1964 No. 921

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The British Guiana (Constitution) Order 1964

Laid before Parliament in draft

Made - - - - 23*rd June* 1964

Coming into Operation *On a day to be appointed under s.* 1(1)

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas a copy of the draft of the following Order was laid before each House of Parliament on the twenty-fifth day of March 1964;

And Whereas during a period of forty days beginning with that day and reckoned for the purposes of section 6 of the Statutory Instruments Act 1946(a), neither House has resolved that the draft be not submitted to Her Majesty in Council;

Now, therefore, Her Majesty, by virtue and in exercise of Her powers under the British Guiana Act 1928(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and construction.

1.—(1) This Order may be cited as the British Guiana (Constitution) Order 1964, and shall come into operation on such date as the Governor, acting in his discretion, may by proclamation published in the *Gazette* appoint.

(2) This Order shall be construed as one with the British Guiana (Constitution) Order in Council 1961(c) (hereinafter referred to as "the principal Order") and this Order and that Order may be cited together as the British Guiana (Constitution) Orders 1961 and 1964.

Amendment of Constitution of British Guiana.

2. The Constitution set out in the Annex to the principal Order is amended as follows—

(*a*) Part IV is deleted and the Part set out in Schedule 1 to this Order is substituted; and

(*b*) the provisions specified in the first column of Schedule 2 to this Order are amended in the manner specified in the second column of that Schedule.

Transitional provisions.

3.—(1) The provisions of the principal Order, as amended by this Order, shall have effect as if the Legislature had been dissolved at the commencement of this Order.

(2) The provisions of the principal Order shall, until the House of Assembly first meets, continue to apply in relation to the persons holding office as Ministers or Parliamentary Secretaries immediately before the commencement of this Order as if this Order had not been

(a) 9 & 10 Geo. 6. c. 36. (b) 18 & 19 Geo. 5. c. 5. (c) S.I. 1961/1188 (1961 II, p. 2152).

made; and any person who holds office as a Minister or a Parliamentary Secretary when that House first meets shall thereupon vacate his office.

(3) Any regulations made under the British Guiana (Registration) Order 1964(a) and in force immediately before the commencement of this Order shall have effect as if they were regulations made under article 47 of the Constitution set out in the Annex to the principal Order as amended by this Order; and the aforesaid Order of 1964 shall cease to have effect at the commencement of this Order.

(4) (*a*) Any of the powers conferred on the Legislature by the following provisions of the Constitution set out in Schedule 1 to this Order, that is to say article 50(1)(*b*), (*f*), (*g*) and (*h*), article 50(2), article 51(2)(*d*), article 66 and article 70, shall until it has been exercised by the Legislature be exercisable by the Governor by regulations made by him in his discretion and the references in those provisions to laws of the Legislature shall be construed accordingly.

(*b*) Regulations made under this subsection may be revoked or amended by a law of the Legislature.

W. G. Agnew.

SCHEDULE 1

Section 2.

"PART IV—THE LEGISLATURE

The House of Assembly

Establishment of House of Assembly.

46. There shall be, for British Guiana, a House of Assembly.

Composition of House of Assembly.

47.—(1) Subject to paragraph (2) of this article, the House of Assembly shall consist of fifty-three members.

(2) For the purpose of returning the said fifty-three members to the House of Assembly British Guiana shall form a single electoral area and the said members shall be elected in accordance with such system of proportional representation, and otherwise in such manner, as may be provided by regulations made by the Governor.

(3) Any regulations made under this article may charge upon the revenues or public funds of British Guiana any expenditure incurred for the purposes of any such regulation and the Governor may, by warrant under his hand, authorise the withdrawal from the public funds of British Guiana of any sum of money certified by such warrant to be required for the purpose of meeting any expenditure so charged.

(4) If any person who is not a member of the House of Assembly is elected to be Speaker of the House he shall, by virtue of holding the office of Speaker, be a member of the House in addition to the fifty-three members aforesaid.

(5) The powers of the Governor under this article shall be exercised by him in his discretion.

Qualifications and disqualifications for electors.

48.—(1) Subject to the provisions of paragraph (2) of this article, a person shall be qualified to be registered as an elector for elections to the House of Assembly if, and shall not be so qualified unless, on the qualifying date, he—

(*a*) is a British subject of the age of twenty-one years or upwards;

(a) S.I. 1964/492 (1964 I, p. 822).

(*b*) is resident in British Guiana and either has been so resident for a period of two years immediately before the qualifying date or is domiciled in British Guiana.

