BRITISH GUIANA

1956 No. 2030

The British Guiana (Constitution) (Temporary Provisions) (Amendment) Order in Council, 1956

Laid before Parliament in draft
Made- - - - 19th December, 1956

At the Court at Buckingham Palace, the 19th day of December, 1956

Present,

The Queen's Most Excellent Majesty in Council

Whereas a copy of the draft of the following Order was laid before both Houses of Parliament on the seventh day of November, 1956:

And whereas during the period of forty days beginning on that day neither House has resolved that the draft should not be laid before Her Majesty:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the British Guiana Act, 1928(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and revocation

1.—(1) This Order may be cited as the British Guiana (Constitution) (Temporary Provisions) (Amendment) Order in Council, 1956, and shall be construed as one with the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953(b), (hereinafter referred to as "the principal Order");

(2) The principal Order and this Order may be cited together as the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956.

(3) This Order shall come into operation forthwith and shall be published in the Gazette.

(4) The British Guiana (Electoral Provisions) Order in Council, 1956(c), is hereby revoked.

Amendment of s. 2 of British Guiana (Temporary Provisions) Order in Council, 1953

2.—(1) Section 2 of the principal Order is hereby amended—

(*a*) by the insertion after the definition of "the Legislative Council" in subsection (1) of the following definition:—

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

(a) 18 & 19 Geo. 5. c. 5. (b) S.I. 1953/1910 (1953 I, p. 163). (c) S.I. 1956/1206.

(*b*) by the deletion of the definition of "session" in subsection (1) and the substitution of the following definition:—

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

(*c*) by the deletion of the words "Nominated Unofficial Member of the Legislative Council" in paragraph (*b*) of subsection (4) and the substitution therefor of the words "Nominated Unofficial or Elected Member of the Legislative Council"; and

(*d*) by the addition of the following subsection after subsection (6)—

"(7) For the avoidance of doubts it is hereby declared that any person whose seat in the Legislative Council has become vacant may, if qualified, again be appointed or elected as a member of the Council."

Amendment of s. 3 *of Order of* 1953

3. Section 3 of the principal Order is hereby amended by the deletion of the words "Part VII (comprising sections 85 to 90 inclusive)" and the substitution of the words "Parts VII and VIIA (comprising sections 85 to 90F inclusive)" and by the deletion of the proviso to that subsection and the substitution therefor of the following proviso:—

"Provided that subsection (3) of section 88 and subsection (3) of section 90B of the Constitution Order shall be construed as if for the words "a Member of the State Council or an Elected Member of the House of Assembly" there were substituted the words "a Member of the Legislative Council established by the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953, as from time to time amended."

Amendment of s. 6 *of Order of* 1953

4. Section 6 of the principal Order is hereby amended by the deletion of the words "Nominated Unofficial Member of the Legislative Council" and the substitution therefor of the words "Nominated Unofficial or Elected Member of the Legislative Council".

Amendment of s. 7 *of Order of* 1953

5. Section 7 of the principal Order is hereby amended—

(*a*) by the deletion of paragraph (*e*) of subsection (2); and

(*b*) by the addition of the following proviso to paragraph (*f*) of subsection (2):—

"Provided that, if he shall have vacated his seat in the Legislative Council by reason of a dissolution thereof, he shall not on that account vacate his seat in the Executive Council until the date of the first meeting of the Legislative Council after such dissolution."

Amendment of s. 9 *of Order of* 1953

6. Section 9 of the principal Order is hereby amended by the deletion of the words "(except those of paragraph (*e*) of subsection (2) thereof)" in subsection (3).

Amendment of s. 16 *of Order of* 1953

7. Section 16 of the principal Order is hereby amended by the insertion after paragraph (ii) of the following paragraph :—

"(iii) in the exercise of any power that, in his judgment, relates to the retirement of any public officer or to the grant of a pension, gratuity or other like benefit to any public officer."

Amendment of s. 20 *of Order of* 1953

8. Section 20 of the principal Order is hereby amended by re-numbering the existing provision as subsection (1) of section 20 and by the addition thereto of the following subsection :—

"(2) A Nominated Member of the Executive Council shall, while charged with responsibility for any department or subject under the provisions of this section, be styled a Minister."

Replacement of s. 28 *of Order of* 1953

9.—(1) Section 28 of the principal Order is hereby revoked and the following section is substituted therefor:—

"Constitution of Legislative Council.

