EMERGENCY PROVISIONS

1953 No. 1479

The British Guiana (Emergency) Order in Council, 1953

Made - - - - 4th October, 1953
Coming into Operation On a day to be appointed by the Governor under section 1 (2)*

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

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power reserved to Her, in pursuance of the British Guiana Act, 1928(a), by section 94 of the British Guiana (Constitution) Order in Council, 1953(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:—

Citation and commencement

1.—(1) This Order may be cited as the British Guiana (Emergency) Order in Council, 1953.

(2) This Order shall come into operation on such day as the Governor may, by writing under his hand, appoint.*

Interpretation

2. In this Order, unless the context otherwise requires—

" the Colony " means the Colony of British Guiana ;

" the Defence Regulations " means the Defence Regulations, 1939, made by the Governor on the third day of September, 1939, under the Emergency Powers (Defence) Act, 1939(c), as applied to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939(d), and, except as otherwise expressly provided in this Order, does not include any variation of those Regulations ;

" the Governor " means the Officer for the time being administering the Government of the Colony.

Provisions in the Schedules to have the force of law

3.—(1) The provisions contained in the Defence Regulations specified in the first column of Part I of the First Schedule to this Order shall, as from the date on which those provisions are brought into operation under this Order, have the force of law as if they were set out in this Order with the modifications specified in the second column of the said Part and in Part II of the said Schedule and in subsection (3) of this section.

(2) The provisions contained in the Second Schedule to this Order shall, as from the date on which they are so brought into operation, have the force of law.

(3) The provisions specified in the First Schedule to this Order and the provisions contained in the Second Schedule to this Order shall be

(a) 18 & 19 Geo. 5. c. 5. (b) S.I. 1953/586, p. 126 above.
(c) 2 & 3 Geo. 6. c. 62. (d) S.R. & O. 1939/968 ; 1939 I, p. 1467.
* Date appointed, 8.10.53.

construed as if they formed one instrument, and accordingly for references to the Defence Regulations, or to any of them, in the first mentioned provisions there shall be substituted references to this Order or to sections of this Order, as the case may require.

Bringing into operation of provisions in the Schedules

4.—(1) The Governor may, by order, from time to time bring into operation all or any of the provisions specified in the First Schedule or contained in the Second Schedule to this Order.

(2) The Governor may at any time, by order, suspend the operation of all or any of the provisions brought into operation under subsection (1) of this section.

Publication of instrument setting out provisions in the Schedules

5.—(1) At any time after the commencement of this Order the Governor may cause to be prepared and published in the Colony an instrument to be intituled "The Emergency Order" containing—

(*a*) the provisions specified in the first column of Part I of the First Schedule to this Order set out in full with the modifications and additions required by this Order and in particular by—

(i) the second column of Part I of the said First Schedule;

(ii) Part II of the said First Schedule; and

(iii) subsection (3) of section 3 of this Order;

(*b*) the provisions contained in the Second Schedule to this Order;

and the Governor may direct that, in such instrument, the said provisions shall be numbered in such manner, and such other formal amendments consequent upon the preparation of such instrument shall be made, as the Governor may think fit.

(2) Any instrument prepared as aforesaid and certified by the Governor shall be accepted in courts of law and may be referred to for all purposes connected with the provisions referred to in subsection (1) of this section; and any instrument purporting to be an instrument so prepared and certified shall be presumed so to be unless the contrary is proved.

Exercise of Governor's powers

6. In the exercise of any powers conferred on the Governor by or under this Order, the Governor shall not be obliged to consult with the Executive Council of the Colony.

W. G. Agnew.

THE FIRST SCHEDULE

PART I

Column 1	Column 2
Provisions of the Defence Regulations	Modifications
Regulation 2	In paragraph (1) the definitions of "enemy alien", "the war", and "war offence" shall be omitted; in the definition of "Dominion ship or aircraft" the words "other than Newfoundland" shall be omitted; and, in the definition of "officer of police", for the words "superintendent of police" there shall be substituted the word "Sub-Inspector".

