BRITISH GUIANA

CONSTITUTION

1953 No. 586

The British Guiana (Constitution) Order in Council, 1953

At the Court at Windsor Castle, the 1st day of April, 1953

Present

The Queen's Most Excellent Majesty in Council

Whereas by the British Guiana Act, 1928(a), Her Majesty in Council is empowered to create and constitute a Legislature for the Colony of British Guiana in such form and with such powers as Her Majesty in Council may determine, and from time to time to alter and amend the constitution of the Legislature and any powers thereof:

And whereas by the said Act it is provided that any such Order in Council may provide that, notwithstanding the powers conferred on the Legislature thereby, there shall be reserved to or conferred on Her Majesty full power by Order in Council from time to time to make laws for the peace, order and good government of the Colony of British Guiana:

And Whereas by the Orders in Council mentioned in Part I of the Schedule to this Order provision is made for a Legislature in and for the said Colony and power is reserved to Her Majesty from time to time, with the advice of Her Privy Council, to make laws for the peace, order and good government of the Colony:

And Whereas by the Letters Patent mentioned in Part II of the Schedule to this Order there is established in and for the Colony an Executive Council to be constituted in such manner and to consist of such persons as may be directed by Instructions under the Royal Sign Manual and Signet:

And Whereas upon the commencement of the British Guiana Letters Patent, 1953, the Letters Patent mentioned in Part II of the Schedule to this Order will be revoked:

And Whereas it is expedient to revoke the Orders in Council mentioned in Part I of the Schedule to this Order and by this Order to establish, and make provision for the constitution of, an Executive Council and a Legislature in and for the Colony of British Guiana in place of the Executive Council and Legislature aforesaid, and to make such other provisions as are hereinafter contained:

Now, therefore, Her Majesty, by virtue and in exercise of the powers aforesaid and of all other powers enabling Her in that behalf, is pleased,

(a) 18 & 19 Geo. 5. c. 5.

by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

Preliminary

Interpretation

1.—(1) In this Order, unless the context otherwise requires—

" the appointed day " means the day appointed under Article 2 of the British Guiana Letters Patent, 1953 ;

" Chamber " means the State Council or the House of Assembly established by this Order ;

" the Colony " means the Colony of British Guiana ;

" the Executive Council " means the Executive Council established by this Order ;

" the existing Instructions " means the Instructions mentioned in Part III of the Schedule to this Order ;

" the existing Letters Patent " means the Letters Patent mentioned in Part II of the Schedule to this Order ;

" the existing Orders " means the Orders in Council mentioned in Part I of the Schedule to this Order ;

" the Gazette " means the Official Gazette of British Guiana ;

" the Governor " means the Governor and Commander-in-Chief of British Guiana and includes the officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorized to act, that Deputy ;

" the Legislative Council " means the Legislative Council established by the existing Orders ;

" meeting " means any sitting or sittings of the State Council or the House of Assembly, commencing when the Chamber first meets after being summoned at any time and terminating when the Chamber is adjourned *sine die* or at the conclusion of a session ;

" public office " means any office of emolument in the public service ;

" public officer " means the holder of any public office and includes any person appointed to act in any such office ;

" the Public Seal " means the Public Seal of the Colony ;

" the public service " means the service of the Crown in respect of the Government of the Colony ;

" session " means the sittings of the State Council or the House of Assembly commencing when the Chamber first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Chamber is prorogued or is dissolved without having been prorogued ;

" sitting " means a period during which the State Council or the House of Assembly is sitting continuously without adjournment, and includes any period during which the Chamber is in committee ;

" the Speaker " and " the Deputy Speaker " mean respectively the Speaker and the Deputy Speaker of the House of Assembly.

(2) Where in this Order reference is made to any officer by the term designating his office, such reference shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office.

(3) References in this Order to Her Majesty's dominions shall have effect as if they included references to all British protectorates and protected states and to all territories administered by the Government of any part of Her Majesty's dominions under the trusteeship system of the United Nations.

(4) (*a*) For the purposes of this Order a person shall not be considered to hold an office of emolument under the Crown if he is on leave of absence pending relinquishment of such office or by reason only that he is in receipt of a pension or other like allowance in respect of service under the Crown; and if it shall be declared by any law in force in the Colony that an office shall not be an office of emolument under the Crown for all or any of the purposes of this Order, this Order shall have effect accordingly as if such law were enacted herein.

(*b*) For the purposes of this Order a person shall not be considered to be a public officer or otherwise to hold office of emolument under the Crown by reason of the fact that he is in receipt of a salary or other emoluments in respect of his tenure of the office of Speaker, Minister, Under-Secretary, Member of the State Council or Member of the House of Assembly.

(5) This Order shall be construed—

(*a*) as if subsection (1) of section 1 of the India (Consequential Provision) Act, 1949(**a**), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

(*b*) as if subsection (2) of section 3 of the British Nationality Act, 1948(**b**), (as interpreted by subsection (1) of section 3 of the Ireland Act, 1949(**c**)) and subsection (2) of section 3 of the Ireland Act, 1949, applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

(6) Save as in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(**d**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Short title and commencement

2. This Order may be cited as the British Guiana (Constitution) Order in Council, 1953. It shall be published in the Gazette and, save as otherwise expressly provided in this Order, shall come into operation on the appointed day.

Revocation

3.—(1) The existing Orders are hereby revoked.

(2) The aforesaid revocation shall not prejudice anything lawfully done under the existing Orders and in particular the continued operation of any law in force in British Guiana immediately before the appointed day shall not be affected by reason only of such revocation.

(**a**) 12, 13 & 14 Geo. 6. c. 92.
(**b**) 11 & 12 Geo. 6. c. 56.
(**c**) 12, 13 & 14 Geo. 6. c. 41.
(**d**) 52 & 53 Vict. c. 63.

Provisions to give effect to Order

4.—(1) The Governor may by Order, at any time within twelve months after the date on which this section comes into operation—

(*a*) make such provision as appears to him necessary or expedient for the purpose of bringing existing instruments into accord with the provisions of this Order or otherwise for giving effect, or enabling effect to be given, to those provisions; and in particular and without prejudice to the generality of the foregoing power the Governor may by such Orders—

(i) modify, add to or adapt any provisions in existing instruments which refer, in whatever terms, to the Legislative Council, the Executive Council, the Governor in Executive Council, or the Members of either of those Councils;

(ii) provide for the transfer of functions, powers and duties conferred or imposed by existing instruments upon any person or authority to such other person or authority as may be specified by such Orders;

(iii) declare that any office shall not be an office of emolument under the Crown for all or any of the purposes of this Order;

(*b*) revoke or amend any provisions in existing instruments under which a Member of the Legislative Council is, or may be, by virtue of membership of that Council, an officer or member of any board, committee, corporation or other body established by, or in pursuance of, such existing instruments.

(2) An Order made under this section—

(*a*) may be given retrospective operation to a date not earlier than the date on which this section comes into operation;

(*b*) shall be published in the Gazette, and shall thereupon have the force of law and shall take effect on the date specified therein or in any other such Order; and

(*c*) may be revoked or amended by a further Order made under this section or by any law enacted under the provisions of this Order.

(3) In this section "existing instruments" means ordinances, rules, regulations, by-laws, proclamations, orders, licences, permits and other enactments and instruments having the force of law, or issued in pursuance of statutory powers, and in force in the Colony at the date of the Order by which they are affected.

(4) This section shall come into operation forthwith.

PART II

Executive Council

Executive Council

5. There shall be an Executive Council in and for the Colony which shall consist of the Governor, as President, three *ex officio* Members and seven Ministers.

Functions of Executive Council

6. The Executive Council shall be the principal instrument of policy and shall perform such functions and duties and exercise such powers as may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council, any Instructions under Her

Majesty's Sign Manual and Signet, or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law in force in the Colony.

Exercise of Governor's powers and relation of functions of Executive Council thereto

7.—(1) The Governor shall, save as otherwise provided by this section—

(*a*) consult with the Executive Council in the exercise of all powers conferred upon him by this Order other than powers which he is by this Order directed or empowered to exercise in his discretion ; and

(*b*) act in accordance with the advice of the Executive Council in any matter on which he is by this subsection obliged to consult with the Executive Council.

(2) Where, by or under this Order or any other law for the time being in force in the Colony, any power is conferred upon the Governor or the Governor in the Executive Council, the following provisions shall have effect:—

(*a*) the Governor shall not be obliged to consult with the Executive Council in the exercise of any such power in any case—

(i) which is of such a nature that, in his judgment, the service of Her Majesty would sustain material prejudice by consulting the Council thereon ; or

(ii) in which the matters to be decided are, in his judgment, too unimportant to require the advice of the Council ; or

(iii) in which the matters to be decided are, in his judgment, too urgent to admit of the advice of the Council being given by the time within which it may be necessary for him to act.

