple larceny.

171. Everyone who steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any of the situations mentioned in the preceding section, the value of the article stolen, or the amount of the injury done, exceeding seventy-five dollars, shall be guilty of felony, and liable to be punished as in the case of simple larceny.

Stealing tree, growing elsewhere than in park, of value exceeding \$75. [4 of 1972]

172. Everyone who, having been twice summarily convicted before a magistrate or a magistrate's court thereof, steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever growing, the value of the article stolen, or the amount of the injury done, not exceeding three dollars, shall be guilty of felony and liable to be punished as in the case of simple larceny.

Stealing tree wherever growing, of value not exceeding \$3 after 2 previous summary convictions. [4 of 1972]

173. Everyone who, having been once summarily convicted before a magistrate or a magistrate's court thereof, steals, or destroys or damages with intent to steal, any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure-ground, nursery-ground, green-house, or conservatory, shall be guilty of felony and liable to be punished as in the case of simple larceny.

Stealing vegetable product growing in garden, etc., after previous summary conviction.

Larceny of Animals

174. Everyone who, having been once summarily convicted before a magistrate or a magistrate's court thereof, steals any dog, shall be guilty of a misdemeanour and liable to imprisonment for eighteen months.

Larceny of dog, after previous summary conviction.

175. Everyone who, having been once summarily convicted before a magistrate or a magistrate's court thereof, has in his possession or on his premises any stolen dog, or the skin of any stolen dog, knowing the dog to be stolen or the skin to be the skin of a stolen dog, shall be guilty of a misdemeanour and liable to imprisonment for eighteen months.

Possession of stolen dog, after previous summary conviction.

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Larceny of
goat or pig.

176. Everyone who steals any goat or kid, or any boar, sow, barrow, hog, or pig, shall be guilty of felony and liable to imprisonment for three years.

Larceny of
horses or
cattle.

177. Everyone who steals any horse, mare, gelding, colt, or filly, or any mule, or any ass, or any bull, cow, ox, steer, heifer or calf, or any ram, ewe, sheep, or lamb, shall be guilty of felony and liable to imprisonment for fourteen years.

Killing animal
with intent to
steal carcass
thereof.

178. Everyone who wilfully kills any animal, with intent to steal the carcass, skin, or any part of the animal so killed, shall be guilty of felony and liable to the same punishment as if he had been convicted of feloniously stealing it, if the offence of stealing the animal so killed would have amounted to felony.

Larceny of Written Instruments

Larceny or
mutilation of
valuable
security.

179. Everyone who steals, or for any fraudulent purpose destroys, cancels, or obliterates, the whole or any part of any valuable security, other than a document of title to lands, shall be guilty of felony, of the same nature and in the same degree, and punishable in the same manner, as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen relates, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned, or referred to in or by the security.

Larceny or
mutilation of
document of
title to lands.

180. Everyone who steals, or for any fraudulent purpose destroys, cancels, obliterates, or conceals, the whole or any part of any document of title to lands, shall be guilty of felony and liable to imprisonment for three years.

Larceny, etc.,
of
testamentary
instrument.

181. Everyone who, either during the life of the testator or after his death, steals, or for any fraudulent purpose destroys, cancels, obliterates, or conceals the whole or any part of any will, codicil, or other testamentary instrument, whether the instrument relates to personal or real estate or movable or immovable property, or to both, shall be guilty of felony and liable to imprisonment for life:

Provided that nothing in this or in the preceding section, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy which any party aggrieved by that offence might or would have had if this Act had not been passed; but no conviction of the offender shall be received in evidence in any action against him; and no person shall be liable to be convicted of any of the felonies mentioned in this and the preceding section, by any evidence whatever, in respect to any act done by him, if he has, at any time previously to his being charged with the offence, first disclosed that act, upon oath, in consequence of any compulsory process of any court of justice in any action or proceeding which has been in good faith instituted by any party aggrieved, or if he has first disclosed the act in any compulsory examination or deposition before any court or judge on the hearing of any matter in bankruptcy or insolvency.

182. Everyone who steals, or for any fraudulent purpose takes from its place of deposit for the time being or from any person having for the time being the lawful custody thereof, or unlawfully and maliciously cancels, obliterates, injures, or destroys, the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, pleading, sentence, or order, or of any original document whatsoever of or belonging to any court of record, or relating to any matter, whether civil or criminal, begun, depending, or terminated in that court, or of any original document in anywise relating to the business of any office or employment under the Government and being or remaining in any office appertaining to any court of justice or in any government or public office, shall be guilty of felony and liable to imprisonment for three years.

Larceny or mutilation of judicial or public document.

Miscellaneous Larcenies

183. Everyone who steals any chattel, money, or valuable security from the person of another shall be guilty of felony and liable to imprisonment for fourteen years.

Larceny from the person.

184. (1) Everyone who steals any chattel or fixture let to be used by him or her in or with any house or lodging, whether the contract has been entered into by him or her, or by his wife or her husband, or by any

Larceny by tenant or lodger of

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chattel or
fixture let with
house or
lodging.
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person on behalf of him or her or his wife or her husband, shall be guilty of felony and liable to imprisonment for two years; and, if the value of the chattel or fixture exceeds seventy-five dollars, to imprisonment for seven years.

(2) In every case of stealing any chattel mentioned in this section, an indictment may be preferred in the common form as for larceny, and, in every case of stealing any fixture mentioned in this section, an indictment may be preferred in the same form as if the offender were not a tenant or lodger, and in either case the property may be laid in the owner or person letting to hire.

Larceny by
clerk or
servant.

185. Everyone who, being a clerk or servant or being employed for the purpose or in the capacity of a clerk or servant, steals any chattel, money, or valuable security belonging to or in the possession or power of his master or employer shall be guilty of felony and liable to imprisonment for fourteen years.

Larceny by
public officer.

186. Everyone who, being employed in the public service or in the police force, steals any chattel, money, or valuable security belonging to or in the possession or power of the State, or entrusted to him or received or taken into possession by him by virtue of his employment, shall be guilty of felony and liable to imprisonment for fourteen years.

Larceny by
partner.

187. Everyone who, being a member of any co-partnership or being one of two or more beneficial owners of any chattel, money, or valuable security, steals the chattel, money or valuable security of or belonging to the co-partnership or to the joint beneficial owners, shall be liable to be dealt with, tried, convicted, and punished for the offence as if he had not been or was not a member of that co-partnership or one of those beneficial owners.

Larceny in
dwelling-
house to the
value of \$75.
[4 of 1972]

188. Everyone who steals in any dwelling-house any chattel, money, or valuable security, to the value in the whole of seventy-five dollars or more, shall be guilty of felony and liable to imprisonment for fourteen years.

189. Everyone who steals—

Larceny from ship or vessel wrecked, etc.

(a) any part of a ship, vessel, punt, barge, or boat which is in distress, or wrecked, stranded, or cast on shore, or any part of the cargo of, or anything in or belonging to that ship or vessel; or

(b) anything in a ship, vessel, punt, barge, or boat in any haven, or in any port of entry or discharge, or in the course of any voyage from any port or place in Guyana to any other port or place therein, or in any harbour, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with that haven, port, harbour, river, or canal; or

(c) anything in a dock, or on any wharf, stelling, or quay, adjacent to the haven, port, harbour, river, canal, creek, or basin,

shall be guilty of felony and liable to imprisonment for fourteen years.

190. (1) For the purposes of this section—

Interpretation.

“raw gold” includes any substance or thing containing gold, or of which gold forms a part, whether it has been smelted or not;

“precious stones” means rough or uncut precious stones;

“valuable minerals” means any mineral containing gold, silver, platinum, and any of the rarer metals, or combination of them, together with some other metal or mineral matter in such proportion that the gold, silver, platinum, and rarer metal, or combination of them, is or was of greater value than the baser metal or mineral matter in which it is or was contained.

(2) Every person who—

(a) steals, or severs from any land, with intent to steal, any raw gold, precious stones, or valuable minerals; or

(b) severs from any land, with intent to steal, any bauxite; or

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(c) abstracts from any land, with intent to steal, any petroleum, asphalt, manjak, or any substance of a like nature; or

(d) bleeds any growing tree, with intent to steal rubber, balata gum, or any substance of a like nature,

shall be guilty of felony and liable, in cases under paragraph (a) to imprisonment for seven years, and in cases under paragraphs (b), (c) and (d) to imprisonment for three years.

(3) Every person who enters any land with intent to do any act which is by the preceding subsection made a felony shall be guilty of felony and liable to imprisonment for three years.

Embezzlement

Embezzlement
by clerk or
servant.

191. Everyone who, being a clerk or servant or being employed for the purpose or in the capacity of a clerk or servant, fraudulently embezzles any chattel, money, or valuable security delivered or taken into possession by him for, or in the name or on the account of, his master or employer, or any part thereof, shall be deemed to have feloniously stolen it from his master or employer, although it may not have been received into the possession of the master or employer otherwise than by the actual possession of his clerk, servant, or other person so employed as aforesaid, and shall be liable to imprisonment for fourteen years.

Embezzlement
by public
officer.

192. Everyone who, being employed in the public service or in the police force, and being entrusted, by virtue of that employment, with the receipt, custody, management, or control of any chattel, money, or valuable security, embezzles any chattel, money, or valuable security entrusted to or received or taken into possession by him by virtue of his employment, or any part thereof, or in any manner fraudulently applies or disposes of it, or any part thereof, to his own use or benefit, or for any purpose whatsoever except for the public service, shall be deemed to have feloniously stolen the same from the State and shall be liable to imprisonment for fourteen years.

193. Everyone who, being a member of any co-partnership or being one of two or more beneficial owners of any chattel, money, or valuable security, embezzles any chattel, money or valuable security of or belonging to the co-partnership or to the joint beneficial owners, shall be deemed to have feloniously stolen it from his co-partners or joint beneficial owners, and shall be liable to imprisonment for fourteen years.

Embezzlement
by partner.

194. (1) If, on the trial of any person indicted for embezzlement or fraudulent application or disposition as hereinbefore provided, it is proved that he took the property in question in any manner amounting in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that he is not guilty of embezzlement or fraudulent application or disposition but is guilty of simple larceny, or of larceny as a clerk or servant, or a person employed for the purpose or in the capacity of a clerk or servant, or as a person employed in the public service or in the police force, or as a co-partner or co-owner of property, as the case may be; and thereupon he shall be liable to be punished in the same manner as if he had been convicted on an indictment for that larceny; and if, on the trial of any person indicted for larceny, it is proved that he took the property in question in any manner amounting in law to embezzlement or fraudulent application or disposition as hereinbefore provided, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that he is not guilty of larceny but is guilty of embezzlement or fraudulent application or disposition, as the case may be, and thereupon he shall be liable to be punished in the same manner as if he had been convicted on an indictment for that embezzlement or fraudulent application or disposition.

Provisions as
to trial of
person for
embezzlement
or larceny.

(2) No person so tried for embezzlement, fraudulent application or disposition, or larceny, as aforesaid shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition, or embezzlement, upon the same facts.

TITLE 13

Fraud

False Pretences

Obtaining by false pretence.

195. Everyone who, by any false pretence, obtains from any other person any chattel, money, or valuable security, with intent to defraud, shall be guilty of a misdemeanour and liable to imprisonment for three years:

Provided that if, on the trial of any person indicted for that misdemeanour, it is proved that he obtained the property in question in any manner amounting in law to larceny, he shall not by reason thereof be entitled to be acquitted of the misdemeanour; and no one tried for the misdemeanour shall be liable to be afterwards prosecuted for larceny upon the same facts.

Procuring money to be paid by false pretence.

196. Everyone who, by any false pretence, causes or procures any money to be paid, or any chattel or valuable security to be delivered, to any other person, for the use or benefit or on account of the person making the false pretence or of any other person, with intent to defraud, shall be deemed to have obtained the money, chattel, or valuable security within the meaning of the preceding section.

Inducing person by false pretence to execute or destroy valuable security, etc.

197. Everyone who, with intent to defraud or injure another, by any false pretence fraudulently causes or induces any other person to execute, make, accept, endorse, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person or of any company, firm, or co-partnership, or the seal of any body corporate, company, or society, upon any paper or parchment, in order that it may be afterwards made or converted into, or used or dealt with as, a valuable security, shall be guilty of a misdemeanour and liable to imprisonment for three years.

Fraudulent Conversion

198. (1) Whosoever—

Fraudulent misappropriation of property.

(a) being entrusted, either solely or jointly with any other person, with any property in order that he may retain in safe custody or apply, pay or deliver, for any purpose or to any person, the property or any part thereof or any proceeds thereof; or

(b) having, either solely or jointly with any other person, received any property for or on account of any other person, fraudulently converts the property or any part thereof or any proceeds thereof to his own use or benefit, or that of any other person, shall be guilty of a misdemeanour and be liable to imprisonment for seven years.

(2) Nothing in this section shall apply to or affect any trustee on any express trust created by a deed or will, or any mortgagee of any movable or immovable property, in respect of any act done by the trustee or mortgagee in relation to the property comprised in or affected by the trust or mortgage.

