1961 No. 1188

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The British Guiana (Constitution) Order in Council, 1961

Laid before Parliament in draft
Made - - - - 26th June, 1961

At the Court at Buckingham Palace, the 26th day of June, 1961
Present,
The Queen's Most Excellent Majesty in Council

Whereas a copy of the draft of the following Order was laid before each House of Parliament on the fifth day of May, 1961;

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

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

PART I—GENERAL

Citation, commencement and revocation.

1.—(1) This Order may be cited as the British Guiana (Constitution) Order in Council, 1961, and the Annex to this Order may be cited separately as the Constitution of British Guiana.

(2) Subject to the provisions of sections 6 and 16 of this Order, the provisions of this Order and of the Constitution annexed to this Order shall, except where otherwise provided, come into force on such date as the Governor, acting in his discretion, may by proclamation published in the *Gazette* appoint (in this Order referred to as "the appointed date").

(3) The provisions of article 22 and Parts III and VI of the Constitution shall come into force on such date after the appointed date as the Governor, acting in his discretion, may by order published in the *Gazette* appoint.

(4) Subject to the provisions of section 5, subsections (2) and (3) of section 9, and section 14 of this Order, the following Orders are hereby revoked—

(*a*) The British Guiana (Constitution) Order in Council, 1953(c);

(*b*) The British Guiana (Constitution) (Amendment) Order in Council, 1953(d);

(*c*) The British Guiana (Emergency) Order in Council, 1953(e);

(*d*) The British Guiana (Constitution) (Amendment) (No. 2) Order in Council, 1953(f);

(*e*) The British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953(g);

(a) 9 & 10 Geo. 6. c. 36. (b) 18 & 19 Geo. 5. c. 5. (c) S.I. 1953/586 (1953 I, p. 126).
(d) S.I. 1953/1478 (1953 I, p. 160). (e) S.I. 1953/1479 (1953 I, p. 181).
(f) S.I. 1953/1564 (1953 I, p. 162). (g) S.I. 1953/1910 (1953 I, p. 163).

(*f*) The British Guiana (Constitution) (Temporary Provisions) (Amendment) Order in Council, 1956(a); and

(*g*) The British Guiana (Electoral Provisions) Order in Council, 1960(b).

(5) The British Guiana Letters Patent, 1953(c), are hereby revoked.

Constitution of British Guiana.

2. The provisions of the Constitution set out in the Annex to this Order (in this Order referred to as "the Constitution") shall have the force of law.

PART II—TRANSITIONAL PROVISIONS

First Governor and remuneration of Governor.

3.—(1) The person who, immediately before the appointed date, holds the office of Governor shall, as from that date, hold the like office as if he had been appointed thereto under article 17 of the Constitution, and the Commission under Her Majesty's Sign Manual and Signet by which he was appointed to the office of Governor shall, as from that date, have effect as if it had been granted in pursuance of that article.

(2) Until other provision is made under and in accordance with the provisions of article 20 of the Constitution, the salary and duty allowance of the Governor shall be the salary and duty allowance to which the Governor was entitled immediately before the appointed date.

Expenditure and personal staff of the Governor.

4.—(1) At any time after this section comes into operation and before the appointed date, the Governor, acting with the concurrence of the senior Nominated Unofficial Member of the Executive Council, may, by order published in the *Gazette*, prescribe in relation to the first Governor under the Constitution any matter which falls to be prescribed by an order made in pursuance of paragraph (1) of article 21 of the Constitution.

(2) Any matter prescribed by an order made under the preceding subsection shall, for the purposes of article 21 of the Constitution, be deemed as from the appointed date to have been prescribed by an order made in pursuance of that article, and the provisions of any order made under the preceding subsection may be amended or revoked by a further order so made or by any order made in pursuance of article 21 of the Constitution.

(3) Any person who, immediately before the appointed date, holds any office prescribed under subsection (1) of this section shall hold that office as from that date as if he had been appointed thereto under article 21 of the Constitution and if he is, immediately before that date, a public officer, shall so hold it as if he had been appointed thereto under paragraph (4) of that article.

(4) For the purposes of this section, "the senior Nominated Unofficial Member of the Executive Council" means the Nominated Unofficial Member of the Executive Council who stands first in order of precedence among such Members by virtue of section 15 of the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953.

(5) This section shall come into force forthwith.

(a) S.I. 1956/2030 (1956 I, p. 375). (b) S.I. 1960/2412 (1960 I, p. 465).
(c) S.I. 1953 II, p. 2779.

Continuation of Executive Council and exercise of Governor's powers prior to commencement of Part III of the Constitution.

5.—(1) Until the coming into force of Part III of the Constitution, the provisions of Part II of the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953, (as amended by the British Guiana (Constitution) (Temporary Provisions) (Amendment) Order in Council, 1956,) shall, subject to the provisions of the next following subsection, continue to have effect, and accordingly the Executive Council established in pursuance of the said provisions shall continue to exist and shall be constituted and shall perform its functions in accordance with those provisions and any member of the Executive Council who immediately before the appointed date is, by virtue of a direction given under the said provisions, charged with responsibility for any subject or department shall, subject to those provisions, continue to be charged with that responsibility:

Provided that no Nominated Unofficial Member of the Executive Council aforesaid shall vacate his seat therein on the grounds that he has ceased to be a member of the Legislative Council established by the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956, by reason only of the fact that the said Legislative Council has ceased to exist.

(2) Until the coming into force of Part III of the Constitution, section 16 of the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953, shall have effect in relation to functions conferred upon the Governor by any provision of the Constitution as it has effect in relation to powers conferred upon him by other laws, and for the purposes of paragraph (i) of that section any provision of the Constitution whereby any such function is expressed to be exercisable by the Governor on or in accordance with the recommendation or advice of, or with the concurrence of, or after consultation with, any person or authority other than the Premier or the Council of Ministers shall be construed as a provision that the Governor shall not be obliged to consult with the Executive Council in the exercise of that function.

Provisions relating to public safety and public order.

6.—(1) Until the Governor, with the concurrence of a Secretary of State, declares by order published in the *Gazette* that this section shall cease to have effect the Constitution shall have effect as if there were inserted—

(*a*) in paragraph (3) of article 22 a reference to sub-paragraph (*c*) of paragraph (1) of article 72.

(*b*) after sub-paragraph (*e*) of paragraph (3) of article 33, the following sub-paragraph—

"(*f*) the maintenance of public safety and public order in British Guiana".

(*c*) after sub-paragraph (*b*) of paragraph (1) of article 72, the following sub-paragraph—

"(*c*) securing or maintaining public safety or public order in British Guiana".

(*d*) at the end of sub-paragraph (*c*) of the proviso to paragraph (3) of article 74 the words "or the maintenance of public safety or public order in British Guiana".

(2) This section shall come into force forthwith.

Director of Public Prosecutions.

7.—(1) Until a person is appointed under the provisions of article 43 of the Constitution to be Director of Public Prosecutions, the functions of that office shall, as from the coming into force of Part III of the Constitution, be performed by the Solicitor General.

(2) Until other provision is made under and in accordance with paragraphs (4) and (5) of article 43 of the Constitution, the salary and allowances of the Director of Public Prosecutions shall be the salary and allowances which the holder of the office of a judge of the Supreme Court was entitled to immediately before the appointed date.

First electoral districts.

8. Any order made under subsection (1) of section 2 of the British Guiana (Electoral Provisions) Order in Council, 1960, and in force immediately before the appointed date shall continue in force as from that date as if it had been made under article 54 of the Constitution.

Laws relating to certain disqualifications for membership of a chamber of the Legislature, etc.

9.—(1) At any time after this section comes into force and before the appointed date, provision may be made by or in pursuance of any law enacted by the Legislature established by the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956, for any of the matters for which the Legislature to be established by the Constitution may make provision by virtue of sub-paragraph (*h*) of paragraph (1) or paragraph (2) of article 49, sub-paragraph (*h*) of paragraph (1) or paragraph (2) of article 58, or article 81 of the Constitution.

(2) If no provision is made in pursuance of the last foregoing subsection with respect to disqualification for membership of the Senate on any of the grounds mentioned in paragraph (2) of article 49, then, until the Legislature established by the Constitution otherwise provides by law, the provisions of the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956, subsisting immediately before the appointed date with respect to disqualification of a person from being elected as a member of the Legislative Council on account of his holding or acting in any office of emolument under the Crown shall apply as from the appointed date, with the necessary adaptations, in relation to membership of the Senate as if they had been made in pursuance of paragraph (2) of article 49.

(3) The last foregoing subsection shall apply in relation to the Legislative Assembly as it applies in relation to the Senate and for that purpose shall have effect as if the references to article 49 were references to article 58.

(4) For the avoidance of doubts, it is hereby declared that no provision for the registration of electors for the purposes of elections to the Legislative Assembly to be established by the Constitution made by any law enacted in pursuance of subsection (4) of section 2 of the British Guiana (Electoral Provisions) Order in Council, 1960, shall be held to be, or to have been, inconsistent with subsection (2) or subsection (3) of that section if that provision would have been consistent with article 55 of the Constitution if that article had been in force at the time when that provision was made.

(5) This section shall come into force forthwith.

First general election and first session.

10.—(1) The first general election of members to the Legislative Assembly shall be held at such time within six weeks after the appointed date as the Governor may by proclamation published in the *Gazette* appoint.

(2) The first session of the Senate and the Legislative Assembly shall begin within three months after the appointed date.

First Standing Orders.

11. The Governor shall make and cause to be laid before the Senate and the Legislative Assembly respectively when they first meet such Standing Orders with respect to the matters mentioned in article 62 of the Constitution as appear to him expedient to enable the Senate and the Legislative Assembly to commence the transaction of their business in an orderly manner, but any such Orders may be amended or revoked by the chamber to which they relate.

Supreme Court and remuneration of judges.

12.—(1) The Supreme Court in existence immediately before the appointed date shall be the Supreme Court for the purposes of the Constitution, and the Chief Justice and other judges of the Supreme Court holding office immediately before the appointed date shall, as from that date, continue to hold the like offices as if they had been appointed thereto under the provisions of Part V of the Constitution.

(2) Until other provision is made under and in accordance with the provisions of article 88 of the Constitution, the salaries and allowances of the judges of the Supreme Court shall be the salaries and allowances to which the holders of those offices were entitled immediately before the appointed date.

Public officers to continue in service.

13.—(1) Every person who, immediately before the appointed date or, as the case may be, the date appointed under subsection (3) of section 1 of this Order, holds a public office shall, as from that date, continue to hold the like office as if he had been appointed thereto in accordance with any provision of the Constitution with respect to the making of appointments thereto that comes into force on that date.

(2) This section shall not apply to the persons who, immediately before the date appointed under subsection (3) of the said section 1, hold office as members of the Public Service Commission or the Police Service Commission referred to in the next following section.

Continuation of Public and Police Service Commissions.

14. Until the coming into force of Part VI of the Constitution, the provisions of sections 1 and 92 of the British Guiana (Constitution) Order in Council, 1953, Part VII (other than section 86) of the British Guiana (Constitution) Order in Council, 1953, (as amended by the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956) and Part VIIA of the British Guiana (Constitution) Order in Council, 1953, (as inserted by the British Guiana (Constitution) (Temporary Provisions) (Amendment) Order in Council, 1956) shall continue to have effect, and accordingly the Public Service Commission and the Police Service Commission established in pursuance of the said provisions shall continue to exist and shall be constituted and shall perform their functions in accordance with those provisions:

Provided that the provisions of the said Part VII shall cease to have effect in relation to the offices of judges of the Supreme Court, offices to which article 91 of the Constitution applies and the office of the Director of Audit and to persons appointed thereto.

Regulations relating to retirement, etc. of certain officers serving before the appointed date.

15.—(1) The Governor may, with the concurrence of a Secretary of State, make such provision, by regulations published in the *Gazette*, as appears to him to be necessary or expedient for the retirement from the public service or from service as a judge of the Supreme Court of such persons or classes of persons holding office in that service

or as a judge of the Supreme Court immediately before the appointed date as may be specified by or under those regulations and for the payment of compensation, pensions, gratuities and other like allowances in such cases.

(2) All sums payable by virtue of regulations made under the preceding subsection shall be charged on and paid out of the revenues of British Guiana.

(3) This section shall come into force forthwith.

Operation of certain provisions relating to the public service pending regulations under section 15.

16.—(1) Until the regulations made by the Governor under the last foregoing section have come into force—

(*a*) any provision of the Constitution which requires the Governor to exercise any power acting on the recommendation of a Service Commission shall have effect as if it requires the Governor to exercise that power acting after consultation with that Commission, and any reference in the Constitution to a power vested in the Governor acting on the recommendation of a Service Commission or to the exercise of a power by the Governor acting on the recommendation of a Service Commission shall be deemed to be a reference to a power vested in the Governor acting after consultation with that Commission or to the exercise of a power by the Governor acting after consultation with that Commission, as the case may be;

(*b*) article 41 of the Constitution shall have effect as if for the words "by the Public Service Commission" in paragraph (1) thereof there were substituted the words "to the Premier by the Governor acting after consultation with the Public Service Commission";

(*c*) article 72 of the Constitution shall have effect as if after the last sub-paragraph of paragraph (1) thereof there were inserted the following—

"(*d*) securing or maintaining satisfactory terms and conditions of service (including salary, allowances, leave, passages, promotion and pension) for public officers, for judges of the Supreme Court and for persons holding offices on the personal staff of the Governor,";

(*d*) article 74 of the Constitution shall have effect as if—

(i) sub-paragraph (*d*) of the proviso to paragraph (3) thereof were relettered as sub-paragraph (*e*) and after sub-paragraph (*c*) of the said proviso there were inserted the following—

"(*d*) to effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer, or in the law, regulations, or practices governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives;";

(ii) after paragraph (3) thereof there were inserted the following—

"(4) In sub-paragraph (*d*) of the proviso to the last foregoing paragraph, "public officer" includes a judge of the Supreme Court and a person holding office on the personal staff of the Governor.";

(*e*) article 96 of the Constitution shall have effect as if in paragraph (2) thereof for the words "Before the Public Service Commission recommends the appointment" there were substituted the words "Before the Governor makes an appointment" and for the word "it" there were substituted the word "he";

(*f*) article 97 of the Constitution shall have effect as if in paragraph (4) thereof for the words "referred to the Public Service Commission" there were substituted the words "referred to the Governor" and for the words "as the Public Service Commission may recommend" there were substituted the words "as he may think fit after consultation with the Public Service Commission";

(*g*) article 102 of the Constitution shall have effect as if in paragraph (3) thereof for the words "Before the Police Service Commission recommends the appointment" there were substituted the words "Before the Governor makes an appointment" and for the word "it" there were substituted the word "he".