(2) No person shall be qualified to be registered as an elector for elections to the House of Assembly who on the qualifying date—

(*a*) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ;

(*b*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in British Guiana ; or

(*c*) is disqualified for registration by any regulations made under article 47 of this Constitution or by any law of the Legislature by reason of his having committed any offence against any such regulation or any offence against any other law in force in British Guiana relating to offences connected with elections.

(3) In this article " qualifying date " means such date as may be appointed by or under any regulations made under article 47 of this Constitution as the date with reference to which a register of electors shall be compiled or revised.

Qualifications for election as member.

49. Subject to the next following article, a person shall be qualified to be elected as a member of the House of Assembly if, and shall not be qualified to be so elected unless, he—

(*a*) is a British subject of the age of twenty-one or upwards ;

(*b*) has resided in British Guiana for a period of two years immediately before such date as may be prescribed by or under any regulations made under article 47 of this Constitution or is domiciled and resident in British Guiana at that date ; and

(*c*) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the House.

Disqualifications for election as member.

50.—(1) No person shall be qualified to be elected as a member of the House of Assembly who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state ;

(*b*) is disqualified for membership of the House by any law of the Legislature enacted in pursuance of the next following paragraph ;

(*c*) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ;

(*d*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in British Guiana ;

(*e*) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ;

(*f*) is disqualified for membership of the House by any law of the Legislature by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election, or

(ii) any responsibility for the compilation or revision of any electoral register;

(*g*) is disqualified for membership of the House by any regulations made under article 47 of this Constitution or by any law of the Legislature by reason of his having committed any offence against any such regulation or any offence against any other law in force in British Guiana relating to offences connected with elections;

(*h*) is disqualified for membership of the House by any law of the Legislature by reason of his having any such interest in any such Government contract as may be prescribed by any such law; or

(*i*) is disqualified for membership of the House by any regulations made in pursuance of paragraph (3) of this article.

(2) The Legislature may by law provide that, subject to such exceptions and limitations (if any) as may be prescribed therein, a person shall be disqualified for membership of the House of Assembly by virtue of—

(i) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law;

(ii) his belonging to any of the armed forces of the Crown specified by such law or to any class of person so specified that is comprised in any such force; or

(iii) his belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

(3) The Governor, acting in his discretion, may, for the purpose of preventing conduct tending to excite hostility or ill-will against person by reason of their race, make provision by regulation for the definition and trial of offences and the imposition of penalties therefor, including the disqualification of persons concerned in such offences for membership of the House of Assembly or for such other offices or appointments as may be prescribed by such regulations.

Tenure of office of members.

51.—(1) Every member of the House of Assembly shall vacate his seat in the House at the next dissolution of the Legislature after his election.

(2) A member of the House of Assembly shall also vacate his seat in the House—

(*a*) if he resigns it by writing under his hand addressed to the Speaker or, if the office of Speaker is vacant or the Speaker is absent from British Guiana, to the Deputy Speaker;

(*b*) if he is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the Standing Orders of the House;

(*c*) if he ceases to be a British subject;

(*d*) subject to the provisions of any law of the Legislature, if he acquires any such interest in any such Government contract as may be prescribed by any such law; or

(*e*) subject to the next following paragraph, if any circumstances arise that, if he were not a member of the House, would cause him to be disqualified for election thereto by virtue of sub-paragraph (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*) or (*i*) of paragraph (1) of the last foregoing article.

(3) (*a*) If circumstances such as are referred to in sub-paragraph (*e*) of the last foregoing paragraph arise in relation to a member of the House of Assembly by virtue of the fact that he is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted of an offence and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the House but, subject to the next following sub-paragraph, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the Speaker may, at the request of the member, from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.

(*b*) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member of the House, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.

(*c*) If at any time before the member of the House vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in sub-paragraph (*a*) of this paragraph and he may resume the performance of his functions as a member of the House.

Speaker and Deputy Speaker.

52.—(1) When the House of Assembly first meets after any election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the House; and, if the office of Speaker falls vacant at any time before the next dissolution of the Legislature, the House shall, as soon as practicable, elect another person to that office.

(2) The Speaker may be elected either from among the members of the House of Assembly who are not Ministers or Parliamentary Secretaries or from among persons who are not members of the House:

Provided that a person who is not a member of the House shall not be elected as Speaker if—

(*a*) he is not a British subject; or

(*b*) he is a person disqualified for election as a member of the House by virtue of sub-paragraph (*a*), (*c*), (*d*), (*e*), (*f*), (*g*) or (*i*) of paragraph (1) of article 50 of this Constitution.