199. Everyone who, being entrusted, either solely or jointly with any other person, with any power of attorney for the sale or transfer of any property, fraudulently sells or transfers or otherwise converts the property or any part thereof to or for his own use or benefit, or to or for the use or benefit of any person other than the person by whom he was so entrusted, shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Fraudulent conversion of property entrusted for sale.

200. (1) Everyone who, being a factor or agent entrusted, either solely or jointly with any other person, for the purpose of sale or otherwise, with the possession of any goods or of any document of title to goods, in violation of good faith and contrary to or without the authority of his principal in that behalf, for his own use or benefit or for the use or benefit of any person other than the person by whom he was so entrusted—

Fraudulent pledge by factor of goods entrusted to him.

(a) makes any consignment, deposit, transfer, or delivery of any goods or document of title so entrusted to him as aforesaid, as and by way of a pledge, lien, or security for any money or valuable security borrowed or received by the factor or agent at or before the time of making the consignment, deposit, transfer, or delivery, or intended to be thereafter borrowed or received; or

(b) accepts any advance of any money or valuable security, on the faith of any contract or agreement to consign, deposit, transfer, or deliver the goods or document of title,

shall be guilty of a misdemeanour and liable to imprisonment for seven years.

(2) Every clerk or other person who knowingly and wilfully acts and assists in making any consignment, deposit, transfer, or delivery, or in accepting or procuring any advance, aforesaid, shall be guilty of a misdemeanour and liable to the same punishment:

Provided that the factor or agent shall not be liable to prosecution for consigning, depositing, transferring, or delivering the goods or document of title when not made a security for or subject to the payment of any greater sum of money than the amount which, at the time of the consigning, deposit, transfer, or delivery, was justly due and owing to him from his principal, together with the amount of any bill of exchange drawn by or on account of his principal and accepted by him.

Explanation of terms in sections 197, 198 and 199.

201. (1) Any factor or agent entrusted as aforesaid and possessed of any document of title aforesaid, whether derived immediately from the owner of the goods, or obtained by reason of the factor or agent having been entrusted with the possession of the goods or of any other document of title thereto, shall be deemed to have been entrusted with the possession of the goods represented by the document of title.

(2) Every contract pledging or giving a lien upon any document of title aforesaid shall be deemed to be a pledge of and lien upon the goods to which it relates.

(3) The factor or agent shall be deemed to be possessed of the goods or document, whether they or it are or is in his actual custody, or are or is held by any other person subject to his control or for him or on his behalf.

(4) Where any loan or advance is made in good faith to any factor or agent entrusted with and in the possession of any such goods or document of title as aforesaid, on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver the goods or document of title, and the goods or document of title are or is actually received by the person making the loan or advance, without notice that the factor or agent was not authorised to make the pledge or security, that loan or advance shall be deemed to be a loan or advance on the security of the goods or document of title within the meaning of the preceding section, though the goods or document of title may not actually be received by the person making the loan or advance till the period subsequent thereto.

(5) Any contract or agreement, whether made direct with the factor or agent or with any clerk or other person on his behalf, shall be deemed a contract or agreement with him.

(6) Any payment made, whether by money or bill of exchange or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section.

(7) Any factor or agent in possession as aforesaid of any goods or document aforesaid shall be taken, for the purposes of the last preceding section, to have been entrusted therewith by the owner thereof, unless the contrary is shown in evidence.

202. Everyone who, being a trustee of any property for the use or benefit, either wholly or partially, of another or for any public or charitable purpose, with intent to defraud, converts or appropriates the property or any part thereof to or for his own use or benefit, or to or for the use or benefit of anyone other than that other person, or for any purpose other than the public or charitable purpose aforesaid, or

Fraudulent disposition of property by trustee thereof.

otherwise disposes of or destroys the property or any part thereof, shall be guilty of a misdemeanour and liable to imprisonment for seven years:

Provided that—

(a) no prosecution for any offence mentioned in this section shall be commenced without the consent in writing of the Director of Public Prosecutions; and

(b) where any civil proceeding has been taken against any person to whom the provisions of this section apply, no one who has taken that proceeding shall commence any prosecution under this section without the sanction of the court or judge before which or whom that proceeding has been had or is pending.

Frauds relating to Companies

Fraudulent appropriation of property of body corporate, or public company by officer or member.

203. Everyone who, being a director, officer, or member of any body corporate or public company, fraudulently takes or applies for his own use or benefit, or for any use or purposes other than the use or purposes of the body corporate or public company, any of its property, shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Officer keeping fraudulent accounts of body corporate or public company.

204. Everyone who, being a director, manager, or officer of any body corporate or public company, in that capacity, receives or possesses himself of any of its property, otherwise than in payment of a just debt or demand, and, with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books and accounts of the body corporate or public company, shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Fraudulent destruction by officer or member of document

205. Everyone who, being a director, manager, officer, or member of any body corporate or public company, with intent to defraud, destroys, alters, mutilates, or falsifies any book, paper, writing, or valuable security belonging to the body corporate or public company, or makes, or concurs in making, any false entry, or omits, or concurs in

omitting, any material particular, in any book of account or other document, shall be guilty of a misdemeanour and liable to imprisonment for seven years.

of body corporate or public company.

206. Everyone who, being a promoter, director, manager, or officer of any body corporate or public company, either existing or intended to be formed, makes, circulates, or publishes, or concurs in making, circulating, or publishing any written prospectus, statement, or account which he knows to be false in any material particular, with intent to induce any person, whether ascertained or not, to become a shareholder or partner therein, or to entrust or advance any property thereto, or to enter into any security for the benefit thereof, or with intent to deceive or defraud any member, shareholder, or creditor thereof, whether ascertained or not, shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Promoter or officer making false and fraudulent statements as to body corporate or public company.

207. Nothing in any of the last nine preceding sections shall enable or entitle any person to refuse to answer any question or interrogatory in any civil proceeding in any court of justice, or on the hearing of any matter in insolvency; and no person shall be liable to be convicted of any of the misdemeanours mentioned in any of those sections, on any evidence whatever, in respect of any act done by him, if he has, at any time previously to his being charged with the misdemeanour, first disclosed that act, upon oath, in consequence of any compulsory process of any court of justice in any action or other proceeding which has been in good faith instituted by any party aggrieved:

Saving of right of civil courts to inquire into matters involving certain misdemeanours.

Provided that a statement or admission made by any person in any compulsory examination or deposition before any court on the hearing of any matter in insolvency shall not be admissible as evidence against that person in any proceeding in respect of any of the misdemeanours referred to in this section.

208. Nothing in any of the sections mentioned in the last preceding section or in that section, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of those sections, shall prevent, lessen, or impeach any remedy in any court of justice which any party aggrieved by any offence against any of those sections might have had if this Act had not been passed; but no

Saving of civil remedy of party aggrieved by certain misdemeanours.

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conviction of the offender shall be received in evidence in any action or other proceeding against him, and nothing in those sections shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property which has been misappropriated.

Falsification of Accounts

Falsification of accounts by officer, clerk or servant.

209. Everyone who, being an officer, clerk or servant or being employed for the purpose or in the capacity of an officer, clerk or servant, wilfully and with intent to defraud—

(a) destroys, alters, mutilates, or falsifies any book, paper, writing, valuable security, document, or account belonging to or in the possession of his employer, or received by him for or on behalf of his employer; or

(b) makes, or concurs in making, any false entry in, or omits or alters, or concurs in omitting or altering, any material particular from or in, any book, paper, writing, valuable security, document, or account aforesaid,

shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Allegation of intent to defraud.

210. It shall be sufficient in any indictment under the preceding section to allege a general intent to defraud, without naming any particular person intended to be defrauded.

Personation

Personation generally.

211. Everyone who falsely and deceitfully personates any person, or the heir, executor, or administrator, wife, widow, next of kin, or relation of any person, with intent fraudulently to obtain any chattel, money, valuable security, or other property, shall be guilty of felony and liable to imprisonment for life.

Personation of certain persons.

212. Everyone who falsely and deceitfully personates—

(a) any owner of any share or interest of or in the debt of any public body, or of or in the debt or capital stock of any body corporate, company, or society established by charter, or by, under, or by virtue of any statute; or

(b) any owner of any dividend, coupon, certificate, or money payable in respect of that share or interest; or

(c) any person duly authorised by any power of attorney to transfer that share or interest, or to receive any dividend, coupon, certificate, or money, on behalf of the person entitled thereto,

and thereby transfers, or endeavours to transfer, any share or interest belonging to the owner, or thereby obtains, or endeavours to obtain, as if he were the true and lawful owner, or were the person so authorised by the power of attorney, any money due to the owner or payable to the person so authorised, or any certificate, coupon, share warrant, or other document, which, by any law for the time being in force or any usage existing at the time, is deliverable to the owner of the stock or fund or to the person authorised by the power of attorney, shall be guilty of felony and liable to imprisonment for life.

213. Everyone who, without lawful authority or excuse (the proof whereof shall lie on him), acknowledges, in the name of another, before any court, judge, magistrate, or other person lawfully authorised in that behalf, any recognisance or bail, or any consent for judgment or judgment, or any deed or other instrument, shall be guilty of felony and liable to imprisonment for seven years.

Acknowledging recognisance, etc. in false name.

Fraudulent Debtors

214. (1) For the purposes of this and the next five succeeding sections, unless the context otherwise implies, a debtor includes any person, whether a citizen of Guyana or not, who, at the time when any act of insolvency was done or suffered by him, was personally present in Guyana; or ordinarily resided or had a place of residence therein; or was carrying on business therein personally or by means of an agent, attorney, or manager; or was a member of a firm or partnership which carried on business therein.

Meaning of debtor for purposes of this and next 5 succeeding sections.

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Fraudulently obtaining credit and dealing with property with intent to defraud creditors.

(2) Everyone who—

(a) in incurring any debt or liability, obtains credit by any false pretence or by means of any other fraud; or

(b) with intent to defraud his creditors or any of them, makes, or causes to be made, any gift, delivery, or transfer of, or any charge on, his property; or

(c) with intent to defraud his creditors or any of them, conceals, removes, or disposes of, or causes to be concealed, removed, or disposed of, any part of his property since or within four months before the date of any unsatisfied judgment or order for payment of money obtained against him or of any agreement with his creditors with reference to his affairs,

shall be guilty of a misdemeanour and liable to imprisonment for one year.

Absconding with property in contemplation of insolvency. [4 of 1972]

215. Everyone who, having been adjudged insolvent, or having had a receiving order made in respect of his estate after the presentation of an insolvency petition by or against him, or within four months next before the presentation, quits Guyana and takes with him, or attempts to quit Guyana and take with him, or makes preparation for quitting Guyana and for taking with him, any part of his property, to the amount of three hundred dollars or upwards, which ought by law to be divided amongst his creditors, shall, unless the jury are satisfied that he had no intent to defraud, be guilty of a misdemeanour and liable to imprisonment for two years.

Various fraudulent acts of debtors.

216. Everyone who, having been adjudged insolvent, or having had a receiving order made in respect of his estate after the presentation of an insolvency petition by or against him, shall be guilty of a misdemeanour and liable to imprisonment for two years—

(a) if, within three years next before the presentation of an insolvency petition by or against him, he has failed to keep in an intelligible manner the books of account usual and proper in the business (if any) carried on by him, and such as sufficiently disclose his business transactions and financial

position, unless the jury are satisfied that he had no intent to defraud; or

(b) if he does not, to the best of his knowledge and belief, fully and truly discover to the Official Receiver or assignee in his insolvency administering his estate for the benefit of his creditors, all his property, both movable and immovable, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except any part disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family, unless the jury are satisfied that he had no intent to defraud; or

(c) if he does not deliver up to the Official Receiver or assignee in his insolvency, or as the Official Receiver or assignee directs, every part of his movable and immovable property in his custody or under his control and which he is required by law to deliver up, unless the jury are satisfied that he had no intent to defraud; or

(d) if he does not deliver up to the Official Receiver or assignee in his insolvency, or as the Official Receiver or assignee directs, all books, documents, papers, and writings in his custody or under his control relating to his property or affairs, unless the jury are satisfied that he had no intent to defraud; or

(e) if, after the presentation of an insolvency petition by or against him or within four months next before the presentation, he conceals any part of his property to the value of fifty dollars or upwards, or conceals any debt due to or from him, unless the jury are satisfied that he had no intent to defraud; or

(f) if, after the presentation of an insolvency petition by or against him or within four months next before the presentation, he fraudulently removes or disposes of, or causes to be removed or disposed of, any part of his property, to the value of fifty dollars or upwards; or

(g) if, knowing or believing that a false debt has been proved by any person under the insolvency, he fails for the period of a month to inform the Official Receiver or assignee in his insolvency thereof; or

(h) if he makes any material omission in any statement relating to his affairs, unless the jury are satisfied that he had no intent to defraud; or

(i) if, after the presentation of an insolvency petition by or against him, he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury are satisfied that he had no intent to conceal the state of his affairs or to defeat the law; or

(j) if, after the presentation of an insolvency petition by or against him or within four months next before the presentation, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of, any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury are satisfied that he had no intent to conceal the state of his affairs or to defeat the law; or

(k) if, after the presentation of an insolvency petition by or against him or within four months next before the presentation, he makes, or is privy to the making of, any false entry in any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury are satisfied that he had no intent to conceal the state of his affairs or to defeat the law; or

(l) if, after the presentation of an insolvency petition by or against him or within four months next before the presentation, he fraudulently parts with, alters, or makes any omission in, or is privy to the fraudulent parting with, altering, or making any omission in, any book, document, paper, or writing affecting or relating to his property or affairs; or

(m) if, after the presentation of an insolvency petition by or against him or at any meeting of his creditors within four months next before the presentation, he attempts to account for any part of his property by fictitious losses or expenses; or

(n) if, within four months next before the presentation of an insolvency petition by or against him, or in case of a receiving order made under section 4 (8) of the Debtors Act

before the date of the order, he has obtained, by any false representation or other fraud, any property on credit and has not paid for it; or

(o) if, within four months next before the presentation of an insolvency petition by or against him, or in case of a receiving order made under section 4 (8) of the Debtors Act before the date of the order, he has obtained, under the false pretence of carrying on business and dealing in the ordinary way in his trade, any property on credit and has not paid for it unless the jury are satisfied that he had no intent to defraud; or

(p) if, within four months next before the presentation of an insolvency petition by or against him, or in case of a receiving order made under section 4 (8) of the Debtors Act before the date of the order, he, being a trader, pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property which he has obtained on credit and for which he has not paid, unless the jury are satisfied that he had no intent to defraud; or

(q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them, to any agreement with reference to his affairs or his insolvency.

