

CHAPTER 3:05

SUMMARY JURISDICTION (MAGISTRATES) ACT

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SUMMARY JURISDICTION (MAGISTRATES) ACT

1929 Ed.  
c. 9  
1953 Ed.  
c. 12

**An Act for the Constitution of Magistrates' Courts; for the Appointment of the Magistrates and other officers thereof, and of Justices of the Peace, and the Regulation of their Duties; for the Regulation of the Jurisdiction, Sittings, and Practice and Procedure thereof; and for other like purposes.**

10 of 1893

[1ST MARCH, 1894]

PRELIMINARY

**1.** This Act may be cited as the Summary Jurisdiction (Magistrates) Act.

Short title.

**2.** (1) In this Act—

Interpretation.  
[14 of 1988]

“the court” means a magistrate’s court established under this Act;

“criminal” includes quasi-criminal, and, with reference to matters of jurisdiction, comprehends all those matters not falling within the term “civil”;

“district” means a magisterial district constituted under this Act;

“summary conviction offence” means any offence punishable on summary conviction before the court, and includes any matter in respect of which the court can make an order in the exercise of its summary criminal jurisdiction.

(2) Every reference to a magistrate in this Act (other than in sections 6 and 7) or in any other written law shall, unless the context otherwise requires, also include a reference to the chief magistrate or a principal magistrate or senior magistrate.

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PART I

CONSTITUTION OF THE COURTS

Division of Guyana into magisterial districts.

3. The Chancellor may by order—

- (a) divide Guyana, or any portion thereof, into magisterial districts for the purposes of this Act;
- (b) constitute in any part of Guyana a magisterial district or districts for the purposes of this Act;
- (c) distinguish the districts by the names or numbers he thinks proper; and
- (d) vary the limits of any district.

Special provision as to port of entry.

4. For all purposes of jurisdiction, whether civil or criminal, the waters of any port of entry, as for the time being defined by Act or otherwise, shall be deemed to be within the district in which the port of entry is situate.

District magistrate's court.

5. In each district there shall be and there is hereby established a court, to be called the magistrate's court, with the civil and criminal jurisdiction and other powers hereinafter mentioned.

Presiding officer of the court.  
[14 of 1988]

6. The presiding officer of the court shall be a person appointed under this Act as the chief magistrate or as a principal magistrate, senior magistrate, or magistrate and assigned to that court by the Chancellor.

PART II

OFFICERS OF THE COURTS

*Magistrates*

Number of magistrates.  
[14 of 1988]

7. (1) There shall be a chief magistrate and such number of principal magistrates, senior magistrates and magistrates as may be required for the discharge of the business of the courts established by this Act.

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(2) The chief magistrate, a principal magistrate and a senior magistrate shall have and exercise and perform all the functions conferred on a magistrate under this Act or any other written law.

(3) Subject to the other provisions of this Act, and the powers of the Chancellor in this regard, the chief magistrate may allocate the work amongst the courts and transfer any cause or matter pending before any court to any other court, having jurisdiction to entertain such cause or matter, so as to ensure expeditious disposal of such work, cause or matter, and to relieve congestion of work in the courts.

**8.** (1) A person may be appointed—

(a) to be a magistrate in a particular district or districts or in a particular part or parts of a district or districts or to adjudicate upon particular cases or classes of cases; or

(b) to be a magistrate for the whole of Guyana with or without limitation with respect to the cases or classes of cases upon which he may adjudicate.

Appointment of magistrates with or without limitation.

(2) There may be one or more magistrates appointed to any court.

**9.** The Chancellor may assign a magistrate to preside over a particular court or courts or to a court at a particular place or at particular places in the area to which he is appointed and may determine the days and the hours of the sittings of courts and the matters or classes of matters with which particular courts shall deal and generally shall have charge of the administration of the system of courts established by this Act.

Assignment of magistrates and sittings of courts, etc.

**10.** Subject to any limitation of his jurisdiction under section 8, a magistrate may exercise and administer all the jurisdiction and powers of a magistrate's court in any court within the area of Guyana to which he is appointed.

Jurisdiction and powers of a magistrate.

**11.** A magistrate assigned exclusively to the court of a district or to the court at a particular place or particular places within a district shall reside in the district unless exempted by the Chancellor from so doing.

Residence of magistrate.

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Magistrate not to adjudicate where personally interested.

**12.** The Chancellor may direct that a particular magistrate shall not adjudicate on a particular cause or matter coming before him because of the magistrate's personal interest in that cause or matter or for any other sufficient reason and shall in any such case assign another magistrate to adjudicate on that cause or matter.

Magistrate a justice of the peace.

**13.** Every magistrate shall *ex officio* be a justice of the peace for Guyana.

### *Justices of the Peace*

Appointment and removal of justices.

**14.** (1) The President may, by an instrument under his hand and the public seal, appoint any fit and proper person to be a justice of the peace for Guyana or any portion thereof. Such appointment may be limited as to time.

(2) The President may in like manner, for cause appearing to him sufficient, remove any justice of the peace from office.

(3) Every appointment and removal shall be notified in the *Gazette*.

*Ex officio* justices of the peace.

**15.** The Registrar of the Supreme Court and every district commissioner, assistant district commissioner and clerk of court for the time being shall *ex officio* be a justice of the peace for Guyana.

Publication of annual list of justices.

**16.** In the month of January in every year there shall be published in the *Gazette* a list of all justices of the peace for the time being holding office, and in the list there shall be stated the profession, occupation, or calling, and the place of residence, of each justice.

Justice to be coroner.

**17.** Every justice shall be *ex officio* a coroner in and for Guyana or in and for that portion of Guyana for which he is a justice of the peace.

Powers.

**18.** (1) Subject to the provisions of this and of any other Act, every justice of the peace shall have power to preserve the peace, to suppress riots and affrays, and to disperse all disorderly and tumultuous

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assemblages, and for any of these purposes to call in the aid and assistance of all citizens of Guyana, who shall be severally bound to obey all lawful commands.