(3) If a person elected as Speaker of the House of Assembly is disqualified for election as a member of the Assembly by virtue of sub-paragraph (*b*) or sub-paragraph (*h*) of paragraph (1) of article 50 of this Constitution he shall not enter upon the duties of the office of Speaker until he has ceased to be so disqualified, and, if he has not

ceased to be so disqualified at the expiration of seven days after the date of his election as Speaker, he shall thereupon vacate the office of Speaker.

(4) When the House of Assembly first meets after any election and before it proceeds to the despatch of any other business except the election of the Speaker, the House shall elect a member of the House, who is not a Minister or a Parliamentary Secretary, to be Deputy Speaker of the House; and if the office of Deputy Speaker falls vacant at any time before the next dissolution of the Legislature, the House shall, as soon as convenient, elect another such member to that office.

(5) A person shall vacate the office of Speaker or Deputy Speaker—

(*a*) in the case of a Speaker elected from among the members of the House of Assembly or in the case of the Deputy Speaker—

(i) if he ceases to be a member of the House:

Provided that the Speaker shall not vacate his office by reason only that he has ceased to be a member of the House on a dissolution of the Legislature until the House first meets after that dissolution;

(ii) if, by virtue of paragraph (3) of article 51 of this Constitution, he is required to cease to perform any of his functions as a member of the House; or

(iii) if he is appointed to be a Minister or a Parliamentary Secretary;

(*b*) in the case of a Speaker elected from among persons who are not members of the House—

(i) when the House first meets after any dissolution of the Legislature;

(ii) if he ceases to be a British subject; or

(iii) if any circumstances arise that would cause him to be disqualified for election as a member of the Assembly by virtue of sub-paragraph (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*) or (*i*) of paragraph (1) of article 50, or that, if he were such a member, would cause him to vacate his seat by virtue of sub-paragraph (*d*) of paragraph (2) of article 51 of this Constitution.

(*c*) if he announces the resignation of his office to the House or if by writing under his hand addressed, in the case of the Speaker, to the Clerk of the House of Assembly or, in the case of the Deputy Speaker, to the Speaker (or, if the office of Speaker is vacant or the Speaker is absent from British Guiana, to the Clerk) he resigns that office; or

(*d*) in the case of the Deputy Speaker, if he is elected to be Speaker.

(6) There shall be charged on the revenues of British Guiana and paid thereout to the Speaker such salary and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(7) The salary of the Speaker and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Powers and Procedure

Power to make laws.

53. Subject to the provisions of this Constitution, the Governor may, with the advice and consent of the House of Assembly, make laws for the peace, order and good government of British Guiana.

Standing Orders.

54. Subject to the provisions of this Constitution, the House of Assembly may make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and the passing, intituling and numbering of Bills and the presentation of the same to the Governor for assent.

Oath of allegiance.

55.—(1) No member of the House of Assembly shall be permitted to take part in the proceedings of the House (other than proceedings necessary for the purposes of this article) until he has made and subscribed before the House an oath or affirmation of allegiance in the form set out in the First Schedule to this Constitution:

Provided that the election of a Speaker and Deputy Speaker of the House may take place before the members of the House have made such oath or affirmation.

(2) If, between the time when a person becomes a member of the House of Assembly and the time when the House next sits thereafter, a meeting takes place of any committee of the House of which such person is a member, such person may, in order to enable him to attend the meeting and take part in the proceedings of the committee, make and subscribe the oath or affirmation of allegiance before such judge of the Supreme Court as the Governor, acting in his discretion, may direct; and the making and subscribing of the oath in such manner shall suffice for all purposes of this article.

(3) Where any person has made the oath or affirmation of allegiance before a judge in the manner provided in the last foregoing paragraph, the judge shall forthwith report to the House of Assembly through the Speaker that the person aforesaid has made and subscribed the oath of allegiance before him.

Presiding in House of Assembly.

56.—(1) The Speaker or, in his absence, the Deputy Speaker or, if they are both absent, a member of the House of Assembly (not being a Minister or a Parliamentary Secretary) elected by the House for that sitting shall preside at each sitting of the House.

(2) References in this article to circumstances in which the Speaker or Deputy Speaker is absent include references to circumstances in which the office of Speaker or Deputy Speaker is vacant.

