

I assent.

C. C. WOOLLEY,

Governor.

2nd December, 1949.

ORDINANCE No. 26 OF 1949.

AN ORDINANCE to make provision for the preparation, printing, publication, coming into force, and legal validity of a revised edition of the Ordinances of the Colony and of the subsidiary laws thereof. A.D. 1949.

[3rd December, 1949.]

Be it enacted by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Law Revision Ordinance, 1949. Short title.

2. In this Ordinance,—

“enactment” includes an Ordinance and a subsidiary law; Interpre-

“Revised Edition” means the revised edition of the Ordinances to be prepared under the authority of this Ordinance, and includes the Appendix thereto under section ten, and the tables and index under section eleven;

“subsidiary law” includes any proclamation, rule, regulation, by-law, order of the Governor or of the Governor in Council, resolution, notice or form made or issued under the authority of any Ordinance.

Preparation of the Revised Edition.

3. (1) There shall be prepared, subject to and in accordance with the provisions of this Ordinance, a revised edition of such Ordinances of the Colony as shall be in force on the date appointed under subsection (2) of this section.

(2) The Governor in Council may, by Order published in the *Gazette*, appoint a date for the purpose of subsection (1) of this section and may, by a like Order, from time to time change the date so appointed and appoint another date in lieu thereof:

Provided that no date shall be appointed under this subsection which is more than one year after the commencement of this Ordinance.

Appointment of Commissioner to prepare the Revised Edition, and his remuneration.

4. (1) The Governor shall, by writing under his hand, appoint a Commissioner or Commissioners for the purpose of preparing the Revised Edition under this Ordinance.

(2) If more Commissioners than one are appointed, each Commissioner shall have full power to do any and all things authorised by this Ordinance to be done by the Commissioners, and the expression "the Commissioner" as used in this Ordinance shall apply to such Commissioners and to each of them.

(3) If any Commissioner appointed under this Ordinance shall die, resign, or be otherwise unable to act, the Governor may appoint some fit and proper person to be Commissioner in his stead.

(4) The remuneration to be paid to the Commissioner, and any other terms of his appointment, shall be fixed and determined by the Governor.

5. In the preparation of the revised edition the Commissioner shall have the following powers, that is to say—

(a) to omit—

- (i) all Ordinances or parts of Ordinances which have been repealed expressly or specifically or by necessary implication, or which have expired or have become spent or have had their effect;
- (ii) all repealing enactments contained in Ordinances, and also all tables or lists of repealed enactments whether contained in schedules or otherwise;
- (iii) all preambles to Ordinances, where such omission can, in the opinion of the Commissioner, be conveniently made;
- (iv) all introductory words of enactment in any Ordinance or section of an Ordinance;
- (v) all enactments prescribing the date when an Ordinance or part of an Ordinance is to come into force, where such omission can, in the opinion of the Commissioner, be conveniently made; and
- (vi) all amending Ordinances or parts of Ordinances where the amendments effected by such Ordinances or parts of Ordinances have been embodied by the Commissioner in the Ordinances to which they relate;

Powers of the Commissioner.

Provided that the provisions of section twenty-nine of the Interpretation Ordinance shall apply to such omissions in the same manner and to the like extent as if the Ordinance or enactments omitted had been repealed; Cap. 5.

- (b) to consolidate into one Ordinance any two or more Ordinances in *pari materia*, making the alterations thereby rendered necessary in the consolidated Ordinance, and affixing thereto such date as may seem most convenient;
- (c) to alter the order of sections in any Ordinance, and, in all cases where it is desirable so to do, to re-number the sections of any Ordinance;
- (d) to alter the form or arrangement of any section of an Ordinance, either by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections, or by transposing words;
- (e) to divide any Ordinance, whether consolidated or not, into parts or other divisions;
- (f) to transfer any provision contained in an Ordinance from that Ordinance to any other Ordinance to which it more properly belongs;
- (g) to arrange the Ordinances, whether consolidated or not, in any group or sequence that may be convenient, irrespective of the date of enactment;
- (h) to add a short title to any Ordinance which may require it, and, if desirable, to alter the short title of any Ordinance;
- (i) to add, alter and substitute definitions of terms and expressions to or in any Ordinance;
- (j) to supply or alter marginal notes;
- (k) to correct cross references;
- (l) to shorten and simplify the phraseology of any Ordinance;
- (m) to correct grammatical, typographical and similar mistakes, and omissions, in the existing copies of Ordinances, and for that purpose, to make verbal additions, omissions or alterations not affecting the meaning of any Ordinance;
- (n) to make such formal alterations as to names, localities, offices, titles and otherwise as may be necessary to bring any Ordinance into conformity with conditions existing in the Colony; and
- (o) to do all other things relating to form and method which may be necessary for the perfecting of the Revised Edition.