(2) Subject as aforesaid, every justice shall have the same power as a magistrate to issue warrants for the apprehension and commitment for safe custody of persons charged with indictable offences; to remand persons charged with offences, whether punishable on summary conviction or on indictment; to issue search warrants in respect of indictable offences, or in respect of any other offence in which a magistrate has power to issue a search warrant, and to administer oaths in cases allowed by law.

(3) The President may in an instrument appointing a justice of the peace empower him to issue warrants for the apprehension and commitment for safe custody of persons charged with offences punishable on summary conviction.

**19.** Any justice in whose presence any indictable offence or breach of the peace is committed may either himself apprehend the offender or verbally command any other person to do so; and that person may thereupon follow the offender and, if he flees, carry into effect and execute the command, whether in or out of the view of the justice by whom it was given.

Apprehension  
by justice.

**20.** The jurisdiction of every justice shall extend throughout Guyana or throughout that portion of Guyana for which he is a justice of the peace.

Extent of  
jurisdiction.

*Clerk of Court and other Officers*

**21.** (1) There shall be a clerk of court for each district who shall be the principal administrative officer for the court of that district and whose office shall be situated in such place as the Chancellor shall specify.

Appointment  
of clerk of  
court and such  
other officers  
as may be  
required.

(2) There shall be such other officers of the court as shall be required for the efficient administration of the system of courts established by this Act.

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(3) The Chancellor may delegate any of the officers appointed under subsection (2) to perform any of the duties of the clerk of court.

Control of  
clerks and  
other officers  
of the Court.

**22.** The clerk of court and the other officers of the court shall be under the immediate direction of the magistrate.

Duties.

**23.** The duties of the clerk of court shall be—

- (a) to attend at every sitting of the court;
- (b) to prepare summonses, warrants, orders, convictions, recognisances, writs of execution, and other documents and submit them for the signature of the magistrate;
- (c) to make copies of proceedings when required to do so by the magistrate, and to record the judgments, convictions and orders of the court;
- (d) to receive all fees, fines and penalties, and all other moneys paid in respect of proceedings in the court and to keep accounts thereof; and
- (e) to perform any other duties connected with the court assigned to him by the magistrate.

Accounts of  
clerk.

**24.** (1) The accounts of the clerk of court shall at all times be fully written up, and shall be submitted to the Registrar of the Supreme Court at least once in every month to be examined by him.

(2) Any person interested shall, on obtaining an order for that purpose from the magistrate, have access at all reasonable times to the books in which the accounts are kept.

(3) Further provisions with respect to the accounting of the clerk of court are contained in Part VI.

Appointment  
of bailiff.

**25.** One or more bailiffs may be appointed to each magistrate's court.

Bailiff to be  
rural constable.

**26.** A bailiff shall be by virtue of his office a rural constable and shall take the oath as that constable.

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**27.** (1) The bailiff shall serve all summonses and orders and execute all writs and other process assigned to him by the magistrate and obey the orders and directions of the magistrate: Duties.

Provided that the magistrate, with the sanction of the Minister responsible for police, may direct the service of summonses in civil causes or matters to be effected, either in whole or in part, by police or rural constables, but the direction may be at any time rescinded in the same manner in which it was made.

(2) Where there are more bailiffs than one, the duties of the office shall be apportioned between them in the manner directed by the magistrate.

**28.** Every bailiff who receives moneys by virtue of his office shall once in every week, and oftener if required by the magistrate to do so, give to the magistrate or to the clerk of court a full, true, and particular account of all moneys received by him since the last accounting, and of all moneys previously received and accounted for, if any, and of the disposal thereof; and each account shall be filed and kept by the clerk among the records of the court. Accounting by bailiff.

**29.** If any bailiff employed to levy any execution against movable property under the process of the court, by neglect, connivance, or omission, loses the opportunity of levying the execution, then, upon complaint of the party aggrieved by reason of the neglect, connivance, or omission (and the fact alleged being proved, to the satisfaction of the court, on the oath of any credible witness), the magistrate may order the bailiff to pay the damages appearing to have been sustained by the complainant, not exceeding in any case the sum of money for which the execution issued, and the bailiff shall be liable therefor; and, upon demand made and his refusal so to pay and satisfy the damages, payment thereof may be enforced by the ways and means provided by the Summary Jurisdiction (Petty Debt) Act for enforcing a judgment recovered under that Act. When damages against bailiff may be ordered.  
c. 7:01

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Assault on  
bailiff in  
execution of  
his duty.  
[6 of 1997]

**30.** Everyone who—

(a) assaults, obstructs, or resists, a bailiff in the execution of his duty; or

(b) makes, or attempts to make, any rescue of any movable property, taken in execution under the process of the court;

shall be liable to a fine of nineteen thousand five hundred dollars or to imprisonment for two months.

**PART III**

JURISDICTION OF THE COURTS

Civil jurisdic-  
tion.

c. 7:01

**31.** The court in each district shall, in civil causes and matters within that district, have the jurisdiction and powers prescribed in, and shall exercise such jurisdiction and powers in the manner provided by, the Summary Jurisdiction (Petty Debt) Act.

Criminal  
jurisdiction.  
[14 of 1988  
15 of 1988]

**32.** (1) Subject to the provisions of this and of any other written law, the court of each district shall, within its district, have full jurisdiction and power—

(a) to hear and determine all complaints or informations for summary conviction offences, including complaints or informations for the recovery of fines, penalties, or forfeitures not specially assigned by written law to the High Court;

(b) to receive and inquire into all charges of indictable offences, and to make any orders in respect thereof required by the provisions of any written law for the time being in force in relation to procedure in respect of indictable offences; and

(c) generally, to do all acts and things, by any written law, law, or usage now or hereafter in force, appertaining to the office of a magistrate, or of a justice of the peace.

(2) All offences and matters cognizable under any written law before any magistrate or justice of the peace committed or arising in or within the limits of any bay, creek, or inlet of the sea, or on any river or creek, of or within Guyana, may be heard and determined by the court

of any district bordering on that bay, creek, or inlet of the sea or that river or creek; and all offences and matters aforesaid committed or arising on board of any ship, vessel, or boat, beyond the limits aforesaid may be heard and determined by the court of the district off whose shore the ship, vessel, or boat, is at the time of the commission of the offence or of the matter arising as aforesaid, or on or near to the shore of whose district the ship, vessel or boat, after the commission of the offence or the arising of the matter aforesaid, anchors or touches.