Voting

57.—(1) Save as otherwise provided in this Constitution, all questions proposed for decision in the House of Assembly shall be determined by a majority of the votes of the members thereof present and voting.

(2) The Speaker or other member presiding in the House of Assembly shall not vote unless on any question the votes are equally divided, in which case, except as otherwise provided in the next following paragraph, he shall have and exercise a casting vote.

(3) A Speaker elected from among persons who are not members of the House of Assembly shall have neither an original nor a casting vote and if, upon any question before the House when such a Speaker is presiding, the votes of the members are equally divided, the motion shall be lost.

Validity of proceedings.

58. The House of Assembly shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the House is first constituted or is reconstituted at any time), and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the House or otherwise took part in the proceedings.

Quorum.

59.—(1) If at any sitting of the House of Assembly any member who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the House, the person presiding at the sitting ascertains that a quorum is still not present, the House shall be adjourned.

(2) For the purposes of this article—

(*a*) a quorum of the Assembly shall consist of eighteen members of the Assembly;

(*b*) the person presiding at the sitting shall not be included in reckoning whether there is a quorum present.

Introduction of Bills, etc.

60.—(1) Subject to the provisions of this Constitution and of the Standing Orders of the House of Assembly, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the House, and the same shall be debated and disposed of according to the Standing Orders of the House.

(2) Except on the recommendation of the Governor signified by a Minister, the House of Assembly shall not—

(*a*) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for imposing or increasing any tax;

(ii) for imposing or increasing any charge on the revenues or other funds of British Guiana or for altering any such charge otherwise than by reducing it; or

(iii) for compounding or remitting any debt due to British Guiana;

(*b*) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid.

Governor's reserved power.

61.—(1) If the Governor considers that it is expedient for either of the following purposes, that is to say—

(*a*) defence, or

(*b*) the regulation of relations between British Guiana and any other country or any international organisation, including the discharge of any obligation of Her Majesty or Her Majesty's Government in the United Kingdom towards any such country or organisation,

that any Bill introduced, or any motion moved, in the House of Assembly should have effect then, if the House fails to pass such Bill or to carry such motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provisions of this Constitution or of any Standing Orders of the House, declare that such Bill or motion shall have effect as if it had been passed or carried by the House either in the form in which it was so introduced or moved or with such amendments as the Governor thinks fit that have been moved or proposed in the House including any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Constitution shall have effect accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of the House of Assembly objects to any declaration made under this article he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) Any declaration made under this article other than a declaration relating to a Bill may be revoked by a Secretary of State and the Governor shall cause notice of such revocation to be published in the *Gazette*; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect, and the provisions of subsection (2) of section 38 of the Interpretation Act 1889(a) shall apply to such revocation as they apply to the repeal of an Act of Parliament.

(5) The powers conferred on the Governor by this article shall be exercised by him acting in his discretion.

Introduction of Bills, etc. by message of Governor.

62.—(1) If the Governor considers that it is expedient for any of the purposes specified in paragraph (1) of the last foregoing article that any Bill or motion should be introduced or moved in the House of Assembly he may, acting in his discretion—

(*a*) send by message to the Speaker a draft of such Bill or motion;

(*b*) in the same or a later message require that the Bill or motion shall be introduced or moved not later than a date specified in such message.

(2) If a request by the Governor made to the Speaker in accordance with sub-paragraph (*b*) of paragraph (1) of this article is not complied with, the Bill or motion to which the message relates shall be deemed for all purposes to be introduced or moved in the House of Assembly on the date specified in the message.

(3) References in this article to the Speaker include references to the Deputy Speaker where the office of Speaker is vacant or the Speaker is absent from British Guiana.

Assent to Bills.

63.—(1) A Bill shall not become law until—

(*a*) the Governor has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent; or

(*b*) Her Majesty has given Her assent thereto through a Secretary of State and the Governor has signified such assent by proclamation published in the *Gazette*.

(2) When a Bill has been passed by the House of Assembly, it shall be presented to the Governor, who shall declare that he assents or refuses assent thereto or that he reserves the Bill for the signification of Her Majesty's pleasure:

(a) 52 & 53 Vict. c. 63.

Provided that, unless he has been authorised by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill which appears to him, acting in his discretion—

(*a*) to affect defence;

(*b*) to affect relations between British Guiana and any other country or any international organisation, including the discharge of any obligation of Her Majesty or of Her Majesty's Government in the United Kingdom towards any such country or organisation;

(*c*) to be likely to prejudice the Royal prerogative; or

(*d*) to be in any way repugnant to or inconsistent with the provisions of this Constitution.