217. Everyone who, in any insolvency, under the law relating to insolvency for the time being in force, wilfully and with intent to defraud, makes any false claim or any proof, declaration, or statement of account which is untrue in any material particular shall be guilty of a misdemeanour and liable to imprisonment for two years.

False claim on insolvent's estate.

218. Everyone who is convicted of any offence under the last four preceding sections, after having been previously convicted of the same or any other offence under those sections, shall on the subsequent conviction be liable to imprisonment for five years.

Punishment for second or subsequent offence under sections 214 to 216.

219. Where any undischarged insolvent who has been adjudged insolvent under any statute for the time being in force relating to insolvency obtains credit to the amount of one hundred dollars or

Obtaining credit by undischarged insolvent.

upwards from any person without informing that person that he is an undischarged insolvent, he shall be guilty of a misdemeanour and liable to imprisonment for three months.

Burden of proof of absence of fraudulent intent by insolvent.
c. 6:04
c. 12:21

220. Where under the last six preceding sections, or under the Debtors Act, or under the Insolvency Act, an act of default, committed by a person adjudged insolvent or in respect of whose estate a receiving order has been made, is an offence unless the jury are satisfied that he had no intent to defraud, or (as the case may be) had no intent to conceal the state of his affairs or to defeat the law, it is hereby declared that the onus of proving the absence of intent to defraud, or (as the case may be) of intent to conceal the state of his affairs or to defeat the law, lies upon the person accused, and that it is not necessary to allege in the indictment or information charging the offence, or to prove, any of the intents above mentioned.

TITLE 14

Robbery and Extortion

Robbery.

221. Everyone who robs any person shall be guilty of felony and liable to imprisonment for fourteen years.

Assault with intent to rob.

222. Everyone who assaults any person with intent to rob him shall be guilty of felony and shall (save and except in the cases where a greater punishment is provided by this Act) be liable to imprisonment for three years.

Robbery with violence or under arms.

223. Everyone who—

(a) robs any person, and at the time of, or immediately before or immediately after, the robbery, beats, strikes, wounds, or uses any other personal violence to any person;
or

(b) being together with another or others, robs or assaults with intent to rob, any person; or

(c) being armed with any dangerous or offensive weapon or instrument whatsoever, robs, or assaults with intent to rob, any person,

shall be guilty of felony and liable to imprisonment for life, and to whipping or flogging.

224. Everyone who, with intent to defraud or injure another, by unlawful violence to or restraint of the person of another, or by the threat that either the offender or any other person will employ that violence or restraint, unlawfully compels any person to execute, make, accept, endorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix any name or seal upon or to any paper or parchment, in order that it may afterwards be made or converted into, or used or dealt with as, a valuable security, shall be guilty of felony and liable to imprisonment for life.

Compelling execution of document by force or threat.

225. Everyone who, with any menace or by force, demands from any person, either for himself or another, any chattel, money, valuable security, or other property, with intent to steal it, shall be guilty of felony and liable to imprisonment for three years.

Demanding thing with menace or by force, with intent to steal.

226. Everyone who—

(a) with intent to extort or gain any chattel, money, valuable security, or other property from any person, accuses or threatens to accuse either that or any other person, whether the person accused or threatened with accusation is guilty or not, of—

Extortion by threats of accusation of certain offences.

(i) an indecent assault or assault with intent to commit a rape, or any attempt or endeavour to commit a rape; or

(ii) carnally knowing or attempting to know any girl so as to be punishable under this Act; or

(iii) an infamous offence (that is to say, buggery), any attempt or assault with intent to commit buggery, or an unnatural practice; or

(iv) counselling or procuring any person to commit an infamous offence; or

(v) an offence punishable by any statute for the time being in force with death or imprisonment for seven years or more; or

(b) with the intent aforesaid, threatens that anyone shall be so accused by any other person; or

(c) without lawful excuse, sends, delivers, utters, or directly or indirectly causes to be received by any person any document containing any accusation or threat aforesaid, knowing the contents of the document; or

(d) by any of the means aforesaid, compels, or attempts to compel, any person to execute, make, accept, endorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix any name or seal upon or to any paper or parchment, in order that it may be afterwards made or converted into, or used or dealt with as, a valuable security,

shall be guilty of felony and liable to imprisonment for life.

Larceny in dwelling-house, with menace, and putting in fear.

227. Everyone who steals any chattel, money, or valuable security in any dwelling-house, and, by any menace or threats, puts any person being therein in bodily fear, shall be guilty of felony and liable to imprisonment for fourteen years.

TITLE 15

Housebreaking and Burglary

Being found by night armed, with intent to break and enter building and commit felony therein.

228. (1) Everyone who—

(a) is found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter any building whatsoever, and to commit any felony therein; or

(b) is found by night, having in his possession without lawful excuse (the proof whereof shall lie on him) any pick-lock, key, crow, jack, bit, or other implement of housebreaking; or

(c) is found by night having his face blackened or otherwise disguised, with intent to commit any felony; or

(d) is, or is found, by night in any building whatsoever, with intent to commit any felony therein,

shall be guilty of a misdemeanour and liable to imprisonment for three years.

(2) Everyone who is convicted of any such misdemeanour, committed after a previous conviction either for felony or that misdemeanour, shall, on the subsequent conviction, be liable to imprisonment for ten years.

229. Everyone who breaks and enters any church, chapel, temple, mosque, synagogue, meeting-house, or other place of divine worship, or any dwelling-house, school-house, store, shop, warehouse, counting-house, outhouse, boiling-house, still-house, curing-house, granary, or other building, with intent to commit any felony therein, shall be guilty of felony and liable to imprisonment for seven years.

Breaking and entering buildings with intent to commit felony. [24 of 1990]

230. Everyone who—

(a) breaks and enters any dwelling-house, school-house, store, shop, warehouse, counting-house, outhouse, boiling-house, still-house, curing-house, granary, or other building, and commits any felony therein; or

(b) being therein, commits any felony therein and breaks out thereof,

Breaking and entering building and committing felony therein.

shall be guilty of felony and liable to imprisonment for fourteen years.

231. Everyone who enters any dwelling-house in the night, with intent to commit any felony therein, shall be guilty of felony and liable to imprisonment for seven years.

Entering dwelling-house in the night with intent to commit felony.

232. Everyone who—

(a) breaks and enters any building and commits any felony therein, that building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof according to the provision hereinafter contained; or

Breaking and entering building within the curtilage and committing felony therein.

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(b) being in that building, commits any felony therein and breaks out thereof,

shall be guilty of felony and liable to imprisonment for fourteen years.

Breaking and entering place of worship and committing felony therein. [24 of 1990]

233. Everyone who—

(a) breaks and enters any church, chapel, temple, mosque, synagogue, meeting-house or other place of divine worship and commits any felony therein; or

(b) being therein, commits any felony therein, and breaks out thereof,

shall be guilty of felony and liable to imprisonment for life.

Burglary.

234. Everyone who commits burglary shall be guilty of felony and liable to imprisonment for life.

Burglary by breaking out.

235. Everyone who enters any dwelling-house with intent to commit any felony therein, or, being therein, commits any felony therein, and, in either case, breaks out thereof in the night, shall be deemed guilty of burglary.

Explanation as to building within the curtilage.

236. No building, although within the same curtilage with any dwelling-house, and occupied therewith, shall be deemed to be part of that dwelling-house, for any of the purposes of this Act, unless there is a communication between the building and dwelling-house, either immediate, or by means of a covered and enclosed passage leading from the one to the other.

TITLE 16

Receiving

Receiving where principal is guilty of felony.

237. (1) Everyone who receives any chattel, money, valuable security, or other property, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof amounts to a felony, either at common law or by virtue of this Act or of any other written law for the time being in force, knowing it to have been feloniously stolen,

taken, extorted, obtained, embezzled, or disposed of, shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony; and, in the latter case, whether the principal felon has or has not been previously convicted or is or is not amenable to justice.

(2) Every receiver aforesaid, however convicted, shall be liable to imprisonment for fourteen years:

Provided that no person, however tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

238. (1) Everyone who receives any chattel, money, valuable security, or other property, the stealing, taking, obtaining, converting, or disposing whereof is made a misdemeanour, by this Act or by any other written law for the time being in force, knowing it to have been unlawfully stolen, taken, obtained, converted, or disposed of, shall be guilty of a misdemeanour, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanour has or has not been previously convicted thereof or is or is not amenable to justice.

Receiving where principal is guilty of misdemeanour.

(2) Every receiver aforesaid, however convicted, shall be liable to imprisonment for seven years:

Provided that no person, however tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

239. (1) Where any property has been stolen, taken, extorted, obtained, embezzled, or otherwise disposed of in a manner amounting to a felony, either at common law or by virtue of this Act or of any other written law for the time being in force, any number of receivers at different times of the property, or of any part or parts thereof, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding that the principal felon is not included in the indictment or is not in custody or amenable to justice.

Indictment for receiving.

(2) If, on the trial of any two or more persons indicted for jointly receiving any property, it is proved that one or more of those persons separately received any part or parts of the property, the jury may convict, upon that indictment, any of those persons proved to have received any part or parts of the property.

Corruptly taking reward for helping to recovery of stolen property.

240. Everyone who corruptly takes or bargains for any money or reward, either directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property, which has, by any felony or misdemeanour, been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, under this Act or under any other written law for the time being in force, shall (unless he has used all due diligence to cause the offender to be brought to trial for the same) be guilty of felony and liable to imprisonment for seven years.

TITLE 17

Forgery and Similar Offences

Interpretation

Definition of forgery.
[15 of 1937]

241. (1) For the purposes of this Act forgery is the making of a false document in order that it may be used as genuine, and in the case of the seals and dies mentioned in this Act the counterfeiting of a seal or die, and forgery with intent to defraud or deceive, as the case may be, is punishable as in this Act provided.

(2) A document is false within the meaning of this Act if the whole or any material part thereof purports to be made by or on behalf or on account of a person who did not make it nor authorise its making; or if, though made by or on behalf or on account of the person by whom or by whose authority it purports to have been made, the time or place of making, where either is material, or, in the case of a document identified by number or mark, the number or any distinguishing mark identifying the document, is falsely stated therein; and in particular a document is false—

(a) if any material alteration whether by addition, insertion, obliteration, erasure, removal, or otherwise, has been made therein;

(b) if the whole or some material part of it purports to be made by or on behalf of a fictitious or deceased person;

(c) if, though made in the name of an existing person, it is made by him or by his authority with the intention that it should pass as having been made by some person, real or fictitious, other than the person who made or authorised it.

(3) For the purposes of this Act—

(a) it is immaterial in what language a document is expressed or in what place within or without Guyana it is expressed to take effect;

(b) forgery of a document may be complete even if the document when forged is incomplete, or is not or does not purport to be such a document as would be binding or sufficient in law;

(c) the crossing on any cheque, draft on a banker, post-office money order, postal order, coupon, or other document the crossing of which is authorised or recognised by law, shall be a material part of such cheque, draft, order, coupon, or document.

242. In this Title the expression “currency note” means a currency note issued under the Bank of Guyana Act or any other Act for the time being in force or issued by or on behalf of the Government of any country outside Guyana and whether issued by any body corporate, company or person carrying on the business of bankers or not and also includes any note (by whatever name called) which is legal tender in the country in which it is issued.

Interpretation.
[15 of 1937]

Forgery of Seals and Public and Judicial Documents

243. Everyone who—

Forgery of
Great Seal.