(2) In this section, "a Service Commission" means the Judicial Service Commission, the Public Service Commission or the Police Service Commission, as the case may be.

Effect of existing legislation conferring powers of appointment, etc.

17.—(1) If provision has been made before the date on which this Order is made by or under any law enacted by any Legislature established for British Guiana before the said date that any public officer shall have power to make appointments to any public offices or to dismiss or exercise disciplinary control over persons holding or acting in such offices, then, to the extent to which the offices to which that provision relates are offices to which article 97 of the Constitution applies, that power shall, as from the date on which Part VI of the Constitution comes into force, be deemed to have been delegated to that officer by the Governor in accordance with paragraph (1) of article 97 and accordingly the power shall be exercisable by that officer unless and until it is revoked by the Governor in pursuance of that paragraph.

(2) Any provision of any law enacted as aforesaid before the date on which this Order is made and any instrument made under any such law before the said date shall, to the extent that it confers any power that, by virtue of the last foregoing subsection, is deemed to have been delegated in accordance with paragraph (1) of article 97 of the Constitution, cease to have effect, unless it shall have been sooner repealed or revoked, upon the revocation of that power by the Governor in pursuance of that paragraph.

Remuneration of Director of Audit.

18. Until other provision is made under and in accordance with paragraphs (3) and (4) of article 111 of the Constitution, the salary and allowances of the Director of Audit shall be the salary and allowances to which the holder of that office was entitled immediately before the appointed date.

Waiver of necessity for taking oaths.

19. Any person who, under the provisions of this Part of this Order, holds any office as from the appointed date or the date appointed under subsection (3) of section 1 of this Order by virtue of having been the holder of any office immediately before that date shall be deemed to have complied with any requirement of the Constitution or any other law then in force in British Guiana relating to the making of oaths or affirmations on appointment to the first named office.

20.—(1) Without prejudice to the provisions of subsections (4) and (5) of section 1 of this Order, all laws which are in force in British Guiana immediately before the appointed date shall (subject to amendment or repeal by the competent authority) continue in force as from that date, and all laws which have been made before that date but have not previously been brought into operation may (subject as aforesaid) be brought into force, in accordance with any provision in that behalf, on or after that date, but all such laws shall, subject to the provisions of this section, be construed, in relation to any period beginning on or after the appointed date, with such adaptations and modifications as may be necessary to bring them into conformity with the provisions of this Order and of the Constitution then having effect. **Existing law.**

(2) Without prejudice to the generality of the preceding subsection, in any law which continues in force as from the appointed date or which, having been made before that date, is brought into force on or after that date, unless the context otherwise requires—

(*a*) references to the Governor in Council shall, in relation to any period beginning on or after the date on which Part III of the Constitution comes into force, be construed as references to the Governor;

(*b*) references to the Executive Council shall, in relation to any such period as aforesaid, be construed as references to the Council of Ministers established by the Constitution;

(*c*) references to the Chief Secretary shall, in relation to any such period, be construed as references to the Minister for the time being charged with the responsibility for the matter in relation to which the references are made or, if no Minister is charged with the responsibility for that matter, to the Governor;

(*d*) references to the Financial Secretary shall, in relation to any such period, be construed as references to the Minister for the time being charged with the responsibility for the matter in relation to which the references are made;

(*e*) references to the Attorney General shall, in relation to any such period, be construed as references to the Director of Public Prosecutions if the matter in relation to which the references are made concerns the powers conferred on the Director of Public Prosecutions by the Constitution;

(*f*) references to the Clerk to the Executive Council shall, in relation to any such period, be construed as references to the Secretary to the Council of Ministers;

(*g*) references to the Legislature or to the Legislative Council shall, in relation to any period beginning on or after the appointed date, be construed as references respectively to the Legislature, or to the chambers thereof, established by the Constitution.

(3) (*a*) The Governor may, by order made at any time within a period of two years commencing with the coming into operation of this subsection and published in the *Gazette*, make such adaptations and modifications in any law which continues in force in British Guiana as from the appointed date, or which, having been made before that date, is brought into force on or after that date, as appear to him to be necessary or expedient by reason of anything contained in this Order or the Constitution.

(*b*) An order made by the Governor under this subsection shall have effect from such date, not earlier than the appointed date, as may be specified therein.

(*c*) This subsection shall come into force forthwith.

PART III—MISCELLANEOUS

Application of Emergency Powers Order in Council, 1939.

21. For the avoidance of doubts, it is hereby declared that—

(*a*) the Emergency Powers Order in Council, 1939(a), applies, and has always applied, to British Guiana, and

(*b*) any Order in Council amending that Order applies, and, save as otherwise expressly provided, has always applied, to British Guiana.

Powers reserved to Her Majesty.

22. Her Majesty hereby reserves to Herself power, with the advice of Her Privy Council, to revoke, add to, suspend or amend this Order and to make laws for the peace, order and good government of British Guiana.

Interpretation.

23. The provisions of article 115 of the Constitution shall apply for the purpose of interpreting this Order as they apply for interpreting the Constitution.

W. G. Agnew.

(a) See S.I. 1952 I, at p. 621.

ANNEX

THE CONSTITUTION OF BRITISH GUIANA

PART I—FUNDAMENTAL RIGHTS

Protection of right to life.

1.—(1) No person shall be deprived intentionally of his life save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.

(2) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are hereinafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this article if he dies as the result of the use of force to such extent as is reasonably justifiable in the circumstances of the case—

(*a*) for the defence of any person from violence or for the defence of property;

(*b*) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(*c*) for the purpose of suppressing a riot, insurrection or mutiny; or

(*d*) in order to prevent the commission by that person of a criminal offence,

or if he dies as a result of a lawful act of war.

Protection from inhuman treatment.

2.—(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question authorises the infliction of any punishment or the administration of any treatment that was lawful in British Guiana immediately before the date when this Constitution comes into force.

Protection from slavery and forced labour.

3.—(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this article, "forced labour" does not include—

(*a*) any labour required in consequence of the sentence or order of a court;

(*b*) any labour required of a member of a defence force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as such a member, any labour which that person is required by law to perform in place of such service; or

(*c*) labour required of any person while he is lawfully detained which, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place in which he is detained.

Protection from arbitrary arrest or detention.

4.—(1) No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases—

(*a*) in execution of the sentence or order of a court in respect of a criminal offence of which he has been convicted or in consequence

of his unfitness to plead to a criminal charge or in execution of the order of a court on the grounds of his contempt of that court or of another court or tribunal;

(*b*) in execution of the order of a court made in order to secure the fulfilment of any obligation imposed upon him by law;

(*c*) for the purpose of bringing him before a court in execution of the order of a court;

(*d*) upon reasonable suspicion of his having committed, or of being about to commit, a criminal offence;

(*e*) in the case of a person who has not attained the age of twenty-one years, for the purpose of his education or welfare;

(*f*) for the purpose of preventing the spread of an infectious or contagious disease or in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community;

(*g*) for the purpose of preventing the unlawful entry of that person into British Guiana or for the purpose of effecting the expulsion, extradition or other lawful removal from British Guiana of that person or the taking of proceedings relating thereto.

(2) Any person who is arrested or detained shall be informed as soon as is reasonably practicable, in language which he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained in such a case as is mentioned in sub-paragraph (*c*) or (*d*) of paragraph (1) of this article and who is not released shall be brought without undue delay before a court; and if any person arrested or detained in such a case as is mentioned in the said sub-paragraph (*d*) is not tried within a reasonable time he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

Provisions to secure protection of law.

5.—(1) In the determination of his civil rights and obligations a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality:

Provided that nothing in this paragraph shall invalidate any law by reason only that it confers on any person or authority power to determine questions arising in the administration of a law that affect or may affect the civil rights and obligations of any person.

(2) Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to a fair hearing within a reasonable time by a court established by law and constituted in such a manner as to secure its independence and impartiality.

(3) All proceedings of every court and proceedings for the determination of a person's civil rights or obligations before any other

tribunal (including the announcement of the decision of the court or tribunal) shall be held in public:

Provided that the court or other tribunal may, to such extent as it may consider necessary in special circumstances where publicity would prejudice the interests of justice or in interlocutory civil proceedings, or to such extent as it may be empowered or required by law so to do in the interests of defence, public safety, public order, public morality, the welfare of persons under the age of twenty-one years or the protection of the private lives of persons concerned in the proceedings, exclude from its proceedings persons other than the parties thereto and their legal representatives.

(4) Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved or has pleaded guilty:

Provided that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this paragraph to the extent that the law in question imposes upon any such person the burden of proving particular facts.

(5) Every person who is charged with a criminal offence—

(*a*) shall be informed as soon as is reasonably practicable, in language that he understands and in detail, of the nature of the offence charged;

(*b*) shall be given adequate time and facilities for the preparation of his defence;

(*c*) shall be permitted to defend himself in person or by a legal representative of his own choice;

(*d*) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before any court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution; and

(*e*) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge.

(6) When any person is tried for any criminal offence that person or any person authorised by him in that behalf shall, if he so requires and subject to payment of such fee as may be prescribed by law, be given within a reasonable time a copy of any record of the proceedings made by or on behalf of the court.

(7) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence which is severer in degree or description than the maximum penalty which might have been imposed for that offence at the time when it was committed.

(8) No person who shows that he has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence save upon the order of a superior court made in the course of appeal proceedings relating to the conviction or acquittal; and no person who

shows that he has been pardoned for a criminal offence shall be tried for that offence:

Provided that nothing in any law shall be held to be inconsistent with this paragraph by reason only that it authorises any court to try a member of a defence force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under service law; but any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under service law.

(9) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(10) In sub-paragraphs (*c*) and (*d*) of paragraph (5) of this article "legal representative" means an advocate authorised to practise as such in British Guiana or, except in relation to proceedings before a court in which a solicitor has no right of audience, a solicitor who is so authorised.

Protection for private and family life and home.

6.—(1) Every person shall be entitled to respect for his private and family life and his home.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision which is reasonably required—

(*a*) in the interests of defence, public safety, public order, public morality, public health or the economic well-being of the community; or

(*b*) for the purpose of protecting the rights and freedom of other persons,

except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection of freedom of conscience.

7.—(1) Except with his consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this article the said freedom includes freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public or in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Except with his consent (or, if he is a person who has not attained the age of twenty-one years, the consent of his guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for persons of that community or denomination in any place of education managed or wholly maintained by that community or denomination.

(4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision which is reasonably required—

(*a*) in the interests of defence, public safety, public order, public morality or public health; or

(*b*) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited interference of members of any other religion,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection of freedom of expression.

8.—(1) Except with his consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this article the said freedom includes freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision—

(*a*) which is reasonably required—

(i) in the interests of defence, public safety, public order, public morality or public health; or

(ii) for the purpose of protecting the rights, reputations and freedoms of other persons, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating telephony, telegraphy, posts, wireless broadcasting, television, or the exhibition of cinematograph films; or

(*b*) which imposes restrictions upon persons holding office under the Crown or upon members of a defence force or of the Police Force,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection of freedom of assembly and association.

9.—(1) Except with his consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision—

(*a*) which is reasonably required—

(i) in the interests of defence, public safety, public order, public morality or public health; or

(ii) for the purpose of protecting the rights and freedoms of other persons; or

(*b*) which imposes restrictions upon persons holding office under the Crown or upon members of a defence force or of the Police Force,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection of freedom of movement.

10.—(1) Except with his consent, no person shall be hindered in the enjoyment of his freedom of movement, and for the purposes of this article the said freedom means the right to move freely throughout British Guiana, the right to reside in any part thereof, the right to enter British Guiana and immunity from expulsion therefrom.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision—

(*a*) which is reasonably required—

(i) in the interests of defence, public safety, public order, public morality, public health or town and country planning; or

(ii) for the purpose of protecting the rights or freedoms of other persons,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society;

(*b*) for the removal of persons from British Guiana to be tried outside British Guiana for criminal offences, or to be present at the hearing outside British Guiana of appeal proceedings relating to their conviction in British Guiana of criminal offences, or to undergo imprisonment outside British Guiana in execution of the sentences or orders of courts in respect of criminal offences of which they have been convicted;

(*c*) for the imposition of restrictions on the movement or residence within British Guiana of any person who does not belong to British Guiana or the exclusion or expulsion from British Guiana of any such person; or

(*d*) for the protection, well-being or advancement of the Amerindians of British Guiana.

(3) Any restriction on a person's freedom of movement which is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this article.

(4) For the purposes of this article, a person shall be deemed to belong to British Guiana if he is a British subject and—

(*a*) was born in British Guiana or of parents who at the time of his birth were ordinarily resident in British Guiana; or

(*b*) has been ordinarily resident in British Guiana continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident continuously for a period of seven years or more in any other part of the Commonwealth; or

(*c*) has obtained the status of a British subject by reason of the grant by the Governor of British Guiana of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914(**a**) or the British Nationality Act, 1948(**b**); or

(*d*) is the wife of a person to whom any of the foregoing sub-paragraphs of this paragraph applies not living apart from such person under a decree of a court or a deed of separation; or

(*e*) is the child, stepchild or child adopted in a manner recognised by law under the age of eighteen years of a person to whom any of the foregoing sub-paragraphs of this paragraph applies.

(a) 4 & 5 Geo. 5. c. 17. (b) 11 & 12 Geo. 6. c. 56.

Protection from discrimination on grounds of race, etc.