Words of enactment.

64. In every Bill presented to the Governor for assent the words of enactment shall be as follows—

"Enacted by the Legislature of British Guiana".

Power of disallowance in respect of laws relating to British Guiana Government stock.

65.—(1) Any law of the Legislature which has been assented to by the Governor and which appears to Her Majesty's Government in the United Kingdom to alter, to the injury of the stockholders, any provision relating to any stock to which this article applies or to involve a departure from the original contract in respect of any such stock, may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever such a law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the *Gazette* and the law shall be annulled with effect from the date of publication of that notice.

(3) On the annulment of any law under this article any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made; but save as provided in the foregoing provisions of this paragraph the provisions of subsection (2) of section 38 of the Interpretation Act 1889 shall apply to that annulment as they apply to the repeal of an Act of Parliament.

(4) The stock to which this article applies is stock forming the whole or part of the public debt of British Guiana—

(*a*) in which a trustee may invest, or might at any time have invested, by virtue of section 2 of the Colonial Stock Act 1900(a); or

(*b*) by the conditions of issue of which it is provided that this article shall apply to it.

Privileges, etc. of House of Assembly.

66. The Legislature may by law determine and regulate the privileges, immunities and powers of the House of Assembly and the members thereof, but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the members thereof.

Miscellaneous

Sessions of House of Assembly.

67.—(1) Subject to the provisions of this Constitution, the sessions of the House of Assembly shall be held in such places and shall commence at such times as the Governor may appoint by proclamation published in the *Gazette*.

(a) 63 & 64 Vict. c. 62.

(2) There shall be a session of the House of Assembly from time to time so that a period of twelve months does not intervene between the last sitting in one session and the first sitting in the next session.

Prorogation and dissolution.

68.—(1) The Governor, acting in accordance with the advice of the Premier, may at any time, by proclamation published in the *Gazette*, prorogue the Legislature.

(2) The Governor may at any time, by proclamation published in the *Gazette*, dissolve the Legislature.

(3) The Governor shall dissolve the Legislature at the expiration of four years from the date when the House of Assembly first meets after any election unless it has been sooner dissolved.

(4) If, between a dissolution of the Legislature and the next ensuing election of members to the House of Assembly, an emergency arises of such a nature that, in the opinion of the Premier, it is necessary for the House to be summoned before that election can be held, the Governor, acting in accordance with the advice of the Premier, may, by proclamation published in the *Gazette*, summon the House of the preceding Legislature and that Legislature shall thereupon be deemed (except for the purposes of the next following article) not to have been dissolved but shall be deemed (except as aforesaid) to be dissolved on the date on which the next ensuing election is held.

(5) The power conferred on the Governor by paragraph (2) of this article shall be exercised by him as nearly as may be in accordance with the constitutional conventions that apply to the exercise of the like power in the United Kingdom:

Provided that the question whether the Governor has so exercised that power shall not be enquired into in any court.

Time of elections.

69. An election of members of the House of Assembly shall be held at such time within three months after every dissolution of the Legislature as the Governor shall appoint by proclamation published in the *Gazette*.

Determination of questions as to membership.

70. Any question whether—

(*a*) any person has been validly elected as a member of the House of Assembly;

(*b*) any member of the House has vacated his seat therein or is required by virtue of paragraph (3) of article 51 of this Constitution to cease to exercise his functions as a member; or

(*c*) any person has been validly elected as Speaker from among persons who are not members of the House, or, having been so elected, has vacated the office of Speaker,

shall be referred to and determined by the Supreme Court in accordance with the provisions of any law of the Legislature enacted in that behalf and, subject to any such law, in accordance with any direction given in that behalf by the Chief Justice of the Supreme Court.

Penalty for unauthorised person sitting or voting.

71.—(1) Any person who sits or votes in the House of Assembly knowing, or having reasonable grounds for knowing, that he is not entitled so to do shall be liable to a penalty not exceeding one hundred dollars for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Director of Public Prosecutions.

Interpretation of provisions regarding sentences of imprisonment.

72. For the purposes of sub-paragraph (*a*) of paragraph (2) of article 48 and sub-paragraph (*e*) of paragraph (1) of article 50 of this Constitution—

(*a*) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds six months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and

(*b*) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.".

SCHEDULE 2

Section 2.