Column 1 Provisions of the Defence Regulations	Column 2 Modifications
Regulation 2—*contd.*	Paragraph (5) shall be omitted, and the following new paragraph shall be substituted therefor:— " (5) Any reference in these regulations to ' disturbers of the peace ' shall be construed as a reference to any persons who— (*a*) by the use of arms, explosives or other violent means act in a manner prejudicial to public safety or order; or (*b*) incite to violence or counsel disobedience to law or resistance to lawful authority."
Regulation 3	
Regulation 4 as amended by the Defence Regulations (Supplies and Services) (Continuance) Order, 1946.	After the word " police " there shall be added the words " and, for the purposes of such regulations as the Governor may by order specify, such members of Her Majesty's forces as the Governor may by order declare ".
Regulations 6, 10 and 11.	
Regulations 15 and 16 ...	After the word " safety " in each Regulation there shall be inserted a comma followed by the word " order ".
Regulation 17.	
Regulation 18	After the word " safety " in subparagraphs (*c*) and (*e*) of paragraph (1) and in paragraph (2) there shall be inserted the words " or order ".
Regulation 20	After the word " among " in subparagraph (*a*) of paragraph (1) there shall be inserted the words " or seduce from their duty ".
Regulations 21 and 22.	
Regulation 23	After the word " constable " in paragraph (3) there shall be inserted the words " or any member of Her Majesty's forces ".
Regulation 25	The words " then, without prejudice to the law relating to treason " and the words " and shall, on conviction on indictment, be liable to penal servitude for life " shall be omitted.
Regulations 28 and 30.	
Regulation 31	The words " being either an enemy alien or a person " in paragraph (1) shall be omitted.
Regulations 32 and 33.	
Regulation 34	After the word " defence " there shall be inserted the words " or public safety or order ".
Regulations 41, 42 and 43.	

Column 1	Column 2
Provisions of the Defence Regulations	Modifications
Regulation 44 as amended by the Defence (Amendment No. 2) Regulations, 1941.	
Regulations 45 to 51 inclusive.	
Regulation 54.	
Regulations 56, 57 and 58.	
Regulation 59 as amended by the Defence (Amendment) Regulations, 1940.	
Regulations 60 to 65 inclusive.	
Regulations 67 and 68.	
Regulation 69	For the word " three " in paragraph (1) there shall be substituted the word " six ", and for the word " two " in paragraph (2) there shall be substituted the word " five ".
Regulations 70 to 78 inclusive.	

PART II

General Modifications

1. For any references in the provisions specified in the first column of Part I of this Schedule to " a war offence " there shall be substituted a reference to " an offence against these regulations ".

2. For any references in the said provisions to " the enemy " there shall be substituted a reference to " disturbers of the peace ".

3. Any references in the said provisions to " the efficient prosecution of the war " or " the prosecution of the war " shall be replaced by a reference to " public safety and order " or, in so far as such provision already contains such last mentioned reference, omitted.

THE SECOND SCHEDULE

Arms, ammunition and explosives

1.—(1) The Governor may, by order, in any area specified in such order, regulate or prohibit, either absolutely or subject to such exceptions as he may prescribe, the buying, selling or otherwise dealing in any arms, parts of arms, ammunition or explosive substance, and may direct that all persons or any person or class of persons having in their or his possession any arms, parts of arms, ammunition or explosive substances shall keep the same in a secure place approved by the Commissioner of Police, or remove them to any place directed by the Commissioner of Police, and if any person contravenes such an order or direction he shall be guilty of an offence against this Order.

(2) The Governor may, by order, in any area specified in the order, regulate or prohibit, either absolutely or subject to such exceptions as he may prescribe, the carrying or use of arms, parts of arms, ammunition or explosive substances, and if any person contravenes any such order he shall be guilty of an offence against this Order.