(a) forges or counterfeits, or utters, knowing the same to be forged or counterfeited, the Great Seal of Guyana; or

(b) forges or counterfeits the stamp or impression of the said seal; or

(c) utters any document or instrument whatsoever having thereon or affixed thereto the stamp or impression of the said seal forged or counterfeited, knowing it to be the stamp or impression of the forged or counterfeited seal, or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of the said seal, knowing it to be forged or counterfeited; or

(d) forges or fraudulently alters, or utters, knowing it to be forged or fraudulently altered, any document or instrument whatsoever having any of the said stamps or impressions thereon or affixed thereto,

shall be guilty of felony and liable to imprisonment for life.

Forgery of seal
of public
officer, etc.

244. Everyone who—

(a) forges or counterfeits, or utters, knowing it to be forged or counterfeited, the seal of any public officer, office, or department, or the seal of any body corporate, in Guyana; or

(b) forges or counterfeits the stamp or impression of any of the seals aforesaid; or

(c) utters any document or instrument whatsoever having thereon or affixed thereto the stamp or impression of any of those seals forged or counterfeited, knowing it to be the stamp or impression of the forged or counterfeited seal, or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of any of the seals aforesaid, knowing it to be forged or counterfeited; or

(d) forges or fraudulently alters, or utters, knowing it to be forged or fraudulently altered, any document or instrument whatsoever having any of the said stamps or impressions thereon or affixed thereto,

shall be guilty of felony and liable to imprisonment for fourteen years.

245. Everyone who—

(a) prints any written law, circular, list, *Gazette* or other document which falsely purports to have been printed under the superintendence or authority of the Government or of the government printer or to have been printed under the authority of Parliament or of the legislature of any Commonwealth territory, or tenders in evidence any copy of any such document as aforesaid, which falsely purports to have been printed as aforesaid, knowing that it was not so printed; or

(b) forges, or tenders in evidence, knowing it to be forged, any certificate authorised by any written law for the time being in force to be annexed to a copy of or extract from any such document as aforesaid,

Printing or tendering in evidence document falsely purporting or have been printed by proper officer. [26 of 1949]

shall be guilty of felony and liable to imprisonment for seven years.

246. Everyone who with intent to defraud—

(a) forges or alters any certificate, report, entry, licence, permit, endorsement, direction, authority, instrument, or writing made or purporting or appearing to be made by the President, a Minister or any public officer, office, or department in Guyana, or the name, handwriting, or signature of the President, the Minister or that public officer; or

(b) offers, utters, disposes of, or puts off, knowing it to be forged or altered, any certificate, report, entry, licence, permit, endorsement, direction, authority, instrument, or writing aforesaid,

Forgery of official documents.

shall be guilty of felony and liable to imprisonment for fourteen years.

247. Everyone who forges or fraudulently alters, or offers, utters, disposes of, or puts off, knowing it to be forged or fraudulently altered, any record, writ, return, panel, process, rule, pleading, sentence, order, warrant, interrogatory, deposition, affidavit, affirmation, or recognisance, or any original document whatsoever of or belonging to

Forgery of judicial document of court of record.

any court of record in Guyana, or any document or writing, or any copy of any document or writing, used or intended to be used as evidence therein, shall be guilty of felony and liable to imprisonment for seven years.

Forgery of process of court of justice.

248. Everyone who—

(a) being the Registrar or clerk of any court of justice, or other officer having the custody of the records thereof, or being the deputy of that Registrar, clerk, or officer, utters any false copy or certificate of any of those records, knowing it to be false; or

(b) being other than the Registrar, clerk, officer or deputy, signs or certifies any copy or certificate of any of those records as the Registrar, clerk, officer, or deputy; or

(c) forges or fraudulently alters, or offers, utters, disposes of, or puts off, knowing it to be forged or fraudulently altered, any copy or certificate of any of those records; or

(d) offers, utters, disposes of, or puts off any copy or certificate, of any of those records, having thereon any false or forged name, handwriting, or signature, knowing it to be false or forged; or

(e) forges the seal of any court of record in Guyana; or

(f) forges or fraudulently alters any process of any court of justice, not being a court of record, in Guyana; or

(g) serves or enforces any forged process of any court of justice, knowing it to be forged, or delivers, or causes to be delivered, to any person any paper falsely purporting to be that process or a copy thereof, or to be any judgment, sentence, decree, or order of any court of justice or a copy thereof, knowing it to be false, or acts, or professes to act, under the false process, knowing it to be false,

shall be guilty of felony and liable to imprisonment for seven years.

Forgery of summary process of magistrate.

249. Everyone who with intent to defraud forges or alters, or offers, utters, disposes, or puts off, knowing it to be forged or altered, any summons, conviction, order, or warrant of any magistrate or justice of the peace, or any recognisance purporting to have been entered into

before any magistrate or justice of the peace or other officer authorised to take it, or any examination, deposition, affidavit, affirmation, or solemn declaration taken or made before any magistrate or justice of the peace or any commissioner appointed to administer oaths to affidavits, shall be guilty of felony and liable to imprisonment for three years.

250. Everyone who forges or fraudulently alters, or offers, utters, disposes of, or puts off, knowing it to be forged or fraudulently altered, any written instrument which is made evidence by any written law for the time being in force, and for which offence no punishment is herein provided, shall be guilty of felony and liable to imprisonment for seven years.

Forgery of other instrument made evidence by written law.

251. Everyone who—

(a) forges, or fraudulently alters, or offers, utters, disposes of, or puts off, knowing it to be forged or fraudulently altered, any grosse or other copy purporting to be an authenticated or office copy of any transport, letters of decree, or mortgage, or of any instrument whatsoever passed, executed, deposited, or recorded in the deeds registry, or any affidavit, affirmation, entry, certificate, endorsement, document, or writing made or issued under the provisions of any written law for the time being in force relating to the registration or recording of documents; or

(b) forges any name, handwriting, or signature purporting to be the name, handwriting, or signature of any person to any grosse or other copy, affidavit, affirmation, entry, certificate, endorsement, document, or writing aforesaid which is required or directed to be signed by or by virtue of any written law for the time being in force; or

(c) offers, utters, disposes of, or puts off any grosse or other document aforesaid, having thereon any such forged name, handwriting, or signature as aforesaid, knowing it to be forged,

Forgery of office copy under written law relating to registry of documents.

shall be guilty of felony and liable to imprisonment for fourteen years.

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Forgery of
licence or
certificate for
marriage.

252. Everyone who forges or fraudulently alters any licence of or certificate for marriage, or offers, utters, disposes of, or puts off that licence or certificate, knowing it to be forged or fraudulently altered, shall be guilty of felony and liable to imprisonment for seven years.

Unlawful
destruction,
etc. of register
of births, etc.

253. Everyone who—

(a) unlawfully destroys, defaces, or injures, or causes or permits to be destroyed, defaced, or injured, any register of births, baptisms, marriages, deaths, or burials now or hereafter authorised or required by law to be kept in Guyana, or any part of that register, or any certified copy of that register or of any part thereof; or

(b) forges or fraudulently alters, in that register, any entry relating to any birth, baptism, marriage, death, or burial, or any part of the register, or any certified copy of the register or of any part thereof; or

(c) knowingly and unlawfully inserts, or causes or permits to be inserted, in that register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death, or burial; or

(d) knowingly and unlawfully gives any false certificate relating to any birth, baptism, marriage, death, or burial, or certifies any writing to be a copy of or extract from that register, knowing the writing, or the part of the register whereof the copy or extract is so given, to be false in any material particular; or

(e) forges or counterfeits the seal of or belonging to any register office or burial board; or

(f) offers, utters, disposes of, or puts off any register, entry, certified copy, certificate, or seal aforesaid, knowing it to be false, forged, or altered; or

(g) offers, utters, disposes of, or puts off any copy of any entry in any register aforesaid, knowing that entry to be false, forged, or altered,

shall be guilty of felony and liable to imprisonment for life.

254. Everyone who—

Making false entry in copy of register sent to Registrar.

(a) knowingly and wilfully inserts, or causes or permits to be inserted, in any copy of any register, directed or required by law to be transmitted to any Registrar or other officer, any false entry of any matter relating to any birth, baptism, marriage, death, or burial; or

(b) forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any copy of that register; or

(c) knowingly and wilfully signs or verifies any copy of that register, which copy is false in any part thereof, knowing it to be false; or

(d) unlawfully destroys, defaces, or injures, or, for any fraudulent purpose, takes from its place of deposit or conceals, any copy of that register,

shall be guilty of felony and liable to imprisonment for life.

Forgery of Deeds and other Private Writings

255. Everyone who with intent to defraud—

Forgery of deed or bond.

(a) forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any deed, transport, letters of decree, mortgage, lease, or contract, or any obligatory bond or writing, or any instrument in writing purporting to be signed in the presence of two witnesses, or any transfer or assignment of any mortgage, lease, contract, or obligatory bond or writing, or of that instrument; or

(b) forges any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting the execution of any document aforesaid; or

(c) offers, utters, disposes of, or puts off any document aforesaid, having thereon any forged name, handwriting, or signature aforesaid, knowing it to be forged,

shall be guilty of felony and liable to imprisonment for life.

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Forgery of
testamentary
instrument.

256. Everyone who with intent to defraud forges, or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any will, testament, codicil, or testamentary instrument shall be guilty of felony and liable to imprisonment for life.

Forgery of
negotiable
instrument.

257. Everyone who with intent to defraud forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any bill of exchange, or any acceptance, endorsement, or assignment of any bill of exchange, or any promissory note, or any endorsement or assignment of any promissory note, shall be guilty of felony and liable to imprisonment for life.

Forgery of
undertaking
for payment of
money, etc.

258. Everyone who with intent to defraud forges or alters, or offers, utters, disposes of, or puts off knowing it to be forged or altered, any undertaking, warrant, order (including any post office money order and any postal order), authority, or request for the payment of money or for the delivery or transfer of any goods or chattels or of any bill, note, or other security for the payment of money or for procuring or giving credit, or any endorsement on or assignment of that undertaking, warrant, authority, order, or request, or any accountable receipt, acquittance, or receipt for money, or for goods, or for any bill, note, or other security for the payment of money, or any endorsement on or assignment of that accountable receipt, shall be guilty of felony and liable to imprisonment for life.

Drawing
negotiable
instrument
without
authority,
with intent
to defraud.

259. Everyone who with intent to defraud—

(a) draws, makes, signs, accepts, or endorses any bill of exchange or promissory note, or any undertaking, warrant, order (including any post office money order and any postal order), authority, or request for the payment of money or for the delivery or transfer of any goods or chattels or of any bill, note, or other security for money, by procuration or otherwise, for, in the name, or on the account of any other person, without lawful authority or excuse; or

(b) offers, utters, disposes of, or puts off that bill, note, undertaking, warrant, order, authority, or request so drawn, made, signed, accepted, or endorsed, by procuration or otherwise, without lawful authority or excuse as aforesaid,

knowing it to have been so drawn, made, signed, accepted, or endorsed as aforesaid,

shall be guilty of felony and liable to imprisonment for fourteen years.

260. Where any cheque or draft on any banker is crossed with the name of a banker, or with two transverse lines with the words “and company,” or any abbreviation thereof, every person who with intent to defraud—

Obliterating crossing on cheque, with intent to defraud.

- (a) obliterates, adds to, or alters the crossing; or
- (b) offers, utters, disposes of, or puts off the cheque or draft whereon that obliteration, addition, or alteration has been made, knowing it to have been made,

shall be guilty of felony and liable to imprisonment for fourteen years.

Forgery of Debentures and Transfers of Stocks

261. Everyone who forges or fraudulently alters, or offers, utters, disposes of, or puts off, knowing it to be forged or fraudulently altered, any debenture issued under any lawful authority whatsoever, either within Guyana or elsewhere, shall be guilty of felony and liable to imprisonment for fourteen years.

Forgery of debenture.

262. Everyone who with intent to defraud—

- (a) forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any transfer of any share or interest of or in any stock, annuity, or public fund which is now or may hereafter be transferable at any public office or bank in Guyana, or of or in the capital stock of any body corporate licensed or otherwise authorised by law to carry on banking business in Guyana or of any body corporate, company, or society now established by charter or now or hereafter established by or under any written law; or
- (b) forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any power of

Forgery of transfer of stock.
[4 of 1972]

attorney, or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock, or to receive any dividend or money payable in respect thereof; or

(c) demands or endeavours to have the share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of the forged or altered power of attorney or other authority, knowing it to be forged or altered,

shall be guilty of felony and liable to imprisonment for life.

Forgery of
attestation to
power of
attorney for
transfer of
stock.

263. Everyone who—

(a) forges any name, handwriting, or signature, purporting to be the name, handwriting, or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any stock, annuity, public fund, or capital stock mentioned in the preceding section, or to receive any dividend or money payable in respect thereof; or

(b) offers, utters, disposes of, or puts off that power of attorney or other authority, with the forged name, handwriting, or signature thereon, knowing it to be forged,

shall be guilty of felony and liable to imprisonment for seven years.