In every case falling within subparagraph (iii) of this paragraph the Governor shall, as soon as is practicable, communicate to the Executive Council the measures which he shall have adopted with the reasons therefor :

(*b*) if in any case in which he shall consult with the Executive Council concerning the exercise of any such power the Governor shall consider it expedient in the interest of public faith, public order or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Colony as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer or officers) that he should not act in accordance with the advice of the Executive Council, then—

(i) he may, with the prior approval of a Secretary of State, act against that advice ; or

(ii) if, in his judgment, urgent necessity so requires, he may act against that advice without such prior approval, but shall, without delay, report the matter to a Secretary of State with the reasons for his action.

Whenever the Governor shall so act against the advice of the Executive Council, any Member of the Executive Council may require that there be recorded in the minutes of the Executive Council the grounds of any advice or opinion which he may give upon the question.

(3) Nothing in this section shall be construed as applying to matters for which provision is made by subsection (1) of section 18, or by section 77, of this Order, or to matters for which provision is made by any Instructions under Her Majesty's Sign Manual and Signet with respect to which it is provided by such Instructions that this section shall not apply.

Ex officio Members

8. The *ex officio* Members of the Executive Council shall be the Chief Secretary, the Attorney-General and the Financial Secretary.

Ministers

9.—(1) Of the Ministers six shall be elected by the House of Assembly and one by the State Council in accordance with the provisions of this section.

(2) The House of Assembly shall, not later than its third sitting after the appointed day and after every dissolution of the House, elect from among the Elected Members thereof six persons to be Ministers:

Provided that a person so elected after a dissolution of the House of Assembly shall not be entitled to assume his seat as a Minister in the Executive Council until all six persons have been so elected.

(3) After the election of a President in accordance with section 40 of this Order, the State Council shall, not later than its third sitting after the appointed day and after every dissolution of the Council, elect one of the Members thereof to be a Minister. The President of the State Council shall be eligible for election.

(4) The Ministers elected by the House of Assembly shall elect one of their number to be their Leader, who shall be styled "Leader of the House".

Tenure of office

10.—(1) Either Chamber may, by resolution in favour of which there are cast the votes of not less than two-thirds of all the Members of the Chamber, revoke the election to the Executive Council of any Minister elected by that Chamber, and, upon the passing of such resolution, the seat of that Minister in the Executive Council shall become vacant.

(2) The Governor, acting in his discretion, may at any time propose to the Executive Council that any person who is a Minister shall cease to be a Minister; and if the Executive Council shall so resolve, the seat of that Minister in the Executive Council shall thereupon become vacant.

(3) The seat of a Minister shall become vacant—

(*a*) if he shall cease to be a Member of the State Council or of the House of Assembly, as the case may be:

Provided that if he shall cease to be a Member of the State Council or of the House of Assembly by reason of a dissolution thereof, he shall not on that account vacate his seat until such time as the House of Assembly shall, after such dissolution, have made the elections provided for in subsection (2) of section 9 of this Order; or

(*b*) if he shall be absent from the Colony without written permission given by the Governor acting in his discretion.

(4) A Minister may, by writing under his hand addressed to the Governor, resign his seat in the Executive Council, and upon receipt of such resignation by the Governor the seat of such Member shall become vacant.

(5) A person who has vacated a seat as a Minister in the Executive Council may, if qualified, be again elected a Minister from time to time.

(6) The Governor may, by Instrument under the Public Seal, declare a Minister to be, by reason of illness, temporarily incapable of discharging his functions as a Minister; and thereupon such Minister shall not sit or vote in the Executive Council until he is declared in manner aforesaid again to be capable of discharging his said functions.

Decision of questions as to membership

11. All questions which may arise as to the right of any person to be or remain a Member of the Executive Council shall be referred to the Governor and shall be determined by the Governor acting in his discretion.

Filling of vacancies

12. Whenever the seat of a Minister becomes vacant from any cause other than a dissolution of the Chambers, the Chamber by which he was elected shall, as soon as is convenient, elect a person, in accordance with section 9 of this Order, to fill the vacancy.

Temporary Members

13.—(1) Whenever there shall be a vacancy in the number of persons sitting in the Executive Council by reason of the fact that—

(*a*) an *ex officio* Member is administering the Government of the Colony; or

(*b*) one person is lawfully discharging the functions of more than one of the three officers referred to in section 8 of this Order; or

(*c*) no person is lawfully discharging the functions of one of those officers; or

(*d*) a Minister is declared by the Governor under subsection (5) of section 10 of this Order to be, by reason of illness, temporarily incapable of discharging his functions as a Minister; or

(*e*) a Member is absent, in the case of a Minister with written permission given by the Governor, from the Colony,

a person may be appointed or elected a Temporary Member of the Executive Council.

(2) The said person—

(*a*) in the case of a vacancy in the number of persons sitting in the Executive Council as *ex officio* Members, shall be a person who is a public officer and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal;

(*b*) in the case of a vacancy in the number of persons sitting in the Executive Council as Ministers, shall be a person elected, in accordance with section 9 of this Order, by the same Chamber which elected the person in respect of whom the vacancy has occurred.

(3) (*a*) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment made under paragraph (*a*) of subsection (2) of this section, and every person so appointed shall hold his appointment during Her Majesty's pleasure.

(*b*) Any such appointment may be revoked by the Governor, acting in his discretion, by Instrument under the Public Seal.

(4) (*a*) So long as their appointments shall subsist, persons appointed under paragraph (*a*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be *ex officio* Members of the Executive Council.

(*b*) So long as their election shall subsist persons elected under paragraph (*b*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be Ministers ; and, subject as aforesaid, the provisions of section 10 of this Order shall have effect accordingly.

(5) (*a*) An appointment made under paragraph (*a*) of subsection (2) of this section shall cease to have effect on notification by the Governor to the person appointed of its revocation by the Governor acting in his discretion, or when the vacancy in the number of persons sitting in the Executive Council shall cease to exist.

(*b*) An election made under paragraph (*b*) of subsection (2) of this section shall not cease to have effect by reason only of the fact that the seat of the Member referred to in paragraph (*d*) or (*e*) of subsection (1) of this section, whose incapacity or absence occasioned the election, has become vacant, but such an election shall cease to have effect on its supersession by the definitive election of a person to fill the vacancy, or when the vacancy in the number of persons sitting in the Executive Council shall otherwise cease to exist.

Method of voting on election and removal of Ministers

14. In any election of a Minister under section 9, or under section 12, or under paragraph (*b*) of subsection (2) of section 13 of this Order, and on any motion for the removal of a Minister under subsection (1) of section 10 of this Order, the votes of the Members of the Chamber shall be given by ballot in such manner as not to disclose how any individual Member shall have voted.

Presiding in Executive Council

15. The Governor shall, so far as is practicable, attend and preside at all meetings of the Executive Council ; and in his absence such Member as the Governor, acting in his discretion, may appoint or, in the absence of such Member or if no Member be so appointed, the Member present who stands first in order of precedence, shall preside.

Precedence of Members

16.—(1) After the Governor, the Members of the Executive Council shall take precedence as Her Majesty may specially assign and, if precedence be not so assigned, as follows—

First, the *ex officio* Members mentioned in section 8 of this Order in the order in which they are referred to therein ;

Secondly, Members temporarily appointed under section 13 of this Order to fill a vacancy in the number of persons sitting in the Council as *ex officio* Members, in such order as may be assigned by the Governor acting in his discretion ;

Thirdly, the Leader of the House ;

Fourthly, the other Ministers according to the length of time for which they have been continuously Ministers, persons who have been continuously Ministers for the same length of time taking precedence according to the alphabetical order of their names.

(2) In ascertaining, for the purposes of subsection (1) of this section, the period for which any person shall have been continuously a Minister—

(*a*) no account shall be taken of any interval between the vacation by that person of his seat in the Executive Council in consequence of a dissolution of the Chambers and the date of his re-election to fill a vacancy in the Executive Council caused by that dissolution ; and

(*b*) if any person having been, for any period immediately before the date upon which the Executive Council established by the existing Letters Patent ceases to exist, a Member of that Council, is elected as a Minister in the Executive Council as first constituted under this Order, he shall be deemed to have been a Minister during that period ; and no account shall be taken of any interval between the end of that period and the date upon which such person is first elected a Minister under this Order.

Executive Council may transact business notwithstanding vacancies

17. The Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof including any vacancy not filled when the Council 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 Council or otherwise took part in the proceedings.

Summoning and quorum

18.—(1) The Executive Council shall not be summoned except by the authority of the Governor but shall be so summoned on the written request of at least five Members of the Executive Council.

(2) No business except that of adjournment shall be transacted in the Executive Council if objection is taken by any Member present that there are less than five Members present besides the Governor or other Member presiding.