11.—(1) A person of a particular community, race, place of origin, religion or political opinion shall not, by reason only that he is such a person—

(*a*) be subjected either expressly by, or in the practical application of, any law or any executive or administrative action of the Government of British Guiana to disabilities or restrictions to which persons of other communities, races, places of origin, religions or political opinions are not made subject; or

(*b*) be accorded either expressly by, or in the practical application of any law or any such executive or administrative action, any privilege or advantage that is not conferred on persons of other communities, races, places of origin, religions or political opinions.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision—

(*a*) for the appropriation of revenues or other funds of British Guiana;

(*b*) with respect to the entry into or exclusion from, or the employment, movement or residence within, British Guiana of persons who do not belong to British Guiana for the purposes of the last foregoing article;

(*c*) for the protection, well-being or advancement of the Amerindians of British Guiana;

(*d*) with respect to the marriage or divorce of persons of a particular place of origin or religion;

(*e*) for the imposition of any restriction on the rights and freedoms protected by articles 6 to 10 of this Constitution, being such a restriction as is authorised by paragraph (2) of article 6, paragraph (4) or article 7, paragraph (2) of article 8 or article 9, or sub-paragraph (*a*) of paragraph (2) of article 10, as the case may be; or

(*f*) for imposing any disability or restriction or according any privilege or advantage that, having regard to its nature and to special circumstances pertaining to the persons to whom it applies, is reasonably justifiable in a democratic society.

(3) Nothing in paragraph (1) of this article shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

Protection from deprivation of property without compensation.

12.—(1) No interest in or right over property of any description shall be compulsorily acquired, and no such property shall be compulsorily taken possession of, except by or under the authority of a written law and where provision applying to that acquisition or taking of possession is made by such a law—

(*a*) requiring the prompt payment of adequate compensation;

(*b*) giving to any person claiming such compensation a right of access, for the determination of his interest in or right over the property and the amount of compensation, to the Supreme Court; and

(*c*) giving to any party to proceedings in the Supreme Court relating to such a claim the same rights of appeal as are accorded generally to parties to civil proceedings in that Court sitting as a court of original jurisdiction.

(2) Nothing in this article shall affect the operation of any law of the Legislature in force immediately before the date when this Constitution comes into force, or the making after that date and operation of any law which amends or replaces any such law as aforesaid and does not—

(i) add to the interests, rights or property that may be acquired or taken possession of;

(ii) add to the purposes for which or circumstances in which any interest, right or property may be acquired or taken possession of;

(iii) make the conditions governing entitlement to any compensation or the amount thereof less favourable to any person having any interest in or right over any property; or

(iv) deprive any person of any right such as is mentioned in sub-paragraph (*b*) or sub-paragraph (*c*) of paragraph (1) of this article.

(3) Subject to the provisions of paragraph (5) of this article, nothing in this article shall be construed as affecting the making or operation of any law so far as it provides for the acquisition or taking of possession of property—

(*a*) in satisfaction of any tax, rate or due;

(*b*) by way of penalty for breach of the law, whether under civil process or after conviction of a criminal offence;

(*c*) as an incident of a lease, tenancy, mortgage, charge, bill of sale or contract;

(*d*) of the Amerindians of British Guiana for the purpose of its care, protection or management;

(*e*) by way of the vesting and administration of trust property, enemy property, or the property of persons adjudged or otherwise declared bankrupt, persons of unsound mind, deceased persons, or bodies corporate or unincorporate in the course of being wound up;

(*f*) in the execution of judgments or orders of courts;

(*g*) by reason of its being in a dangerous state or injurious to the health of human beings, animals or plants;

(*h*) in consequence of any provision with respect to the limitation of actions; or

(*i*) for so long as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, the carrying out of work thereon for the purpose of soil conservation.

(4) Nothing in this article shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate which is established directly by any law in force in British Guiana and in which no moneys have been invested other than moneys provided by any Legislature established for British Guiana.

(5) The resumption of possesson by or on behalf of the Crown of any property expressed (in whatever manner) to be held by any person during Her Majesty's pleasure otherwise than by reason of a breach of any condition of defeasance subject to which such property was held as aforesaid shall be deemed to be a compulsory taking of possession of such property for the purposes of this article:

Provided that such resumption of possession shall not be required to be authorised by a written law.

Enforcement of fundamental rights.

13.—(1) If any person alleges that any of the provisions of this Part of this Constitution has been, is being or is likely to be contravened in relation to him then, without prejudice to any other action with respect to the same matters which is lawfully available, that person may apply to the Supreme Court for redress.

(2) The Supreme Court shall have original jurisdiction—

(*a*) to hear and determine any application made by any person in pursuance of the preceding paragraph; and

(*b*) to determine any question arising in the case of any person which is referred to it in pursuance of the next following paragraph,

and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of this Part of this Constitution to the protection of which the person concerned is entitled:

Provided that the Supreme Court shall not exercise its powers under this paragraph if it is satisfied that adequate means of redress are or have been available to the person concerned under any other law.

(3) If in any proceedings in any court established for British Guiana other than the Supreme Court any question arises as to the contravention of any of the provisions of this Part of this Constitution the court in which the question has arisen shall refer the question to the Supreme Court unless, in its opinion, the raising of the question is merely frivolous or vexatious.

(4) No law of the Legislature shall make provision with respect to rights of appeal from any determination of the Supreme Court made in proceedings brought in the Supreme Court in pursuance of this article that is less favourable to any party thereto than the rights of appeal from determinations of the Supreme Court that are accorded generally to parties to civil proceedings in that Court sitting as a court of original jurisdiction.

(5) No appeal shall lie from any determination under this article that any application or the raising of any question is merely frivolous or vexatious.

(6) A law of the Legislature may confer upon the Supreme Court such additional or supplementary powers as may appear to be necessary or desirable for enabling the Court more effectively to exercise the jurisdiction conferred upon it by paragraph (2) of this article and may make provision with respect to the practice and procedure of the Court while exercising that jurisdiction.

Provisions for time of war or emergency.

14.—(1) This article applies to any period when—

(*a*) Her Majesty is at war; or

(*b*) there is in force a proclamation (in this article referred to as a "proclamation of emergency") made by the Governor and published in the *Gazette* declaring that a state of public emergency exists for the purposes of this article; or

(*c*) there is in force a resolution of each chamber of the Legislature in favour of which there were cast the votes of not fewer than nine members of that chamber, in the case of a resolution of the Senate, and twenty-two members of that chamber, in the case of a resolution of the Legislative Assembly, declaring that democratic institutions in British Guiana are threatened by subversion.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of paragraph (2) of article 3, article 4, any provision of article 5 other than paragraph (7) thereof, or any provision of articles 6 to 11 of this Constitution to the extent that the law in question makes in relation to any period to which this article applies provision, or authorises the doing during any such period of anything, which is reasonably justifiable in the circumstances of any situation arising or existing during that period for the purpose of dealing with that situation.

(3) (*a*) Where any proclamation of emergency has been made, copies thereof shall as soon as is practicable be laid before both chambers of the Legislature, and if by reason of adjournment or prorogation those chambers are not due to meet within five days the Governor shall, by proclamation published in the *Gazette*, summon them to meet within five days and they shall accordingly meet and sit upon the day appointed by the proclamation and shall continue to sit and act as if they had stood adjourned or prorogued to that day.

(*b*) A proclamation of emergency shall, unless it is sooner revoked by the Governor, cease to be in force at the expiration of a period of fourteen days beginning on the date on which it was made or such longer period as may be provided under the next following sub-paragraph, but without prejudice to the making of another proclamation of emergency at or before the end of that period.

(*c*) If at any time while a proclamation of emergency is in force (including any time while it is in force by virtue of the provisions of this sub-paragraph) a resolution is passed by each chamber of the Legislature approving its continuance in force for a further period, not exceeding three months, beginning on the date on which it would otherwise expire, the proclamation shall, if not sooner revoked, continue in force for that further period.

(4) A resolution such as is referred to in sub-paragraph (*c*) of paragraph (1) of this article shall, unless it is sooner revoked by a resolution of the chamber by which it was passed, cease to be in force at the expiration of two years beginning on the date on which it was passed or such shorter period as may be specified therein, but without prejudice to the passing of another resolution by that chamber in the manner prescribed by that sub-paragraph at or before the end of that period.

Reference to tribunal in certain cases.

15.—(1) Where—

(*a*) any person is lawfully detained only by virtue of paragraph (2) of article 14 of this Constitution; or

(*b*) the movements or residence within British Guiana of any person are lawfully restricted (otherwise than by order of a court) by virtue only of such a provision as is referred to in sub-paragraph (*a*) of paragraph (2) of article 10 of this Constitution or only of paragraph (2) of article 14 of this Constitution,

and that person so requires at any time during the period of detention or restriction not earlier than six months after he last made such a requirement during that period, his case shall be reviewed by a tribunal established for the purposes of this article.

(2) On any review by a tribunal in pursuance of the last foregoing paragraph of the case of any person the tribunal may make recommendations concerning the necessity or expedience of continuing the detention or restriction to the authority by whom it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendation.

(3) A tribunal established for the purposes of this article shall be so established by law and constituted in such manner as to secure its independence and impartiality and presided over by a person appointed by the Chief Justice of the Supreme Court from among the persons authorised to practise in British Guiana as advocates or solicitors.

Interpretation of provisions regarding fundamental rights.

16.—(1) In this Part of this Constitution, unless it is otherwise expressly provided or required by the context—

"contravention" in relation to any requirement includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

"court" means the Supreme Court and any court (other than a court constituted by or under service law) established by a law of the Legislature the members of which hold or are acting in offices to which article 91 of this Constitution applies, and includes the Federal Supreme Court of The West Indies and Her Majesty in Council:

Provided that—

(*a*) in articles 1, 3 and 4, paragraphs (3), (5), (6) and (8) (but not the proviso thereto) of article 5, article 10, paragraph (3) of article 11, and paragraph (3) of article 13 it includes, in relation to an offence against service law, a court constituted by or under service law; and

(*b*) in articles 3 and 4 it includes, in relation to such an offence, an officer of a defence force or of the Police Force;

"defence force" means any naval, military or air force raised under a law of the Legislature;

"member", in relation to a defence force or other armed force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline;

"service law" means a law regulating the discipline of members of a defence force or of the Police Force.

(2) Any reference in articles 1, 4, 10, 11 and 12 of this Constitution to a criminal offence shall be construed as including an offence against service law, and any such reference in paragraphs (4) to (9) of article 5 of this Constitution shall, in relation to proceedings before a court constituted by or under service law, be construed in the same manner.

(3) Nothing done under the authority of the law of any country other than British Guiana to a member of an armed force raised under that law and lawfully present in British Guiana shall be held to be in contravention of this Part of this Constitution.

PART II.—THE GOVERNOR

The Governor.

17.—(1) There shall be a Governor and Commander-in-Chief in and over British Guiana who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Governor shall have such powers and duties as are conferred or imposed on him by or under this Constitution or any other law and such other powers as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Constitution and of any law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office (including the exercise of any powers with respect to which he is empowered by this Constitution to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Governor has in any matter complied with any such instructions shall not be enquired into in any court.

(3) A person appointed to the office of Governor shall, before entering upon the functions of that office, make oaths or affirmations of allegiance and for the due execution of that office in the forms set out in the First Schedule to this Constitution.

Acting Governor.

18.—(1) During any period when the office of Governor is vacant or the Governor is absent from British Guiana or is for any other reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by—

(*a*) such person as Her Majesty may appoint in that behalf by Commission under Her Sign Manual and Signet; or

(*b*) if there is no person in British Guiana so appointed and able to perform those functions, such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State.

(2) Before assuming the functions of the office of Governor, any such person as aforesaid shall make the oaths or affirmations directed by the last foregoing article to be made by the Governor.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor after the Governor or some other person having a prior right to perform the functions of that office has notified him that he is about to assume or resume those functions.

(4) The Governor or any other person as aforesaid shall not, for the purposes of this article, be regarded as absent from British Guiana or as unable to perform the functions of the office of Governor—

(*a*) by reason that he is in passage from one part of British Guiana to another; or

(*b*) at any time when there is a subsisting appointment of a deputy under the next following article.

Deputy to Governor.

19.—(1) Whenever the Governor—

(*a*) has occasion to be absent from the seat of Government but not from British Guiana; or

(*b*) has occasion to be absent from British Guiana for a period which he has reason to believe will be of short duration; or

(*c*) is suffering from an illness which he has reason to believe will be of short duration,

he may, acting in his discretion, by instrument under the Public Seal, appoint any person in British Guiana to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in that instrument.

(2) The power and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a deputy under this article, and a deputy shall conform to and observe all instructions that the Governor, acting in his discretion, may from time to time address to him:

Provided that the question whether or not a deputy has conformed to and observed any such instructions shall not be enquired into by any court.

(3) A person appointed as a deputy under this article shall hold that appointment for such period as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by Her Majesty by instructions given through a Secretary of State or by the Governor acting in his discretion.

Salary and duty allowance of Governor and Acting Governor.

20.—(1) The Governor shall receive such salary and (save when some other person is performing the functions of his office under article 18 of this Constitution) such duty allowance as, subject to paragraph (3) of this article, may be prescribed by any law of the Legislature.

(2) During any period when any person is performing the functions of the office of Governor under article 18 of this Constitution that person shall receive a salary calculated at the rate of nineteen-twentieths of the salary of the Governor and such duty allowance as would otherwise be payable to the Governor and shall not be entitled to receive during that period any salary in respect of any other office payable out of the revenues of British Guiana.

(3) The salary, duty allowance and other conditions of service of the Governor or any other person performing the functions of the office of Governor under article 18 of this Constitution shall not be altered to his disadvantage during his continuance in the office of Governor or while he continues to perform the functions of that office, as the case may be, and the said salary and duty allowance shall be charged on and paid out of the revenues of British Guiana.

Personal staff of Governor and other expenditure

21.—(1) The Governor acting with the concurrence of the Premier may, from time to time, by order published in the *Gazette*, prescribe the offices that are to constitute the personal staff of the Governor, the salaries and allowances that are to be paid to the members of the personal staff of the Governor and the other sums that are to be paid in respect of the expenditure attaching to the office of Governor.