Making false
entry in bank
books with
intent to
defraud.
[4 of 1972]

264. Everyone who with intent to defraud—

(a) makes any false entry in, or alters any word or figure in, any of the books of account kept at any savings bank in Guyana or by any body corporate licensed or otherwise authorised by law to carry on banking business in Guyana, or of any body corporate, company, or society, now established by charter or now or hereafter established by or under any written law wherein the accounts of the owners of any money deposited in that savings bank or of any stock of any bank, body corporate, company, or society aforesaid are entered and kept; or

- (b) in any manner falsifies any of the accounts of any of those owners in any of those books; or
- (c) makes any transfer of any share or interest of or in any such deposit or stock in the name of any person not being the true and lawful owner thereof,

shall be guilty of felony and liable to imprisonment for life.

265. Everyone who, being a clerk, officer, or servant or other person employed or entrusted in the business of any bank, body corporate, company or society mentioned in section 264(a) makes out or delivers any dividend warrant, or any warrant for payment of any interest or money, for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, with intent to defraud, shall be guilty of felony and liable to imprisonment for seven years.

Making out false money warrant, etc. [4 of 1972]

Forgery of Government Bonds

266. Everyone who with intent to defraud forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any bond commonly called an immigration bond, or any bond, debenture, coupon, or security issued or made under the authority of any Act now or hereafter in force for the raising of any loan for immigration purposes, or for the payment of bounty, or for any other purpose relating to the public service of Guyana, or any endorsement on or assignment of that bond, debenture, coupon, or security, shall be guilty of felony and liable to imprisonment for life.

Forgery of immigration bond.

Forgery of Government Securities

267. (1) Everyone who with intent to defraud forges or alters or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any Government security, or any endorsement on or assignment of any Government security, or any receipt or certificate for interest accruing thereon, shall be guilty of felony, and liable to imprisonment for life.

Forgery of Government security, bond or debenture. [4 of 1972]

(2) For the purposes of this section, the expression “Government security” means fixed-date debenture, equity-annuity debenture, treasury savings certificate, treasury savings bond, treasury bill or any other security of a like nature issued by the Government.

Making
appliance used
for making
Government
securities,
bonds or
debentures.
[4 of 1972]

268. Everyone who without lawful authority or excuse (the proof whereof shall lie on him) makes, or causes or procures to be made or aids or assists in making, or knowingly has in his custody or possession, any frame, mould or instrument having therein any words, letters, figures, marks, lines or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for Government securities within the meaning of section 266 or any machinery for working any threads into the substance of any paper or any such thread, and intended to imitate those words, letters, figures, marks, lines, threads or devices or any plate peculiarly employed for printing exchequer bills, bonds or debentures or any die or seal peculiarly used for preparing that plate or for sealing Government securities within the meaning of section 266 or any plate, die or seal intended to imitate any plate, die or seal aforesaid, shall be guilty of felony and liable to imprisonment for seven years.

Making paper
in imitation of
that used for
Government
securities,
bonds or
debentures.
[4 of 1972]

269. Everyone who without lawful authority or excuse (the proof whereof shall lie on him)—

(a) makes or causes or procures to be made or aids or assists in making, any paper in the substance of which appear any words, letters, figures, marks, lines, threads or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for Government securities within the meaning of section 266 or any part of those words, letters, figures, marks, lines, threads or other devices, and intended to imitate them; or

(b) knowingly has in his custody or possession any paper whatsoever, in the substance whereof appear any words, letters, figures, marks, lines, threads or devices aforesaid, or any part of those words, letters, figures, marks, lines, threads or other devices, and intended to imitate them; or

(c) causes, or assists in causing, any words, letters, figures, marks, lines, threads or other devices aforesaid, or

any part of them and intended to imitate them, to appear in the substance of any paper whatsoever; or

(d) takes, or assists in taking, any impression of any plate, die or seal mentioned in the last preceding section,

shall be guilty of felony and liable to imprisonment for seven years.

270. Everyone who without lawful authority or excuse (the proof whereof shall lie on him) purchases or receives, or knowingly has in his custody or possession, any plate, die or seal mentioned in the last two preceding sections shall be guilty of a misdemeanour and liable to imprisonment for two years.

Purchasing, etc., plate, die or seal used for Government securities, bonds or debentures.

Forgery of Bank Notes

271. Everyone who, with intent to defraud, forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any currency note or any note or bill of exchange of the Bank of Guyana or of any other body corporate, company or person carrying on the business of bankers, whether in Guyana or elsewhere, commonly called a bank note or a bank bill of exchange or a bank post bill, or any endorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, shall be guilty of felony, and liable to imprisonment for life.

Forgery of bank notes or bills.
[15 of 1937
4 of 1972]

272. Everyone who without lawful authority or excuse (the proof whereof shall lie on him) purchases or receives from any other person, or has in his custody or possession, any forged currency note or bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing it to be forged, shall be guilty of felony and liable to imprisonment for fourteen years.

Purchasing forged bank notes or bills.
[15 of 1937]

273. Everyone who without lawful authority or excuse (the proof whereof shall lie on him)—

(a) engraves, or in anywise makes, upon any plate whatsoever, or upon any wood, stone, or other material, any currency note or any promissory note, bill of exchange, or bank post bill, or part of a currency note or a promissory

Engraving negotiable instruments.
[15 of 1937
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note, bill of exchange, or bank post bill, purporting to be a currency note or a bank note, promissory note, bank bill of exchange, or bank post bill of the Bank of Guyana, or of any other body corporate, company, or person carrying on the business of bankers, whether in Guyana or elsewhere, or to be a blank bank note, blank promissory note, blank bank bill of exchange, or blank bank post bill of the Bank of Guyana, or of any such other body corporate, company, or person as aforesaid, or to be a part of a currency note or a bank note, promissory note, bank bill of exchange, or bank post bill of the Bank of Guyana, or of any such other body corporate, company, or person as aforesaid, or any name, word, or character resembling or apparently intended to resemble, any subscription to any currency note or any promissory note or bill of exchange issued by the Bank of Guyana, or by any other body corporate, company, or person aforesaid; or

(b) uses any plate, wood, stone, or other material, or any other instrument or device as aforesaid, for the making or printing any currency note or any bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, or part of a currency note or a bank note, bank bill of exchange, or bank post bill, or knowingly has in his custody or possession that plate, wood, stone, or other material, or instrument or device; or

(c) knowingly offers, utters, disposes of, or puts off, or has in his custody or possession, any paper upon which any blank bank note, blank bank bill of exchange, or blank bank post bill of the Bank of Guyana, or of any other body corporate, company, or person aforesaid, or part of a bank note, bank bill of exchange, or bank post bill, or any name, word, or character, resembling, or apparently intended to resemble, any such subscription, is made or printed,

shall be guilty of felony and liable to imprisonment for fourteen years.

Engraving
plates
resembling
negotiable
securities.

274. Everyone who without lawful authority or excuse (the proof whereof shall lie on him)—

(a) engraves, or in anywise makes upon, any plate whatsoever, or upon any wood, stone, or other material, any word, number, figure, device, character, or ornament, the impression taken from which resembles, or is apparently intended to resemble, any part of a currency note or a bank note, bank bill of exchange, or bank post bill of the Bank of Guyana, or of any other body corporate, company or person carrying on the business of bankers, whether in Guyana or elsewhere; or

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(b) uses, or knowingly has in his custody or possession, that plate, wood, stone or other material, or any other instrument or device for the impressing or making upon any paper or other material any word, number, figure, character, or ornament which resembles, or is apparently intended to resemble, any part of a currency note or a bank note, bank bill of exchange, or bank post bill of the Bank of Guyana, or of any other body corporate, company, or person aforesaid; or

(c) knowingly offers, utters, disposes of, or puts off, or has in his custody or possession, any paper or other material upon which there is an impression of any matter aforesaid,

shall be guilty of felony, and liable to imprisonment for fourteen years.

275. Everyone who without lawful authority or excuse (the proof whereof shall lie on him)—

Making or
selling bank
note paper
generally.
[4 of 1972]

(a) makes, or uses, or knowingly has in his custody or possession, any frame, mould, or instrument for the making of paper with the name or firm of any body corporate, company, or person carrying on the business of bankers, whether in Guyana or elsewhere, appearing visible in the substance of the paper; or

(b) makes, uses, sells, exposes to sale, utters, or disposes of, or knowingly has in his custody or possession, any paper in the substance of which the name or firm of that body corporate, company, or person appears visible; or

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(c) by any art or contrivance, causes the name or firm of that body corporate, company, or person to appear visible in the substance of the paper upon which it is written or printed,

shall be guilty of felony and liable to imprisonment for fourteen years.

Engraving
foreign bill
or note.

276. Everyone who without lawful authority or excuse (the proof whereof shall lie on him)—

(a) engraves, or in anywise makes upon, any plate whatsoever, or upon any wood, stone, or other material, any bill of exchange, promissory note, undertaking, or order for the payment of money (including any post office money order and any postal order), or any part of any bill of exchange, promissory note, undertaking, or order for the payment of money, in whatsoever language expressed, and whether it is or is not, or is or is not intended to be, under seal, purporting to be the bill, note, undertaking, or order, or part of the bill, note, undertaking, or order, of any foreign state, or of any minister or officer in the service of any foreign state, or of any body corporate or body of the like nature constituted or recognised by any foreign state, or of any person or company of persons resident in any country not within the Commonwealth; or

(b) uses, or knowingly has in his custody or possession, any plate, stone, wood, or other material upon which that foreign bill, note, undertaking, or order, or any part thereof, is engraved or made; or

(c) knowingly offers, utters, disposes of, or puts off, or has in his custody or possession, any paper upon which any part of the foreign bill, note, undertaking, or order has been made or printed,

shall be guilty of felony and liable to imprisonment for fourteen years.

Miscellaneous Forgeries

277. Everyone who forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any document with intent to obtain for any person any employment, situation, credit, or trust, or with intent to induce the public or any person to believe that any person belongs to a profession to which he does not belong, or holds any position which he does not hold, shall be guilty of felony and liable to imprisonment for three years.

Forgery of document with intent to obtain employment.

278. Everyone who forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any document whatsoever, with intent to defraud the public or any person, or to prevent the course of justice, or to injure any person or the character of any person, or to deprive any person of, or prevent his obtaining, any office, employment, situation, trust legacy, devise, credit, money, valuable security, or other property, shall be guilty of felony and liable to imprisonment for three years.

Forgery of document with intent to defraud the public.

279. Everyone who with intent to defraud demands, receives, or obtains, or causes or procures to be delivered or paid to any person, or endeavours to receive or obtain, or to cause or procure to be delivered or paid to any person, any chattel, money, valuable security, or other property—

Demanding property upon forged instrument.

(a) under, upon or by virtue of any attested copy of any will, testament, codicil, or testamentary writing deposited in the deeds registry, knowing the will, testament, codicil, or testamentary writing in respect of which that attested copy has been obtained to have been forged or altered, or knowing the attested copy to have been obtained by any false oath, affirmation, or affidavit; or

(b) under, upon, or by virtue of any other forged or altered instrument whatsoever, knowing the instrument to be forged or altered,

shall be guilty of felony and liable to imprisonment for fourteen years.

Supplemental Provisions

Immateriality of name of instrument forged.

280. Where by this or any other Act for the time being in force, any person is or may hereafter be made liable to punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing it to be forged or altered, any instrument or writing designated in the Act by any special name or description, and that instrument or writing, however designated, is in law a will, testament, codicil, or testamentary writing, or a transport, letters of decree, mortgage, lease, contract, deed, bond, or obligatory writing, or a bill of exchange, or promissory note, or an endorsement on or assignment of a bill of exchange or promissory note, or an acceptance of a bill of exchange, or an undertaking, warrant, order (including any post office money order and any postal order), authority, or request for the payment of money, or an endorsement on or assignment of an undertaking, warrant, order (including any post office money order and any postal order), authority, or request for the payment of money, within the true intent and meaning of this Act, in each of those cases the person forging or altering the instrument or writing, or offering, uttering, disposing of, or putting off the instrument or writing, knowing it to be forged or altered, shall be liable to be indicted, tried, convicted and punished as an offender against this Act.

Forgery of document in Guyana purporting to be made out of Guyana.

281. (1) Where the forging or altering, or the offering, uttering, disposing of or putting off, any writing or matter whatsoever, knowing it to be forged or altered, is in this Act expressed to be an offence, if any person, in Guyana, forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, that writing or matter in whatsoever place or country out of Guyana it purports to be made or has been made, and in whatsoever language it or any part of it is expressed, that person, and every person aiding, abetting, or counselling him shall be deemed to be an offender within the meaning of this Act, and shall be liable to be indicted, tried, convicted, and punished thereunder in the same manner as if the writing or matter had purported to be made or had been made in Guyana.