Voting

19. Where any matter is dependent upon the decision of the Executive Council, any decision shall be regarded as the decision of the Executive Council if a majority of the votes of the Members present and voting are cast in favour thereof. The Governor shall not have an original vote but, if upon any question the votes shall be equally divided, he may, acting in his discretion, give a casting vote. In the absence of the Governor, the Member presiding shall have an original vote and may also, if upon any question the votes shall be equally divided, give a casting vote.

Committee of Executive Council

20. There may be established, by or in pursuance of any Instructions under Her Majesty's Sign Manual and Signet and subject to the provisions of any such Instructions, a committee of the Executive Council to exercise such functions, in such manner, as may be prescribed by or in pursuance of any such Instructions.

Ministers to be charged with responsibility for departments or subjects

21.—(1) The Governor, acting in his discretion, may, by directions in writing—

(*a*) charge any Member of the Executive Council (other than the Minister elected by the State Council under the provisions of subsection (3) of section 9 of this Order) with the responsibility for any department or subject ; and

(*b*) revoke or vary any directions given under this subsection.

(2) A Minister charged as aforesaid with the responsibility for any department or subject shall be styled a Minister with Portfolio.

(3) A Minister who is not charged as aforesaid with the responsibility for any department or subject shall be styled a Minister without Portfolio.

Temporary assignment of departments

22.—(1) If it shall be decided by the Governor, acting in his discretion, that any Member of the Executive Council is for any cause temporarily unable to administer any department or subject with the responsibility for which he is charged, then the Governor, acting in his discretion, may, by directions in writing, charge any other Member of the Executive Council with the responsibility for that department or subject until such time as the said Member is declared by the Governor, acting in his discretion, again to be able to administer the same:

Provided that the Governor shall not, under this section, charge the Minister elected by the State Council under the provisions of subsection (3) of section 9 of this Order with responsibility for any department or subject without previously obtaining the consent of the Executive Council.

(2) The Governor, acting in his discretion, may, by directions in writing, revoke or vary any directions given under this section.

Salaries of Ministers

23. Unless it shall be otherwise provided by any other law in force in the Colony—

(*a*) a Minister with Portfolio shall be paid a salary at the rate of seven thousand two hundred dollars *per annum* ;

(*b*) a Minister without Portfolio shall be paid a salary at the rate of four thousand eight hundred dollars *per annum* ;

(*c*) the aforesaid salaries shall be in lieu of any salary to which the Minister would, but for this section, be entitled by virtue of his being a Member of either Chamber ;

(*d*) the aforesaid salaries are hereby charged upon the revenues of the Colony and shall be paid by the Treasurer upon warrant directed to him under the hand of the Governor.

Under-Secretaries

24.—(1) The Governor may, from among the Elected Members of the House of Assembly, appoint Under-Secretaries to assist *ex officio* Members of the Executive Council and Ministers in the discharge of their duties and functions.

(2) Every appointment made under this section shall be subject to approval by a Secretary of State.

Provisions as to Under-Secretaries

25.—(1) The Governor may at any time revoke the appointment of an Under-Secretary.

(2) An Under-Secretary may at any time resign his office by writing under his hand addressed to the Governor.

(3) No person shall continue to hold the office of Under-Secretary after his seat in the House of Assembly has become vacant:

Provided that, if his seat shall become vacant by reason of a dissolution of the House of Assembly, he shall not on that account cease to hold the office of Under-Secretary until the first meeting of the House of Assembly after such dissolution.

(4) Whenever an Under-Secretary is, from any cause whatever, unable to perform any of the functions of his office, the Governor may, from among the Elected Members of the House of Assembly appoint a person to act in the place of the said Under-Secretary either generally or in the performance of any particular function. For the purposes of this Order, a person so appointed shall be deemed to be an Under-Secretary as long as his appointment shall subsist.

(5) A person appointed to be or to act as an Under-Secretary shall, before entering on the duties of his office, take and subscribe before the Governor the official oath in accordance with the provisions of the Promissory Oaths Ordinance(**a**) or any law amending or replacing that Ordinance or shall make the appropriate affirmation in lieu thereof as provided in the said Ordinance or law.

Disagreement between Minister and head of department

26. If the public officer who is for the time being head of any department shall, on any question relating to the administration of the department, disagree with the Minister who is charged with the responsibility for the department, then—

(*a*) the said officer may submit to the Minister in writing a statement of his reasons for disagreeing with the Minister and of his own recommendations on the question at issue ;

(*b*) the Minister shall send to the Governor's Secretary and Clerk to the Executive Council a copy of such statement together with any written statement which he himself may wish to make on the question at issue ; and

(*c*) the question shall be considered at a meeting of the Executive Council and shall be disposed of as the Governor may direct.

Governor's Secretary and Clerk to Executive Council

27.—(1) There shall be an officer to be styled the Governor's Secretary and Clerk to the Executive Council, who shall be appointed by the Governor, acting in his discretion.

(2) The said officer—

(*a*) in his capacity as Governor's Secretary, shall have such functions as the Governor, acting in his discretion, may from time to time direct ; and

(*b*) in his capacity as Clerk to the Executive Council shall be responsible for arranging the business for, and keeping the minutes of, meetings of the Executive Council and for conveying the decisions of the Governor in Executive Council to the appropriate person or authority, and shall have such other functions as the Governor may from time to time direct.

(**a**) Cap. 256.

Leave of absence

28. The Governor, acting in his discretion, may grant leave of absence from his duties to any Minister or Under-Secretary.

PART III

Commencement of Part II and Transitional Provisions for the Exercise of Governor's Powers

Commencement of Part II

29. Part II of this Order shall come into operation on such day after the appointed day as the Governor, acting in his discretion, shall by order appoint, and thereupon the Executive Council established by the existing Letters Patent (hereinafter in this Part called " the existing Executive Council ") shall cease to exist:

Provided that the House of Assembly and the State Council may make the elections mentioned in subsections (2) and (3) of section 9 of this Order in accordance with section 14 of this Order notwithstanding that Part II of this Order may not have come into operation.

Governor's powers

30. Whenever the Governor shall have occasion, before the commencement of Part II of this Order, to exercise any power conferred upon him by any other Part of this Order, then, unless the power is one which he is by this Order directed or empowered to exercise in his discretion, he shall, in the exercise of the power, consult with the existing Executive Council in such circumstances, and on such conditions, as may be prescribed by such provisions of the existing Instructions as may at that time have effect.

PART IV

State Council

State Council

31. There shall be a State Council in and for the Colony which shall consist of nine Members qualified and appointed in accordance with the provisions of this Part of this Order.

Members of State Council

32.—(1) Of the nine Members—

(*a*) two shall be appointed by the Governor in accordance with the recommendation of the six Ministers elected by the House of Assembly; the making of a recommendation to the Governor shall be the first duty of such Ministers after their election:

Provided that if the Ministers fail (whether after their election or after the occurrence of a vacancy in respect of the seat of a Member of the State Council appointed under this paragraph) within such time as the Governor, acting in his discretion, considers reasonable, to recommend a person or persons for appointment, the Governor may, acting in his discretion, after consultation with the Ministers, make an appointment or appointments, as the case may require;

(*b*) one shall be appointed by the Governor, acting in his discretion, after consultation with such Elected Members or groups of Elected Members or with both such Members and groups as, in his opinion, constitute the minority in the House of Assembly;

(*c*) thereafter, six shall be appointed by the Governor, acting in his discretion :

Provided that the Governor shall not appoint, under this paragraph, any person who has unsuccessfully sought election to the House of Assembly at or since the immediately preceding general election of Elected Members to that Chamber.

Qualifications for membership of State Council

33. Subject to the provisions of section 34 of this Order, any person who—

(*a*) is a British subject of the age of thirty-five years or upwards ; and
(*b*) has resided in the Colony for a period of at least two years immediately before the date of his appointment or is domiciled in the Colony and is resident therein at the date aforesaid ; 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 State Council,

shall be qualified to be appointed a Member of the State Council, and no other person shall be qualified to be so appointed or, having been so appointed, shall sit or vote in the Council.

Disqualifications for membership of State Council

34. No person shall be qualified to be appointed a Member of the State Council who, at the time of appointment—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State ; or
(*b*) is a Member of the House of Assembly ; or
(*c*) holds the office of Speaker ; or
(*d*) holds any office of emolument under the Crown ; or
(*e*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions ; or
(*f*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Colony ; or
(*g*) has been sentenced in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor, or received a free pardon ; or
(*h*) is a party to, or a partner in a firm, or director or manager of a company, which is a party to, any contract with the Government of the Colony for or on account of the public service, and has not disclosed to the Governor the nature of such contract and his interest, or the interest of any such firm or company therein ; or
(*j*) is disqualified for membership of the House of Assembly by any law for the time being in force in the Colony relating to offences connected with elections.

