STATUTORY INSTRUMENTS

1965 No. 587

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The British Guiana (Constitution) Order 1965

Made - - - - 24*th March* 1965
Coming into Operation 25*th March* 1965

At the Court at Buckingham Palace, the 24th day of March 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) 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) Order 1965 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) Orders 1961 to 1964(c) and this Order and those Orders may be cited together as the British Guiana (Constitution) Orders 1961 to 1965.

(3) In this Order "the Constitution" means the Constitution set out in the Annex to the British Guiana (Constitution) Order in Council 1961, as amended by the British Guiana (Constitution) Order 1964(d), the British Guiana (Constitution) (No. 2) Order 1964(e) and the British Guiana (Constitution) (No. 3) Order 1964(f).

Insertion of article 40A in Constitution.

2. The following article is inserted in the Constitution immediately after article 40:—

"Attorney-General.

40A.—(1) There shall be an Attorney-General of British Guiana who shall be the principal legal adviser to the Government of British Guiana.

(2) A person shall be qualified to be appointed Attorney-General if he is qualified to be appointed a judge of the Supreme Court and no other person shall be qualified to be so appointed.

(a) 18 & 19 Geo. 5. c. 5. (b) S.I. 1961/1188 (1961 II, p. 2152).
(c) S.I. 1961/1188, 1964/921, 1970, 2040 (1961 II, p. 2152; 1964 II, p. 2050; III, pp. 4450, 5124). (d) S.I. 1964/921 (1964 II, p. 2050).
(e) S.I. 1964/1970 (1964 III, p. 4450). (f) S.I. 1964/2040 (1964 III, p. 5124).

(3) Power to make appointments to the office of Attorney-General and to revoke the appointment of any person holding that office shall be exercised by the Governor, acting in accordance with the advice of the Premier, by instrument under the Public Seal.

(4) If the office of Attorney-General is vacant or if the Attorney-General is for any reason unable to perform the functions of his office, the Governor, acting in accordance with the advice of the Premier, may appoint a person to perform those functions, and any person so appointed shall continue to perform those functions until he is notified by the Governor, acting in accordance with the advice of the Premier, that the circumstances giving rise to his appointment have ceased to exist.

(5) The Attorney-General shall, if he is not otherwise entitled to do so by virtue of holding the office of a Minister, have the right to attend meetings of the Council of Ministers.

(6) The provisions of article 35 of this Constitution shall apply in relation to the Attorney-General as they apply in relation to a Minister other than the Premier and the forms set out in the First Schedule to this Constitution shall apply in relation to the Attorney-General with the necessary modifications.".

Modification of articles 86 (1) and 87(2) of Constitution.

3. Notwithstanding anything contained in article 86(1) of the Constitution, a person who has attained the age of sixty-two years may be appointed under article 87(2) to act as a Puisne Judge and accordingly a person so appointed before attaining that age shall not vacate his office by reason only of attaining that age.

Amendment of article 115 of Constitution.

4. Article 115 of the Constitution is amended by the insertion in subparagraph (*b*) of paragraph (7), immediately after the word " Minister ", of the words " or Attorney-General ".

W. G. Agnew.

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 to make provision for the office of the Attorney-General of the Colony. The Order also makes provision under which a person may act as a Puisne Judge of the Supreme Court notwithstanding that he has attained the age prescribed for the retirement of holders of the office of judge.