(3) The court may, notwithstanding the provisions of subsections (1) and (2) receive a plea of guilty from any person produced before it in custody in respect of an offence, cognizable under any written law by a magistrate, even though the offence was committed beyond the limits of the jurisdiction of that court, and deal with that person in respect of that offence according to law as if the offence were committed within those limits.

**33.** Where, under the provisions of any Act relating to employers and servants, a contract is made in one part of Guyana to perform any work or service in another part of Guyana, and a breach of the contract is committed beyond the limits of the district in which the contract was made, the court of that district shall have full jurisdiction and power to hear and determine any complaint made or information laid for the breach.

Extension of jurisdiction under Act relating to employers and servants.

*Protection and Maintenance of Married Persons*

**34.** (1) A married person may apply by way of complaint to the court of the magisterial district in which a conviction has taken place or the cause of the complaint has wholly or partially arisen for an order or orders under section 36 against the other party to the marriage, that is to say that the defendant -

Jurisdiction of Magistrate's court in matrimonial proceedings. [19 of 1990 6 of 1997]

(a) has been convicted summarily of an aggravated assault upon the complainant within the meaning of section 22 of the Summary Jurisdiction (Offences) Act;

c. 8:02

(b) while knowingly suffering from a venereal disease has insisted on, or has without the complainant being aware of the

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presence of the venereal disease permitted, sexual intercourse between the complainant and the defendant;

(c) being a husband, has compelled the complainant to submit herself to prostitution, or has, in the opinion of the court, been guilty of such conduct as was likely to result and has resulted in the complainant submitting herself to prostitution;

(d) is for the time being an habitual drunkard or a drug addict;

(e) has deserted the complainant;

(f) has been guilty of persistent cruelty to the complainant or to any child of the complainant or has wilfully neglected to provide or to make proper contribution towards the reasonable maintenance of the complainant or any infant child of the family who is, or would but for that neglect have been, a dependant of the defendant and whom the defendant is legally bound to maintain; or

(g) has been convicted upon indictment of an assault upon the complainant and sentenced to pay a fine of more than two hundred and twenty-five dollars or to a term of imprisonment exceeding two months:

Provided that where the complainant is entitled to apply for an order or orders under this section on the ground of the conviction of the defendant upon indictment, the complainant may apply to the court before which the defendant has been convicted and that court, shall for the purposes of this section, become a court of summary jurisdiction and have the power to hear an application and make the order or orders sought.

(2) In considering whether any, and if so what, provision should be included in an order by virtue of paragraph (f) of subsection (1) for payment by one of the parties in respect of a child who is not a child of that party, the court shall have regard to the extent, if any, to which that party had on or after the acceptance of the child as one of the family assumed responsibility for the child's maintenance and to the liability of any person other than a party to the marriage to maintain the child.

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**35.** (a) The court may, at any time after an application under section 34 for an order of maintenance has been served on the defendant, order that the defendant do pay to the complainant or to the collecting officer or other person acting on the complainant's behalf a weekly sum not exceeding such an amount as might be ordered to be paid under a final order made under section 36, for the maintenance of the complainant and any child or children in the complainant's custody until the final determination of the case by the magistrate or, in the event of an appeal to the Full Court from the decision of the magistrate, by the Full Court:

Power to make interim orders for maintenance. [19 of 1990]

Provided that where the complainant is the husband the court shall make an order in his favour for his maintenance only where, by reason of impairment of his earning capacity through age, illness or disability of mind or body, it appears to the court reasonable in all the circumstances of the case so to do:

Provided that, pending the making of a final order by the magistrate under section 36, the order directing such payment shall not remain in operation for more than three months from the date on which it was made, but before or after the expiration of such period of three months another order may be made under this section.

(b) Any order made under this section shall be enforced in like manner as if it were a final order of the court made under section 36, and where payments under such an order are to be made to the collecting officer, the provisions of sections 47, 48, 49 and 50 shall apply to such payments and the enforcement thereof in the same manner and to the same extent as if the order under this section was a maintenance order.

**36.** (1) The court to which the application under section 34 is made may make an order or orders containing all or any of the following provisions—

Powers of court. [19 of 1990 25 of 1997]

(a) that the complainant be no longer bound to cohabit with the defendant (a provision which while in force shall have the effect in all respects of a decree of judicial separation);

Separation order.

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Custody and maintenance of children.

(b) that the legal custody of any children of the marriage while they are under the age of sixteen years be committed to the complainant and that the defendant shall pay to the complainant or to the collecting officer or other person acting on the complainant's behalf, such weekly sum of not less than five hundred dollars nor more than twenty-five thousand dollars as the court considers just and reasonable having regard to the means of both husband and wife for the maintenance of each such child until the child attains the age of sixteen years, or, where the child is attending any university, college, school or other educational establishment until the child attains the age of eighteen years;

Maintenance of complainant.

(c) that the defendant shall pay to the complainant personally, or for the use of the complainant to the collecting officer or to any other person acting on the complainant's behalf such weekly sum not less than five hundred dollars nor more than thirty thousand dollars as the court considers just and reasonable having regard to the means of both the husband and wife:

Provided that where the complainant is the husband the court shall make an order in his favour for his maintenance only where, by reason of the impairment of his earning capacity through age, illness or disability of mind or body, it appears to the court reasonable in all the circumstances of the case so to do;

Costs.

(d) for payment by the complainant or the defendant or both of them of the costs of the court and any reasonable costs of either party as the court thinks right and proper.

(2) Where provision is made by an order under subsection (1)(b) for the custody of any children of the marriage, the order may make such provision as the court thinks fit for access of the husband or wife, as the case may be, to those children.

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**37.** Any order made under section 36 either before or after the commencement of this section may be varied, on the application of the husband or wife, so as to include from the date of the variation of the order a provision under section 36(b) for the maintenance of the children of the marriage.