Tenure of office of Member of State Council

35.—(1) Every Member of the State Council shall cease to be a Member at the next dissolution of the Council after his appointment, or previously thereto, if his seat shall become vacant under the provisions of this Order.

(2) The seat of a Member of the State Council shall become vacant—

(*a*) upon his death ; or

(*b*) if he shall be absent from two consecutive meetings of the State Council without having obtained from the President, before the termination of either of such meetings, permission to be or to remain absent therefrom ; or

(*c*) if he shall cease to be a British subject ; or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or state ; or shall do, concur in, or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State ; or

(*d*) if he shall be appointed permanently to any office of emolument under the Crown ; or

(*e*) if he shall be nominated as a candidate in any election to the House of Assembly ; or

(*f*) if he shall be appointed to be Speaker ; or

(*g*) if he shall be adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions ; or

(*h*) if he shall be sentenced in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term exceeding twelve months ; or

(*j*) if he shall become a party to any contract with the Government of the Colony for or on account of the public service, or if any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to any such contract, or if he shall become a partner in a firm or a director or manager of a company which is a party to any such contract :

Provided that, if in the circumstances it shall appear to him to be just so to do the Governor, acting in his discretion, may exempt any Member from vacating his seat under the provisions of this paragraph, if such Member shall, before becoming a party to such contract as aforesaid or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company), disclose to the Governor the nature of such contract and his interest or the interest of any such firm or company therein ; or

(*k*) if he shall become subject to either of the disqualifications specified in paragraph (*f*) or (*j*) of section 34 of this Order.

(3) If a Member of the State Council shall be appointed temporarily to any office of emolument under the Crown or shall be appointed to act in any such office, he shall not sit or vote in the State Council so long as he continues to hold or to act in that office.

(4) A Member of the State Council may, by writing under his hand addressed to the Governor, resign his seat in the Council ; and upon receipt of such resignation by the Governor the seat of such Member shall become vacant.

(5) Whenever it appears to the President of the State Council that the seat of a Member has become vacant under this section or that a Member is temporarily disqualified from sitting or voting in the Council under the provisions of this section, he shall send a report in writing to that effect to the Governor.

(6) Any person whose seat in the State Council has become vacant may, if qualified, be again appointed in the manner provided by this Order as a Member of the State Council from time to time.

Member of State Council incapable of discharging functions

36. The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare a Member of the State Council to be, by reason of illness, temporarily incapable of discharging his functions as a Member of the Council, and thereupon such Member shall not sit or vote in the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

Decision of question as to membership

37.—(1) All questions which may arise as to the right of any person to be or to remain a Member of the State Council or to sit or vote therein shall be referred to the Governor and shall be determined by him acting in his discretion.

(2) The Governor may, acting in his discretion, prescribe the persons by whom and the manner in which such questions shall be referred to him.

Filling of vacancies

38. Whenever the seat of a Member of the State Council becomes vacant for any cause other than the dissolution of the Council the Governor shall, by Instrument under the Public Seal, appoint some person to fill the vacancy and that person shall be appointed in accordance with the provisions of the same paragraph of subsection (1) of section 32 of this Order as the Member whose seat has become vacant was appointed.

Temporary Members

39.—(1) Whenever there shall be a vacancy in the number of persons sitting in the State Council by reason of the fact that—

(*a*) a Member is absent from the Colony in circumstances in which his seat has not become vacant under the provisions of paragraph (*b*) of subsection (2) of section 35 of this Order; or

(*b*) a Member is declared by the Governor by Instrument under the Public Seal to be incapable of discharging his functions as a Member; or

(*c*) a Member has been appointed temporarily to an office of emolument under the Crown or to act in any such office,

a person may be appointed a Temporary Member and such appointment shall be made in the same manner as is provided by section 38 of this Order for the filling of a vacancy among the Members of the State Council.

(2) So long as his appointment subsists any person appointed under this section shall, for the purposes of this Order, but subject to the provisions of this section, be deemed to be a Member of the State Council; and, subject as aforesaid, the provisions of section 35 of this Order shall have effect accordingly.

(3) An appointment made under this section shall not cease to have effect by reason only of the fact that the seat of the Member, whose absence, incapacity or appointment to an office of emolument under the Crown occasioned the appointment, has become vacant, but such

an appointment shall cease to have effect on its supersession by the definitive appointment of a person to fill the vacancy, or when the vacancy in the number of persons sitting in the State Council shall otherwise cease to exist.

President of the State Council

40.—(1) The State Council shall—

(*a*) at the first sitting of the State Council after the appointed day and after every dissolution thereof, before the despatch of any other business ; and

(*b*) at the first convenient opportunity after the occurrence of a vacancy in the office of President of the Council for any cause other than a dissolution of the State Council,

elect one of the Members of the Council to be the President of the Council.

(2) The President of the Council may, by writing under his hand addressed to the Governor, resign his office.

(3) The State Council may, by resolution, revoke the election of a Member of the Council to the office of President of the Council.

(4) A person shall vacate the office of President of the Council—

(*a*) upon ceasing to be a Member of the State Council ; or

(*b*) upon the revocation of his election to that office ; or

(*c*) upon receipt of resignation thereof by the Governor.

(5) A Member of the State Council shall be eligible for re-election to the office of President of the Council from time to time.

(6) If the office of President is vacant or the President is absent from the State Council, the Council may elect one of the Members thereof to act as President for the period of such vacancy or absence, and the provisions of subsections (2), (3) and (4) of this section shall apply to a Member so elected as they apply to the President.

Presiding in the State Council

41. The President, or in his absence or if the office of President is vacant, the Member elected to act as President, or if such Member is absent or no Member has been so elected, the Member present who stands first in order of precedence, shall preside at the sittings of the State Council.

Precedence of Members

42.—(1) The President of the State Council shall take precedence before the other Members, who shall take precedence among themselves as Her Majesty may specially assign and, in default thereof, as follows—

First, the Member appointed to be a Minister where he is not the President ;

Secondly, the remaining Members according to the length of time during which they have been continuously Members of the State Council, Members who have been continuously Members for the same length of time taking precedence according to the alphabetical order of their names.

(2) In ascertaining, for the purpose of the preceding subsection, the period for which any person shall have been continuously a Member of the State Council—

(*a*) no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of a

dissolution of that Council and the date of his reappointment to fill a vacancy in the Council caused by that dissolution; and

(*b*) if any person, having been, for any period immediately before the appointed day, a Member of the Legislative Council, becomes a Member of the State Council as first appointed under this Order, he shall be deemed to have been a Member of the State Council during the said period; and no account shall be taken of any interval between the end of that period and the date upon which he is first appointed a Member of the State Council or of any interval in his membership of the Legislative Council necessarily following a dissolution of that Council.

PART V

House of Assembly

House of Assembly

43. There shall be a House of Assembly in and for the Colony, which shall consist of a Speaker, three *ex officio* Members and twenty-four Elected Members.

The Speaker

44.—(1) The Speaker shall be a person who is not a Member of the House of Assembly and who does not hold any office of emolument under the Crown; and he shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The Speaker shall hold office during Her Majesty's pleasure and, subject thereto, for such period as may be specified in the Instrument by which he is appointed, and shall not vacate his office by reason of a dissolution of the House of Assembly:

Provided that the Speaker may, by writing under his hand addressed to the Governor, resign his office; and upon receipt of such resignation by the Governor the office of Speaker shall become vacant.

(3) The Governor, acting in his discretion, may grant leave of absence from his duties to the Speaker.

Deputy Speaker

45.—(1) The House of Assembly shall—

(*a*) at its first sitting in every session; and

(*b*) at its first sitting after the occurrence of a vacancy in the office of Deputy Speaker,

or as soon thereafter as may be convenient elect as Deputy Speaker of the House one of its Elected Members, who is not a Minister or Under-Secretary.

(2) A person shall, if qualified, be eligible for re-election to the office of Deputy Speaker from time to time.

(3) The Deputy Speaker shall, unless he earlier vacates his office under the provisions of this Order, hold office until some other person is elected as Deputy Speaker under paragraph (*a*) of subsection (1) of this section.

(4) (*a*) A person shall vacate the office of Deputy Speaker—

(i) upon ceasing to be a Member of the House of Assembly; or

(ii) upon becoming a Minister or Under-Secretary.

(*b*) The Deputy Speaker may, by writing under his hand addressed to the Speaker, or, in the absence of the Speaker, or, if there shall be no Speaker, to the Clerk of the House of Assembly, resign his office; and upon receipt of such resignation by the Speaker or the Clerk of the House, as the case may be, the office of Deputy Speaker shall become vacant.

(5) In any election of a Deputy Speaker under this section the votes of the Members of the House of Assembly shall be given by ballot in such a manner as not to disclose how any particular Member shall vote.