28.—(1) There shall be a Legislative Council in and for the Colony, which, subject to the provisions of this Order, shall consist of a Speaker, three *ex-officio* members and not more than twenty-five other members, being either Nominated Members, or, if it is so prescribed by any Proclamation for the time being having effect under subsection (2) of this section, being not more than eleven Nominated Members and not less than fourteen Elected Members.

(2) If Her Majesty shall so direct by instructions given through a Secretary of State, the Governor acting in his discretion by Proclamation published in the Gazette shall, in pursuance of subsection (1) of this section, prescribe, with effect from any dissolution of the Council under section 55 of this Order, the number of Nominated and Elected Members to be comprised in the Legislative Council in accordance with such instructions; and any such Proclamation may be amended or revoked in like manner by the Governor, in pursuance of instructions given as aforesaid, with effect from any subsequent dissolution of the Council.

(3) The Governor, acting in his discretion, may, by Proclamation published in the Gazette, make provision for the establishment of electoral districts (by whatever name called) for the purpose of returning Elected Members to the Legislative Council, and the division of electoral districts for any purpose connected with elections; and any such Proclamation may be amended or revoked in like manner by the Governor."

(2) The Governor, acting in his discretion, shall prescribe by Proclamation made under section 28 of the principal Order, as amended by subsection (1) of this section, that with effect from the first dissolution of the Council after the commencement of this Order, there shall be in the Legislative Council eleven Nominated Members and fourteen Elected Members, and accordingly in their application to the making of that Proclamation the provisions of that subsection shall have effect as if the references therein to instructions given by Her Majesty through a Secretary of State were deleted.

Amendment of s. 29 of Order of 1953

10. Section 29 of the principal Order is hereby amended by the insertion between the word "Nominated" and the word "Member" in subsection (1) thereof of the words "or Elected".

Amendment of s. 31 of Order of 1953

11. Section 31 of the principal Order is hereby amended by the addition after subsection (2) of the following subsection:—

"(3) The Governor may, if he shall think fit, refrain from exercising the power to make appointments conferred upon him by subsection (1) of this section notwithstanding that the number of Nominated Members may at any time be less than the number of Nominated Members prescribed in any Proclamation for the time being having effect under subsection (2) of section 28 of this Order."

Amendment of s. 32 of Order of 1953

12. Section 32 of the principal Order is hereby amended by the deletion of the words "or, having been so appointed, shall sit or vote in the Council".

Amendment of s. 33 of Order of 1953

13. Section 33 of the principal Order is hereby amended by the deletion of the words "or, having been appointed thereto, shall sit or vote in the Council".

Insertion of new ss. 33A, 33B and 33C in Order of 1953

14.—(1) The principal Order is hereby amended by the insertion after section 33 thereof of the following sections:—

"Qualification for elected membership.

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

(*a*) is a British subject of the age of 21 years or upwards; and

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

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

shall be qualified to be elected as an Elected Member of the Legislative Council, and no other person shall be qualified to be so elected.

Disqualification for Elected Membership.

33B. A person shall not be qualified to be elected as an Elected Member of the Legislative Council, who—

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

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

(*c*) is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any contract

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

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

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

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

(*g*) is disqualified for election as an Elected Member of the Legislative Council under any law made in pursuance of subsection (2) of section 33c of this Order; or

(*h*) has at any time since the last dissolution of the Legislative Council ceased to be an Elected Member of the Council under paragraph (*e*) of subsection (1) of section 34A of this Order.

Electoral Law.

33c.—(1) Provision may be made by or in pursuance of any law enacted under this Order for the election of Elected Members of the Legislative Council in accordance with the provisions of this Order, including (without prejudice to the generality of the foregoing power) all or any of the following matters, that is to say—

(*a*) qualifications for registration as a voter or for voting at elections;

(*b*) the registration of voters;

(*c*) the ascertainment of the qualifications of candidates for election and of voters;

(*d*) the holding of elections.

(2) Provision may be made by or in pursuance of any law enacted by or in pursuance of this Order for—

(*a*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for election as an Elected Member of the Legislative Council, or for registration as a voter, or for voting at elections of any person concerned in any such offence; and

(*b*) the disqualification for election as Elected Members of the Legislative Council of persons holding, or acting in, any office the functions of which involve any

responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

(3) Whenever by reason of a dissolution of the Legislative Council there is occasion for a general election of Elected Members, it shall be held at such time within three months of that dissolution as the Governor shall by Proclamation published in the Gazette appoint."