Variation of order made under section 34.  
[19 of 1990]

**38.** The court hearing a complaint under section 34 shall not make an order under section 36 if it is proved that the complainant has committed an act of adultery, unless the court is satisfied that the defendant has condoned or connived at, or by wilful neglect or misconduct conducted to, that act of adultery.

Limitation of powers.  
[19 of 1990]

**39.** (1) A magistrate, acting within the magisterial district in which any order under section 36 has been made, may on the application of the husband or wife, and on cause being shown upon fresh evidence to the satisfaction of the court, at any time alter, vary or discharge the order and upon the like application from time to time increase or diminish the amount of any weekly payment ordered to be made, provided that the amount does not exceed such an amount as might be ordered under section 36.

Variation or discharge of order.  
[19 of 1990]

(2) If any married person upon whose application an order has been made under section 36 commits an act of adultery the order shall upon proof thereof be discharged:

Provided that the magistrate shall not discharge the order by reason of such an act of adultery—

(a) except at the request of the person who was the defendant to the proceedings in which the order was made; or

(b) if the magistrate is of the opinion that the person aforesaid has condoned or connived at, or by wilful neglect or misconduct conducted to that act of adultery.

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(3) In the event of the order being discharged the magistrate shall, if he considers it proper to do so, make a new order concerning the custody and maintenance of the children of the marriage until each child attains the age of sixteen years:

Provided that where the child is attending any university, college, school or other educational establishment the order for maintenance shall be made to continue until the child attains the age of eighteen years.

(4) In making an order under subsection (3) the court shall have regard to section 36(1)(b) and to the welfare of the children.

Effect of order while parties reside with each other.  
[19 of 1990]

**40.** No final order made under section 36 shall be enforceable and no liability shall accrue under any such order while the parties to the marriage reside with each other.

Effect of order upon resumption of cohabitation.  
[19 of 1990]

**41.** Where a party to a marriage with respect to whom a final order has been made under section 36 resumes cohabitation with the other party to the marriage after living apart from the other, the order shall cease to have effect six months after the resumption of such cohabitation.

Procedure. Enforcement of orders.  
[19 of 1990] c. 10:02

**42.** All applications under section 34 shall be made in accordance with the Summary Jurisdiction (Procedure) Act, and, in case of a conviction of a husband for aggravated assault upon his wife, her application may, by leave of the court, be made by summons to be issued and made returnable immediately upon that conviction; and any order made under section 36 may from time to time be enforced, if the payments required by it to be made or any of them is or are in arrears, by distress, in the manner prescribed in Part IV of that Act:

Provided that where by an order under section 36 it is provided that payment be made to a collecting officer under this Act nothing in this section shall preclude the collecting officer from enforcing such order in the manner provided in this Act.

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**43.** Where an order under section 36 contains a provision committing to the applicant the legal custody of any children of the marriage, a copy of the order may be served upon any person in whose actual custody the children may for the time being be, and thereupon the provision may, without prejudice to any other remedy open to the applicant, be enforced under section 60 of the Summary Jurisdiction (Procedure) Act, as if it were an order of the court requiring that person to give up the children to the applicant.

Where order contains provision as to custody of children.  
[19 of 1990]  
c. 10:02

**44.** Any person for the time being under an obligation to make payments (including costs) under an order made under section 36 shall give notice, to such persons (if any) as may be specified in the order, of any change of place of residence, within seven days thereafter, and any person failing to give such notice without reasonable excuse shall be liable on summary conviction to a fine of six hundred and fifty dollars.

Persons under obligation to make payments to give notice of change of address.  
[19 of 1990  
6 of 1997]

**45.** If in the opinion of a magistrate the matters in question between the parties or any of them may be more conveniently dealt with by the High Court, he may refuse to make an order under section 36, and in that case no appeal shall lie from his decision:

Order may be refused in certain cases.  
[19 of 1990]

Provided that the High Court or a judge thereof may, by order in any proceeding in that Court relating to or comprising the same subject matter as the application so refused, or any part thereof, direct the magistrate to rehear and determine that matter.

**46.** The Chancellor may appoint the Clerk of Court or any other officer of the court appointed under section 24(2) to be the collecting officer in a magisterial district for the purposes of this Act.

Collecting officer.

**47.** (a) A magistrate may, where he is satisfied that it is desirable so to do, provide in a maintenance order—

Provisions in maintenance orders.  
[19 of 1990]

- (i) at the time such order is made;
- (ii) on an *ex parte* application by either party to the marriage to vary such order at any time after the making of such order,

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that all payments made under the maintenance order be made to the collecting officer of the district in which such order is made, and thereupon all payments thereunder shall be made to the collecting officer and not otherwise.

(b) Payment of the amount so ordered shall be made to the collecting officer in person, or by letter sent by registered post addressed to the collecting officer and posted in time to be delivered to him, on the day appointed for payment:

Provided that no collecting officer shall refuse to receive payment of money tendered to him in person, or received through the post, before or after the day appointed for payment.

(c) The collecting officer shall receive all payments made to him under this Act and shall make payment to the husband or wife or to such other person as is named in the maintenance order of the sum directed to be paid thereunder, or such part thereof as he receives, without any deduction therefrom.

(d) Where it is provided by a maintenance order that payment be made to the collecting officer, the husband or wife or such other person as is named in the maintenance order shall thereupon state to the collecting officer her or his full postal address.

(e) Payment shall be made by the collecting officer—

(i) where the husband or wife or other person named in the maintenance order resides in the town or village in which the office of the collecting officer is situate, directly to the husband or wife or other person at the office of the collecting officer;

(ii) (A) in all other cases, by sending fortnightly to the postmaster of the post office designated by the husband or wife or other person as aforesaid an original order for payment specifying the amount to be paid and the person to whom payment is to be made.

(B) The person entitled to payment shall attend at the post office, present the duplicate order and sign the receipt on the original and duplicate orders in the presence of the postmaster who shall thereupon pay the amount of the order to the person named therein.

(C) It shall be the duty of the postmaster to forward receipted accounts to the Postmaster General for transmission to the Accountant General who shall in due course recover from the collecting officer the amounts so paid.