(2) Everyone who, in Guyana, forges, or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any bill of exchange or promissory note, or any endorsement on or assignment of

any bill of exchange or promissory note, or any acceptance of any bill of exchange, or any undertaking, warrant, order (including any post office money order and any postal order), authority, or request for the payment of money or for the delivery or transfer of any goods or security, or any deed, bond, or writing obligatory for the payment of money (whether the deed, bond, or writing obligatory is made only for the payment of money or for the payment of money together with some other purpose), or any endorsement on or assignment of the undertaking, warrant, order, authority, request, deed, bond, or writing obligatory, in whatsoever place or country out of Guyana, the money payable or secured by the bill, note, undertaking, warrant, order, authority, request, deed, bond, or writing obligatory is or purports to be payable and in whatsoever language the same respectively or any part thereof may be expressed, and whether the bill, note, undertaking, warrant, order, authority, or request is or is not under seal, that person, and every person aiding, abetting, or counselling him, shall be deemed to be an offender within the meaning of this Act, and shall be liable to be indicted, tried, convicted, and punished thereunder in the same manner as if the money had been payable or had purported to be payable in Guyana.

282. Where, in any indictment for forging, altering, uttering, offering, disposing of, or putting off any instrument whatsoever, it is necessary to allege an intent to defraud, it shall be sufficient to allege a general intent to defraud without naming any particular person intended to be defrauded.

Allegation of intent to defraud in indictment.

283. Where the having any matter in the custody or possession of any person is in this Title expressed to be an offence, if any person has that matter in his personal custody or possession, or knowingly and wilfully has it in the actual custody or possession of any other person, or knowingly and wilfully has it in any dwelling-house or other building, lodging, apartment, field, or other place, whether open or enclosed, and whether belonging to or occupied by himself or not, and whether it is so had for his own use or benefit or for the use or benefit of any other person, that person shall be deemed and taken to have the matter in his custody or possession within the meaning of this Title.

Rule as to criminal possession under Title 17.

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Power to
search for and
seize instru-
ments of
forgery.
[15 of 1937
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284. (1) If it is made to appear, by information upon oath before any justice of the peace, that there is reasonable cause to believe that any person has in his custody or possession, without lawful authority or excuse, any note or bill of the Bank of Guyana, or of any other body corporate, company, or person carrying on the business of bankers, whether in Guyana or elsewhere, or any frame, mould, or implements for making paper in imitation of the paper used for those notes or bills, or that paper, or any plate, wood, stone, or other material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of any of those notes or bills or any part thereof, or any tool, implement, or material used or employed, or intended to be used or employed, in or about any of the operations aforesaid, or any forged security, document, or instrument whatsoever, or any machinery, frame, mould, plate, die, seal, paper, or other matter or thing used or employed, or intended to be used or employed, in the forgery of any security, document, or instrument whatsoever, the justice may, by warrant under his hand, authorise any police constable to search for the thing.

(2) If any matter or thing aforesaid is found upon search it may be seized and taken before a magistrate who shall, if necessary, cause it to be secured for the purpose of being produced in evidence in any prosecution for an offence under this Act and, after it has been produced in evidence, or, if it is seized and is not required to be produced in evidence, it shall forthwith be delivered to the Secretary to the Treasury or to any person authorised by him to receive it.

TITLE 18

False Coin

Interpretation
of terms in this
Title.
[15 of 1937
8 of 1965
O. 15/1970]

285. (1) In this Title—
“current gold or silver coin” includes any gold or silver coin coined in any mint belonging to the Government or the Bank of Guyana, or for or on behalf of the Government or the Bank of Guyana, or lawfully current by virtue of any law in force in Guyana or in any other part of the Commonwealth, or lawfully current in any foreign country;

“copper coin” includes any coin of any metal or mixed metal (not being a gold or silver coin) coined in any mint belonging to the Government or the Bank of Guyana or for or on behalf of the Government or the Bank of Guyana, or lawfully current by virtue of any law in force in Guyana or in any other part of the Commonwealth, or lawfully current in any foreign country;

“current coin” includes any coin coined in any mint belonging to the Government or the Bank of Guyana or for or on behalf of the Government or the Bank of Guyana, or lawfully current by virtue of any law in force in Guyana or in any other part of the Commonwealth, or lawfully current in any foreign country;

“false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin” includes any of the current coin which has been gilt, silvered, washed, cased over, or coloured, or in any manner altered so as to resemble, or be apparently intended to resemble or pass for, any current coin of a higher denomination.

(2) Any reference in this Title to silver coin shall include a reference to coin of cupro-nickel issued under the Currency Act and accordingly such coin shall be excluded from the definition of “copper coin” in subsection (1).

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286. This Title shall apply in relation to foreign coin as it applies in relation to the coins of Guyana.

Application of
Title to foreign
coin.
[15 of 1937
O. 15/1970]

Counterfeiting Coin

287. Everyone who falsely makes or counterfeits any coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin shall be guilty of felony and liable to imprisonment for life.

Counterfeiting
gold or silver
coin.
[15 of 1937]

Colouring counterfeit coin or metal, with intent to make it pass for gold or silver coin. [15 of 1937]

288. Everyone who—

(a) gilds or silvers, or, with any wash or material capable of producing the colour or appearance of gold or silver, or by any means whatsoever, washes, cases over, or colours, any coin whatsoever, resembling, or apparently intended to resemble or pass for, any current gold or silver coin; or

(b) gilds or silvers, or with any wash or material capable of producing the colour or appearance of gold or silver, or by any means whatsoever, washes, cases over, or colours, any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that it shall be coined into false and counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin; or

(c) gilds, or, with any wash or material capable of producing the colour or appearance of gold, or by any means whatsoever, washes, cases over, or colours, any current silver coin, or files or in any manner alters that coin, with intent to make it resemble or pass for any current gold coin; or

(d) gilds or silvers, or, with any wash or material capable of producing the colour or appearance of gold or silver, or by any means whatsoever, washes, cases over, or colours, any current copper coin, or files or in any manner alters that coin, with intent to make it resemble or pass for any current gold or silver coin,

shall be guilty of felony and liable to imprisonment for life.

Making metal, etc., resembling gold or silver coin. [15 of 1937]

289. Everyone who without lawful authority or excuse (the proof whereof shall lie on him) makes, or has in his possession for sale, or offers for sale, or sells any metal, cast, coin or other like thing, made wholly or partially of metal, or any metallic combination and resembling in size, figure, and colour any current gold or silver coin, or having thereon a device resembling any device on any current gold or silver coin, or being so formed that it can, by gilding, silvering,

washing, casing over, or colouring, or other like process, be so dealt with as to resemble any current gold or silver coin, shall be guilty of a misdemeanour and liable to imprisonment for one year.

290. Everyone who without lawful authority or excuse (the proof whereof shall lie on him) buys, sells, receives, pays, or puts off, or offers to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, at or for a lower rate or value than it imports or was apparently intended to import, shall be guilty of felony and liable to imprisonment for life.

Buying counterfeit gold or silver coin for less than its denomination.
[15 of 1937]

291. Everyone who without lawful authority or excuse (the proof whereof shall lie on him) imports, or brings, or receives into Guyana from beyond the seas any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing it to be false or counterfeit, shall be guilty of felony and liable to imprisonment for fourteen years.

Importing counterfeit gold or silver coin.
[15 of 1937]

292. Everyone who without lawful authority or excuse (the proof whereof shall lie on him) exports, or puts on board any ship, vessel, punt, or boat, for the purpose of being exported from Guyana, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current coin, knowing it to be false or counterfeit, shall be guilty of felony and liable to imprisonment for fourteen years.

Exporting counterfeit coin.
[15 of 1937]

293. Everyone who impairs, diminishes, or lightens any current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for current gold or silver coin, shall be guilty of felony and liable to imprisonment for fourteen years.

Impairing gold or silver coin, with intent.
[15 of 1937]

294. Everyone who unlawfully has in his custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which has been produced or obtained by impairing, diminishing, or lightening any current gold or silver coin, knowing them to have been so produced or obtained shall be guilty of felony and liable to imprisonment for seven years.

Knowingly having filings of gold or silver coin.
[15 of 1937]

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Making or dealing in instruments for coining gold or silver coin.
[15 of 1937]

295. Everyone who without lawful authority or excuse (the proof whereof shall lie on him)-

(a) knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any puncheon, counter puncheon, matrix, stamp, die, pattern, or mould, in or upon which there is made or impressed, or which will make or impress, or which is adapted and intended to make or impress, the figure, stamp, or apparent resemblance of both or either of the sides of any current gold or silver coin, or any part or parts of both sides or either side; or

(b) knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any edger, edging, or other tool, collar, instrument, or engine adapted and intended for the marking of coin round the edges with letters, graining, or other marks or figures, apparently resembling those on the edges of any coin in this section aforesaid, knowing it to be so adapted and intended as aforesaid; or

(c) knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any press for coinage, or any cutting engine for cutting, by force of a screw or of any other contrivance, round blanks out of gold, silver or other metal or mixture of metals, or any other machine, knowing that press to be a press for coinage, or knowing that engine or machine to have been used, or to be intended to be used, for or in order to the false making or counterfeiting of any coin in this section aforesaid,

shall be guilty of felony and liable to imprisonment for life.

Counterfeiting copper coin.
[15 of 1937]

296. Everyone who—

(a) falsely makes or counterfeits any coin resembling, or apparently intended to resemble or pass for, any current copper coin; or

(b) without lawful authority or excuse (the proof whereof shall lie on him) knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any instrument, tool, or engine adapted and intended for the counterfeiting any of that coin; or

(c) buys, sells, receives, pays, or puts off, or offers to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of that coin, at or for a lower rate or value than it imports or was apparently intended to import,

shall be guilty of felony and on conviction thereof shall be liable to imprisonment for seven years.

Possession of Counterfeit Coin

297. Everyone who has in his custody or possession any piece of false or counterfeit coin resembling or apparently intended to resemble or pass for, any current gold or silver coin, knowing it to be false and counterfeit and with intent to utter it or put it off, shall be guilty of a misdemeanour and liable to imprisonment for one year.

Knowingly having a piece of counterfeit gold or silver coin, with intent to utter. [15 of 1937]

298. Everyone who has in his custody or possession three or more pieces of false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin knowing them to be false or counterfeit and with intent to utter them or put them off, or any of them, shall be guilty of a misdemeanour and liable to imprisonment for five years.

Knowingly having 3 or more pieces of counterfeit gold or silver coin, with intent to utter. [15 of 1937]

Uttering Counterfeit Coin

299. Everyone who tenders, utters, or puts off any false or counterfeit coin resembling, or apparently intended to resemble or pass for any current gold or silver coin, knowing it to be false or counterfeit, shall be guilty of a misdemeanour and liable to imprisonment for one year.

Uttering counterfeit gold or silver coin. [15 of 1937]

Uttering counterfeit gold or silver coin, with circumstances of aggravation. [15 of 1937]

300. Everyone who tenders, utters, or puts off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing it to be false or counterfeit, and, at the time of the tendering, uttering, or putting off, has in his custody or possession, besides the false or counterfeit coin so tendered, uttered, or put off, any other piece of false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, or, either on the day of the tendering, uttering, or putting off, or within the space of ten days then next ensuing, tenders, utters, or puts off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing it to be false or counterfeit, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Uttering false coin, medal or metal as gold or silver coin, with intent to defraud. [15 of 1937]

301. Everyone who with intent to defraud tenders, utters, or puts off as or for any current gold or silver coin any coin not being that current gold or silver coin, or any medal, or any piece of metal or mixed metal, resembling in size, figure, and colour the current coin as or for which it is so tendered, uttered or put off, the coin, medal, or piece of metal or mixed metal so tendered, uttered or put off, being of less value than the current coin as or for which it is so tendered, uttered, or put off, shall be guilty of a misdemeanour and liable to imprisonment for one year.

Uttering counterfeit copper coin, after previous summary conviction. [15 of 1937]

302. Everyone who—

(a) tenders, utters, or puts off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current copper coin, knowing it to be false or counterfeit; or

(b) has in his custody or possession three or more pieces of false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current copper coin, knowing them to be false or counterfeit, and with intent to utter them or put them off or any of them,

shall be guilty of a misdemeanour and liable to imprisonment for one year.

Defacing Coin

303. (1) Everyone who, having been once summarily convicted before a magistrate or a magistrate's court thereof, defaces any current gold, silver, or copper coin by stamping thereon any name, word, or number, whether the coin is or is not thereby diminished or lightened, shall be guilty of a misdemeanour and liable to imprisonment for one year.

Defacing gold, silver or copper coin after previous summary conviction.
[15 of 1937]

(2) No tender of payment in money made in any gold, or silver, or copper coin defaced by that stamping shall be allowed to be a legal tender.

Supplemental Provisions

304. Every offence of falsely making or counterfeiting any coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, tender, utter, or put off, any false or counterfeit coin against the provisions of this Title, shall be deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered, or put off, or offered to be bought, sold, received, paid, tendered, uttered, or put off, is not in a fit state to be uttered, or the counterfeiting thereof is not finished or perfected.

When offences against the provisions of this Title to be deemed complete.

305. Subject to the special provisions of this Title, every person who, having been previously convicted of any indictable offence relating to coin under this or any other Act for the time being in force, is convicted of any offence under any section in this Title shall be liable—

Increased punishment after previous conviction for indictable offence relating to coin.