(2) Any laws in force in the Colony at the commencement of this Order relating to elections to the Legislative Council as constituted by this Order or any earlier Order of Her Majesty in Council shall, so far as they are consistent with the provisions of the principal Order, as amended by this Order, apply in relation to the Legislative Council as constituted after the commencement of this Order as if they were laws made in pursuance of section 33c of the principal Order, as amended by subsection (1) of this section, and shall be deemed to have been made under that section.

Amendment of s. 34 *of Order of* 1953

15.—(1) Section 34 of the principal Order is hereby amended—

(*a*) by the deletion of paragraph (*a*) of subsection (3) and the substitution therefor of the following paragraph :—

"(*a*) upon a dissolution of the Legislative Council ; or" and

(*b*) by the addition to subsection (3) of the following paragraph :—

"or (*j*) if he is nominated as a candidate for election as an Elected Member of the Legislative Council." ; and

(*c*) by the deletion of subsection (7).

(2) For the avoidance of doubts it is hereby declared that a person holding office as a Nominated Member of the Legislative Council immediately before the commencement of this Order shall continue to hold office as such until such time as his seat in the Council becomes vacant under section 34 of the principal Order, as amended by subsection (1) of this section.

Insertion of new s. 34A *in Order of* 1953

16. The principal Order is hereby amended by the insertion after section 34 of the following section :—

"Tenure of office of Elected Member.

34A.—(1) The seat of an Elected Member of the Legislative Council shall become vacant—

(*a*) upon a dissolution of the Legislative Council ; or

(*b*) if he ceases to be a British subject ; or takes any oath, or makes any declaration or acknowledgement, of allegiance, obedience or adherence to any foreign Power or State ; or does, concurs in or adopts any act done with the intention that he should become a subject or citizen of any foreign Power or State ; or

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

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

(*d*) if he resigns his seat in the Council by writing under his hand addressed to and received by the Speaker; or

(*e*) if he is absent from the first two sittings of the Legislative Council immediately after his election thereto and the Governor does not, before the termination of the second of those sittings, excuse his absence, or if he fails to take the oath of allegiance or make the appropriate affirmation as provided in section 53 of this Order before the termination of the second of those sittings or such later time (if any) as the Governor may by writing under his hand direct; or

(*f*) if he is absent from two consecutive meetings of the Council and the Speaker does not, before the termination of the second of those meetings, by writing under his hand excuse his absence; or

(*g*) if any circumstances arise that, if he were not an Elected Member, would cause him to be disqualified for election as such under paragraph (*d*), (*e*), (*f*) or (*g*) of section 33B of this Order.

(2) Whenever the seat of an Elected Member of the Legislative Council becomes vacant other than by reason of a dissolution of the Council, the Governor may, by writing under his hand addressed to the Speaker, direct that the seat shall remain vacant until the next dissolution of the Council or until such earlier time (if any) as the Governor may specify and the seat shall remain vacant accordingly until such time (if any) as the Governor shall in like manner otherwise direct.

(3) Whenever the seat of an Elected Member of the Legislative Council becomes vacant otherwise than by reason of a dissolution of the Council, the Speaker shall, by writing under his hand, report such vacancy to the Governor.

(4) The powers of the Governor under this section shall be exercised by him in his discretion."

Amendment of s. 35 *of Order of* 1953

17. Section 35 of the principal Order is hereby amended by the insertion after the word "Nominated" in subsection (1) thereof of the words "or Elected".

Replacement of s. 36 of Order of 1953

18. Section 36 of the principal Order is hereby revoked and the following section is substituted therefor:—

"Determination of questions as to membership.

36.—(1) (*a*) Any question whether—

(i) any person has become a Member (other than an Elected Member) of the Legislative Council; or

(ii) the seat of any Member (other than an Elected Member) of the Council has become vacant; or

(iii) any Nominated Member of the Council is incapable of taking part in the proceedings of the Council by reason of his having been suspended from the exercise of his functions as such, or declared to be temporarily incapable of discharging those functions, under section 35 of this Order,

shall be referred to and determined by the Governor acting in his discretion.

(*b*) The Governor may, by regulations, prescribe the persons by whom, and the manner in which, such questions shall be referred to him.

(2) Provision may be made by law enacted under this Order for the determination by the Supreme Court of the Colony of any question whether—

(*a*) any person has become an Elected Member of the Legislative Council; or

(*b*) the seat of an Elected Member of the Council has become vacant; or

(*c*) any Elected Member of the Council is incapable of taking part in the proceedings of the Council by reason of his having been suspended from the exercise of his functions as such under section 35 of this Order."