(2) Any salaries, allowances or other sums prescribed under the preceding paragraph shall be charged on and paid out of the revenues of British Guiana.

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(3) The power to make appointments to the offices for the time being prescribed under paragraph (1) of this article as offices constituting the personal staff of the Governor and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting in his discretion.

(4) Before exercising any of the powers conferred on him by the last foregoing paragraph in relation to any person who immediately before his appointment as a member of the personal staff of the Governor was an officer in the public service, the Governor shall consult the Public Service Commission; and the powers of dismissal and disciplinary control so conferred shall be exercisable in relation to such a person only as respects his service on the personal staff of the Governor and not as respects his service as a public officer.

(5) All offices prescribed under paragraph (1) of this article as offices that are to constitute the personal staff of the Governor shall, for the purposes of articles 89, 94, 99, 105, 106 and 107 of this Constitution, be deemed to be public offices.

Exercise of Governor's functions.

22.—(1) In the exercise of his functions the Governor shall, subject to the following paragraphs of this article, obtain and act in accordance with the advice of the Council of Ministers or of a Minister acting under the general authority of the Council of Ministers.

(2) The preceding paragraph shall not apply to the exercise by the Governor of—

(*a*) any function conferred upon him by this Constitution which is expressed to be exercisable by him in his discretion, or on or in accordance with the recommendation or advice of, or with the concurrence of, or after consultation with, any person or authority other than the Council of Ministers;

(*b*) any function conferred upon him by any other law which is expressed to be exercisable by him in his discretion or which he is otherwise authorised by such law to exercise without obtaining the advice of the Council of Ministers; and

(*c*) the power with respect to which provision is made by paragraph (5) of article 79 of this Constitution.

(3) Where the Governor has, in pursuance of this article, obtained the advice of the Council of Ministers he may act otherwise than in accordance with that advice if, in his judgment, it is necessary or expedient so to do for any of the purposes referred to in sub-paragraph (*a*) or (*b*) of paragraph (1) of article 72 of this Constitution:

Provided that he shall not so act without first obtaining the approval of a Secretary of State unless, in his judgment, the urgency of the matter requires him to act before such approval could be obtained.

(4) Where the Governor is directed by this Constitution to exercise any function after consultation with any person or authority other than the Council of Ministers he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(5) Where the Governor is directed by this Constitution to exercise any function on or in accordance with the recommendation or advice

of, or with the concurrence of, or after consultation with, any person or authority, the question whether he has so exercised that function shall not be enquired into in any court.

Powers to dispose of land.

23. Subject to the provisions of any law for the time being in force in British Guiana, the Governor, in Her Majesty's name and on Her behalf, may, under the Public Seal, make grants and dispositions of any lands or other immovable property in British Guiana or of any interests in such property that are vested in Her Majesty for the purposes of the Government of British Guiana and may exercise in relation to such property or interests any other powers that are lawfully exercisable by Her Majesty.

Powers to constitute offices and make appointments, etc.

24. Subject to the provisions of this Constitution and of any other law for the time being in force in British Guiana, the Governor, in Her Majesty's name and on Her Majesty's behalf, may—

(*a*) constitute offices for British Guiana and make appointments, to be held during Her Majesty's pleasure, thereto; and

(*b*) dismiss any person so appointed or take such other disciplinary action in relation to him as the Governor may think fit.

Powers of pardon, etc.

25.—(1) The Governor, acting in accordance with the advice of the Council constituted under the next following paragraph, may, in Her Majesty's name and on Her Majesty's behalf—

(*a*) grant to any person concerned in or convicted of an offence against any law in force in British Guiana a pardon, either free or subject to lawful conditions;

(*b*) grant to any person a respite, either indefinite or for a specified period, from the execution of any sentence passed on that person for such an offence;

(*c*) substitute a less severe form of punishment for that imposed by any sentence for such an offence; or

(*d*) remit the whole or any part of any sentence passed for such an offence or any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) There shall be for British Guiana an Advisory Council on the Prerogative of Mercy which shall be constituted and shall perform its functions in such manner as Her Majesty may direct by Instructions under Her Sign Manual and Signet.

Public Seal.

26. The Governor shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal.

Part III—The Executive

Exercise of executive authority.

27. Subject to the provisions of this Constitution, the executive authority of British Guiana may be exercised by the Governor, acting on behalf of Her Majesty, either directly or through officers subordinate to him, but nothing in this article shall operate so as to prejudice the provisions of any law for the time being in force in British Guiana whereby functions are, or may be, conferred on persons or authorities other than the Governor.

Council of Ministers.

28.—(1) There shall be a Council of Ministers in and for British Guiana which shall consist of a Premier and not more than nine other Ministers who shall be appointed in accordance with the provisions of the next following article.

(2) Subject to the provisions of this Constitution, the Council of Ministers shall have the general direction and control of the government of British Guiana and shall be collectively responsible therefor to the Legislature.

Appointment of Ministers.

29.—(1) The Governor, acting in his discretion, shall appoint as the Premier the member of the Legislative Assembly who appears to him to be best able to command the confidence of a majority of the members of the Legislative Assembly and who is willing to be appointed.

(2) The Ministers other than the Premier shall be such persons as the Governor may, in accordance with the advice of the Premier, appoint:

Provided that not less than one and not more than three of the Ministers shall be persons who are members of the Senate and the remainder shall be persons who are members of the Legislative Assembly.

(3) Appointments made under this article shall be made by instrument under the Public Seal.

Tenure of office of Ministers.

30.—(1) If a motion that the Legislative Assembly should declare a lack of confidence in the Government of British Guiana receives in the Legislative Assembly the affirmative votes of a majority of all the members thereof the Governor shall, by instrument under the Public Seal, revoke the appointment of the Premier:

Provided that before so revoking the Premier's appointment the Governor shall consult with the Premier and, if the Premier so requests, the Governor may dissolve the Legislature under paragraph (2) of article 79 of this Constitution instead of revoking the appointment.

(2) A Minister shall vacate his office—

(*a*) if, for any reason other than a dissolution of the Legislature, he ceases to be a member of the chamber of which he was a member at the date of his appointment as a Minister;

(*b*) if, by virtue of paragraph (3) of article 50 or paragraph (3) of article 59 of this Constitution, he is required to cease to perform any of his functions as a member of the Senate or a member of the Legislative Assembly, as the case may be;

(*c*) if he is absent from British Guiana without, in the case of the Premier, having given the Governor prior notice of such absence or, in any other case, having obtained the written permission of the Governor, acting in accordance with the advice of the Premier.

(3) A Minister other than the Premier shall also vacate his office—

(*a*) whenever a Premier is appointed; or

(*b*) if his appointment is revoked by the Governor, acting in accordance with the advice of the Premier, by instrument under the Public Seal.

(4) For the purposes of paragraph (1) of this article—

(*a*) a Minister shall be deemed to have ceased to be a member of the Senate or the Legislative Assembly, as the case may be, for

a reason other than a dissolution of the Legislature when that chamber first meets after any dissolution if he is not then a member of the chamber ; and

(*b*) a Minister shall not be regarded as absent from British Guiana during his passage from one part of British Guiana to another.

Performance of functions of Premier in certain events.

31.—(1) If the office of Premier falls vacant while the Legislature is dissolved or the Premier is unable, by reason of his illness or absence from British Guiana, to perform the functions of his office, the Governor may, by instrument under the Public Seal, authorise any other Minister who was appointed from among the members of the Legislative Assembly to perform the functions conferred on the Premier by this Constitution (other than the functions conferred upon him by paragraph (3) of this article).

(2) The Governor may, by instrument under the Public Seal, revoke any authority given under this article.

(3) The powers conferred upon the Governor by this article shall be exercised by him acting in his discretion if the office of Premier is vacant or if, in his judgment, it is impracticable to obtain the Premier's advice owing to his illness or absence, and in any other case shall be exercised in accordance with the advice of the Premier.

Leave of absence for Ministers.

32. The Governor, acting in accordance with the advice of the Premier, may grant leave of absence from his duties to the Premier or to any other Minister.

Responsibilities.

33.—(1) Subject to the provisions of this Constitution, the Governor acting in accordance with the advice of the Premier, may, by directions in writing, charge any Minister with responsibility for any matter or any department of government and designate the style by which any Minister so charged shall be known :

Provided that a Minister shall be charged with responsibility for Amerindian affairs.

(2) Nothing in this article shall empower the Governor to confer on any Minister authority to exercise any power or discharge any duty that is conferred or imposed by this Constitution or any other law on the Governor or any person or authority other than that Minister.

(3) Without prejudice to the generality of the last foregoing paragraph, except for the purpose of submitting questions relating to such matters to the Council of Ministers and conducting Government business relating to such matters in any chamber of the Legislature, a Minister shall not be charged with responsibility for defence or external affairs (other than trade relations falling within the scope of the authority conferred by article 34 of this Constitution), responsibility for which shall vest in the Governor, acting in his discretion, or with responsibility for—

(*a*) the discharge by the courts of British Guiana of their judicial functions ;

(*b*) the initiation, conduct and discontinuance of criminal proceedings ;

(*c*) the audit of the accounts of British Guiana ;

(*d*) the making of appointments to offices in the public service, the dismissal or disciplinary control of persons holding or acting in such offices and the grant of any benefits in pursuance of paragraph (1) of article 107 of this Constitution ; or

(*e*) the matters specified in paragraph (1) of article 25 of this Constitution.

(4) For the purposes of sub-paragraph (*d*) of the last foregoing paragraph, the office of a judge of the Supreme Court or a member of the personal staff of the Governor shall be deemed to be an office in the public service.

External Trade.

34.—(1) Without prejudice to the powers of Her Majesty's Government in the United Kingdom to regulate the external affairs of British Guiana, the Government of British Guiana shall have authority to conduct trade relations between British Guiana and other countries.

(2) The scope of the authority that is vested in the Government of British Guiana by the preceding paragraph shall be such as may be defined by, and shall be exercised in accordance with, the terms of such communications as may from time to time be made to the Government of British Guiana by Her Majesty's Government in the United Kingdom, and every such communication shall be published in the *Gazette*.

Oaths.

35. The Premier and every other Minister shall, before entering upon the duties of his office, make before the Governor an oath or affirmation of allegiance and an oath or affirmation for the due execution of his office in the forms set out in the First Schedule to this Constitution.

Summoning of Council of Ministers.

36. The Council of Ministers shall not be summoned except by the authority of the Premier.

Proceedings in Council of Ministers.

37.—(1) The Premier shall, so far as is practicable, attend and preside at all meetings of the Council of Ministers and in his absence such other Minister shall preside as the Premier shall appoint.

(2) No business shall be transacted at any meeting of the Council if objection is taken by any member present that there are less than a majority of all of the members present at the meeting.

(3) Subject to the last foregoing paragraph, the Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council (including any vacancy not filled when the Council is first constituted or is reconstituted at any time) and the validity of the transaction of business in the Council shall not be affected by reason only of the fact that some person who was not entitled so to do took part in those proceedings.

Summoning of persons to Council of Ministers.

38. The Premier may summon any public officer to a meeting of the Council of Ministers whenever, in his opinion, the business before the Council renders the presence of that officer desirable.

Governor to be kept informed concerning administration of government.

39.—(1) The Premier shall keep the Governor fully informed concerning the general conduct of the government of British Guiana, and shall furnish the Governor with such information as he may request with respect to any particular matter relating to the government of British Guiana.

(2) The Secretary to the Council of Ministers shall—

(*a*) transmit to the Governor copies of all papers submitted for consideration by the Council of Ministers at the same time as those papers are transmitted to the members of the Council;

(*b*) inform the Governor of the summoning of any meeting of the Council and of the matters to be discussed at that meeting at the same time as members of the Council are so informed; and

(*c*) furnish the Governor, as soon as practicable after each meeting of the Council, with a copy of the record of the proceedings at that meeting showing the matters discussed and the conclusions reached by the Council at that meeting.

Parliamentary Secretaries.

40.—(1) The Governor, acting in accordance with the advice of the Premier, may, by instrument under the Public Seal, appoint Parliamentary Secretaries from among the members of the two chambers of the Legislature to assist Ministers in the discharge of responsibilities assigned to them in pursuance of article 33 of this Constitution.

(2) The provisions of articles 30, 32 and 35 of this Constitution shall apply to Parliamentary Secretaries as they apply to Ministers other than the Premier.

Secretary to Council of Ministers.

41.—(1) There shall be a Secretary to the Council of Ministers who shall be appointed by the Governor, acting with the concurrence of the Premier, from a list of public officers submitted by the Public Service Commission.

(2) The Secretary to the Council of Ministers shall be responsible, in accordance with such instructions as may be given to him by the Premier, for arranging the business for, and keeping the minutes of, the meetings of the Council of Ministers and for conveying the decisions of the Council of Ministers to the appropriate person or authority, and (without prejudice to paragraph (2) of article 39 of this Constitution) shall have such other functions as the Premier may from time to time direct.

Permanent Secretaries.

42.—(1) Subject to the provisions of this Constitution, where any Minister has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject as aforesaid and to such direction and control, the department shall be under the supervision of a public officer.

(2) A public officer who is responsible for the supervision of any department of government, other than a department dealing with legal matters, shall be styled a Permanent Secretary.

(3) A public officer, whether or not styled a Permanent Secretary, may be responsible for the supervision of more than one department of government.

Director of Public Prosecutions.

43.—(1) There shall be a Director of Public Prosecutions of British Guiana who shall be appointed by the Governor, after consultation with the Chief Justice of the Supreme Court.

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

(3) If the office of Director of Public Prosecutions is vacant or the Director is for any reason unable to perform the functions of his

office, the Governor, after consultation with the Chief Justice, may appoint a person to perform those functions, and any person so appointed shall, subject to the provisions of the next following article, continue to perform those functions until he is notified by the Governor, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

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

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

(6) If the person holding the office of Director of Public Prosecutions also holds any other public office the provisions of this article and of articles 44 and 45 of this Constitution shall apply in relation to him as respects his service as Director but not as respects his service in such other public office.