(3) Any person who, in any area specified in an order made under subsection (2) of this section, consorts with or is found in the company of another person who is carrying any arms, parts of arms, ammunition, or explosive substance, in circumstances which raise a presumption that he intends to or is about to act with or has recently acted with such other person in a manner prejudicial to the public safety or the preservation of the peace, shall be guilty of an offence against this Order.

(4) Any person who attends or takes part in any meeting or procession and who has in his possession any arms, ammunition, explosive substance or stick or any stone or other dangerous missile, shall be guilty of an offence against this Order.

(5) In this section the expression "arms" includes (in addition to fire-arms) swords, spears, cutlasses, machettes, axes, hatchets, knives and other dangerous weapons.

Powers of search

2.—(1) Any police officer of or above the rank of Sub-Inspector or any commissioned officer of Her Majesty's forces may, without warrant and with or without assistance, and with the use of force if necessary—

(*a*) enter and search any premises, or

(*b*) stop and search any vessel, vehicle or individual, whether in a public place or not,

if he suspects that any evidence of the commission of an offence against this Order is likely to be found on such premises, vessel, vehicle or individual, and may seize any evidence so found.

(2) Whenever under this section a woman is searched, the search shall be made by another woman.

Injury to property

3.—(1) Any person who injures, or does any act calculated to injure, or to prevent the proper use or working of, any public building, railway, canal, bridge, road, vehicle, telegraph or telephone line, cable or plant, mine, shop, school, dwelling, house, lines, factory, waterworks, gasworks, electricity generating station, or any works or plant used or adapted for use for the production, supply, storage or transport of food, fuel, munitions, water, light, heat or power shall be guilty of an offence against this Order.

(2) Any person who approaches, or who is in the neighbourhood of, or who enters any such place as aforesaid, with intent to do injury thereto or to do any other act specified in subsection (1) of this section, shall be guilty of an offence against this Order.

Employment of voluntary labour

4.—(1) The Governor, or any person authorized by the Governor in that behalf, may employ and pay volunteers or voluntary labour of any description for any purpose which, in the opinion of the Governor, is necessary or expedient in order to maintain supplies and services essential to the life of the community or to secure the public safety or maintain public order.

(2) The remuneration of volunteers or voluntary labour employed under this section shall be paid out of the public funds of the Colony and shall be such as may be directed by the Governor or by anyone authorized by the Governor in that behalf.

(3) Where volunteers or voluntary labour, employed under the provisions of subsection (1) of this section, have performed any work which would, but for the circumstances which necessitated the employment of such volunteers

or voluntary labour, have been performed by labour paid by, or on behalf of, any public or private undertaking or other employer of labour, the costs and expenses incurred by Government in or about the provision and remuneration of such volunteers or voluntary labour, or such proportion of those costs and expenses as may be declared by the Governor or by any person authorized by him in that behalf to be recoverable, shall be recoverable from such undertaking or employer and shall be a debt due to Government by such undertaking or employer and may be sued for by the Attorney General or by any person authorized by the Governor in that behalf.

(4) There may be paid out of the public funds of the Colony such compensation to any person employed under subsection (1) of this section or to the personal representatives or dependants of any such person such compensation for injury or death resulting from such employment as may be decided by the Governor or any person or authority appointed by him in that behalf.

Direction of labour

5.—(1) Where, in the opinion of the Governor, it is necessary or expedient in order to maintain supplies and services essential to the life of the community or to secure the public safety or maintain public order, the Governor or any person authorized by the Governor in that behalf may—

(*a*) by order, direct any person or class of persons, specified or described by name, office, or employment or otherwise, who is or are ordinarily employed, whether in the capacity of principal, manager, agent, servant or otherwise, in or about an undertaking connected with such supplies and services, to remain in and continue such employment at his or their usual or ordinary remuneration until released by the Governor or anyone so authorized as aforesaid;

(*b*) by order, direct any person (hereinafter called "a person directed") to undertake and perform, for such remuneration and under the direction of such person or authority as may be specified, such work or duties in or about an undertaking connected with such supplies and services and at such place, as may be specified.