Amendment of s. 37 of Order of 1953

19. Section 37 of the principal Order is hereby amended—

(*a*) by the deletion of the words "a Member" in paragraph (*f*) of subsection (1) and the substitution therefor of the words "an *ex-officio* or Nominated Member";

(*b*) by the addition after paragraph (*g*) of subsection (1) of the following paragraphs:—

"(*h*) an Elected Member is, under section 35 of this Order, suspended by the Governor from the exercise of his functions; or

(*i*) the seat of an Elected Member is vacant under subsection (2) of section 34A of this Order."; and

(*c*) by the insertion after the word "Nominated" in subsection (2) of the words "or Elected"; and

(*d*) by the insertion after the word "Nominated" in subsection (4) of the words "or Elected" and by the deletion from that subsection of the words after the word "subsist," and the substitution of the words "the provisions of sections 6, 34, 35, 36 and 39 of this Order shall apply to him as if he were a Nominated Member of the Council".

Replacement of s. 39 *of Order of* 1953

20. Section 39 of the principal Order is hereby revoked and the following section is substituted therefor:—

"Precedence of members.

39.—(1) The Speaker shall take precedence before the other Members of the Legislative Council, who shall take precedence among themselves as Her Majesty may specially assign and, if Her Majesty does not so assign, as follows:—

First, the *ex-officio* Members in the order in which their offices are referred to in section 30 of this Order;

Second, Members temporarily appointed under section 37 of this Order to fill a vacancy in the number of persons sitting in the Council as *ex-officio* Members, in such order as may be assigned by the Governor;

Third, other Members, who are also Members of the Executive Council of the Colony, according to their seniority therein;

Fourth, the Nominated and Elected Members who are not Members of the Executive Council, according to the length of time during which they have been continuously Members of the Legislative Council, Members who have been continuously Members of the Council for the same length of time taking precedence among themselves according to the alphabetical order of their names.

(2) For the purposes of this section—

(*a*) Members elected at a general election shall be deemed to have become Members by virtue of that election on the date of the return of the first writ thereat; and

(*b*) in ascertaining the period for which any person shall have been continuously a Member, no account shall be taken of any interval necessarily following a dissolution of the Council."

Replacement of s. 40 *of Order of* 1953

21. Section 40 of the principal Order is hereby revoked and the following section is substituted therefor:—

"Penalty for sitting or voting when disqualified.

40.—(1) Any person who sits or votes in the Legislative Council knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding ninety-six dollars for every day on which he so sits or votes.

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

Amendment of s. 45 *of Order of* 1953

22. Section 45 of the principal Order is hereby amended by the insertion after the word "thereof" of the following:—

"including any vacancies not filled when the Legislative Council is first constituted or is re-constituted at any time".

Replacement of s. 55 of Order of 1953

23. Section 55 of the principal Order is hereby revoked and the following section is substituted therefor:—

"Prorogation and dissolution.

55.—(1) The Governor, acting in his discretion, may at any time, by Proclamation published in the Gazette, prorogue or dissolve the Legislative Council.

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

Replacement of s. 56 of Order of 1953 and revocation of s. 6 of Emergency Powers (Amendment) Order in Council, 1956

24.—(1) Section 56 of the principal Order is hereby revoked, and the following subsection is substituted:—

"Application of Emergency Powers Orders in Council, 1939 and 1956.

56.—(1) For the avoidance of doubts it is hereby declared that the Emergency Powers Order in Council, 1939(**a**), applies, and always has applied, to the Colony.

(2) The Emergency Powers (Amendment) Order in Council, 1956(**b**), shall apply to the Colony from the nineteenth day of December, 1956, and accordingly the Emergency Powers (Amendment) Order in Council, 1952(**c**), shall cease to apply to the Colony from that date."

(2) Section 6 of the Emergency Powers (Amendment) Order in Council, 1956, is hereby revoked.

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

25.—(1) The British Guiana (Constitution) Order in Council, 1953(**d**), is hereby amended—

(*a*) by the insertion after subsection (2) of section 87 of the following subsections:—

"(3) (*a*) Subject to the provisions of paragraph (*b*) of this subsection, the Governor may delegate (in such manner and on such conditions as he may think fit) to any public officer any of the powers conferred upon him by subsection (1) of this section.