**48.** (a) Where any payment due to a collecting officer under a maintenance order is at any time fourteen clear days in arrear, the magistrate may, on *ex parte* application by the collecting officer, issue a warrant directing the sum due under such order or since any commitment for disobedience to such order as hereinafter provided, together with the costs attending such warrant, to be recovered by distress and sale of the goods and chattels of the defaulting party.

Issue of  
warrant for  
arrears.  
[19 of 1990]

(b) If upon the return of such warrant it shall appear that no sufficient distress can be had, the magistrate may issue a warrant to bring the defaulting party before him, unless such sum and costs be sooner paid, and if the defaulting party neglects or refuses without reasonable cause to make payment of the sum so due together with such costs, the magistrate may commit the defaulting party to prison for any period not exceeding three months unless such sum and costs, together with the costs of commitment, be sooner paid.

(c) Where a magistrate commits a defaulting party to prison under paragraph (b), no arrears shall, unless the magistrate otherwise directs, accrue under the order during the time that the defaulting party is in prison.

**49.** (a) Where by the maintenance order it is provided that payment thereunder be made to the collecting officer, and the husband or the wife to whom the order relates or such other person as is named in the maintenance order changes his or her place of residence, he or she shall, within seven days thereafter, give notice of such change to the collecting officer.

Collecting  
officer to be  
notified.  
[6 of 1997]

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*Summary Jurisdiction (Magistrates)*

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(b) Any person who without reasonable excuse fails to give such notice of change of place of residence shall be liable on summary conviction to a fine of six hundred and fifty dollars.

Attachment of  
pension or  
income.  
[19 of 1990]

**50.** (a) Where there is any pension or income payable to the husband or wife and capable of being attached, the magistrate of the district in which a maintenance order has been made, before or after the commencement of this section, against the husband or wife may at any time—

(i) where the husband or wife has without reasonable cause made a default under the order; and

(ii) after giving the husband or wife an opportunity of being heard;

order that such an amount each week as is specified in the maintenance order or any part of such amount be attached and paid to the collecting officer.

(b) Such order shall be sufficient authority to the person by whom such pension or income is payable, to make the payment so ordered, and the receipt of the collecting officer shall be a good discharge to such person to the extent of the amount so paid.

Proceedings  
for enforcing  
payment may  
be brought at  
any time.  
c. 10:02

**51.** Proceedings for enforcing the payment of sums due under an order made under section 36 may be brought at any time, and section 6 of the Summary Jurisdiction (Procedure) Act shall not apply to such proceedings.

Regulations.  
Forms.

**52.** The Chancellor with the approval of the Minister responsible for finance may make regulations and prescribe forms for carrying into effect the provisions of sections 47, 48 and 50.

Appeal.  
[19 of 1990]

**53.** Save as is hereinbefore provided, an appeal shall lie from any order, or the refusal of any order, by a magistrate under section 36 to the High Court, and the appeal shall be regulated in all respects by the Summary Jurisdiction (Appeals) Act.

c. 3:04

LAWS OF GUYANA

**54.** Where a married woman or married man has received poor relief under the provisions of the Poor Relief Act, the poor law commissioners shall be entitled to recover from her husband or his wife the amount of that relief, and the amount may be recovered under the Maintenance Act, a married woman or married man being for that purpose deemed a person entitled to be maintained by her husband or his wife within the meaning of that Act.

When poor relief given to married woman or married man. [19 of 1990] c. 36:02 c. 45:03

**55.** In section 34 the expression “habitual drunkard” means a person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of—

Definitons. [19 of 1990]

(a) the habitual intemperate drinking of intoxicating liquor; or

(b) the habitual taking or using, except upon medical advice, of opium or other narcotic drugs within the meaning of the Narcotic Drugs and Psychotropic Substances (Control) Act—

c. 35:11

at times dangerous to himself or to others, or incapable of managing himself, and his affairs; and the expression

“maintenance order” means an order made under section 36, 37, or 39(3) for the maintenance of the wife, husband or of the children of the marriage, as the case may be.

**56.** Subject to section 12, any civil or criminal proceeding by or against any officer of a magistrate’s court for any offence or matter cognizable by that court may be brought in the court of any adjoining district, and the last mentioned court shall have full jurisdiction and power in the matter of the proceeding.

Proceedings by or against officer of the court.

**57.** Every magistrate and justice of the peace is hereby authorised to administer all oaths required to be taken before him in the exercise of any of the jurisdictions and powers conferred upon him by this or any other written law and those oaths may also be administered by the clerk of the court under the direction and in the presence of the magistrate.

Administration of oaths.

## LAWS OF GUYANA

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### PART IV

#### SITTINGS OF THE COURTS

Sittings of the court generally.

**58.** (1) The Chancellor may by notice appoint the times and places for the sittings of the courts and may in like manner alter any of those times or places.

(2) Every notice shall be published in the *Gazette*, and shall take effect on the publication thereof or at any other time mentioned therein.

(3) A copy of any notice aforesaid shall be posted up in a conspicuous place in every court room of the district to which it relates.

Nature of business at any sitting.

**59.** At any sitting of the court both civil and criminal causes and matters may be heard, determined, and dealt with, or either one or the other.

Adjournment of the court.

**60.** (1) The magistrate may adjourn the court from day to day or to any convenient day.

(2) If the magistrate is not present at the time and place appointed for any sitting of the court, the clerk of court, or such other officer of the court as may be directed by the magistrate, may, by public oral notice, adjourn the sitting until the time communicated to him by the magistrate, and, in the absence of that communication, to a convenient time; and all persons bound to be present at the sitting so adjourned shall be equally bound to be present at the time appointed by the notice.

(3) In the absence of the notice and of any notification to the contrary, those persons shall be bound to be present at the next succeeding time appointed by order in council as aforesaid or otherwise for the sitting of the court in the same place.

Adjournment over holiday.

**61.** When any day appointed for the sitting or adjourned sitting of the court falls on a public holiday, the magistrate shall in that case, if practicable, attend and transact the business appointed to be heard thereat on the day (not being a public holiday) next after that day.

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**62.** Subject to section 58, the court shall be held only at a place appointed by notice for the sitting of the court; but, on the application of either party, or otherwise, the hearing of a case to be taken at one of those places may, in the discretion of the magistrate, be taken at another in the district.

