

CHAPTER 23:01

RACIAL HOSTILITY ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Excitement of hostility or ill-will on grounds of race.
3. Disabilities consequent upon conviction under section 2.

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**An Act to make provision for preventing conduct tending to excite hostility or ill-will against persons by reason of their race.**

Reg. 38/1964

[28TH NOVEMBER, 1964]

1. This Act may be cited as the Racial Hostility Act.

Short title.

2. (1) A person shall be guilty of an offence if he wilfully excites or attempts to excite hostility or ill-will against any section of the public or against any person on the grounds of their or his race—

Excitement of hostility or ill-will on grounds of race.  
[6 of 1997]

- (a) by means of words spoken by him in a public place or spoken by him and transmitted for general reception by wireless telegraphy or telegraph; or
- (b) by causing words spoken by him or by some other person to be reproduced in a public place from a record; or
- (c) by means of written (including printed) matter or pictorial matter published by him.

(2) This section shall not apply in relation to—

- (a) anything said or done in the course of any proceedings of the National Assembly or any judicial proceedings; or
- (b) the publication of any matter by order, or under the authority, of the National Assembly.

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(3) Any person guilty of an offence under this section shall be liable on summary conviction to a fine of sixty-five thousand dollars and to imprisonment for two years.

(4) For the purpose of this section the proprietor, printer, publisher or editor of any newspaper, or the printer of any other printed document, in which any particular matter has been published, shall be presumed himself to have so published that matter unless he proves that such publication was made without his authority, consent or knowledge and did not arise from want of due care on his part.

Interpretation.

(5) In this section—

“judicial proceedings” means any proceedings had or taken in or before any court, tribunal, commission of enquiry or person in which evidence may be taken on oath;

“local government authority” means an authority constituted by law with functions relating to the government or administration of any district or area in Guyana;

“newspaper” includes any journal, magazine or other periodical publication;

“political party” means an organisation the function, or one of the functions, of which is to sponsor or otherwise to support candidates for election to the National Assembly or any local government authority;

“public place” means any highway, or any open space, building or other place to which, at the material time, the public or any section thereof have or are permitted to have access, whether on payment or otherwise;

“record” means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom;

“telegraph” has the meaning assigned to it by section 61(1) of the Post and Telegraph Act; and

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“wireless telegraphy” has the meaning assigned to it by section 2 of the Post and Telegraph Act.

(6) In this section expressions referring to printing shall be construed as including references to any mechanical method of representing or reproducing words in visible form or of reproducing pictorial matter.

(7) This section shall not affect the operation of any other law by virtue of which any act or omission constitutes an offence.

**3.** (1) If a person is convicted of an offence under section 2, then, irrespective of any punishment to which he may be sentenced in pursuance of that section, for a period of five years commencing with the date of his conviction he shall be disqualified for—

Disabilities consequent upon conviction of offence under section 2. [O. 36/1966A) 6 of 1997]

- (a) election as a member of the National Assembly;
- (b) membership of any local government authority; and
- (c) any of the following offices and appointments, that is to say—

- (i) the office (by whatever name called) of agent or deputy agent or assistant agent of any candidate for election to the National Assembly or any local government authority;

- (ii) any office in a political party whether paid or unpaid (including membership of any committee or other body that is concerned with the direction of the policy or activities of such party);

- (iii) any office established by Guyana law being an office power to make appointments to which is vested in the President or a Minister;

- (iv) the appointment of editor of any newspaper or any appointment on the editorial staff of any newspaper; and

- (v) any appointment on the managerial or editorial staff of any broadcasting station.

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(2) Any person who, being disqualified in pursuance of subsection (1) for any office or appointment referred to in paragraph (c) of that subsection, performs any of the functions of that office or appointment, shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars or to imprisonment for twelve months.

(3) Where a person who is a member of a local government authority is convicted of an offence under section 2, his disqualification in pursuance of subsection (1) of this section for membership of that authority shall not take effect—

(a) until the expiration of any period prescribed by or under any law during which he may enter an appeal against his conviction or a notice of such an appeal or may apply for leave to bring such an appeal; or

(b) if within the time so prescribed he enters such an appeal or a notice of such an appeal or applies for leave to bring such an appeal, unless and until the appeal is dismissed or discontinued and no further appeal against the dismissal is available to him as of right or, as the case may be, his application for leave to bring such an appeal is refused or withdrawn.

(4) Where a person has become disqualified as prescribed by subsection (1) and the conviction by reason of which he became so disqualified is set aside on appeal or he is granted a free pardon in respect thereof, the disqualification shall thereupon cease to have effect but without prejudice to its previous operation.

(5) In this section—

“Guyana law” means law enacted by any legislature established in and for Guyana;

“broadcasting station” means a station for the dissemination of any form of radio-electric communication, including radio-telegraph, radio-telephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian

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waves, intended to be received by the public either directly or through the medium of relay stations; and

“local government authority”, “newspaper” and “political party” have the same meanings as in section 2.

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