Tenure of office of Director of Public Prosecutions.

44.—(1) Subject to the provisions of this article, the Director of Public Prosecutions shall vacate his office when he attains the age of sixty years:

Provided that the Governor may permit a Director to continue in office until he has attained such later age, not exceeding sixty-two years, as may (before the Director has attained the age of sixty years) have been agreed between them.

(2) Nothing done by the Director of Public Prosecutions shall be invalid by reason only that he has attained the age at which he is required by this article to vacate his office.

(3) The Director of Public Prosecutions may be removed from office only for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of the next following paragraph.

(4) The Director of Public Prosecutions shall be removed from office by the Governor by instrument under the Public Seal if the question of his removal from office has been referred to a tribunal appointed under the next following paragraph and the tribunal has recommended to the Governor that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Governor considers that the question of removing the Director of Public Prosecutions from office for inability as aforesaid or for misbehaviour ought to be investigated then—

(*a*) the Governor shall appoint a tribunal, which shall consist of a Chairman and not fewer than two other members, selected by the Governor from among persons who hold or have held high judicial office; and

(*b*) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether the Director ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) The provisions of the Commissions of Inquiry Ordinance(a) as in force immediately before the date when this Constitution comes into force shall, subject to the provisions of this article and of the Second Schedule to this Constitution, apply as nearly as may be in relation to tribunals appointed under the last foregoing paragraph or, as the context may require, to the members thereof as they apply in relation to Commissions or Commissioners appointed under that Ordinance, and for that purpose shall have effect as if they formed part of this Constitution.

(7) If the question of removing the Director of Public Prosecutions from office has been referred to a tribunal appointed under paragraph (5) of this article, the Governor may suspend the Director from performing the functions of his office, and any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect if the tribunal recommends to the Governor that the Director should not be removed from office.

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

Powers of Director of Public Prosecutions.

45.—(1) The Director of Public Prosecutions shall have power, in any case in which he considers it desirable so to do—

(*a*) to institute and undertake criminal proceedings against any person before any civil court in British Guiana in respect of any offence alleged to have been committed by that person ;

(*b*) to take over and continue any criminal proceedings as aforesaid that have been instituted or undertaken by any other person or authority ; and

(*c*) to discontinue, at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Director of Public Prosecutions under the preceding paragraph may be exercised by him in person or by officers subordinate to him acting under and in accordance with his general or special instructions.

(3) The powers conferred upon the Director of Public Prosecutions under sub-paragraphs (*b*) and (*c*) of paragraph (1) of this article shall be vested in him to the exclusion of any other person :

Provided that where any other person or authority has instituted criminal proceedings, nothing in this paragraph shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(4) For the purposes of this article, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court in British Guiana or to the Federal Supreme Court of The West Indies or to Her Majesty in Council shall be deemed to be part of those proceedings.

(5) In the exercise of the powers conferred on him by this article and by article 82 of this Constitution and any other power conferred on him by any law of the Legislature in terms which authorise him to exercise that power in his individual judgment, the Director of Public Prosecutions shall not be subject to the direction or control of any other person.

(a) 1953 Rev. Edn. Cap. 58.

PART IV—THE LEGISLATURE

General

Constitution of Legislature.

46. There shall be, for British Guiana, two chambers of the Legislature which shall be styled, respectively, the Senate and the Legislative Assembly.

The Senate

Composition of Senate.

47.—(1) Subject to article 51 of this Constitution, the Senate shall consist of thirteen members (in this Constitution referred to as "Senators") who shall be appointed by the Governor by instrument under the Public Seal in accordance with this article.

(2) Of the thirteen Senators—

(*a*) eight shall be appointed by the Governor in accordance with the advice of the Premier;

(*b*) three shall be appointed by the Governor acting after consultation with such persons as, in his discretion, he considers can speak for the political points of view of groups represented in the Legislative Assembly by members constituting the minority in the Assembly; and

(*c*) two shall be appointed by the Governor acting in his discretion.

Qualifications for appointment as Senator.

48. Subject to the next following article, a person shall be qualified to be appointed as a Senator if, and shall not be qualified to be so appointed unless, he—

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

(*b*) has resided in British Guiana for a period of two years immediately before the date of his appointment or is domiciled and resident in British Guiana at that date; and

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

Disqualifications for appointment as Senator.

49.—(1) No person shall be qualified to be appointed as a Senator who—

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

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

(*c*) is a member of the Legislative Assembly;

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

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

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

(*g*) is disqualified for membership of the Legislative Assembly by virtue by any law of the Legislature relating to offences connected with elections; or

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

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

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

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

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

Tenure of office of Senators.

50.—(1) Every Senator shall vacate his seat in the Senate at the next dissolution of the Legislature after his appointment.

(2) A Senator shall also vacate his seat in the Senate—

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

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

(*c*) if, with his consent, he is nominated as a candidate for election to the Legislative Assembly, or if he is elected to be a member of the Legislative Assembly;

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

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

(*f*) subject to the next following paragraph, if any circumstances arise that, if he were not a Senator, would cause him to be disqualified for appointment as such by virtue of sub-paragraph (*a*), (*b*), (*d*), (*e*), (*f*) or (*g*) of paragraph (1) of the last foregoing article; or

(*g*) in the case of a Senator appointed in accordance with the advice of the Premier, if the Governor, acting in accordance with such advice, revokes his appointment by instrument under the Public Seal.

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

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

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

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

Appointment of member of Senate during absence or incapacity of Senator.

51.—(1) The Governor may, by instrument under the Public Seal, declare a Senator to be, by reason of illness, temporarily incapable of performing his functions as a Senator and thereupon such Senator shall not perform his said functions until he is declared, in manner aforesaid, again to be capable of performing them.

(2) Whenever a Senator is incapable of performing his functions as a Senator by reason of his absence from British Guiana or by virtue of the provisions of paragraph (3) of the last foregoing article or by reason of a declaration made under the last foregoing paragraph, the Governor may, by instrument under the Public Seal, appoint a person qualified for appointment as a Senator to be temporarily a member of the Senate.

(3) Paragraphs (1) and (2) of the last foregoing article shall apply in relation to a person appointed under this article as they apply in relation to a Senator (except that sub-paragraph (*f*) of the said paragraph (2) shall apply as if it were not expressed to be subject to the next following paragraph) and an appointment made under this article shall in any case cease to have effect if the person appointed is notified by the Governor that the circumstances giving rise to the appointment have ceased to exist.

(4) In the exercise of the powers conferred upon him by this article the Governor shall act in accordance with the advice of the Premier in relation to a Senator appointed in pursuance of sub-paragraph (*a*) of paragraph (2) of article 47 of this Constitution or the appointment of a person to be temporarily a member of the Senate by reason of the incapacity of such a Senator, and shall act in his discretion in any other case.

President and Vice-President.

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

(2) When the Senate first meets after any general election and before it proceeds to the despatch of any other business except the election of the President, it shall elect a Senator to be Vice-President of the

Senate; and if the office of Vice-President falls vacant at any time before the next dissolution of the Legislature, the Senate shall, as soon as convenient, elect another Senator to that office.

(3) The Senate shall not elect a Senator who is a Minister or a Parliamentary Secretary to be the President or Vice-President of the Senate.

(4) A person shall vacate the office of President or Vice-President of the Senate—

(*a*) if he ceases to be a Senator:

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

(*b*) if, by virtue of paragraph (3) of article 50 of this Constitution, he is required to cease to perform his functions as a Senator;

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

(*d*) if he announces the resignation of his office to the Senate or if, by writing under his hand addressed, in the case of the President, to the Clerk of the Senate or, in the case of the Vice-President, to the President (or, if the office of President is vacant or the President is absent from British Guiana, to the Clerk) he resigns that office; or

(*e*) in the case of the Vice-President, if he is elected to be President.

The Legislative Assembly

Composition of Legislative Assembly.

53.—(1) Subject to paragraph (2) of this article, the Legislative Assembly shall consist of thirty-five members who, subject to the provisions of this Constitution, shall be elected in the manner provided by any law of the Legislature.

(2) If any person who is not a member of the Legislative Assembly is elected to be Speaker of the Assembly he shall, by virtue of holding the office of Speaker, be a member of the Assembly in addition to the thirty-five members aforesaid.

Electoral districts.

54. British Guiana shall be divided, in such manner as the Governor, acting in his discretion, may by order published in the *Gazette* appoint, into thirty-five electoral districts (by whatever name called) for the purpose of each returning one member to the Legislative Assembly.

Qualifications and disqualifications for electors.

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

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

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

(*c*) has such connection with that electoral district by virtue of residence therein as may be prescribed by any law of the Legislature.

(2) No person shall be qualified to be registered as an elector for elections to the Legislative Assembly in any electoral district who on the qualifying date—

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

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

(*c*) is disqualified for such registration by virtue of any law of the Legislature relating to offences connected with elections.

(3) In this article, "qualifying date" means such date as may be appointed by or under any law of the Legislature as the date with reference to which a register of electors for the electoral district concerned shall be compiled or revised.

Voting at elections.

56.—(1) No person shall vote at an election to the Legislative Assembly in any electoral district unless he is registered as an elector for such elections in that district, and no elector so registered shall at any such election vote for, or in any manner whatever indicate any preferences with respect to, more than one candidate.

(2) Where at any election to the Legislative Assembly there are two or more candidates for election the candidate who has received the greatest number of votes shall be the person elected as a member of the Legislative Assembly.

(3) Nothing in the last foregoing paragraph shall be construed as preventing any law of the Legislature from—

(*a*) providing for the determination by the Supreme Court that an election is void on any ground;

(*b*) prescribing the conditions requisite for the casting of a valid vote, or providing for the striking off of votes on any ground in proceedings before the Supreme Court for the determination of the validity of an election; or

(*c*) providing for the determination by any means of the result of an election where there is an equality in the number of votes received by two or more candidates.

Qualifications for election as member.

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

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

(*b*) has resided in British Guiana for a period of two years immediately before the date of his nomination for election or is domiciled and resident in British Guiana at that date; and

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

Disqualifications for election as member.

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

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

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

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

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

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

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

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

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

(*g*) is disqualified for membership of the Legislative Assembly by virtue of any law of the Legislature relating to offences connected with elections; or

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

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

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

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

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

Tenure of office of members.

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

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

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

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

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

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

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

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

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

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

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

Speaker and Deputy Speaker.

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

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

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

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

(*b*) he is a person disqualified for election as a member of the Assembly by virtue of sub-paragraph (*a*), (*c*), (*d*), (*e*), (*f*) or (*g*) of paragraph (1) of article 58 of this Constitution.

(3) (*a*) If a person elected as Speaker of the Legislative Assembly is a member of the Senate he shall not enter on the duties of the office of Speaker until he has ceased to be a member of the Senate, and, if he has not ceased to be such a member at the expiration of seven days after the date of his election as Speaker, he shall thereupon vacate the office of Speaker.

(*b*) If a person elected as Speaker of the Legislative Assembly is disqualified for election as a member of the Assembly by virtue of sub-paragraph (*b*) or sub-paragraph (*h*) of paragraph (1) of article 58 of this Constitution he shall not enter upon the duties of the office of Speaker until he has ceased to be so disqualified, and, if he has not ceased to be so disqualified at the expiration of seven days after the date of his election as Speaker, he shall thereupon vacate the office of Speaker.

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

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

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

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

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

(ii) if, by virtue of paragraph (3) of article 59 of this Constitution, he is required to cease to perform any of his functions as a member of the Assembly; or

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

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

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

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

(iii) if any circumstances arise that would cause him to be disqualified for election as a member of the Assembly by virtue of sub-paragraph (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) or (*g*) of paragraph (1) of article 58, or that, if he were such a member, would cause him to vacate his seat by virtue of sub-paragraph (*d*) of paragraph (2) of article 59 of this Constitution;

(*c*) if he announces the resignation of his office to the Legislative Assembly or if by writing under his hand addressed, in the case of the Speaker, to the Clerk of the Assembly or, in the case of

the Deputy Speaker, to the Speaker (or, if the office of Speaker is vacant or the Speaker is absent from British Guiana, to the Clerk) he resigns that office; or

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

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

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

Powers and Procedure

Power to make laws.

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

Standing Orders.

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

Oath of allegiance.

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

Provided that the election of a President and Vice-President of the Senate or the election of a Speaker and Deputy Speaker of the Legislative Assembly may take place before the members of the Senate or the members of the Legislative Assembly, as the case may be, have made such oath or affirmation.

(2) If, between the time when a person becomes a member of either chamber of the Legislature and the time when the chamber next sits thereafter, a meeting takes place of any committee of the 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, make and subscribe the oath or affirmation of allegiance before such judge of the Supreme Court as the Governor, acting in his discretion, may direct; and the making and subscribing of the oath in such manner shall suffice for all purposes of this article.

(3) Where any person has made the oath or affirmation of allegiance before a judge in the manner provided in the last foregoing paragraph, the judge shall forthwith report to the chamber of which such person is a member through the President or Speaker, as the case may be, that the person aforesaid has made and subscribed the oath of allegiance before him.

Presiding Senate and Legislative Assembly

64.—(1) The President or, in his absence, the Vice-President or, if they are both absent, a Senator (not being a Minister or a Parliamentary Secretary) elected by the Senate for that sitting shall preside at each sitting of the Senate.

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

(3) References in this article to circumstances in which the President, Vice-President, Speaker or Deputy Speaker is absent include references to circumstances in which the office of President, Vice-President, Speaker or Deputy Speaker is vacant.

Voting

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

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

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

Validity of proceedings.

66. A chamber of the Legislature shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the chamber 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 chamber or otherwise took part in the proceedings.

Quorum.

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

(2) For the purposes of this article—

(*a*) a quorum of the Senate shall consist of four members of the Senate;

(*b*) a quorum of the Legislative Assembly shall consist of twelve members of the Assembly;

(*c*) the person presiding at the sitting of either chamber shall not be included in reckoning whether there is a quorum of that chamber present.

Introduction of Bills, etc.

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

(2) A Bill other than a Money Bill may be introduced in either chamber. A Money Bill shall not be introduced in the Senate.