(a) to imprisonment for life if he would otherwise have been liable to imprisonment for fourteen years only; or

(b) to imprisonment for fourteen years if he would otherwise have been liable to imprisonment for less than fourteen years; or

(c) to imprisonment for five years if he would otherwise have been liable to imprisonment.

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Rule as to criminal possession under this Title.

306. Where the having any matter in custody or possession of any person is mentioned in this Title, it shall include not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field, or other place, whether open or enclosed, and whether belonging to or occupied by himself or not, and whether the matter is so had for his own use or benefit or for that of any other person.

PART IV

OFFENCES AGAINST PUBLIC ORDER AND THE
ADMINISTRATION OF JUSTICE

TITLE 19

Riot and Similar Offences

Rout or unlawful assembly.

307. Everyone who takes part in any rout or in any unlawful assembly shall be guilty of a misdemeanour and liable to imprisonment for one year.

Riot.

308. Everyone who takes part in any riot shall be guilty of a misdemeanour and liable to imprisonment for two years.

Making proclamation to rioters to disperse.
[O. 15/1970]

309. (1) It shall be the duty of every justice of the peace or mayor of a town who has notice that there are, within his jurisdiction, any persons, to the number of twelve or more, unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, to resort to the place where the unlawful, riotous, and tumultuous assembly is, and, where the nature of the case requires it, among the rioters, or as near to them as he can safely come, with a loud voice to command or cause to be commanded silence to be whilst the proclamation hereinafter mentioned is made, and after that, openly and with a loud voice, to make or cause to be made a proclamation in these words or to the like effect:— “His Excellency the President charges and commands all persons being assembled immediately to disperse

themselves, and peaceably to depart to their habitations or to their lawful business, upon the pain of being guilty of an offence, on conviction for which they may be sentenced to imprisonment for life.

BY COMMAND OF THE PRESIDENT”.

(2) All those who—

(a) with force and arms, wilfully and knowingly oppose, obstruct, hinder, or hurt any person who begins or is about to make that proclamation, whereby it is not made; or

(b) continue together, to the number of twelve or more, for, and do not disperse themselves within, fifteen minutes after the proclamation has been made, or, if they know that its making was hindered as aforesaid, then within fifteen minutes after the hindrance,

shall be guilty of felony, and liable to imprisonment for life:

Provided that no person shall be prosecuted for any offence under this section unless the prosecution is commenced within twelve months after the offence was committed.

(3) If the person so unlawfully, riotously, and tumultuously assembled together as aforesaid, or twelve or more of them, continue together, and do not disperse themselves for the space of fifteen minutes after proclamation made, or after the hindrance as aforesaid, it shall be the duty of every justice or mayor aforesaid, and of all persons required by him to assist, to cause those persons to be apprehended and taken before a magistrate to be dealt with according to law; and if any person of those so assembled is killed, maimed, or hurt in their apprehension or dispersion or in the endeavour to apprehend or disperse them, every person ordering them to be apprehended or dispersed, and every person executing those orders shall be free, discharged, and indemnified of, from, and against all proceedings, whether civil or criminal, in respect thereof:

Duty if rioters do not disperse.

Provided that nothing herein contained shall in any way limit or affect any duties or powers imposed or given by law as to the suppression of riots before or after the making of the proclamation.

Riotous
demolition
of building.
[24 of 1990]

310. If any persons, unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any church, chapel, temple, mosque, synagogue, meeting-house, or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, store, megass or other logie, mill, boiling-house, curing-house, still-house, store-house, granary, shed, hovel, or fold, or any building or erection used in farming land or in carrying on the business of any plantation or cattle farm, or in any trade or manufacture or branch thereof, or any building, other than those in this section before mentioned, belonging to the State, or to any county, town, parish, or place in Guyana, or devoted or dedicated to any public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or movable, prepared for or employed in the business of any plantation or cattle farm or in any manufacture or any branch thereof, or any steam engine or other engine for sinking, working, ventilating, or draining any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, wagon-way, or truck for conveying minerals from any mine, every person so offending shall be guilty of felony and liable to imprisonment for life.

Punishment for
and measures for
dealing with acts
of terrorism

310 A. (1) Whoever –

- (a) With intent to threaten the security or sovereignty of Guyana or to strike terror in the people or any section of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature or by any other means whatsoever, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any

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supplies or services essential to the life of the community or causes damage or destruction of any property or equipment used or intended to be used for the defence of Guyana or in connection with any other purposes of the Government of Guyana or any of its agencies, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act commits a terrorist act;

- (b) Whoever commits a terrorist act commits an offence and shall –
- (i) if such act has resulted in the death of any person, be punishable with a fine or not less than one million five hundred thousand dollars together with death;
 - (ii) in any other case, be punishable with a fine of not less than five hundred thousand dollars together with imprisonment for not less than ten nor more than fifteen years.

(2) Whoever conspires or attempts to commit, or advocates, aids and abets, advises or incites or knowingly facilitates the commission of, a terrorist act or any act preparatory to a terrorist act, commits an offence and shall be punishable for the offence as if he had guilty as a principal offender.

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Riotous
damage to
building.

311. If any persons, unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force injure or damage any building, erection, or thing mentioned in the preceding section, every person so offending shall be guilty of a misdemeanour and liable to imprisonment for seven years.

Forcible
entry.

312. Everyone who with violence makes an entry into any land or building, whether he is entitled to the possession thereof or not, unless he does so in pursuance of a warrant or other lawful authority to use the violence, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Forcible
detainer.

313. Everyone who, being unlawfully in or upon any land or building, maintains or attempts to maintain his possession or occupation thereof with violence shall be guilty of a misdemeanour and liable to imprisonment for two years.

Challenge to
fight duel

314. Everyone who—

(a) challenges, or knowingly carries any challenge to, or endeavours by any means to provoke, any person to fight a duel; or

(b) endeavours to provoke any person to challenge any other person to fight a duel,

shall be guilty of a misdemeanour and liable to imprisonment for one year.

TITLE 20

Treason and Similar Offences

Treason Felony
[0.15/1970]

315. Any person who forms an intention to effect any of the following purposes, that is to say—

(a) to levy war within Guyana in order by force to depose from his office the President or any member of the Cabinet or in order by force or constraint to compel the Government of Guyana to change its measures or counsels or in order to put any force or constraint upon or in order to intimidate or to overawe the National Assembly;

(b) to induce any alien with force to invade Guyana, and manifests such intention by any overt act shall be guilty of felony and liable to imprisonment for life.

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Punishment of
accessory to
treason felony

316. In the case of every felony punishable under the last preceding section, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by that section punishable; and every accessory after the fact to the felony shall be liable to imprisonment for two years.

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Misprision of treason.	<p>317. Everyone who within Guyana knows of any treason, and does not forthwith reveal it to the President, a minister or a magistrate or justice of the peace, shall be guilty of misprision of treason, and on conviction thereof shall be liable to imprisonment for five years.</p>
Treason. [O. 15/1970]	<p>318. Any person owing allegiance to the State who, whether in Guyana or elsewhere-</p> <p>(a) forms an intention to levy war against the State or to overthrow the Government or the Constitution of Guyana by force and manifests such intention by any overt act;</p> <p>(b) adheres to the enemies of the State by giving them aid or comfort,</p> <p>shall be guilty of treason and liable to suffer death by hanging.</p>
Validity of indictment in certain cases. [O. 15/1970]	<p>319. Where the facts alleged in an indictment or proved at a trial for a felony under section 315 amount in law to treason, the indictment shall not be deemed by reason thereof to be defective and the accused shall not be entitled to an acquittal on that account, but a person acquitted or convicted on an indictment for a felony under section 315 shall not be prosecuted for treason upon the same facts.</p>
Piracy.	<p>320. Everyone who is guilty of piracy, or of any crime, connected with or relating or akin to piracy, shall be liable to be indicted, tried, convicted, and punished according to the common law and the applied laws in force in Guyana on 25th May, 1966.</p>
Seditious libel.	<p>321. Everyone who publishes any seditious libel shall be guilty of a misdemeanour, and liable to fine and to imprisonment for two years.</p>
Unlawful oath to commit treason or murder or offence punishable with imprisonment.	<p>322. (1) Everyone who—</p> <p>(a) administers or causes to be administered, or aids or assists in, or is present at and consenting to, the administering or taking of, any oath, or any obligation in the nature of an oath, or any engagement, purporting or intended to bind the person taking it to commit treason, or murder, or any offence punishable with imprisonment; or</p>

- (b) tenders or causes to be tendered to any person, or attempts to compel or persuade any person to take, that oath, obligation, or engagement; or
- (c) takes that oath, obligation, or engagement,

shall be guilty of felony and liable to imprisonment for life.

(2) No person who has been tried and acquitted or convicted of any offence under this section shall be liable to be prosecuted, indicted, or tried again for treason, or for being accessory after the fact to any treason, in respect of the same offence or fact.

323. Everyone who—

Other unlawful oaths.

(a) administers, or causes to be administered, or aids or assists in, or is present at and consenting to, the administering, or taking of any oath, or any obligation in the nature of an oath, or any engagement, purporting or intended to bind the person taking it—

- (i) to engage in any mutinous or seditious purpose; or
- (ii) to disturb the public peace or to commit any indictable offence; or
- (iii) to be of any association, society, or confederacy formed for any purpose aforesaid; or
- (iv) to obey (in order to carry out any purpose aforesaid) the orders or commands of any committee or body of men not lawfully constituted, or of any leader, or commander, or other person not having authority by law for that purpose; or
- (v) not to inform or give evidence against any associate, confederate, or other person; or
- (vi) not to reveal or discover any unlawful combination or confederacy, or any illegal act done or to be done, or any illegal oath, obligation, or engagement which may have been administered or tendered to or taken by any person, or the import of that oath, obligation, or engagement; or

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- (b) tenders or causes to be tendered to any person, or attempts to compel or persuade any person to take, that oath, obligation, or engagement; or
- (c) takes that oath, obligation, or engagement,

shall be guilty of felony and liable to imprisonment for seven years.

Qualification
of sections
322 and 323.

324. (1) Anyone who, under such compulsion as would otherwise excuse him, commits any offence against either of the last two preceding sections, shall not be excused thereby unless he, within the period hereinafter mentioned, declares the matter and what he knows touching it, and the persons by whom and in whose presence, and when and where the oath, obligation or engagement was administered or taken, by information upon oath before any magistrate or justice of the peace.

(2) The declaration may be made by the person within fourteen days after taking the oath, or, if he is hindered from making it by actual force or sickness, then within four days of the cessation of that hindrance or sickness, or on his trial, if his trial happens before the expiration of either of those periods.

TITLE 21

Perjury and Similar Offences

Committing
perjury or
subornation in
order to
procure
conviction for
grave offence.

325. Everyone who commits wilful and corrupt perjury, or subornation of perjury, in order to procure the conviction of any person for any indictable offence punishable with death, or imprisonment, shall be guilty of felony and liable to imprisonment for life.

Committing
perjury or
subornation in
other cases.

326. Everyone who commits wilful and corrupt perjury or subornation of perjury, in any case other than that mentioned in the last preceding section, shall be guilty of a misdemeanour and liable to imprisonment for seven years.

327. (1) Where two or more inconsistent or contradictory statements of fact or alleged fact, material to the issue or matter in question, have been wilfully made on oath by one and the same witness in any judicial proceeding or proceedings, whether before the same Court or tribunal or person or not, such witness shall be guilty of a misdemeanour and liable to fine and to imprisonment for two years.

Inconsistent or contradictory statements on oath.
[23 of 1949]

(2) Upon the trial of any person for an offence under this section, it shall not be necessary to prove the falsity of either of the inconsistent or contradictory statements, but, upon proof that both the statements were made by him, the jury, or the Court, as the case may be, if satisfied that the statements, or either of them, were or was made with intent to deceive the Court, tribunal, or person before whom the statements, or either of them were or was made, shall convict the defendant.

328. Everyone who, being required or authorised by law to make any statement, either upon oath or in any form permitted to be substituted for an oath, thereupon makes a statement which would amount to perjury if made in a judicial proceeding, shall, in any case not expressly provided for by any written law for the time being in force, be guilty of a misdemeanour and liable to imprisonment for two years.

Taking false oath.

329. If anyone conspires with another to prosecute any person for an alleged offence knowing that person to be innocent thereof, the offender shall be guilty of felony and liable—

Conspiracy to procure conviction of innocent person.

(a) to imprisonment for life if the person prosecuted, or intended to be prosecuted, in pursuance of the conspiracy might, on conviction for the alleged offence, be sentenced to death or imprisonment for life;

(b) to imprisonment for fourteen years if the person prosecuted, or intended to be prosecuted, in pursuance of the conspiracy might, on conviction for the alleged offence, be sentenced to imprisonment for more than two years but not to imprisonment for life; for any term less than life; and

(c) to imprisonment for seven years if the person prosecuted, or intended to be prosecuted, in pursuance of the conspiracy might, on conviction for the alleged offence,

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either on indictment or before a magistrate's court, be sentenced to imprisonment but not for a term exceeding two years.