(2) Any inability of a person directed, by reason of any requirement of an order made under paragraph (*b*) of subsection (1) of this section, to perform any contract of service shall not afford to any other party to the contract grounds for terminating or repudiating the same: but such other party may deduct from the salary or wages, due under the contract of service to a person directed, a fair proportion of such salary or wages having regard to the period or periods during which the person directed is unable to perform such contract by reason of the requirements of such order as aforesaid.

(3) The Governor, or any person authorized by him in that behalf, may pay out of the public funds of the Colony to a person directed, in addition to any remuneration due to him by virtue of an order made under paragraph (*b*) of subsection (1) of this section, any expenses reasonably incurred by him in complying with the terms of the order; and the provisions of subsection (3) of the preceding section shall apply for the purposes of the recovery by the Government of such remuneration and expenses in like manner as such provisions apply for the purposes of the recovery of the costs and expenses referred to in those provisions.

(4) Any person who, without lawful excuse, fails or neglects to comply with any such order or direction, or prevents or obstructs or interferes with any other person in the performance of any such order or direction, shall be guilty of an offence against this section:

Provided that nothing in this section shall make it an offence for any person or persons to take part in a strike in any service not being an essential service within the meaning of the Trade Disputes (Essential Services) Ordinance, 1942, of the Colony.

(5) Any person who terminates or repudiates any such contract of service as aforesaid for any reason attributable to, or to the requirements of, an order made under paragraph (*b*) of subsection (1) of this section, shall be guilty of an offence against this Order.

Billeting

6.—(1) Any person authorized by the Governor for the purpose may cause to be served upon the occupier of any premises a written notice (hereinafter referred to as "a billeting notice"), requiring the occupier of those premises to furnish therein, until further notice, according as that notice may direct, accommodation (by way of lodging or food or both, and either with or without attendance, according as the notice may direct) for such number of persons as may be so specified.

(2) Every billeting notice must, in order to be of any effect for the purposes of this section, define by reference to the particular service or services in which they are engaged the persons for whom accommodation is required by the notice.

Power to proscribe organizations

7.—(1) The Governor may, by order, declare to be unlawful any society or organization which, in the opinion of the Governor, is prejudicial to public safety or order.

(2) Any person who, so long as any order under subsection (1) of this section is in force in relation to any society or organization, manages or works for such society or organization or in any other way assists such society or organization to continue to exist or takes part in any activities thereof, shall be guilty of an offence against this Order.

(3) Any person who shall, without lawful authority or excuse, have in his possession any badge, ticket, document or any other thing whatsoever, which purports to have been, or which appears to have been, issued by any society or organization declared to be unlawful under the provisions of subsection (1) of this section, whether before or after such declaration, or which purports to be, or which appears to be, or which appears to be intended as, evidence of membership of, or any authority from, or any association with, any such society or organization shall be guilty of an offence against this Order.

(4) It shall be lawful for any police officer to seize anything whatsoever which may appear to belong to, or to be connected with, or to be intended to be used for the purpose of, any society or organization declared to be unlawful as aforesaid; and it shall be lawful for a magistrate, upon such notice (if any) as he shall think fit, to order any such thing to be forfeited. Anything so forfeited shall be disposed of in such manner as the Commissioner of Police may direct.

EXPLANATORY NOTE

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

This Order in Council gives the force of law, as from the date on which they are brought into operation by the Governor, to the provisions specified in the first column of Part I of the First Schedule (subject to certain modifications made by the Order) and to the provisions set out in the Second Schedule to the Order.

These provisions give certain powers connected with the defence of the Colony, the securing of public safety and order, and the maintenance of supplies and services essential to the life of the Community, and create certain offences for acts prejudicial to those matters.