(3) Except on the recommendation of the Governor signified by a Minister, neither chamber of the Legislature shall—

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

(i) for imposing or increasing any tax;

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

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

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

Restriction of powers of Senate as to Money Bills.

69.—(1) If a Money Bill, having been passed by the Legislative Assembly and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to that chamber, the Bill shall, unless the Legislative Assembly otherwise resolves, be presented to the Governor for assent notwithstanding that the Senate has not agreed to the Bill.

(2) There shall be endorsed on every Money Bill when it is sent to the Senate the certificate of the Speaker signed by him that it is a Money Bill; and there shall be endorsed on any Money Bill that is presented to the Governor for assent in pursuance of paragraph (1) of this article the certificate of the Speaker signed by him that it is a Money Bill and that the provisions of that paragraph have been complied with.

Restriction of powers of Senate as to Bills other than Money Bills.

70.—(1) If a Bill other than a Money Bill, having been passed by the Legislative Assembly and sent to the Senate at least one month before the end of the session, is not passed by the Senate (whether with or without amendment) within six months after it is sent to that chamber, the Bill shall, unless the Legislative Assembly otherwise resolves or the Bill has lapsed by reason of a dissolution of the Legislature, be presented to the Governor for assent notwithstanding that the Senate has not agreed to the Bill.

(2) If a Bill other than a Money Bill, having been passed by the Legislative Assembly and sent to the Senate at least one month before the end of the session, is passed by the Senate within six months after it is sent to that chamber with any amendment which is not agreed to by the Legislative Assembly, the Assembly may resolve that the Bill, with such, if any, of the amendments made by the Senate as are agreed to by the Assembly, shall be presented to the Governor for assent, and thereupon the Bill shall be presented accordingly notwithstanding that the Senate has not agreed to the Bill in that form.

(3) There shall be endorsed on any Bill that is presented to the Governor for assent in pursuance of paragraph (1) or paragraph (2) of this article the certificate of the Speaker signed by him that the provisions of that paragraph have been complied with.

Provisions relating to articles 68, 69 and 70.

71.—(1) (*a*) In articles 68, 69 and 70 of this Constitution, "Money Bill" means a Public Bill which, in the opinion of the Speaker, contains only provisions dealing with all or any of the following matters, that is to say—

(i) the imposition, repeal, remission, alteration or regulation of taxation;

(ii) 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;

(iii) the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant;

(iv) the appropriation, receipt, custody, investment, issue or audit of accounts of public money;

(v) the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or

(vi) subordinate matters incidental to any of the matters aforesaid.

(*b*) In sub-paragraph (*a*) of this paragraph the expressions "taxation", "debt", "public money" and "loan", respectively, do not include any taxation imposed, debt incurred, money provided or loan raised by any local authority or body for local purposes.

(2) Whenever the office of Speaker is vacant or the Speaker is for any reason unable to perform any function conferred upon him by paragraph (1) of this article or by article 69 or 70 of this Constitution, that function may be performed by the Deputy Speaker.

(3) Any certificate of the Speaker or Deputy Speaker given under article 69 or 70 of this Constitution shall be conclusive for all purposes and shall not be questioned in any court.

Governor's reserved power.

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

(*a*) defence, or

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

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

case of a Bill the provisions of paragraph (2) of article 74, shall have effect accordingly.

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

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

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

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

Introduction of Bills, etc. by message of Governor

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

(*a*) send by message, in the case of the Senate to the President of the Senate and in the case of the Legislative Assembly to the Speaker of the Assembly, a draft of such Bill or motion;

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

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

(3) References in this article to the President of the Senate and the Speaker of the Legislative Assembly include respectively references to the Vice-President of the Senate, where the office of President is vacant or the President is absent from British Guiana, and to the Deputy Speaker of the Legislative Assembly, where the office of Speaker is vacant or the Speaker is absent from British Guiana.

Assent to Bills.

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

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

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

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

(2) A Bill shall be presented to the Governor for assent if, and, subject to the provisions of articles 69 and 70 of this Constitution, shall not be so presented unless, it has been passed by both chambers of the Legislature either without amendment or with such amendments only as are agreed to by both chambers.

(3) When a Bill is presented to the Governor for assent he shall declare that he assents or refuses assent thereto or that he reserves the Bill for the signification of Her Majesty's pleasure:

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

(*a*) to affect defence;

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

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

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

Words of enactment.

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

"Enacted by the Legislature of British Guiana".

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

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

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

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

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

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

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

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

Privileges, etc. of chambers.

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

Miscellaneous

Sessions of Senate and Legislative Assembly.

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

Provided that the sessions of the two chambers shall commence on the same date.

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

Prorogation and dissolution.

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

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

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

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

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

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

General elections and appointment of Senators.

80.—(1) A general election of members of the Legislative Assembly shall be held at such time within three months after every dissolution of the Legislature as the Governor shall appoint by proclamation published in the *Gazette.*

(2) As soon as practicable after every general election, the Governor shall proceed under article 47 of this Constitution to the appointment of members of the Senate.

Determination of questions as to membership.

81. Any question whether—

(*a*) any person has been validly appointed as a member of the Senate or elected as a member of the Legislative Assembly;

(*b*) any member of the Senate or the Legislative Assembly has vacated his seat therein or is required by virtue of paragraph (3) of article 50 or paragraph (3) of article 59 of this Constitution to cease to exercise his functions as a member; or

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

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

Penalty for unauthorised person sitting or voting.

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

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

Interpretation of provisions regarding sentences of imprisonment.

83. For the purposes of sub-paragraph (*f*) of paragraph (1) of article 49, sub-paragraph (*a*) of paragraph (2) of article 55 and sub-paragraph (*e*) of paragraph (1) of article 58 of this Constitution—

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

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

PART V—THE JUDICIARY

The Supreme Court

Constitution of Supreme Court.

84.—(1) There shall be in and for British Guiana a Supreme Court having such jurisdiction and powers as may be provided by any law for the time being in force in British Guiana.

(2) The judges of the Supreme Court shall be a Chief Justice and such number of Puisne Judges as may be prescribed by any law of the Legislature:

Provided that the office of a judge of the Supreme Court shall not, without his consent, be abolished during his continuance in office.

(3) The Supreme Court shall be deemed to be duly constituted notwithstanding any vacancy in the office of any judge of that Court.

Appointment of judges.

85.—(1) The Chief Justice shall be a person qualified for appointment as a judge of the Supreme Court in accordance with the provisions of this Constitution and appointed by the Governor, by instrument under the Public Seal, after consultation with the Premier.

(2) The Puisne Judges shall be persons qualified for appointment as judges of the Supreme Court in accordance with the provisions of this Constitution and appointed by the Governor, by instrument under the Public Seal, acting on the recommendation of the Judicial Service Commission.

(3) (*a*) Any person being a barrister of not less than seven years' standing shall be qualified to be appointed a judge of the Supreme Court and no other person shall be qualified to be so appointed.

(*b*) In this paragraph, "barrister" means a person qualified to practise as an advocate in the superior courts of England, Scotland or Northern Ireland.

Tenure of office of judges.

86.—(1) Subject to the provisions of this article, a judge of the Supreme Court shall vacate his office when he attains the age of sixty-two years:

Provided that the Governor may permit a judge to continue in office for such period after attaining that age, not exceeding three months, as the Governor may consider to be necessary to enable that judge to complete the hearing and determination of any proceedings that were commenced before him before he attained that age.

(2) Nothing done by a judge of the Supreme Court shall be invalid by reason only that he has attained the age at which he is required by this article to vacate his office.

(3) A judge of the Supreme Court may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of the next following paragraph.

(4) A judge of the Supreme Court shall be removed from office by the Governor by instrument under the Public Seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of the next following paragraph, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833(a), or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Governor considers that the question of removing a judge of the Supreme Court from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

(*a*) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members selected by the Governor from among persons who hold or have held high judicial office;

(*b*) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and

(*c*) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(6) The provisions of the Commissions of Inquiry Ordinance as in force immediately before the date when this Constitution comes into force shall, subject to the provisions of this article and of the Second Schedule to this Constitution, apply as nearly as may be in relation to tribunals appointed under the last foregoing paragraph or,

(a) 3 & 4 Will. 4. c. 41.

as the context may require, the members thereof as they apply in relation to Commissions or Commissioners appointed under that Ordinance, and for that purpose shall have effect as if they formed part of this Constitution.

(7) If the question of removing a judge of the Supreme Court from office has been referred to a tribunal appointed under paragraph (5) of this article, the Governor may suspend the judge from performing the functions of his office; and any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect if—

(*a*) the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or

(*b*) the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

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

Acting judges.

87.—(1) If the office of Chief Justice is vacant, or if the Chief Justice is for any reason unable to perform the functions of his office, the Governor, after consultation with the Premier, may by instrument under the Public Seal appoint a Puisne Judge or some other person qualified for appointment as a judge of the Supreme Court to perform those functions; and any person so appointed shall, subject to the provisions of the last foregoing article, continue to perform those functions until he is notified by the Governor, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

(2) If—

(*a*) the office of a Puisne Judge is vacant, or a Puisne Judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, or

(*b*) the Judicial Service Commission, with the concurrence of the Premier, has advised the Governor that the state of business in the Supreme Court so requires,

the Governor, acting on the recommendation of the Judicial Service Commission, may by instrument under the Public Seal appoint a person qualified for appointment as a judge of the Supreme Court to act as a Puisne Judge; and any person so appointed shall, subject to the provisions of the last foregoing article, continue to act for the period of his appointment or, if no such period is specified in the instrument of appointment, until he is notified by the Governor, acting on the recommendation of the Judicial Service Commission, that the circumstances giving rise to the appointment have ceased to exist.

(3) (*a*) Notwithstanding that the appointment of a person to act as a judge of the Supreme Court under the foregoing provisions of this article has determined thereunder, the Governor may permit that person to continue to act as a judge of the Supreme Court for such period thereafter, not exceeding three months, as the Governor may consider to be necessary to enable that person to complete the hearing and determination of any proceedings that were commenced before him before his appointment determined.

(*b*) The power conferred on the Governor by this paragraph shall be exercised in relation to any person in the same manner as the power to notify that person that the circumstances giving rise to his appointment have ceased to exist.

Salaries, etc. of judges.

88.—(1) There shall be charged on the revenues of British Guiana and paid thereout to the judges of the Supreme Court such salaries and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(2) The salary of a judge of the Supreme Court and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

The Judicial Service Commission

Composition of Judicial Service Commission

89.—(1) There shall be in and for British Guiana a Judicial Service Commission which shall consist of the following persons, that is to say—

(*a*) the Chief Justice, as Chairman;

(*b*) the Chairman of the Public Service Commission;

(*c*) the senior Puisne Judge; and

(*d*) one other member (hereafter in this article referred to as "the appointed member") appointed in accordance with the provisions of the next following paragraph.

(2) The Governor, acting in his discretion, may by instrument under the Public Seal, appoint to be a member of the Judicial Service Commission a person who is or has been the holder of high judicial office.

(3) No person shall be qualified to be appointed as a member of the Judicial Service Commission under the provisions of the last foregoing paragraph if he is a member of the Senate or the Legislative Assembly or if he holds or is acting in any public office other than the office of member of the Public Service Commission or member of the Police Service Commission.

(4) A person shall not, while he holds or is acting in the office of the appointed member or within a period of three years commencing with the date on which he last held or acted in that office, be eligible for appointment to any office power to make appointments to which is vested by this Constitution in the Governor acting on the recommendation of the Judicial Service Commission.

(5) The office of the appointed member shall become vacant—

(*a*) at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed;

(*b*) if he becomes a member of the Senate or the Legislative Assembly;

(*c*) if he is appointed to or to act in the office of Chief Justice, Chairman of the Public Service Commission or any public office except the office of member of the Public Service Commission or member of the Police Service Commission, or if he becomes the senior Puisne Judge;

(*d*) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof

(whether arising from infirmity of body or mind or any other cause) or for misbehaviour:

Provided that, if the appointed member is a judge of the Supreme Court, he shall not be so removed unless, in accordance with the provisions of article 86 of this Constitution, he is removed from his office as a judge.

(6) If the office of the appointed member is vacant or that member is for any reason unable to perform the functions of his office, the Governor, acting in his discretion, may appoint a person who is qualified for appointment as such a member to act as the appointed member, and any person so appointed shall, subject to the provisions of the last foregoing paragraph, continue to act until he is notified by the Governor, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

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

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

(9) Nothing in paragraph (7) of this article shall entitle the appointed member to any salary in respect of his office as such if he is also a judge of the Supreme Court.

(10) For the purposes of this article, "the senior Puisne Judge" means the Puisne Judge present in British Guiana (other than any such Judge who is for the time being acting as the Chief Justice) who is senior according to the date of his substantive appointment as a Puisne Judge of the Supreme Court:

Provided that where two or more persons have been so appointed on the same day their seniority shall be determined in accordance with such directions as may be given by the Governor acting after consultation with the Chief Justice.

Proceedings of Judicial Service Commission.

90.—(1) No business shall be transacted at any meeting of the Judicial Service Commission unless there are present at least three members of the Commission of whom one is the Chairman of the Public Service Commission.

(2) Subject to the provisions of the preceding paragraph, the Judicial Service Commission shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Commission, and the validity of the transaction of business at any meeting of the Commission shall not be affected by reason only of the fact that some person who was not entitled so to do took part in those proceedings.

Appointment, etc. of judicial officers.

91.—(1) Power to make appointments to the offices to which this article applies and to dismiss and to exercise disciplinary control over persons holding or acting in any such offices shall vest in the Governor acting on the recommendation of the Judicial Service Commission.

(2) This article applies to the office of magistrate and to such other offices connected with the courts of British Guiana (other than offices of the judges of the Supreme Court) as may be prescribed by any law of the Legislature.

Delegation of Governor's powers in relation to appointments.

92.—(1) The Governor, acting on the recommendation of the Judicial Service Commission, may, by instrument under the Public Seal, direct that, subject to such conditions as may be specified in that instrument, power to make appointments to such offices, being offices to which the last foregoing article applies, as may be specified in that instrument shall (without prejudice to the exercise of such power by the Governor acting on the recommendation of the Judicial Service Commission) be exercisable by such one or more members of the Commission or by such other authority or public officer as may be so specified.