Emoluments of Speaker

46.—(1) The Speaker shall be paid a salary at the rate of five thousand seven hundred and sixty dollars *per annum* which is hereby charged on the revenues of the Colony and shall be paid by the Treasurer upon warrant directed to him under the hand of the Governor.

(2) Nothing in this section shall prevent the payment to the Speaker of such emoluments in excess of the aforesaid salary as may be provided for by any law in force in the Colony.

Ex officio Members

47. The *ex officio* Members of the House of Assembly shall be the Chief Secretary, the Attorney-General and the Financial Secretary.

Elected Members

48. The Elected Members of the House of Assembly shall be persons qualified for election and elected in accordance with the provisions of this Order.

Electoral districts

49.—(1) Subject to the provisions of this Order, for the purpose of the first election of Members to the House of Assembly to be held under the provisions of this Order, and until it shall be otherwise provided by law enacted under this Order, the Colony shall be divided into such electoral districts as shall be constituted and defined by the Governor, by Proclamation published in the Gazette, and such number of Members shall be elected to the House of Assembly for each electoral district as the Governor shall, in like manner, declare.

(2) This section shall come into operation forthwith.

Laws as to elections, etc.

50.—(1) Subject to the provisions of this Order, the election of Members of the House of Assembly shall be held, and the qualification and registration of voters for the election of such Members shall be determined and effected, in accordance with the provisions of the Legislative Council (Elections) Ordinance, 1945(**a**), as amended by the Legislative Council Elections (Amendment) Ordinance, 1952(**b**), and by any law enacted under this Order or Order made under section 4 of this Order, as if references therein to the Legislative Council were references to the House of Assembly, or in accordance with any law replacing those laws either before or after the appointed day; and, subject as aforesaid, all the provisions of the said laws shall apply to such election and registration.

(**a**) No. 13 of 1945. (**b**) No. 2 of 1952.

(2) The Legislature constituted under the existing Orders shall have power, by laws made under those Orders before the appointed day, to make provision for the purposes mentioned in subsection (1) of this section, notwithstanding that such provision may be repugnant to, or inconsistent with, any provisions of the existing Orders, and it shall not be necessary for any such law to be reserved for the signification of Her Majesty's pleasure.

(3) For the avoidance of doubts it is hereby declared that the registration of voters may take place and the first election of Members of the House of Assembly may be held before the appointed day in accordance with the provisions of this Part of this Order as if this Part were in operation; but the election of any person who is elected as a Member of the House of Assembly shall have effect only as from the appointed day.

(4) Subsection (2) of this section shall come into operation forthwith.

Qualification for elected membership

51. Subject to the provisions of section 52 of this Order, any person who—

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

(*b*) has resided in the Colony for a period of at least two years immediately before the date of his nomination for election or is domiciled in the Colony and is resident therein at the date aforesaid; 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 of Assembly,

shall be qualified to be elected as an Elected Member of the House, and no other person shall be qualified to be so elected or, having been so elected, shall sit or vote in the House of Assembly.

Disqualification for elected membership

52. A person shall not be qualified to be elected an Elected Member of the House of Assembly, or having been elected, shall not sit or vote in 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; or

(*b*) holds, or is acting in, any office of emolument under the Crown; or

(*c*) is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any contract with the Government of the Colony for or on account of the public service, and has not, within one month before the day of election, published in the English language in the Gazette and in a newspaper circulating in the electoral district for which he is a candidate a notice setting out the nature of such contract, and his interest, or the interest of any such firm or company, therein; or

(*d*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions; or

(*e*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Colony; or

(*f*) has been sentenced in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor, or received a free pardon; or

(*g*) is disqualified for membership of the House of Assembly under any law in force in the Colony relating to offences connected with elections; or

(*h*) is disqualified for election by any law in force in the Colony by reason of his holding or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election, or any responsibility for the compilation or revision of any electoral register.

Tenure of office of elected member

53.—(1) Every Elected Member of the House of Assembly shall cease to be a Member at the next dissolution of the House after he has been elected or previously thereto if his seat shall become vacant under the provisions of this Order.

(2) The seat of an Elected Member of the House of Assembly shall become vacant—

(*a*) upon his death; or

(*b*) if he shall cease to be a British subject; or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign Power or State; or shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or

(*c*) if he shall be appointed to, or to act in, any office of emolument under the Crown; or

(*d*) if he shall be adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions; or

(*e*) if in any part of Her Majesty's dominions he shall be sentenced to death or to imprisonment (by whatever name called) for a term exceeding twelve months; or

(*f*) if he shall become a party to any contract with the Government of the Colony for or on account of the public service, or any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to any such contract, or he shall become a partner in a firm, or director or manager of a company, which is a party to any such contract;

Provided that, if in the circumstances it shall appear to them to be just so to do, the House of Assembly may exempt any Elected Member from vacating his seat under the provisions of this paragraph if such Member shall, before becoming a party to such contract as aforesaid or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company) disclose to the Chamber the nature of such contract or the interest of any such firm or company therein; or

(*g*) if he shall, by writing under his hand addressed to and received by the Speaker, resign his seat in the Chamber; or

(*h*) if he shall be absent from two consecutive meetings of the Chamber without having obtained from the Speaker, before the termination of either of such meetings, permission to be or to remain absent therefrom ; or

(*j*) if he shall become subject to any of the disqualifications specified in paragraphs (*e*), (*g*) and (*h*) of section 52 of this Order.

(3) Any person whose seat in the House of Assembly has become vacant may, if qualified, again be elected as a Member of the House of Assembly from time to time.

Decision of questions as to membership

54.—(1) All questions which may arise as to the right of any person to be or remain an *ex officio* Member of the House of Assembly shall be referred to the Governor and shall be determined by the Governor acting in his discretion.

(2) All questions which may arise as to the right of any person to be or remain an Elected Member of the House of Assembly shall be referred to and be determined by the Supreme Court of the Colony in accordance with the provisions of any law in force in the Colony.

Temporary Members

55.—(1) Whenever there shall be a vacancy in the number of persons sitting in the House of Assembly as *ex officio* Members by reason of the fact that—

(*a*) one person is lawfully discharging the functions of more than one of the three officers referred to in section 47 of this Order ; or

(*b*) no person is lawfully discharging the functions of any one of those officers ; or

(*c*) an *ex officio* Member is absent from the Colony,

a person may be appointed to be a Temporary Member of the House for the period of such vacancy.

(2) The said person shall be a person who is a public officer and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(3) (*a*) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section, and every person so appointed shall hold his appointment during Her Majesty's pleasure.

(*b*) Any such appointment may be revoked by the Governor, acting in his discretion, by Instrument under the Public Seal.

(4) So long as their appointments shall subsist, persons appointed under subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be *ex officio* Members of the House of Assembly.

(5) An appointment made under this section shall cease to have effect on notification by the Governor to the person appointed of its revocation by the Governor, or on its supersession by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Speaker to report vacancies

56.—(1) Whenever the seat of an Elected Member of the House of Assembly becomes vacant under the provisions of subsection (2) of section 53 of this Order, the Speaker shall, by writing under his hand, report such vacancy to the Governor.

(2) As occasion may require, a report under subsection (1) of this section may be made by the Deputy Speaker.

Filling of vacancies

57. Whenever the seat of an Elected Member of the House of Assembly becomes vacant, the vacancy shall be filled by election in accordance with the provisions of this Order.

Presiding in the House of Assembly

58. The Speaker, or in his absence the Deputy Speaker, or in their absence an Elected Member of the House of Assembly (not being a Minister or Under-Secretary) elected by the Chamber for the sitting, shall preside at the sittings of the Chamber.

PART VI

Legislation and Procedure in Legislature

Power to make laws

59. Subject to the provisions of this Order, it shall be lawful for the Governor, with the advice and consent of the State Council and of the House of Assembly, to make laws for the peace, order and good government of the Colony.

Royal instructions

60. Subject to the provisions of this Order, the Governor and the Chambers shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Standing Orders

61.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the State Council and the House of Assembly may from time to time, make, amend and revoke Standing Orders, including joint Standing Orders, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the order and manner in which the Chambers shall confer, correspond and communicate with each other, and for the passing, intituling and numbering of Bills, and for the presentation of the same to the Governor for assent.

(2) Until other provision is made under this section, the Standing Rules and Orders of the Legislative Council, as in force immediately before the appointed day, shall, with the necessary modifications and adaptations, be the Standing Orders of the State Council and House of Assembly established under this Order; and the said Standing Orders may be amended or revoked by Standing Orders made under the preceding subsection.

Chambers may transact business notwithstanding vacancies

62. The Chambers, whether sitting jointly or separately, shall not be disqualified for the transaction of business by reason of any vacancies in the membership of the Chambers, including any vacancies not filled when the Chambers are first constituted or are reconstituted after a dissolution at any time, and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Chambers or otherwise took part in the proceedings.