Conspiracy to obstruct the course of justice.

330. Everyone who conspires with any person to obstruct, prevent, pervert, or defeat the course of justice shall be guilty of a misdemeanour and liable to imprisonment for two years.

Attempt to obstruct the course of justice.

331. Everyone who wilfully attempts in any way, though not otherwise criminal, to obstruct, prevent, pervert, or defeat the course of justice or the administration of the law, shall be guilty of a misdemeanour and liable to imprisonment for one year.

Corrupt interference with conduct of witness or juror.

332. Everyone who—

(a) dissuades or attempts to dissuade any person, by any threat, bribe, or other corrupt means, from giving evidence in any cause or matter, whether civil or criminal; or

(b) influences or attempts to influence by any threat, bribe, or other corrupt means, any juror in his conduct as juror, whether he has been sworn as a juror or not; or

(c) accepts any bribe or other corrupt consideration to abstain from giving evidence in any cause or matter, whether civil or criminal, or on account of his conduct as a juror,

shall be guilty of a misdemeanour and liable to imprisonment for two years.

TITLE 22

Bribery and Corruption

Interpretation of "public servant" in this Title.
[24 of 1969
20 of 1997]

333. In this Title—

(1) "public servant" denotes a person falling under any of the following descriptions, namely,

(a) the President;

(b) every member of the Cabinet;

(c) every person holding an office of emolument in a civil capacity in the service of the Government;

(d) every commissioned officer in the Guyana Defence Force;

(e) every judge, magistrate, or justice of the peace;

(f) every officer of a court of justice whose duty it is as that officer to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the court, and every person specially authorised by a court of justice to perform any of those duties;

(g) every juryman;

(h) every arbitrator or other person to whom any cause or matter has been referred for decision or report;

(i) every person who holds an office by virtue of which he is empowered to place or keep any person in confinement;

(j) every officer of Government whose duty it is, as that officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety, or convenience;

(k) every officer whose duty it is, as that officer, to take, receive, keep, or expend any property on behalf of Government, or to make any survey, assessment, or contract on behalf of Government, or to investigate or to report on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or pay of Government or remunerated by fees or commission for the performance of any public duty;

(1) every officer whose official duty it is to take, receive, keep, or expend any property, to make any survey or assessment, or to levy any rate or tax for any common purpose of any village, town or district, or to make, authenticate, or keep any document for the ascertaining of the rights of the people of any village, town or district;

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c. 28:02 (m) every member of, and every person employed by, a
c. 28:01 local authority under the Local Government or by a council
(as defined in the Municipal and District Councils Act);

c. 19:12 (n) every person, other than a person falling under any of
the descriptions in the preceding subparagraphs, who holds
an office listed in Schedule I of the Integrity Commission
Act.

(2) "Government," when not otherwise qualified, denotes the
person or persons authorised by law to administer executive
government in Guyana.

Public servant
taking a
gratification
other than
legal remuneration in
respect of an
official act.

334. Everyone who, being or expecting to be a public servant, accepts, or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, whether pecuniary or otherwise, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the legislative or executive government of Guyana or with any public servant as a public servant, shall be guilty of a misdemeanour and liable to imprisonment for three years.

Taking a
gratification in
order, by
corrupt or
illegal means,
to influence a
public servant.

335. Everyone who accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, whether pecuniary or otherwise, as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or, in the exercise of his official functions, to show favour or disfavour to any person or to render or attempt to render any service or disservice to any person with the National Assembly, or the executive government of Guyana, or with any public servant, as a public servant, shall be guilty of a misdemeanour and liable to imprisonment for three years.

Taking a
gratification
for the
exercise of
personal

336. Everyone who accepts, or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, whether pecuniary or otherwise, as a motive or reward for inducing, by the exercise of personal influence,

any public servant to do or to forbear to do any official act, or, in the exercise of his official functions to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the National Assembly, or the executive government of Guyana, or with any public servant, as a public servant, shall be guilty of a misdemeanour and liable to imprisonment for one year.

influence with a public servant.

337. Every person who, being a public servant in respect of whom either of the offences defined in the last two preceding sections is committed, abets the offence, shall be guilty of a misdemeanour and liable to imprisonment for three years.

Punishment for abetment by public servant of the offences above defined.
Interpretation of terms.
[24 of 1969]

338. (1) In this section—

“agent” means any person employed by or acting for another, and includes a person serving under the State or under any corporation, municipal council, council of a local government district, established under the Municipal and District Councils Act, board of guardians, or any local authority under the Local Government Act;

c. 28:01
c. 28:02

“consideration” means valuable consideration of any kind;

“principal” includes an employer;

“public body” means any municipal council, council of a local government district, established under the Municipal and District Councils Act, also any board, commissioners, or other body which has power to administer money raised by rates in pursuance of any public Act, and includes local and public authorities of all descriptions.

(2) If any person—

(a) being an agent, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the enactment of this section done or forborne

Punishment of corrupt transactions with agents.

to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

(b) corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or for forbearing to do, or for having after the enactment of this section done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

(c) knowingly gives to any agent, or if any agent knowingly uses with intent to deceive his principal, any receipt, account, or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal,

he shall be guilty of a misdemeanour and liable on conviction on indictment to a fine of three hundred and ninety thousand dollars and to imprisonment for two years, or, where the matter or transaction in relation to which the offence was committed was a contract with the State, or any government department, or any public body, or a sub-contract to execute any work comprised in such a contract, to imprisonment for seven years.

Onus of proof.

(3) Where in any proceedings under this section it is proved that any money, gift, or other consideration, has been paid or given to or received by a person in the employment of the State or any government department or public body, the money, gift, or consideration, shall be deemed to have been paid or given and received corruptly as the inducement or reward mentioned in this section unless the contrary is proved.

Prosecution of offences.

(4) A prosecution for an offence under this section shall not be instituted without the consent of the Director of Public Prosecutions.

TITLE 23

Escape and Rescue

339. Everyone who, by force or violence, breaks any prison, with intent to set at liberty himself or any other person confined therein on any criminal charge, shall be guilty of felony and liable to imprisonment for seven years.

Breach of prison.

340. Everyone who—

Escape from custody in grave cases.

(a) having been convicted of any offence, escapes from any lawful custody in which he may be under his conviction; or

(b) whether convicted or not, escapes from any prison in which he is lawfully confined on any criminal charge,

shall be guilty of felony and liable to imprisonment for three years.

341. Everyone who, being in lawful custody, other than as aforesaid, on any criminal charge, escapes from that custody, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Escape from custody in other cases.

342. Everyone who—

Rescuing or suffering escape of person in custody for offence punishable with death or imprisonment for life.

(a) rescues any person, or assists any person in escaping or attempting to escape, from lawful custody, whether in prison or not, under sentence of death or imprisonment for life, or after conviction of and before sentence for, or whilst in lawful custody upon a charge of, any offence punishable with death or imprisonment for life; or

(b) being a peace officer and having any such person in his lawful custody, or being an officer of any prison in which the person is lawfully confined, voluntarily and intentionally permits him to escape, or aids him in escaping or attempting to escape, from the custody or prison

shall be guilty of felony and liable to imprisonment for life.

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Rescuing or suffering escape of person in custody for offence punishable with imprisonment for term less than life.

343. Everyone who—

(a) rescues any person, or assists any person in escaping or attempting to escape, from lawful custody, whether in prison or not, under a sentence of imprisonment for more than two years but less than life, or after conviction of and before sentence for, or whilst in lawful custody upon a charge of, any offence punishable with imprisonment for any term less than life or more than two years but less than life; and

(b) being a peace officer and having any such person in his lawful custody, or being an officer of any prison in which the person is lawfully confined, voluntarily and intentionally permits him to escape, or aids him in escaping or attempting to escape, from the custody or prison,

shall be guilty of felony and liable to imprisonment for seven years.

Rescuing or aiding escape of person in custody in other cases.

344. Everyone who—

(a) rescues any person, or assists any person in escaping or attempting to escape from lawful custody, whether in prison or not, otherwise than upon a charge, conviction, or sentence of or for an offence punishable with death or imprisonment for more than two years; or

(b) with intent to facilitate the escape of any prisoner lawfully imprisoned, conveys or causes to be conveyed anything whatsoever into any prison,

shall be guilty of a misdemeanour and liable to imprisonment for three years.

Dereliction of duty by peace officer or officer of prison in respect of person in his custody.

345. Everyone who—

(a) being a peace officer having any person in his lawful custody otherwise than upon a charge, conviction, or sentence of or for any offence punishable with death or imprisonment, voluntarily and intentionally permits that

person to escape, or aids him in escaping or attempting to escape, from custody; or

(b) being an officer of any prison in which any person is lawfully confined for any cause, whether civil or criminal, otherwise than upon a charge, conviction, or sentence aforesaid, voluntarily and intentionally permits that person to escape, or aids him in escaping or attempting to escape, from the prison,

shall be guilty of a misdemeanour and liable to imprisonment for three years.

346. Everyone who, having the lawful custody of any person or being employed by or under any person having that custody as a warder, overseer, guard, or otherwise, through negligence or carelessness, allows that person to escape from custody shall be guilty of a misdemeanour and liable to imprisonment for one year.

Negligently allowing person in custody to escape.

347. For the purposes of the last seven preceding sections, custody under an irregular warrant or other irregular process shall be deemed to be lawful.

Irregular custody.

PART V

OFFENCES AGAINST RELIGION, MORALITY
AND PUBLIC CONVENIENCE

TITLE 24

Offences against Religion

348. (1) Everyone who publishes any blasphemous libel shall be guilty of a misdemeanour and liable to imprisonment for one year.

Blasphemous libel.

(2) It shall be a question of fact whether any particular published matter is or is not a blasphemous libel:

Provided that no person shall be liable to be convicted on any indictment for a blasphemous libel only for expressing in good faith and in decent language, or attempting to establish by arguments used in good faith and conveyed in decent language, any opinion whatever upon any religious subject.

Obstructing or striking minister of religion performing divine service.

349. Everyone who—

(a) by threats or force, obstructs or prevents, or endeavours to obstruct or prevent, any minister of religion in or from lawfully celebrating divine service or otherwise officiating in any church, chapel, meeting-house, or other place of divine worship, in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial-place; or

(b) strikes or offers any violence to, or arrests upon or under the pretence of executing any civil process, any minister of religion who is engaged in, or, to the knowledge of the offender, is about to engage in, any of the said rites or duties, or who is going to perform them or returning from their performance,

shall be guilty of a misdemeanour and liable to imprisonment for one year.

Disturbing congregation or preacher.

350. Everyone who wilfully and without lawful justification or excuse (the proof whereof shall lie on him) disquiets or disturbs any meeting, assembly, or congregation of persons lawfully assembled for religious worship, or in any way disturbs, molests, or misuses any preacher, teacher, or person lawfully officiating thereat, or any person or persons assembled there, shall be guilty of a misdemeanour and liable to imprisonment for six months.

TITLE 25

Offences against Morality

Selling, publishing or

351. (1) Everyone who knowingly and without lawful justification or excuse (the proof whereof shall lie on him)—

(a) publicly sells, or exposes for public sale or to public view, any obscene book, pamphlet, newspaper, or other printed or written matter, or any picture, print, engraving, photograph, model, or other object tending to corrupt public morals; or

exhibiting obscene matter.

(b) publicly exhibits any disgusting object, or any indecent show; or

(c) publishes any obscene libel,

shall be guilty of a misdemeanour and liable to imprisonment for two years.

(2) It shall be a question of law whether the occasion of the sale, publication, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, circumstances, or extent, in or to which the sale, publication, or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question of fact whether there is or is not that excess.

(3) The motives of the seller, publisher, or exhibitor shall in all cases be irrelevant.

352. Any male person who, in public or private, commits, or is a party to the commission, or procures or attempts to procure the commission, by any male person, of any act of gross indecency with any other male person shall be guilty of a misdemeanour and liable to imprisonment for two years.

Committing acts of gross indecency with male person.

353. Everyone who—

- (a) attempts to commit buggery; or
- (b) assaults any person with intent to commit buggery; or
- (c) being a male, indecently assaults any other male person,

Attempt to commit unnatural offence.

shall be guilty of felony and liable to imprisonment for ten years.

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Buggery. **354.** Everyone who commits buggery, either with a human being or with any other living creature, shall be guilty of felony and liable to imprisonment for life.

Doing indecent act. **355.** Everyone who—

 (a) does any indecent act in any place to which the public have or are permitted to have access; or
 (b) does any indecent act in any place, intending thereby to insult or offend any person,

Common nuisance. shall be guilty of a misdemeanour and liable to imprisonment for two years.

TITLE 26

Nuisances, Bawdy Houses

Common nuisance. **356.** Everyone who commits any common nuisance which endangers the lives, safety, or health of the public, or which injures the person of any individual, shall be guilty of a misdemeanour and liable to imprisonment for two years.

Keeping disorderly houses. **357.** Everyone who—

 (a) keeps or manages a common bawdy house; or
 (b) keeps or manages a common ill-governed or disorderly house;

shall be guilty of a misdemeanour and liable to imprisonment for two years.