(*b*) The Governor shall not—

(i) delegate any such power unless he has obtained the consent of a Secretary of State to such delegation; or

(ii) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

(*c*) For the purposes of this subsection the emoluments of an officer shall (whether or not he is employed on terms that include eligibility for pension) include only such classes of emoluments as, under the law for the time being in force relating to pensions, are taken into account in computing pensions.

(**a**) See S.I. 1952 I, p. 621.
(**b**) S.I. 1956/731 (p. 512 below).
(**c**) S.I. 1952/2031 (1952 I, p. 620).
(**d**) S.I. 1953/586 (1953 I, p. 126).

(4) The provisions of this section shall be subject to the provisions of any Instructions that may be issued by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such Instructions.

(5) (*a*) If it is provided by or under any law enacted before the commencement of this Order that any public officer shall have power to exercise disciplinary control over other public officers, such power shall be deemed to have been delegated to that officer by the Governor in accordance with the provisions of subsection (3) of this section and accordingly the power shall be exercisable by that officer, subject to the provisions of subsection (4) of this section, unless and until it is revoked by the Governor.

(*b*) Any provision of any law enacted before the commencement of this Order and any instrument made under any such law shall, to the extent that it confers power upon any public officer to exercise disciplinary control over other public officers, cease to have effect, unless it shall have been sooner repealed or revoked, upon the revocation of the power by the Governor."

(*b*) by the deletion, with effect from the commencement of Part VIIA of the Order, from section 89 of the word "relating" in subsection (1) and the substitution therefor of the words "not being a question affecting solely the Police Force or any member or members thereof, which relates"; and

(*c*) by the insertion after Part VII of the following Part:—

"PART VIIA

Police Service Commission

Interpretation and exercise of Governor's powers.

90A.—(1) In this Part of this Order—

"Commissioner" means the Commissioner of Police in command of the Police Force;

"Inspector" includes Chief Inspector and Sub-Inspector;

"Junior Police Officer" means any member of the Police Force below the rank of Sub-Inspector;

"Senior Police Officer" means any member of the Police Force of or above the rank of Sub-Inspector but does not include the Commissioner.

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

Police Service Commission.

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

(2) The Governor may terminate the appointment of any Member of the Police Service Commission, and, subject as

aforesaid, the members of the said Commission shall hold office upon such terms and conditions as may be prescribed by Regulations made under section 90E of this Order.

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

Functions of Police Service Commission.

90C.—(1) The Governor may refer to the Police Service Commission for its advice—

(*a*) any question relating to the appointment or promotion of Senior Police Officers; or

(*b*) any question relating to the dismissal or other disciplinary control of Senior Police Officers other than Inspectors; or

(*c*) any question involving the exercise by the Governor of his power to dismiss any Inspector or Junior Police Officer in respect of which, under any law in force in the Colony—

(i) an appeal has been made by an Inspector or Junior Police Officer to the Governor from a decision of the Commissioner; or

(ii) a decision of the Commissioner has been referred to the Governor for his sanction or confirmation; or

(*d*) any other question which, in his opinion, affects in general the good order and government of the Police Force.

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

Right of the Commissioner to advise the Governor not to be affected.

90D. Nothing in this Part of this Order shall affect, or be construed as affecting, the right of the Commissioner to tender his own advice to the Governor on any question:

Provided that any such advice in respect of any question that has been referred to the Police Service Commission shall be tendered in accordance with such provision (if any) as may be made by Regulations made under section 90E of this Order regarding the manner in which such advice shall be tendered.

Power to make Regulations.

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

(*a*) the membership of the Police Service Commission;

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

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

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

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

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

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

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

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

Commencement of this Part.

90F. This Part shall come into operation on a day to be appointed by the Governor by Proclamation published in the Gazette."

(2) Section 87 of the British Guiana (Constitution) Order in Council, 1953, shall be deemed to have been amended in the manner provided for in subsection (1) of this section with effect from the commencement of that Order, and for the purposes of subsection (5) of that section, as so amended, all laws in force in the Colony before the commencement of this Order shall be deemed to have been enacted before the commencement of that Order.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order in Council amends the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953, in order to make provision for changes in the composition in the Legislative Council of British Guiana, including provision for Elected Members. It amends the British Guiana (Constitution) Order in Council, 1953, so as to provide for the establishment of a Police Service Commission for British Guiana and also applies the Emergency Powers (Amendment) Order in Council, 1956, to British Guiana.