Quorum of State Council

63. No business except that of adjournment shall be transacted in the State Council if objection is taken by any Member present that there are less than five Members present including the President or other Member presiding.

Quorum of House of Assembly

64. No business except that of adjournment shall be transacted in the House of Assembly if objection is taken by any Member present that there are less than nine Members present besides the Speaker or Member presiding.

Voting in State Council

65. Save as otherwise provided in this Order—

(*a*) all questions proposed for decision in the State Council shall be determined by a majority of the votes of the Members present and voting;

(*b*) the President or other Member presiding shall have an original vote and a casting vote;

(*c*) if on any question the votes are equally divided and the President or other Member presiding does not exercise his casting vote, the motion shall be lost.

Voting in House of Assembly

66.—(1) Save as otherwise provided in this Order, all questions proposed for decision in the House of Assembly shall be determined by a majority of the votes of the Members present and voting; and if upon any question before the Chamber, the votes of the Members are equally divided the motion shall be lost.

(2) (*a*) The Speaker shall have neither an original nor a casting vote; and

(*b*) any other person, including the Deputy Speaker, shall, when presiding in the Chamber, have an original but no casting vote.

Introduction of Bills etc.

67.—(1) Save as is provided in subsection (2) of this section and in section 68 of this Order and subject to the Standing Orders of the Chambers, any Member of either Chamber may introduce any Bill, or propose any motion for debate in, or may present any petition to, the Chamber of which he is a Member, and the same shall be debated and disposed of according to the Standing Orders of that Chamber.

(2) Except with the recommendation or consent of the Governor signified thereto, neither Chamber shall proceed upon any Bill, motion or petition which, in the opinion of the person presiding in the Chamber, would dispose of or charge any public revenue or public funds of the Colony, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

Money Bills

68.—(1) A Money Bill shall be first introduced in the House of Assembly.

(2) In this section and in sections 69 and 70 of this Order, "Money Bill" means a Bill which, in the opinion of the Speaker, contains

only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public money or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them. In this definition the expressions "taxation", "public money" and "loan", respectively, do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

Restriction of the power of the State Council as to Money Bills

69.—(1) Subject to the provisions of this Order, if a Money Bill, having been passed by the House of Assembly and sent to the State Council at least three months before the end of the session, is rejected by the State Council within three months after it is so sent to that Chamber, the Bill, with any amendments which are certified by the Speaker to have been made by the State Council and agreed to by the House of Assembly, shall, if the House of Assembly so resolve, be presented to the Governor for assent; and, if the Governor shall assent thereto, or if he shall reserve the Bill for the signification of Her Majesty's pleasure and Her Majesty shall assent thereto, the Bill shall become a law notwithstanding that the State Council have not consented to the Bill.

(2) There shall be endorsed on every Money Bill when it is sent to the State Council the certificate of the Speaker signed by him that it is a Money Bill and, when it is presented to the Governor for assent in pursuance of the provisions of this section, a further certificate of the Speaker signed by him that the provisions of this section have been duly complied with.

Restriction of the powers of the State Council as to Bills other than Money Bills

70.—(1) Subject to the provisions of this Order, if any Government Bill other than a Money Bill is passed by the House of Assembly in two successive sessions (whether or not the Chambers are dissolved between those sessions), and, having been sent to the State Council at least three months before the end of the session, is rejected by the State Council in each of those sessions within three months after it is so sent, that Bill shall, after it is rejected for the second time by the State Council, if the House of Assembly so resolve, be presented to the Governor for assent and, if the Governor shall assent thereto or if he shall reserve the Bill for the signification of Her Majesty's pleasure and Her Majesty shall assent thereto, the Bill shall become a law notwithstanding that the State Council have not consented to the Bill:

Provided that this provision shall not have effect unless one year has elapsed between the date of the termination of the first debate on the Bill in the House of Assembly in the first of those sessions and the date on which it passes the House in the second of those sessions.

(2) When a Bill is presented to the Governor for assent in pursuance of the provisions of this section there shall be endorsed on the Bill the certificate of the Speaker signed by him that the provisions of this section have been duly complied with.

(3) A Bill shall be deemed to be the same Bill as a former Bill sent to the State Council in the preceding session if, when it is sent to the State Council, it is identical with the former Bill or contains only such alterations as are certified by the Speaker to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made by the State Council in the former Bill in the preceding session; and any amendments which are certified by the Speaker to have been made by the State Council in the second session and agreed to by the House of Assembly shall be inserted in the Bill as presented to the Governor for assent in pursuance of this section:

Provided that the House of Assembly may, if they think fit, on the passage of such a Bill through the House in the second session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the State Council, and, if agreed to by the Council, shall be treated as amendments made by the Council and agreed to by the House; but the exercise of this power by the House shall not affect the operation of this section in the event of the rejection of the Bill by the State Council.

(4) Any alteration of the enacting words of a Bill made in consequence of the provisions of this section shall not be deemed to be an amendment of the Bill.

Giving of certificates by the Speaker

71.—(1) If the Speaker is absent from the Colony or if, in the opinion of the Governor, acting in his discretion, he is, by reason of illness, incapable of discharging—

(*a*) his functions under sections 68, 69 and 70 of this Order; and

(*b*) his functions under subsection (3) of section 75 of this Order,

then the functions specified in paragraph (*a*) of this subsection shall be performed by such Member of the House of Assembly, and the functions specified in paragraph (*b*) of this subsection shall be performed by such Member of either Chamber, as the Governor, acting in his discretion, may by directions in writing appoint; and during any such appointment or appointments references to the Speaker in subsections (3) and (4) of this section and in the provisions of this Order above-mentioned shall be construed accordingly.

(2) The Governor, acting in his discretion, may by further directions in writing vary or revoke any appointment made under subsection (1) of this section; and any such appointment shall cease to have effect on the return of the Speaker to the Colony, or, in the case of his illness, on revocation of the appointment by the Governor.

(3) Any certificate of the Speaker given under the provisions of this Part of this Order shall be conclusive for all purposes and shall not be questioned in any court of law.

(4) Before giving any such certificate, the Speaker shall, if practicable, consult the Attorney-General, but failure to do so shall not affect the operation of subsection (3) of this section.

Bills deemed to be rejected by State Council

72. For the purposes of sections 69 and 70 of this Order, a Bill shall be deemed to be rejected by the State Council if—

(*a*) it is not passed by the Council without amendment;

(*b*) it is passed by the Council with any amendment which is not agreed to by the House of Assembly.

Bills liable to special procedure in case of disagreement between Chambers

73.—(1) If, after a Bill has been passed by one Chamber and sent to the other Chamber (in this section referred to as "the second Chamber"), it is rejected by the second Chamber and—

(*a*) the Governor considers the Bill to be a measure of major concern for the well-being of the Colony, or

(*b*) the Bill is one which, under the provisions of this Order or of any Instructions addressed to the Governor under Her Majesty's Sign Manual and Signet or through a Secretary of State, the Governor is directed to reserve for the signification of Her Majesty's pleasure,

the Governor may, unless the Bill has lapsed by reason of a dissolution of the Chambers, within six months after such rejection, declare the Bill to be liable to the special procedure prescribed in sections 74 and 75 of this Order and the Bill shall thereupon be liable accordingly to such procedure.

(2) The provisions of subsection (1) of this section shall have effect where a Bill has been rejected by the State Council notwithstanding that such Bill may, if the House of Assembly should so resolve, be presented, or has been presented, to the Governor for assent in pursuance of the provisions of section 69 or 70 of this Order.

(3) A Bill shall be deemed to be rejected by the second Chamber for the purposes of subsection (1) of this section if—

(*a*) it is not passed by the second Chamber without amendment within three months of the date on which it was sent to that Chamber, or

(*b*) it is passed by that Chamber with any amendment which is not agreed to by the other Chamber within three months of the date on which the Bill was sent to the second Chamber,

and, in a case to which paragraph (*a*) or (*b*) of this subsection applies, the date of rejection by the second Chamber shall, for the purposes aforesaid, be deemed to be the date on which the period of three months expires:

Provided that if, in a case to which paragraph (*b*) of this subsection applies, any amendment made by the second Chamber is rejected by the other Chamber on any date before such period of three months expires, that date shall, for the purposes aforesaid, be deemed to be the date of rejection by the second Chamber.

(4) The powers conferred on the Governor by subsection (1) of this section shall be exercised by him acting in his discretion.

Joint sitting of the Chambers

74.—(1) When a declaration has been made under section 73 of this Order in respect of a Bill, the Governor shall forthwith by message, give notice thereof to both Chambers and thereafter neither Chamber shall proceed further with the Bill except in a joint sitting of both Chambers.

