STATUTORY INSTRUMENTS

1965 No. 979

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The British Guiana (Constitution) (No. 2) Order 1965

Made - - - - 14*th April* 1965

At the Court at Windsor Castle, the 14th day of April 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power reserved to Her in pursuance of the British Guiana Act 1928(a) by section 22 of the British Guiana (Constitution) Order in Council 1961(b) (which Order as amended by the British Guiana (Constitution) Order 1964(c), the British Guiana (Constitution) (No. 2) Order 1964(d), the British Guiana (Constitution) (No. 3) Order 1964(e) and the British Guiana (Constitution) Order 1965(f) is hereinafter referred to as " the principal Order "), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and construction.

1.—(1) This Order may be cited as the British Guiana (Constitution) (No. 2) Order 1965.

(2) This Order shall be construed as one with the principal Order and shall be included among the Orders that may be cited together as the British Guiana (Constitution) Orders 1961 to 1965(g).

Application of article 22(1) of Constitution.

2. Article 22(1) of the Constitution shall have effect, notwithstanding the provisions of section 21 of the principal Order and of article 22(2)(*d*) of the Constitution (as set out in section 3 of the British Guiana (Emergency Provisions) Order 1964(h)), as if the reference therein to the functions of the Governor included a reference to the functions conferred upon the Governor by the Emergency Powers Order in Council 1939(i), as from time to time amended(j).

Modification of Order of 1964.

3. The British Guiana (Emergency Provisions) Order 1964 shall have effect—

(*a*) as if section 2 were omitted therefrom; and

(*b*) for the period of three months after the making of this Order, as if the words " acting in his discretion " in section 4 were omitted and thereafter as if that section 4 were omitted therefrom.

(a) 18 & 19 Geo. 5. c. 5.
(b) S.I. 1961/1188 (1961 II, p. 2152).
(c) S.I. 1964/921 (1964 II, p. 2050).
(d) S.I. 1964/1970 (1964 III, p. 4450).
(e) S.I. 1964/2040 (1964 III, p. 5124).
(f) S.I. 1965/587 (1965 I, p. 1843).
(g) S.I. 1961/1188, 1964/921, 1970, 2040, 1965/587 (1961 II, p. 2152; 1964 II, p. 2050; III, pp. 4450, 5124; 1965 I, p. 1843).
(h) S.I. 1964/776 (1964 II, p. 1654).
(i) *See* S.I. 1952 I, at p. 621.
(j) The relevant amending instruments are S.I. 1956/731, 1963/88, 1633 (1956 I, p. 512; 1963 I, p. 105; III, p. 3084).

Saving provisions.

4.—(1) It is hereby declared, for the avoidance of doubts, that nothing in this Order shall affect the validity, after the commencement of this Order, of any thing done by the Governor before the commencement of this Order in the exercise of any function conferred upon him by the Emergency Powers Order in Council 1939, as amended, or by section 4 of the British Guiana (Emergency Provisions) Order 1964, as the case may be, and that (without prejudice to the generality of the foregoing) any instrument made by the Governor before the commencement of this Order in the exercise of any such function (and anything done under the authority thereof) shall, subject to the powers of the Governor to amend or revoke that instrument and subject also, in the case of Regulations made under the Emergency Powers Order in Council 1939 (and anything done under the authority of any such Regulation), to any Proclamation made by the Governor directing that Part II of that Order shall cease to have effect in British Guiana and to the provisions of Part I of the Constitution, as modified by this Order, continue to have full force and effect according to the terms of that instrument after the commencement of this Order.

(2) Article 14 of the Constitution shall have effect as if a proclamation of emergency had been made thereunder at the commencement of this Order and as if the House of Assembly had passed a resolution approving its continuance in force for a period of three months from the commencement of this Order.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order removes the special provisions in the Constitution of British Guiana which relate to the exercise of the Governor's powers and to the expenditure of public funds in time of emergency.