Change of place of hearing.

**63.** The Commissioner of Police shall detail one or more police constable to attend at every sitting of the court, for the purpose of preserving order and carrying out the directions of the magistrate.

Preservation of order at sitting of the court.

**64.** (1) Everyone who wilfully insults a magistrate, or is guilty of any other grave misconduct during the hearing of any cause or matter, whether civil or criminal, may, on a verbal order of the magistrate, be removed, by force if necessary, from the court, and may further be detained, under a warrant for that purpose, in the nearest lock-up or place of detention for any time, not later than the rising of the court on the same day, the magistrate thinks right.

Punishment of person guilty of misconduct before the court.  
[6 of 1997]

(2) The person may further, either alone or in addition to the removal, or removal and detention, as the case may be, be summarily ordered by the magistrate to pay, either forthwith or within a specified time, a fine of four thousand eight hundred and seventy five dollars, and, in default of payment, to be imprisoned for any term not exceeding seven days, or to be imprisoned for any term not exceeding seven days, unless sooner discharged by the magistrate.

(3) Any judge of the High Court may, on an application made in a summary manner, order the total or partial remission, or the repayment, of any fine so inflicted, or the release of the person at once, or at any time before the expiration of his sentence, if the judge is satisfied that the applicant was not guilty of the alleged misconduct or that the punishment awarded for it was excessive.

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### PART V

#### PRACTICE AND PROCEDURE OF THE COURTS

In civil  
jurisdiction.  
c. 7:01

**65.** (a) The practice and procedure of the court in its civil jurisdiction shall be regulated by the Summary Jurisdiction (Petty Debt) Act and by any other written law relating thereto.

In criminal  
jurisdiction.  
c. 10:02

(b) The practice and procedure of the court in its criminal jurisdiction shall be regulated, in respect of summary conviction offences, by the Summary Jurisdiction (Procedure) Act, and by any other written law relating thereto and in respect of indictable offences, by any written law relating to those offences.

Procedure in  
interpleader.  
c. 7:01

**66.** When a claim is made to any movable property taken in execution under the process, whether civil or criminal, of the court, the procedure shall be as prescribed in the Summary Jurisdiction (Petty Debt) Act.

Completion by  
magistrate of  
process begun  
by his  
predecessor.

**67.** (1) Where a magistrate has issued any summons or warrant, or otherwise taken or commenced any proceeding or matter, whether civil or criminal, under any authority however conferred, and subsequently ceases to act as magistrate, the person in whose hands the summons or warrant is may execute or serve it in the same manner, as if the magistrate who issued it had not ceased so to act; and any successor of the magistrate, or any person acting for the magistrate, may hear, determine, execute, enforce, and carry to completion, any proceeding or matter so commenced.

(2) When a magistrate has completed hearing any proceeding or matter whether civil or criminal under any authority however conferred and subsequently ceases to act as a magistrate or has been transferred from that district or is otherwise unable to deliver judgment, a judgment in the proceeding or matter written by him may be read by any other magistrate and entered into the minute book of the court.

(3) A judgment so read shall have effect as if delivered by the magistrate hearing the proceeding or matter.

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**68.** (1) All summonses, warrants, orders, judgments, writs of execution, or other process or proceedings, whether civil or criminal, issued or taken by or by the authority of any magistrate respecting any matter within his jurisdiction shall have full force and effect, and may be served or executed, anywhere within Guyana by a bailiff of the court, by the police or other constable to whom they are directed, or by any other police or other constable, as the case may be.

Process of magistrate valid throughout Guyana.

(2) All summonses, warrants, orders, convictions, and recognisances, and all other process, whether civil or criminal, shall be issued or made under the hand of the magistrate; and the signature of the magistrate may be affixed by means of a stamp or facsimile.

Issue of process.

**69.** All police and other constables are hereby authorised and required to obey the warrants, orders and directions of the magistrate in the exercise of his criminal jurisdiction, and, so far as obedience may be authorised and required by any written law in that behalf, of his civil jurisdiction.

Duty of constables to obey magistrates.

PART VI

MISCELLANEOUS PROVISIONS

*Fees and Costs*

**70.** (1) The fees and costs set forth in the tables in the Schedule may be demanded and received by the clerk of every magistrate's court for and in respect of the several matters therein mentioned. In the absence of the clerk, or if there is no clerk, they may be demanded and received by the magistrate.

Tables of fees and costs. Schedule.

(2) The fees and costs, or any of them, including amounts for service of process, may, from time to time, be annulled or altered by an order of the Minister responsible for finance, and other fees and costs and amounts may in like manner be fixed and imposed.

(3) Every order shall be published in the *Gazette*, and shall take effect on the publication thereof or at any other time mentioned therein.

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*Summary Jurisdiction (Magistrates)*

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Payment of fees and costs.

**71.** All fees and costs payable under or by virtue of this Act shall be paid in money unless otherwise specially provided for under this or any Act for the time being in force.

Fees on affidavits of service.

**72.** In the case of an affidavit of service of process, no fee shall be payable on the execution thereof, but the fee shall be payable as and when the affidavit is tendered in evidence.

Pre-payment of fees and costs.

**73.** (1) All fees and costs payable under or by virtue of this Act shall in the first instance be paid by the party applying for the summons, warrant, or other process or document, in respect whereof they are payable, but they shall be costs in the cause or matter in which they are paid:

Provided that—

(a) no fees shall be payable in any case in which the magistrate or justice of the peace endorses on the plaint, information, or complaint, that the case is proper to be brought by the public body or officer prosecuting as concerning the public interest, or that it is a fit case for the remission of fees on account of the poverty of the party; and

(b) in that case the fees and costs shall, in the discretion of the magistrate, be recoverable from the other party if the decision is given against him.

Exemption.

(2) No court fees, nor fees payable to any officer of the court, shall be taken under the Schedule, or any order of the Minister responsible for finance made under section 70, where they are payable by any government department, but they shall, nevertheless, be taken as paid for the purpose of assessing any costs which the court directs to be paid.

Magistrate and clerk to be under audit regulations.