(2) In any case where an appointment is to be made by virtue of an instrument made under the provisions of this article and the person to be appointed holds or is acting in any office power to make appointments to which is vested by this Constitution in the Governor acting on the recommendation of the Public Service Commission or the Police Service Commission, the person or authority specified in the said instrument shall consult with the Public Service Commission or the Police Service Commission, as the case may be, before making such appointment.

Regulations regarding Judicial Service Commission.

93. Subject to the provisions of this Constitution, the Governor, acting after consultation with the Judicial Service Commission, may make any regulations which he considers necessary or expedient for providing for all or any of the following matters, that is to say—

(*a*) the organisation of the work of the Commission and the manner in which it shall perform its functions;

(*b*) consultation by the Commission with persons or authorities other than members of the Commission;

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

(*d*) the protection and privileges of members of the Commission in respect of the performance of their functions and the privilege of communications to and from the Commission and its members in the case of legal proceedings;

(*e*) the definition and trial of offences in relation to the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of five hundred dollars and imprisonment for a term of one year or both such a fine and such imprisonment; and

(*f*) generally, for giving effect to the provisions of this Constitution relating to the Commission.

PART VI—THE PUBLIC SERVICE

The Public Service Commission

Composition of Public Service Commission.

94.—(1) There shall be in and for British Guiana a Public Service Commission which shall consist of a Chairman and such number of other members, not being less than two nor more than four, as the Governor, acting in his discretion, may from time to time decide.

(2) The members of the Public Service Commission shall be appointed by the Governor, acting after consultation with the Premier, by instrument under the Public Seal.

(3) No person shall be qualified to be appointed as a member of the Public Service Commission if he is a member of the Senate or the

Legislative Assembly or if he holds or is acting in any public office, other than the office of member of the Judicial Service Commission or member of the Police Service Commission.

(4) A person shall not, while he holds or is acting in the office of a member of the Public Service Commission or within a period of three years commencing with the date on which he last held or acted in that office, be eligible for appointment to any office power to make appointments to which is vested by this Constitution in the Governor acting on the recommendation of the Public Service Commission.

(5) The office of a member of the Public Service Commission shall become vacant—

(*a*) at the expiration of five years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;

(*b*) if he becomes a member of the Senate or the Legislative Assembly;

(*c*) if he is appointed to or to act in any public office other than the office of member of the Judicial Service Commission or member of the Police Service Commission; or

(*d*) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) (*a*) If the office of a member of the Public Service Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Premier, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to the provisions of the last foregoing paragraph, continue to act until he is notified by the Governor, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

(*b*) For the purposes of the appointment of a person under this paragraph to act as Chairman of the Commission, the reference in this paragraph to a person who is qualified for appointment as a member of the Commission shall be construed as including a reference to a member of the Commission.

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

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

Proceedings of Public Service Commission.

95.—(1) No business shall be transacted at any meeting of the Public Service Commission unless there are present at least three members of the Commission.

(2) Subject to the provisions of the preceding paragraph, the Public Service Commission shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Commission, and the validity of the transaction of business at any meeting

of the Commission shall not be affected by reason only of the fact that some person who was not entitled so to do took part in those proceedings.

Appointment, etc. of public officers.

96.—(1) Save as otherwise provided in this Constitution, power to make appointments to public offices and to dismiss and to exercise disciplinary control over persons holding or acting in any such offices shall vest in the Governor acting on the recommendation of the Public Service Commission:

Provided that power to make appointments to the office of Permanent Secretary on transfer from another such office carrying the same salary shall vest in the Governor acting after consultation with the Premier.

(2) Before the Public Service Commission recommends the appointment to any public office of any person holding or acting in any office power to make appointments to which is vested by this Constitution in the Governor acting on the recommendation of the Judicial Service Commission or the Police Service Commission, it shall consult with the Judicial Service Commission or the Police Service Commission, as the case may be.

Delegation of Governor's powers.

97.—(1) The Governor, acting on the recommendation of the Public Service Commission, may, by instrument under the Public Seal, direct that, subject to such conditions as may be specified in that instrument, power to make appointments to such offices, being offices to which this article applies, as may be specified in that instrument and power to dismiss and power to exercise disciplinary control over persons holding or acting in those offices, or any of those powers, shall (without prejudice to the exercise of such powers by the Governor acting on the recommendation of the Public Service Commission) be exercisable by such one or more members of the Commission or by such other authority or public officer as may be so specified.

(2) The offices to which this article applies are offices in respect of which the Governor has power to make appointments under the last foregoing article other than the offices of Permanent Secretaries.

(3) In any case where an appointment is to be made by virtue of an instrument made under the provisions of this article and the person to be appointed holds or is acting in any office power to make appointments to which is vested by this Constitution in the Governor acting on the recommendation of the Judicial Service Commission or the Police Service Commission, the person or authority specified in the said instrument shall consult with the Judicial Service Commission or the Police Service Commission, as the case may be, before making the appointment.

(4) Where, by virtue of an instrument made under the provisions of this article, the power to dismiss or to exercise disciplinary control over any officer has been exercised by a person or authority other than the Governor acting on the recommendation of the Public Service Commission, the officer in respect of whom it was so exercised may apply for the case to be referred to the Public Service Commission and thereupon the action of the aforesaid person or authority shall cease to have effect and the case shall be referred to the Public Service Commission accordingly and the Governor shall then take such action in respect of that officer as the Public Service Commission may recommend:

Provided that where the action of the aforesaid person or authority included the dismissal of that officer or his suspension from performing the functions of his office, that person or authority may nevertheless suspend him from performing those functions pending the determination of the reference to the Public Service Commission.

Regulations regarding Public Service Commission.

98. Subject to the provisions of this Constitution, the Governor, acting after consultation with the Public Service Commission, may make any regulations which he considers necessary or expedient for providing for all or any of the following matters, that is to say—

(*a*) the organisation of the work of the Commission and the manner in which it shall perform its functions ;

(*b*) consultation by the Commission with persons or authorities other than members of the Commission ;

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

(*d*) the protection and privileges of members of the Commission in respect of the performance of their functions and the privilege of communications to and from the Commission and its members in the case of legal proceedings ;

(*e*) the definition and trial of offences in relation to the functions of the Commission and the imposition of penalties for such offences :

Provided that no such penalty shall exceed a fine of five hundred dollars or imprisonment for a term of one year or both such a fine and such imprisonment ;

(*f*) the time and manner of making application for a reference to the Public Service Commission under paragraph (4) of the last foregoing article and all matters incidental to such a reference ; and

(*g*) generally, for giving effect to the provisions of this Constitution relating to the Commission.

The Police Service Commission

Composition of Police Service Commission.

99.—(1) There shall be in and for British Guiana a Police Service Commission which shall consist of the following persons, that is to say—

(*a*) a Chairman ;

(*b*) the Commissioner of Police ; and

(*c*) such number of other members, being not more than three, as the Governor, acting in his discretion, may from time to time decide.

(2) The members of the Police Service Commission other than the Commissioner of Police shall be appointed by the Governor, acting after consultation with the Premier, by instrument under the Public Seal.

(3) No person shall be qualified to be appointed as a member of the Police Service Commission under the provisions of the last foregoing paragraph if he is a member of the Senate or the Legislative Assembly or if he holds or is acting in any public office, other than the office of member of the Judicial Service Commission or member of the Public Service Commission.

(4) A person shall not, while he holds or is acting in the office of a member of the Police Service Commission appointed under paragraph (2) of this article (hereafter in this article referred to as "an

appointed member") or within a period of three years commencing with the date on which he last held or acted in that office, be eligible for appointment to the office of Commissioner of Police or any office power to make appointments to which is vested by this Constitution in the Governor acting on the recommendation of the Police Service Commission.

(5) The office of an appointed member shall become vacant—

(*a*) at the expiration of five years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;

(*b*) if he becomes a member of the Senate or the Legislative Assembly;

(*c*) if he is appointed to or to act in any public office other than the office of member of the Judicial Service Commission or member of the Public Service Commission; or

(*d*) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) (*a*) If the office of an appointed member is vacant or such a member is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Premier, may appoint a person who is qualified for appointment as such a member to act as an appointed member, and any person so appointed shall, subject to the provisions of the last foregoing paragraph, continue to act until he is notified by the Governor, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

(*b*) For the purposes of the appointment of a person under this paragraph to act as Chairman of the Commission, the reference in this paragraph to a person who is qualified for appointment as an appointed member shall be construed as including a reference to an appointed member.

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

(8) The salary of an appointed member and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Proceedings of Police Service Commission.

100.—(1) No business shall be transacted at any meeting of the Police Service Commission unless there are present, in the case of any business relating to an appeal such as is referred to in sub-paragraph (*a*) of paragraph (3) of article 103 of this Constitution, at least two members of the Commission or, in the case of any other business, at least three such members.

(2) Subject to the provisions of the preceding paragraph, the Police Service Commission shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Commission, and the validity of the transaction of business at any meeting of the Commission shall not be affected by reason only of the fact that some person who was not entitled so to do took part in those proceedings.

Appointment, etc. of Commissioner of Police.

101. Power to make appointments to the office of Commissioner of Police and to dismiss and to exercise disciplinary control over any person holding or acting in that office shall vest in the Governor acting after consultation with the Chairman of the Police Service Commission.

Appointment of members of Police Force.

102.—(1) Save as provided in the last foregoing article, power to make appointments to offices in the Police Force of or above the rank of Inspector shall vest in the Governor acting on the recommendation of the Police Service Commission.

(2) Power to make appointments to offices in the Police Force below the rank of Inspector shall vest in the Commissioner of Police and, to such extent as may be prescribed by any law of the Legislature, in such other officers of the Police Force as may be so prescribed.

(3) Before the Police Service Commission recommends the appointment to any office in the Police Force of any person holding or acting in any office power to make appointments to which is vested by this Constitution in the Governor acting on the recommendation of the Judicial Service Commission or the Public Service Commission, it shall consult with the Judicial Service Commission or the Public Service Commission, as the case may be.

(4) In any case where an appointment is to be made by virtue of the provisions of paragraph (2) of this article and the person to be appointed holds or is acting in any office power to make appointments to which is vested by this Constitution in the Governor acting on the advice of the Judicial Service Commission or the Public Service Commission, the Commissioner of Police or other officer of the Police Force concerned shall consult with the Judicial Service Commisision or the Public Service Commission, as the case may be, before making the appointment.

Dismissal, etc. of members of Police Force.

103.—(1) Save as provided in article 101 of this Constitution, power to dismiss and to exercise disciplinary control over persons holding or acting in offices in the Police Force above the rank of Chief Inspector shall vest in the Governor acting on the recommendation of the Police Service Commission.

(2) Power to dismiss and to exercise disciplinary control over persons holding or acting in offices in the Police Force of or below the rank of Chief Inspector shall vest in the Commissioner of Police and, to such extent as may be prescribed by any law of the Legislature, in such other officers of the Police Force as may be so prescribed.

(3) In such cases and subject to such conditions as may be prescribed by any law of the Legislature an appeal shall lie—

(*a*) to the Governor from a decision of the Commissioner of Police to dismiss or to exercise disciplinary control over any such person as is specified in the last foregoing paragraph; and

(*b*) to the Commissioner of Police from any such decision of any other officer of the Police Force;

and where the person to whom any such decision relates institutes an appeal therefrom the execution of that decision shall be suspended:

Provided that, where the decision included the dismissal of that person or his suspension from performing the functions of his office, the officer whose decision it was may nevertheless suspend that person

from performing those functions pending the determination of the appeal.

(4) In determining any such appeal as is referred to in the last foregoing paragraph the Governor shall act on the recommendation of the Police Service Commission; and the Commissioner of Police shall not take part in any business of the Commission relating to such an appeal.

(5) Any power to dismiss or to exercise disciplinary control, and any power to determine appeals from a decision to exercise such a power as aforesaid, that is vested in any person by or by virtue of paragraph (2) or (3) of this article shall be exercised in accordance with such provision as may, subject to the provisions of this article, be made in that behalf by any law of the Legislature and, in particular offences against Police Force discipline, and the punishment that may be imposed for any such offence, shall be such as may be prescribed by or under any such law.

Regulations regarding Police Service Commission.

104. Subject to the provisions of this Constitution, the Governor, acting after consultation with the Police Service Commission, may make any regulations which he considers necessary or expedient for providing for all or any of the following matters, that is to say—

(*a*) the organisation of the work of the Commission and the manner in which it shall perform its functions;

(*b*) consultation by the Commission with persons or authorities other than members of the Commission;

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

(*d*) the protection and privileges of members of the Commission in respect of the performance of their functions and the privilege of communications to and from the Commission and its members in the case of legal proceedings;

(*e*) the definition and trial of offences in relation to the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of five hundred dollars or imprisonment for a term of one year or both such fine and such imprisonment; and

(*f*) generally, for giving effect to the provisions of this Constitution relating to the Commission.

Pensions

Applicability of pensions law.

105.—(1) Subject to the provisions of article 107 of this Constitution, the law applicable to the grant and payment to any officer, or to his widow, children, dependants or personal representatives, of any pension, gratuity or other like allowance (in this article and the two next following articles referred to as an "award") in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this article the relevant day is—

(*a*) in relation to an award granted before the date on which this Part of this Constitution comes into force, the day on which the award was granted;

(*b*) in relation to an award granted or to be granted on or after the date on which this Part of this Constitution comes into force to or in respect of a person who was a public officer before that date, the day immediately before that date;

(*c*) in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after the date on which this Part of this Constitution comes into force, the day on which he becomes a public officer.

(3) For the purposes of this article, in so far as the law applicable to an award depends on the option of the person to or in respect of whom it is granted or to be granted, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted.

(4) For the purposes of this article and of the two next following articles, the office of a judge of the Supreme Court shall be deemed to be a public office.

Pensions, etc. charged on revenues.

106. Awards granted under any law for the time being in force in British Guiana shall be charged on and paid out of the revenues of British Guiana.