Provision	How amended
Article 22(2)(*c*) ...	Substitute " article 68 " for " article 79 ".
Article 22(3) ...	Substitute " article 61 " for " article 72 ".
Article 29(2) ...	Substitute the following:— " (2) The Ministers other than the Premier shall be appointed by the Governor, acting in accordance with the advice of the Premier, from among the members of the House of Assembly. ".
Article 30(1) ...	Substitute " article 68 " for " article 79 " in the proviso.
Article 30(2)(*a*) and (*b*).	Substitute the following:— " (*a*) if he ceases to be a member of the House of Assembly for any reason other than a dissolution of the Legislature; (*aa*) if, when the House first meets after any dissolution of the Legislature, he is not then a member of the House; (*b*) if, by virtue of paragraph (3) of article 51 of the Constitution, he is required to cease to perform his functions as a member of the House; ".
Article 30(4) ...	Substitute the following:— " (4) For the purposes of paragraph 2 of this article, a Minister shall not be regarded as absent from British Guiana during his passage from one part thereof to another. ".
Article 31(1) ...	Delete " who was appointed from among the members of the Legislative Assembly ".
Article 40(1) ...	Substitute " the House of Assembly " for " the two chambers of the Legislature ".
Article 45(5) ...	Substitute " article 71 " for " article 82 ".
Article 89(3) ...	Substitute " the House of Assembly " for " the Senate or the Legislative Assembly ".

Provision	How amended
Article 89(5)(*b*) ...	Substitute the following:— " (*b*) if he becomes a member of the House of Assembly; ".
Article 94(3) ...	Substitute " the House of Assembly " for " the Senate or the Legislative Assembly ".
Article 94(5)(*b*) ...	Substitute the following:— " (*b*) if he becomes a member of the House of Assembly; ".
Article 99(3) ...	Substitute " the House of Assembly " for " the Senate or the Legislative Assembly ".
Article 99(5)(*b*) ...	Substitute the following:— " (*b*) if he becomes a member of the House of Assembly; ".
Article 108(1) ...	Substitute " the House of Assembly " for " both chambers of the Legislature ".
Article 108(3) ...	Substitute the following:— " (3) That part of any estimate which shows statutory expenditure shall not be voted on by the House of Assembly and such expenditure shall, without further appropriation by law, be paid out of the revenues or public funds of British Guiana.".
Article 109(1) and (2)	Substitute " the House of Assembly " for " the Legislative Assembly ".
Article 109(4)(*a*)(ii)	Substitute the following:— " (ii) by inclusion in estimates laid before the House of Assembly and approved by resolution of the House; or ".
Article 113(2) ..	Substitute the following:— " (2) The Director of Audit shall submit his reports under this article to the Speaker or, if the Speaker is for any reason unable to receive them, to the Deputy Speaker, who shall cause them to be laid before the House of Assembly; and the Director shall send a copy of each such report to the Governor.".
Article 115(1) ...	Delete the definition of " chamber "; in the definition of " public service " substitute " the House of Assembly " for " a chamber of the Legislature "; for the definitions of " session " and " sitting " substitute the following:— " ' session ' means the sittings of the House of Assembly commencing when it first meets after the prorogation or dissolution of the Legislature at any time and terminating when the Legislature is prorogued or so dissolved without having been prorogued; ' sitting ' means a period during which the House of Assembly is sitting continuously without adjournment and includes any period during which the House is in committee.".

Provision	How amended
Article 115(5) and (6).	Substitute the following:— " (5) any person who is appointed to or to act in any office established by this Constitution may resign from that office by writing under his hand addressed to the person by whom he was appointed; and the resignation of any person from any such office by writing under his hand addressed in accordance with this Constitution to any person shall take effect when the writing signifying the resignation is received by that other person. (6) Except in article 55, paragraph (1) of article 60 and article 66 of this Constitution, references in this Constitution to a member or members of the House of Assembly do not include references to a person who, under paragraph (2) of article 47 of this Constitution, is a member of the Assembly by virtue of holding the office of Speaker.".
Article 115(7)(*b*) ...	Substitute the following:— " (*b*) that he is in receipt of any remuneration or allowance in respect of his tenure of the office of Minister or Parliamentary Secretary or Speaker, Deputy Speaker or member of the House of Assembly; or ".

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order amends the Constitution of British Guiana by substituting for the present bicameral legislature comprising a Senate and Legislative Assembly a unicameral legislature comprising a House of Assembly composed of fifty-three members to be elected, in accordance with a system of proportional representation, under regulations made by the Governor, acting in his discretion.