**74.** (1) Every magistrate and every clerk of a magistrate's court shall be subject to the rules and regulations for keeping and auditing the public accounts of Guyana and for the guidance and control of public officers in charge of or dealing with public moneys now in force or which may hereafter be in force under the Financial Administration and Audit Act or any other Act.

c. 73:01

(2) It shall be the duty of the magistrate to examine all books of account kept by the clerk and check all money in the clerk's possession, as often as required to do so by any rules made under this Act, and to satisfy himself that all moneys received by the clerk have been duly paid over to the Accountant General or the person entitled thereto, and if after the examination the magistrate finds that the accounts are correct and that all money has been duly accounted for, he shall so certify in the books of account; and in default of making the examination, the magistrate shall be responsible for all money not duly accounted for by the clerk, or not duly paid over by him to the Accountant General or other person entitled thereto.

**75.** The Minister may make regulations for the proper carrying out of the provisions of this Act. Regulations.

**76.** Sections 70 to 75 (inclusive) shall apply to all moneys received by the clerk of a magistrate's court, under this or any other Act, whether the moneys are fees, costs, fines, forfeitures, penalties, or money paid into court for any purpose, or received or recovered under or by virtue of any process of execution or distress. All moneys received in magistrates' courts subject to foregoing provisions.

*Protection of Magistrate*

**77.** In the exercise of his jurisdiction, whether civil or criminal, a magistrate shall be deemed to be a justice of the peace within the meaning of the Justices Protection Act. Protection of magistrate.  
c. 5:07

*Rules of Practice*

**78.** (1) The Chief Justice may appoint any three or more magistrates to be a committee for the purpose of making rules, including forms, for regulating the practice and procedure of the courts in matters not provided for by this or any other Act relating thereto. Rules of practice and procedure.

(2) The rules shall be subject to the approval of the National Assembly, who may add to, alter, or amend them.

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SCHEDULE

TABLES OF FEES AND COSTS

TABLE A

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Fees and costs payable in respect of proceedings for recovery of petty debts and petty damages

I. FEES AND COSTS TO BE TAKEN BY THE CLERK	\$	c
1. Preparing plaint .....	15.00	
2. Filing the plaint, counterclaim or set-off, and, (if necessary) filling up the summons to the defendant (or plaintiff) where the amount of the value of the article sought to be recovered—		
(a) does not exceed \$50.....	30.00	
(b) exceeds \$50 but does not exceed \$100.....	40.00	
(c) exceeds \$100 but does not exceed \$150.....	45.00	
(d) exceeds \$150 but does not exceed \$200.....	50.00	
(e) exceeds \$200 but does not exceed \$250.....	55.00	
(f) exceeds \$250 but does not exceed \$300.....	60.00	
(g) exceeds \$300 but does not exceed \$350.....	65.00	
(h) exceeds \$350 but does not exceed \$400.....	75.00	
(i) exceeds \$400 but does not exceed \$450.....	80.00	
(j) exceeds \$450 but does not exceed \$500.....	85.00	
(k) exceeds \$500.....	105.00	
3. Judgment summons—		
(a) Filing praecipe for issue of judgment summons on any original judgment or order.....	30.00	
(b) Filing same on an order for payment by instalments.....	15.00	
4. Service of any summons in an action, or judgment summons upon the debtor, or summons upon a garnishee or judgment debtor in garnishee proceedings or upon an execution debtor in proceedings to obtain particulars of his interest under a lease.....	15.00	

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	\$ c
5. Preparing summons to witness (where necessary) and service thereof.....	15.00
6. On tendering in evidence any affidavit or return of service of process.....	15.00
7. Preparing (where necessary) and issuing writ of execution or writ of delivery including levy and sale of delivery thereunder, or any fugee warrant, or upon endorsement of a writ of execution with a garnishment order .....	15.00
8. Expenses of execution—	
(a) For the daily keep of each horse, mule or head of horned cattle taken in execution, not exceeding.....	10.00
(b) For the daily keep of each head of other kinds of livestock, not exceeding .....	10.00
(c) Cartage and portorage not exceeding the rates payable under the scale prescribed by any tariff made by any lawful authority in the town or district, or where there is no such tariff, such reasonable charge as the Clerk of Court may allow.	
(d) Petition for order of execution in case of levy or immovable property and other thereon, including printed copy of petition and order thereon.....	20.00
(e) Act of levy, inventory, and advertisement of day of sale.....	15.00
(f) Commission on amount of proceeds of sale of any property, movable or immovable— three per cent. (Distance money shall not be charged but the marshal shall receive his actual travelling expenses, plus five dollars for every twenty-four hours of absence).	

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	\$	c
9. Judgment or other—		
(a) Drawing any judgment or order of the Court where necessary or directed .....	10.00	
(b) Copy of any judgment or order or jacket containing judgment or other .....	15.00	
(c) Certificate of judgment or order under rule 7 of Part XXIV of the rules.....	10.00	
10. Filing any special case.....	15.00	
11. For each form of a process .....	15.00	
12. Filing any statutory or other application (in writing) including any affidavit in support thereof (where necessary) or filing any affidavit alone for which a filing or other fee has not been prescribed by the Act under which the application is filed .....	15.00	
13. Copy of evidence or of any document per page of 120 words each .....	10.00	
14. Upon sending any special case submitting any question of law for the decision of a judge.....	75.00	

**II. COUNCIL'S COSTS**

(To be awarded in accordance with the Summary Jurisdiction (Civil Procedure) Rules)

1. Instructions for and drawing any plaint or counterclaim or particulars of defence to plaint or counter-claim where the amount or the value of the article sought to be recovered—		
(a) does not exceed \$200 .....	30.00	
(b) exceeds \$200 but does not exceed \$400.....	60.00	
(c) exceeds \$400 but does not exceed \$600.....	90.00	
(d) exceeds \$600 but does not exceed \$800.....	120.00	
(e) exceeds \$800 but does not exceed \$1,000.....	150.00	
(f) exceeds \$1,000.....	180.00	
2. Instructions for and drawing any application in writing (when same could not be verbally made) or notice of application including any necessary affidavit in support, where the amount or the value of the article sought to be recovered—		

