CARIBBEAN AND NORTH ATLANTIC TERRITORIES

ADMINISTRATION OF TERRITORIES

1960 No. 2412

The British Guiana (Electoral Provisions) Order in Council, 1960

Laid before Parliament in draft

Made - - - - 21st December, 1960

At the Court at Buckingham Palace, the 21st day of December, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is proposed that in due course there should be established for the Colony of British Guiana a Legislative Assembly (hereinafter referred to as " the proposed Legislative Assembly ") consisting of not less than thirty-two and not more than thirty-five elected members:

And Whereas it is expedient that provision should be made for the election of members of the proposed Legislative Assembly and that registration of electors should take place notwithstanding that provision has not been made for the establishment of the proposed Legislative Assembly:

And Whereas copies of the draft of the following Order were laid before both Houses of Parliament on the fourth day of November, 1960:

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 subsection (1) of section 1 of 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

1. This Order may be cited as the British Guiana (Electoral Provisions) Order in Council, 1960.

Provisions for election of members to proposed Legislative Assembly

2.—(1) British Guiana shall be divided in such manner as the Governor, acting in his discretion, may appoint by order published in the Gazette into not less than thirty-two and not more than thirty-five electoral districts (by whatever name called) for the purpose of each returning one member to the proposed Legislative Assembly.

(2) Subject to the provisions of the next following subsection, a person shall be qualified to be registered as an elector for elections to the proposed Legislative Assembly in an electoral district if, and shall not be so qualified 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 not less than two years immediately before the date of registration, or is domiciled and resident in British Guiana at that date; and

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

(*c*) has such connection with that electoral district by virtue of residence therein as may be prescribed by or in pursuance of any law enacted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956(a).

(3) No person shall be qualified to be registered as an elector for elections to the proposed Legislative Assembly in any electoral district who—

(*a*) is under sentence of death imposed on him by a court in any country or territory within 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 provision made in pursuance of paragraph (*f*) of the next following subsection.

(4) Subject to the foregoing provisions of this section, provision may be made by or in pursuance of any law enacted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956(a), for the election of members to the proposed Legislative Assembly, including (without prejudice to the generality of the foregoing power) all or any of the following matters, that is to say—

(*a*) the registration of electors;

(*b*) the ascertainment of the qualifications of candidates for election and of electors;

(*c*) the division of electoral districts for any purpose connected with elections;

(*d*) the holding of elections;

(*e*) the disqualification of any person for membership of the proposed Legislative Assembly by reason of his holding or acting in any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any register of electors;

(*f*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the proposed Legislative Assembly, or for registration as an elector, or for voting at elections, of any person concerned in any such offence.

(5) No election of members to the proposed Legislative Assembly shall be held under any law enacted in pursuance of the last foregoing subsection until provision has been made by Order of Her Majesty in Council for the establishment of the proposed Legislative Assembly and that provision shall have come into operation; but registration of electors may take place and all other things necessary or expedient to prepare for such elections may be done in pursuance of any such law at any time after the commencement of this Order.

(a) S.I. 1953/1910, 1956/2030 (1953 I, p. 163; 1956 I, p. 375).

Interpretation

3.—(1) In subsection (1) of the last foregoing section "the Governor" means the Governor and Commander-in-Chief of British Guiana and includes any other officer for the time being administering the government of British Guiana, and "the Gazette" means the Official Gazette of British Guiana.

(2) For the purposes of paragraph (*a*) of subsection (3) of that section—

(*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 those 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.

(3) Subject to the foregoing provisions of this section and save as is otherwise required by the context, the Interpretation Act, 1889(a), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes provision relating to the election of members to a new Legislative Assembly which it is proposed should hereafter be established for British Guiana. It provides for the division of the territory into electoral districts by the Governor and for the qualifications and disqualifications of electors and, subject thereto, enables the existing Legislature of the territory to make provision for the election of such members.

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