(2) Subject to the provisions of subsection (3) of this section, as soon as practicable after the giving of any such notice as is referred to in subsection (1) of this section, the Governor shall, by Proclamation

published in the Gazette, summon a joint sitting of both Chambers at which the Bill shall be dealt with in accordance with the provisions of section 75 of this Order; and, subject as aforesaid, the joint sitting shall commence at such time and at such place as may be specified in the aforesaid Proclamation.

(3) A joint sitting shall not be held in respect of a Bill if, since the making of the declaration in respect of the Bill under section 73 of this Order, the Chambers have been dissolved.

Procedure in joint sitting

75.—(1) In this section "the joint sitting" means any joint sitting of the Members of both Chambers summoned under the provisions of section 74 of this Order, and "the Bill" means the Bill in respect of which such joint sitting is held.

(2) (*a*) The Speaker, or in his absence such Member of either Chamber as the Governor, acting in his discretion, shall appoint, shall preside at the joint sitting.

(*b*) When any question is dependent on the decision of the joint sitting a decision shall be regarded as the decision of the joint sitting if a majority of the votes of the Members present and voting are cast in favour thereof; and if upon any question before the joint sitting the votes of the Members are equally divided the motion shall be lost.

(*c*) The Speaker shall have neither an original nor a casting vote, and a Member presiding in the absence of the Speaker shall have an original but no casting vote.

(*d*) No business except that of adjournment shall be transacted in the joint sitting if objection is taken by any Member present that there are less than fourteen Members present besides the Speaker or Member presiding.

(*e*) Subject to the provisions of this Order, the proceedings in the joint sitting shall be regulated by such Standing Orders as the Governor may, acting in his discretion, from time to time make in that behalf.

(3) The Members present at the joint sitting may deliberate and vote together on the Bill as last proposed in the Chamber in which it originated (in this subsection referred to as "the first Chamber") and on such amendments thereto as may be proposed in the joint sitting; and if the Bill, with such amendments (if any) as are agreed to by the joint sitting, is affirmed by the joint sitting, the Bill as so affirmed shall be deemed to have been passed by both Chambers, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly:

Provided that, if the Bill as last proposed in the first Chamber is certified by the Speaker to have been affirmed by the joint sitting without any new amendments, the Governor, unless he shall assent to such Bill, shall reserve it for the signification of Her Majesty's pleasure; and for the purposes of this proviso the expression "new amendments" means—

(*a*) where the Bill, having been passed by the first Chamber, has not been passed by the other Chamber with amendments and returned to the first Chamber, any amendments other than such amendments (if any) as are made necessary by the delay in the passage of the Bill; or

(*b*) where the Bill, having been passed by the first Chamber, has been passed by the other Chamber with amendments to which the first Chamber has not agreed, any amendments other than—

(i) such amendments (if any) as are made necessary by the delay in the passage of the Bill, and

(ii) such amendments as contain only provisions substantially to the like effect as provisions in any amendments passed by the other Chamber to which the first Chamber did not agree.

(4) Where the Bill is not affirmed by the joint sitting no further action shall be taken on the Bill, and no Bill which contains provisions substantially to the like effect shall be introduced in either Chamber during the session of the Chambers in which the joint sitting was held.

Joint sitting on request of both Chambers

76.—(1) If both Chambers request a joint sitting for the purpose of deliberating and voting on any matter, the Governor, acting in his discretion, may, by Proclamation published in the Gazette, summon a joint sitting of both Chambers to be held at such time, before the next dissolution of the Chambers, and at such place as is specified in the Proclamation ; and at such sitting the Chambers may deliberate and vote upon the matter, and, if the matter consists of a Bill or motion, upon any amendments thereto proposed in such sitting.

(2) The provisions of subsection (2) of section 75 of this Order shall apply to a joint sitting summoned under the provisions of this section as they apply to a joint sitting summoned under the provisions of section 74 of this Order.

(3) Any Bill or motion passed by a joint sitting summoned under the provisions of this section shall be deemed thereupon to have been passed by both Chambers ; and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

Governor's reserved power

77.—(1) Subject to the provisions of subsection (2) of this section, if the Governor shall consider that it is expedient in the interest of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Colony as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer) that any Bill introduced, or any motion proposed, in either Chamber should have effect, then, if the Chamber fail to pass such Bill or motion within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time which he shall think fit, may, notwithstanding any provisions of this Order or of any Standing Orders of the Chamber, declare that such Bill or motion shall have effect as if it had been passed or carried by that Chamber, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Chamber or in any committee thereof ; and thereupon the said Bill or motion shall be deemed to have been so passed or carried by that Chamber at the time when such declaration was made, and further proceedings

may be taken thereon, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor shall not make any declaration under this section except in accordance with the following conditions, that is to say :—

(*a*) The question whether the declaration should be made shall first be submitted in writing by the Governor to the Executive Council and if, upon the question being so submitted to it, the Executive Council shall resolve that the declaration be made, the Governor may make the declaration.

(*b*) If, when the question whether the declaration should be made is submitted to it as aforesaid, the Executive Council shall not, within such time as the Governor shall think reasonable and expedient, resolve that the declaration be made, then—

(i) the Governor may submit the said question to a Secretary of State and may make the declaration if, upon the question being so submitted to him, a Secretary of State authorizes the Governor to make the declaration ; or

(ii) the Governor may make the declaration without submitting the said question to a Secretary of State, if in the Governor's opinion urgent necessity requires that the declaration be made without obtaining the authority of a Secretary of State ; in which case he shall, at the time of making the declaration, certify in writing that urgent necessity requires that the declaration be made without obtaining such authority.

(3) (*a*) Whenever the Governor, in accordance with the provisions of paragraph (*b*) of subsection (2) of this section shall submit to a Secretary of State the question whether a declaration should be made, or shall make a declaration without submitting the said question to a Secretary of State, he shall inform the Executive Council in writing of his reasons for so doing.

(*b*) Whenever the Governor shall make a declaration under this section, other than a declaration made with the authority of a Secretary of State, he shall forthwith report to a Secretary of State the making of, and the reasons for, the declaration and, in the case of a declaration made in accordance with the provisions of subparagraph (ii) of paragraph (*b*) of subsection (2) of this section, the grounds of urgency.

(4) If any Member of either Chamber objects to any declaration made under this section, 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.

(5) Any declaration made under this section, 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 which shall have had effect by virtue of the declaration shall cease to have effect ; and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Assent to Bills

78.—(1) No Bill shall become a law until either the Governor shall have assented thereto in Her Majesty's name and on Her Majesty's behalf, and shall have signed the same in token of such assent, or Her Majesty shall have given Her assent thereto through a Secretary of State.

(2) When a Bill is presented to the Governor for his assent, he shall, acting in his discretion, but subject to the provisions of this Order and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor shall reserve for the signification of Her Majesty's pleasure—

(*a*) any Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to, or inconsistent with, the provisions of this Order; and

(*b*) any Bill which determines or regulates the privileges, immunities, or powers of the State Council or the House of Assembly or the Members of either Chamber.

(3) A law assented to by the Governor shall come into operation on the date of its publication in the Gazette, or, if it shall be enacted either in such law or in some other law (including any law in force on the appointed day) that it shall come into operation on some other date, on that date.

(4) A Bill reserved for the signification of Her Majesty's pleasure shall become a law so soon as Her Majesty shall have given Her assent thereto through a Secretary of State and the Governor shall have signified such assent by Proclamation published in the Gazette. Every such law shall come into operation on the date of such Proclamation or, if it shall be enacted either in such law or in some other law (including any law in force on the appointed day) that it shall come into operation on some other date, on that date.

Disallowance of laws

79.—(1) Any law to which the Governor shall have given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by Her Majesty, the Governor shall cause notice of such disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid; and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if such law had not been made, and, subject thereto, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Privileges of State Council and House of Assembly

80. It shall be lawful, by laws enacted under this Order, to determine and regulate the privileges, immunities and powers of the State Council and House of Assembly and the Members thereof respectively; but

no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the Members thereof.

Oath of Allegiance

81. Except for the purpose of enabling this section to be complied with, no Member of either Chamber shall sit or vote therein until he shall have taken and subscribed before the Chamber of which he is a Member the Oath of Allegiance in the form set out in the Promissory Oaths Ordinance(a) or any law amending or replacing that Ordinance, or shall have made the appropriate affirmation in lieu thereof as provided in the said Ordinance or law:

Provided that if, between the time when a person becomes a Member of either Chamber and the time when that Chamber next meets thereafter, a meeting takes place of any committee of that Chamber 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, take and subscribe the said oath or make the said affirmation before a judge of the Supreme Court of the Colony; and the taking and subscribing of the oath, or the making of the affirmation, in such manner shall suffice for all purposes of this section. In any such case the judge shall forthwith report to the Chamber concerned through the President or the Speaker, as the case may be, that the person in question has taken and subscribed the said oath or made the said affirmation before him.