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(a) does not exceed \$750, not exceeding.....	30.00
(b) exceeds \$750, not exceeding .....	60.00
3. Instructions for and drawing any affidavit or notice including service thereof, not exceeding...	30.00
4. Instructions for and drawing any notice to produce documents for inspection, inspecting and taking copies of all such documents, not exceeding.....	30.00
5. Preparing copies of process for service under rule 7 Part XXVII of the rules per folio of 120 words each .....	10.00
6. Preparing copies or verified copies of any documents necessary for use in any proceedings per folio of 120 words each .....	10.00
7. Making or opposing application for discovery of document, or other application in writing (for all work done in connection therewith and only where the court or a magistrate considers the same necessary) not exceeding .....	75.00
8. Costs of the day to opposite party awarded on postponement or adjournment of action or matter at party's request or by reason of his default, not exceeding.....	75.00
9. Obtaining judgment by consent or by default where the amount or the value of the article sought to be recovered—	
(a) does not exceed \$400.....	30.00
(b) exceeds \$400 but does not exceed \$600.....	60.00
(c) exceeds \$600 but does not exceed \$800.....	90.00
(d) exceeds \$800 but does not exceed \$1,000.....	120.00
(e) exceeds \$1,000.....	150.00

Provided that the court may allow a fee exceeding the above fees but not more than \$45.00 in any case involving appearance in court.

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10. Appearance conducting or defending action in court a fee not exceeding 10 per cent on the amount recovered by a successful claimant or on the value of the property in dispute or on the amount claimed or the value of the property in dispute in the case of costs awarded against a claimant:  
Provided that in any case of special difficulty or importance the court may allow a fee exceeding the fee which may be allowed hereunder by not more than \$150.00

11. Fee for appearance in court and for all other services in any proceedings in aid of execution, not exceeding..... 45.00

12. Fee for appearance in court in supporting or opposing an application for commitment of judgment debtor, not exceeding..... 75.00

13. Town Council or Village Appraisement Appeals—

(a) Instructions to enter appeal, not to exceed..... 30.00

(b) Drawing and filing plaint on appeal..... 30.00  
to 90.00

(c) Attendance in court of counsel supporting or opposing the appeal ..... 75.00  
to 300.00

(d) In any special or extraordinary circumstances, fees to counsel instructed by attorney-at-law may be allowed, if in the opinion of the court any point of law of exceptional difficulty is involved, provided always that the sum involved in the appeal exceeds \$5,000..... 300.00  
to 600.00

(Provided that where the valuation of the property the subject matter of the assessment has been reduced by a sum not amounting to \$2,500 no costs exceeding \$75.00 shall be allowed to the appellant.)

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III. GENERAL

With respect to any matter not provided for in this Table, the court or a magistrate may award for the services of counsel such reasonable fee, commensurate with the services performed, and not exceeding \$150.00, as it or he shall deem just.

TABLE B

Fees and costs payable in respect of proceedings in relation to summary conviction offences

1. Preparing complaint or information.....	15.00
2. Preparing each summons including filing complaint or information other than a summons hereinafter mentioned in item 9.....	15.00
3. Preparing each warrant.....	15.00
4. Each copy of a conviction or order.....	15.00
5. Each certificate of dismissal .....	15.00
6. Copy of evidence or of any document, per page of 120 words.....	5.00
7. For removal of property taken in execution, the reasonable expenses actually incurred and paid.	
8. Service of summons on each defendant.....	15.00
9. Preparing and serving of summons on each witness.....	15.00
10. For executing any warrant of commitment.....	15.00
11. Costs of either of the parties under section 36(d) of the Summary Jurisdiction (Magistrates) Act, Cap. 3:05, the proper allowance for witnesses, and in addition for professional assistance, a sum not exceeding .....	75.00

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TABLE C

Remuneration of witnesses in both Civil and Criminal proceedings

Each person in the following classes, for each day that person attends, or is travelling to attend, or to return from, the Court, provided the person is not in receipt of any salary or wages as a public officer or servant in Guyana, shall be remunerated as follows—

c. 89:01	1. Medical and legal practitioners, ministers of religion, civil, mechanical and electrical engineers and persons professionally qualified in other branches of engineering, registered Dentists, Chartered Accountants and persons registered as public auditors under the Companies Act and other persons professionally qualified but not otherwise specified in this Schedule.....	40.00
	2. Every merchant, attorney, director or manager of a mercantile firm, estate proprietor, estate manager or attorney.....	30.00
	3. Every architect, surveyor, building contractor, chemist and druggist, auctioneer, manufacturer's agent, master of a sea-going vessel or other person similarly employed.....	25.00
	4. Every mercantile clerk, shop or store keeper, master tradesman, estate overseer, mate of a sea-going vessel or other person similarly employed.....	15.00
	5. Every shop assistant, provision farmer, tradesman, stevedore porter, estate superintendent or other person similarly employed.....	12.00
	6. Every pedlar, store porter, chauffeur, seamstress, labourer on a timber grant, balata grant, placer or mining claim, or other person similarly employed.....	10.00
	7. Every domestic servant, agricultural labourer, gardener, huckster, groom or other person similarly employed.....	10.00

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	\$ c
8. Every person between the ages of 6 and 16.....	5.00
9. Every person being the wife or unmarried daughter of any person in the classes above-mentioned one half of the allowance of that person, provided that such wife or daughter is over the age of 16 years and is not in employment	
10. Every person belonging to any class not specified..	5.00
11. For qualifying to give evidence and for attendance in court of expert scientific or other witness such sum as may be fixed by the court, not exceeding \$20.00 in any summary case, and not exceeding \$50.00 at the preliminary inquiry in an indictable case.	

Note. (i) In criminal proceedings a witness in class 1 or 2 who resides within the boundaries of the City of Georgetown, or within the boundaries of the town of New Amsterdam, or within 1 mile of the Court House at Suddie shall not receive any remuneration unless he satisfies the magistrate that he has incurred loss by attending the court.

(ii) In all cases a witness (including a public officer or servant when attending as a witness in a matter not arising out of his official duties) shall be entitled to such actual travelling and hotel expenses (where necessary) as the magistrate shall in each case allow.

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