Grant and withholding of pensions, etc.

107.—(1) The power to grant any award under any pensions law for the time being in force in British Guiana (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and, in accordance with any provisions in that behalf contained in any such law, to withhold, reduce in amount or suspend any award payable under any such law is hereby vested in the Governor.

(2) The power vested in the Governor by the preceding paragraph shall be exercised by him—

(*a*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date on which he ceased to hold public office, serving as—

(i) a judge of the Supreme Court;

(ii) Director of Public Prosecutions;

(iii) Director of Audit;

(iv) Commissioner of Police;

(v) a member of the Judicial Service Commission, the Public Service Commission or the Police Service Commission; or

(vi) a member of the personal staff of the Governor (other than a person referred to in paragraph (4) of article 21 of this Constitution),

in his discretion;

(*b*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date aforesaid, serving in any office to which article 91 of this Constitution applies at the date of the exercise of the power, on the recommendation of the Judicial Service Commission;

(*c*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before

the date aforesaid, serving in any office in the Police Force other than the office of Commissioner of Police, on the recommendation of the Police Service Commission; and

(*d*) in the case of an award payable in respect of the services of any other person, on the recommendation of the Public Service Commission.

(3) In this article, "pensions law" means any law relating to the grant to any person, or to the widow, children, dependants or personal representatives of that person, of an award in respect of the services of that person in a public office, and includes any instrument made under any such law.

PART VII—FINANCE

Estimates.

108.—(1) The Minister responsible for finance shall, before the end of each financial year, cause to be prepared annual estimates of revenue and expenditure for public services during the succeeding financial year, which shall be laid before both chambers of the Legislature.

(2) The estimates of expenditure shall show separately the sum required to meet statutory expenditure and the sums required to meet other expenditure.

(3) That part of any estimate of expenditure laid before the chambers of the Legislature which shows statutory expenditure shall not be voted on by either chamber, and such expenditure shall, without further authority of the Legislature, be paid out of the revenues or public funds of British Guiana.

Authorisation and meeting of expenditure.

109.—(1) The Minister responsible for finance shall, in respect of each financial year, at the earliest convenient moment, introduce in the Legislative Assembly an appropriation Bill containing, under appropriate heads, for the several services required, the estimated aggregate sums which are proposed to be expended (otherwise than by way of statutory expenditure) during that financial year.

(2) Whenever—

(*a*) any expenditure is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service by the appropriation law relating to that year; or

(*b*) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any service not provided by the appropriation law relating to that year,

a supplementary appropriation Bill, which shall contain that expenditure under appropriate heads, shall be introduced in the Legislative Assembly.

(3) No moneys shall be withdrawn from the public funds of British Guiana except upon the authority of a warrant under the hand of the Governor or the Minister responsible for finance.

(4) No such warrant shall be issued for the purpose of meeting any expenditure other than statutory expenditure—

(*a*) unless that expenditure has been authorised for the financial year during which the withdrawal is to take place—

(i) by an appropriation law; or

(ii) by inclusion in estimates laid before the Legislative Assembly and approved by resolution of the Assembly ; or

(*b*) except in accordance with the provisions of any law of the Legislature making moneys available in advance of appropriation for the purpose of meeting unforeseen expenditure or for the purpose of covering any period not exceeding four months between the end of a financial year and the coming into force of the law authorising the appropriation for the next following financial year.

Public debt.

110. The public debt of British Guiana, including the interest thereon, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt, is hereby charged on the revenues and on the other public funds and assets of British Guiana.

Director of Audit.

111.—(1) There shall be a Director of Audit of British Guiana, who shall be appointed by the Governor acting after consultation with the Premier and the Director-General of the Overseas Audit Service.

(2) If the office of Director of Audit is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Premier and the Director-General of the Overseas Audit Service, may appoint a person to act as Director, and any person so appointed shall, subject to the provisions of the next following article, continue to act until he is notified by the Governor, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

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

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

Tenure of office of Director of Audit.

112.—(1) Subject to the provisions of paragraph (4) of this article, the Director of Audit shall vacate his office when he attains the age of fifty-five years :

Provided that the Governor, acting after consultation with the Director-General of the Overseas Audit Service, may permit a Director to continue in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by the Director of Audit shall be invalid by reason only that he has attained the age at which he is required by this article to vacate his office.

(3) The Director of Audit may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of the next following paragraph.

(4) The Director of Audit shall be removed from office by the Governor by instrument under the Public Seal if the Governor, acting after consultation with the Director-General of the Overseas Audit Service, is satisfied that he ought to be removed from office for inability as aforesaid or misbehaviour.

Functions of Director of Audit.

113.—(1) The accounts of the Supreme Court and the courts subordinate thereto, all departments and offices of the Government of British Guiana, the offices of the Clerk of the Senate and the Clerk of the Legislative Assembly, the Judicial Service Commission, the Public Service Commission and the Police Service Commission shall be audited and reported on annually by the Director of Audit who, with his deputies, shall at all times be entitled to have access to all books, records, returns and reports relating to such accounts.

(2) (*a*) The Director of Audit shall submit his reports made under the preceding paragraph to the Speaker of the Legislative Assembly who shall cause them to be laid before the Assembly; and he shall also send a copy of each report to the Governor and to the President of the Senate and the President shall cause the copy sent to him to be laid before the Senate.

(*b*) Whenever the office of Speaker or President is vacant or the Speaker or President is for any reason unable to perform the functions of his office, the reference in this paragraph to the officer concerned shall be construed as if it were a reference, in the case of the Speaker, to the Deputy Speaker of the Legislative Assembly or, in the case of the President, to the Vice-President of the Senate.

(3) In the exercise of his functions under the provisions of this article, the Director of Audit shall not be subject to the direction or control of any other person or authority.

(4) Nothing in this article shall prevent the performance by the Director of Audit of—

(*a*) such other functions in relation to the accounts of the Government of British Guiana and the accounts of other public authorities and other bodies administering public funds in British Guiana as may be prescribed by or under any law for the time being in force in British Guiana; or

(*b*) such other functions in relation to the supervision and control of expenditure from public funds in British Guiana as may be so prescribed.

Interpretation of provisions regarding finance.

114. In this Part of this Constitution—

"financial year" means the twelve months ending on the thirty-first day of December in any year or on such other date as may from time to time be prescribed by any law of the Legislature;

"statutory expenditure" means expenditure charged on the revenues or public funds of British Guiana by any provision of this Constitution or of any other law for the time being in force in British Guiana.

PART VIII—INTERPRETATION

Interpretation.

115.—(1) In this Constitution, unless it is otherwise provided or required by the context—

"British Guiana" means the Colony of British Guiana;

"chamber" means either the Senate or the Legislative Assembly, as the context may require;

"the Commonwealth" includes any dependency of a country which is a member of the Commonwealth;

"Commissioner of Police" means the head (by whatever name called) of the Police Force;

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

"Government contract" means any contract made with the Government of British Guiana, or a department of that Government, or an officer of that Government contracting as such;

"the Governor" means the Governor and Commander-in-Chief of British Guiana;

"high judicial office" means the office of judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court;

"law" includes an unwritten rule of law and "lawful" and "lawfully" shall be construed accordingly;

"the Legislature" means the Legislature of British Guiana;

"Minister" means a Minister appointed under article 29 of this Constitution and includes the Premier;

"the Police Force" means the British Guiana Police Force (or any force, by whatever name called, for the time being succeeding to the functions of the British Guiana Police Force) and includes the Special Constabulary and the Rural Constabulary (or any force, by whatever name called, for the time being succeeding to the functions of the Special Constabulary or the Rural Constabulary);

"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 British Guiana;

"the public service" means the service of the Crown in a civil capacity in respect of the government of British Guiana (including service as a clerk or other member of the staff of a chamber of the Legislature or as a member of the Judicial Service Commission, the Public Service Commission or the Police Service Commission) but does not include service as a judge of the Supreme Court or on the personal staff of the Governor;

"session" means, in relation to a chamber of the Legislature, the sittings of that chamber commencing when it first meets after this Constitution comes into force or after the prorogation or dissolution of the Legislature at any time and terminating when the Legislature is prorogued or is dissolved without having been prorogued;

"sitting" means, in relation to a chamber of the Legislature, a period during which that chamber is sitting continuously without adjournment and includes any period during which the chamber is in committee.

(2) In this Constitution, unless it is otherwise provided or required by the context—

(*a*) any reference to the date on which this Constitution comes into force shall be construed as a reference to the date appointed under subsection (2) of section 1 of the Order in Council to which this Constitution is annexed;

(*b*) any reference to a law of the Legislature shall be construed as including a reference to a law of any Legislature established for British Guiana at any time before the date when this Constitution comes into force and to any instrument having the force of law made in exercise of a power conferred by a law of the Legislature;

(*c*) any reference to power to make appointments to any office shall be construed as including a reference to power to make appointments on promotion and transfer to that office and to power to appoint a person to perform the functions of that office during any period during which it is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions;

(*d*) any reference to the holder of an office by a term designating or describing his office shall be construed as including a reference to any person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of that office.

(3) In this Constitution, unless it is otherwise provided or required by the context, references to the functions of the Governor shall be construed as references to his powers, duties and responsibilities under this Constitution or any other law.

(4) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint a person, to perform the functions of an office if the holder thereof is unable to perform those functions the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(5) Save as otherwise provided in Part IV of this Constitution, any person who is appointed to or to act in any office established by this Constitution may resign from that office by writing under his hand addressed to the person by whom he was appointed; and the resignation of any person from any such office (including any seat in a chamber of the Legislature) by writing under his hand addressed in accordance with this Constitution to any other person shall take effect when the writing signifying the resignation is received by that other person.

(6) Except in sub-paragraph (*c*) of paragraph (1) of article 49, article 63, paragraph (1) of article 68 and article 77 of this Constitution, references in this Constitution to a member or members of the Legislative Assembly do not include references to a person who, under paragraph (2) of article 53 of this Constitution, is a member of the Assembly by virtue of holding the office of Speaker.

(7) For the purposes of this Constitution, a person shall not be considered to hold a public office by reason only—

(*a*) that he is in receipt of a pension or other like allowance in respect of public service; or

(*b*) that he is in receipt of any remuneration or allowance in respect of his tenure of the office of Minister or Parliamentary Secretary

or President, Vice-President or member of the Senate or Speaker, Deputy Speaker or member of the Legislative Assembly ; or

(*c*) that he is a member of any board, panel, committee or other similar body (whether incorporated or not) established by any law for the time being in force in British Guiana.

(8) (*a*) When the holder of any office constituted by or under this Constitution is on leave of absence pending relinquishment of that office the person or authority having power to make appointments to that office may appoint another person thereto.

(*b*) Where two or more persons are holding the same office by reason of an appointment made in pursuance of the preceding paragraph, then—

(i) for the purposes of any function conferred upon the holder of that office, and

(ii) for the purposes of any reference in this Constitution to the absence, illness or inability to perform the functions of his office of the holder of that office,

the person last appointed to the office shall be deemed to be the sole holder of the office.

(9) Where any power is conferred by this Constitution to make any proclamation, order, rules or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such proclamation, order, rules, regulations or directions.

(10) For the avoidance of doubts it is hereby declared that any person who has vacated his seat in any body, or has vacated any office, established by this Constitution may, if qualified, again be appointed or elected as a member of that body, or to that office, as the case may be, from time to time.

(11) The Interpretation Act, 1889, shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to an Act of Parliament.

W. G. Agnew.

(Articles 17 (3), 18 (2), 35, 40 (2) and 63)

THE FIRST SCHEDULE

Forms of Oaths and Affirmations

1. *Oath of Allegiance*

I .....do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. *Affirmation of Allegiance*

I .....do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

3. *Oath for the due execution of the office of Governor and Commander-in-Chief*

I .....do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of Governor and Commander-in-Chief. So help me God.

4. *Affirmation for the due execution of the office of Governor and Commander-in-Chief*

I ..... do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of Governor and Commander-in-Chief.

5. *Oath for the due execution of the office of Premier or other Minister or Parliamentary Secretary*

I, ..., being appointed Premier/Minister/Parliamentary Secretary, do swear that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Governor (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of British Guiana, and I do further swear that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary and that I will not, except with the authority of the Council of Ministers and to such extent as may be required for the good management of the affairs of British Guiana, directly or indirectly reveal the business or proceedings of the Council of Ministers or the nature or contents of any documents communicated to me as a Minister/Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Premier/Minister/Parliamentary Secretary. So help me God.

6. *Affirmation for the due execution of the office of Premier or other Minister or Parliamentary Secretary*

I, ..., being appointed Premier/Minister/Parliamentary Secretary, do solemnly and sincerely affirm and declare that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Governor (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of British Guiana, and I do further solemnly and sincerely affirm and declare that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary and that I will not, except with the authority of the Council of Ministers and to such extent as may be required for the good management of the affairs of British Guiana, directly or indirectly reveal the business or proceedings of the

Council of Ministers or the nature or contents of any documents communicated to me as a Minister/Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Premier/Minister/Parliamentary Secretary.

THE SECOND SCHEDULE (Articles 44 (6) and 86 (6))

PROVISIONS RELATING TO APPLICABILITY OF COMMISSIONS OF INQUIRY ORDINANCE (a) TO TRIBUNALS APPOINTED UNDER THIS CONSTITUTION

1. The following provisions of the Ordinance shall not apply, that is to say—

(*a*) section 2—the whole section;

(*b*) section 3—so much of the section as follows the words "in his place";

(*c*) section 5—the whole section;

(*d*) section 7—the words "after taking such oath or affirmation";

(*e*) section 16—the whole section.

2. All powers and duties conferred or imposed on the Governor under the Ordinance shall be exercised or performed by him acting in his discretion.

EXPLANATORY NOTE

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

The purpose of this Order is to provide a new Constitution for British Guiana. It contains provision with respect to fundamental rights, the office of Governor, a Council of Ministers, the Legislature (which includes two chambers called the Senate and the Legislative Assembly), the Judiciary, the Public Service and Finance.

(a) 1953 Rev. Edn. Cap. 59.