Sessions

82.—(1) Subject to the provisions of subsections (2) and (3) of this section, the sessions of the Chambers shall be held at such times and places as the Governor shall from time to time by Proclamation published in the Gazette appoint.

(2) There shall be a session of each Chamber once at least in every year, so that a period of twelve months shall not intervene between the last sitting in one session and the first sitting in the next session of the Chamber.

(3) The first session of each Chamber shall commence within six months after the appointed day.

Prorogation and dissolution

83.—(1) The Governor may at any time, by Proclamation published in the Gazette, prorogue or dissolve the Chambers.

(2) The Governor shall dissolve the Chambers at the expiration of four years from the date of the return of the first writ at the last preceding general election, if they shall not have been sooner dissolved.

General elections

84. A general election of Members of the House of Assembly shall be held at such time, within four months after the appointed day and thereafter within three months after every dissolution of the House of Assembly as the Governor shall by Proclamation published in the Gazette appoint.

(a) Cap. 256.

PART VII

The Public Service

Exercise of Governor's powers

85. The powers conferred on the Governor by this Part shall be exercised by him acting in his discretion.

Constitution of public offices

86. Subject to the provisions of any Instructions from time to time issued to the Governor under Her Majesty's Sign Manual and Signet or through a Secretary of State, the Governor, in the name and on behalf of Her Majesty, may constitute such judgeships, magistracies and public offices for the Colony as may be lawfully constituted by Her Majesty, and may abolish such offices.

Appointment etc. of public officers

87.—(1) The power to appoint (including power to promote and transfer) and to dismiss and to exercise other disciplinary control over judges, magistrates and public officers is hereby vested in the Governor; subject to the provisions of section 85 of this Order, the powers vested in the Governor by this subsection shall be exercised in accordance with the law from time to time in force in the Colony and with any Instructions from time to time issued to the Governor under Her Majesty's Sign Manual and Signet or through a Secretary of State.

(2) Any person appointed to a judgeship, magistracy or public office shall, unless it is otherwise provided by any law for the time being in force in the Colony, hold office during Her Majesty's pleasure.

Public Service Commission

88.—(1) There shall be, in and for the Colony, a Public Service Commission (hereinafter in this Part of this Order referred to as "the Commission") and, subject to the provisions of subsection (3) of this section, the Commission shall consist of such persons, appointed in such manner, as may be prescribed by Regulations made under section 90 of this Order.

(2) The Governor may terminate the appointment of any Member of the Commission and, subject as aforesaid, the Members of the Commission shall hold office upon such terms and conditions as may be prescribed by Regulations made under section 90 of this Order.

(3) No person shall be appointed as, or shall remain, a Member of the Commission if he is or becomes a Member of the State Council or an Elected Member of the House of Assembly.

Functions of the Commission

89.—(1) The Governor may refer to the Commission for their advice any question relating to the appointment (including promotion and transfer) or to the dismissal or other disciplinary control of public officers or of any public officer, or any other matter which, in his opinion, affects the public service:

Provided that, for the avoidance of doubt, it is hereby declared that no judge or magistrate shall be regarded, for the purposes of this section, as a public officer or as holding office in the public service.

(2) It shall be the duty of the Commission to advise the Governor on any question which he shall refer to it in accordance with the provisions of this section, but the Governor shall not be required to act in accordance with the advice given to him by the Commission.

Power to make Regulations

90. Subject to the provisions of this Order the Governor, acting in his discretion, may make Regulations for giving effect to this Part of this Order, and in particular and without prejudice to the generality of the foregoing power may by such Regulations make provision for all or any of the following matters, that is to say—

(*a*) the membership of the Commission;

(*b*) the appointment, tenure of office and terms of service of Members of the Commission;

(*c*) the organization of the work of the Commission and the manner in which the Commission shall perform its functions;

(*d*) consultation by the Commission with persons other than Members of the Commission;

(*e*) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions;

(*f*) the delegation to any Member of the Commission of all or any of the powers or duties of the Commission;

(*g*) the protection and privileges of Members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission or its Members in case of legal proceedings;

(*h*) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of four hundred and eighty dollars and imprisonment for a term of one year.

PART VIII

Miscellaneous

Penalty for unqualified persons sitting and voting

91.—(1) Any person who—

(*a*) having been appointed as a Member of the State Council or elected as a Member of the House of Assembly, but not having been at the time of his appointment or election, qualified to be so appointed or elected, shall sit or vote in the State Council or the House of Assembly, as the case may be; or

(*b*) shall sit or vote in the State Council or the House of Assembly after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding ninety-six dollars for every day upon which he so sits or votes.

(2) the said penalty shall be recoverable by action in the Supreme Court of the Colony at the suit of the Attorney-General.

Appointment to an office when holder on leave of absence

92. When a substantive holder of any office constituted by or under this Order is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

Removal of difficulties

93.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order shall be made under this section later than the thirty-first day of March, 1955.

(2) Any Order made under this section may be amended, added to, or revoked by a further Order, and may be given retrospective effect to a date not earlier than the date of this Order.

(3) This section shall come into operation forthwith.

Power reserved to Her Majesty

94.—(1) Her Majesty hereby reserves to Herself, Her Heirs and Successors power, with the advice of Her or Their Privy Council, to amend or revoke this Order as to Her or Them shall seem fit.

(2) Her Majesty hereby reserves to Herself, Her Heirs and Successors, full power by Order in Council from time to time to make laws for the peace, order and good government of the Colony.

W. G. Agnew.

SCHEDULE

PART I

Preamble and section 1.

The British Guiana (Constitution) Order in Council, 1928(a).

The British Guiana (Constitution) Amendment Order in Council, 1935(b).

The British Guiana (Legislative Council—Extension of Duration) Order in Council, 1940(c).

The British Guiana (Constitution) Amendment Order in Council, 1943(d).

The British Guiana (Constitution) Amendment Order in Council, 1945(e).

The British Guiana (Constitution) Amendment Order in Council, 1949(f).

The British Guiana (Legislative Council—Extension of Duration) Order in Council, 1952(g).

PART II

Letters Patent passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Colony of British Guiana and dated the twentieth day of July, 1928(h).

Letters Patent passed under the Great Seal of the Realm and dated the twenty-third day of March, 1943(i), amending the aforesaid Letters Patent of the twentieth day of July, 1928.

(a) S.R. & O. 1928/561; Rev., III, p. 173; 1928, p. 221.
(b) S.R. & O. 1935/801; Rev., III, p. 173; 1935, p. 189.
(c) S.R. & O. 1940/2220; 1940 I, p. 83.
(d) S.R. & O. 1943/1792; Rev., III, p. 173; 1943 I, p. 55.
(e) S.R. & O. 1945/990; Rev. III, p. 173; 1945 I, p. 53.
(f) S.I. 1949/2200; 1949 I, p. 521. (g) S.I. 1952/2055; 1952 I, p. 433.
(h) 1928, p. 1385. (i) 1943 I, p. 1032.

PART III

Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of British Guiana and dated the twentieth day of July, 1928.

Additional Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of British Guiana and dated the twenty-third day of March, 1943.

Additional Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of British Guiana and dated the tenth day of October, 1949.

EXPLANATORY NOTE

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

This Order in Council establishes a reformed Executive Council, a State Council and a House of Assembly for British Guiana.

The Executive Council consists of the Governor, as President, three *ex officio* Members and seven Ministers. Six of the Ministers are elected by the House of Assembly and one by the State Council.

The State Council consists of nine Members, two of whom are appointed by the Governor on the recommendation of Ministers elected by the House of Assembly and seven by the Governor acting in his discretion.

The House of Assembly consists of a Speaker, three *ex officio* Members and twenty-four Elected Members.

The Order also establishes a Public Service Commission to be constituted in accordance with regulations to be made by the Governor.

Sections 4, 49, 50 (2) and 93 of the Order, which make enabling provision for preparatory work in connection with the new constitution, come into operation forthwith ; the remainder of the Order will come into operation simultaneously with the British Guiana Letters Patent, 1953, which are to supersede the Letters Patent previously in operation for the administration of the colony, except that Part II of the Order (which relates to the Executive Council) will not operate until a later date specially appointed by the Governor.

1953 No. 1478

The British Guiana (Constitution) (Amendment) Order in Council, 1953

Made - - - -	*4th October,* 1953
Coming into Operation	*On a day to be appointed by the Governor under section* 1 (3)*

At the Court at Balmoral, the 4th day of October, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas by Part II of the British Guiana (Constitution) Order in Council, 1953(a) (hereinafter called " the Principal Order "), provision

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* Date appointed, 8.10.53.

(a) S.I. 1953/586, p. 126 above.