6. (1) The power conferred upon the Commissioner by section five shall not be taken to imply any power in him to make any alteration or amendment in the matter or substance of any Ordinance or part of an Ordinance. Mode of dealing with alterations in substance.

(2) Subject to the provisions of subsection (4) of this section, in every case where any such alteration or amendment is, in the opinion of the Commissioner, desirable, the Commissioner

shall draft a Bill in which such alterations and amendments shall be set forth and in which authority shall be sought, if necessary, for the Commissioner to make such alterations and amendments in the Revised Edition.

(3) Any such Bill may have reference to more Ordinances than one, although such Ordinances may not be in *pari materia*.

(4) In any case where an Ordinance, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire recasting, the Commissioner shall draft a Bill accordingly.

(5) Every Bill under this section shall, on its approval by the Governor in Council, be submitted to the Legislative Council and dealt with in the ordinary way.

Omission of certain Ordinances from the Revised Edition. First Schedule.

7. (1) The Commissioner shall omit from the Revised Edition —

(a) all Ordinances which were omitted from any previous revised edition in pursuance of a statutory power or duty so to do;

(b) the Ordinances specified in the first schedule hereto.

(2) The Governor in Council may, by Order published in the Gazette, from time to time amend the said schedule by the addition of other Ordinances.

(3) Anything contained in this Ordinance to the contrary notwithstanding, any Ordinance specified in the schedule or in any Order made under subsection (2) of this section shall remain in force until the same shall have been repealed expressly or specifically or by necessary implication, or shall have expired or become spent or had its effect.

References to sources of Ordinances in the Revised Edition.

No. 4 of 1926.

8. There shall be inserted in the margin, opposite the long title, of every Ordinance contained in the Revised Edition —

(a) where the Ordinance appears in the revised edition of the laws prepared under the authority of the Statute Law Revision Ordinance, 1926, (hereinafter in this Ordinance referred to as the 1929 Revised Edition) a reference to the number of the chapter in that edition to which the Ordinance relates;

(b) where the Ordinance does not appear in the 1929 Revised Edition, a reference to the number and year of the Ordinance;

(c) in any case, a reference to the number and year of any other Ordinance or Ordinances incorporated with such Ordinance by virtue of the powers in this Ordinance contained.

Reference to subsidiary legislation under Ordinances in the Revised Edition.

9. Where subsidiary legislation is in force under any Ordinance contained in the Revised Edition the Commissioner, if he considers that a reference to such legislation or to any part thereof ought to appear in the Revised Edition, shall insert such reference therein immediately after such Ordinance as aforesaid.

10. The Commissioner shall cause to be printed in an Appendix to the Revised Edition the legislative enactments and the constitutional documents set out in the second schedule hereto.

11. The Commissioner shall prepare and cause to be printed in a separate volume of the Revised Edition —

- (a) a chronological table showing the manner in which the Chapters in the 1929 Revised Edition, the Ordinances specified in the schedule to the Statute Law Revision Ordinance, and the Ordinances enacted subsequent to Ordinance No. 25 of 1929, have been repealed amended or otherwise affected, and their places if any in the Revised Edition.
- (b) a reference table to, or explanatory notes in respect of, such Acts of Parliament, Proclamations of His Majesty, Orders and Regulations of His Majesty in Council, and other Imperial legislation, having effect in the Colony or affecting the Colony, as the Commissioner may think fit;
- (c) such other tables as the Commissioner may think fit;
- (d) a full and complete index to the Ordinances contained in the Revised Edition.

12. (1) The Commissioner shall, with the approval of the Governor, make such arrangements as he may think expedient for the printing and binding of the Revised Edition.

(2) The Governor shall give such directions as he may think fit with respect to the number of volumes into which the Revised Edition shall be divided, the number of copies to be printed, and the manner in which they shall be bound.

13. (1) The Commissioner shall, as soon as the Revised Edition is completed, transmit a copy thereof to the Governor, and the Governor shall lay the same before the Legislative Council.

(2) Upon the passing of a resolution of the Legislative Council authorising him so to do, the Governor may, by Proclamation published in the *Gazette*, order that the Revised Edition shall come into force from such date as he may think fit.

(3) The Revised Edition shall, from the date named in such proclamation, be deemed to be and shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper Statute Book of the Colony in respect of Ordinances in force on such date as aforesaid, subject, however, to the provisions of subsection (1) of section six.

(4) Notwithstanding the foregoing provisions of this section, the Governor may, upon the passing of a resolution of the Legislative Council authorising him so to do, by Proclamation published in the *Gazette*, bring into force such part or parts of the Revised Edition of the Ordinances as may be completed from time to time and published, whereupon from the date named in such proclamation and to the extent specified therein, the enactments so proclaimed shall be substituted for the enact-

Appendix to the Revised Edition.

Second Schedule Chronological table and index to the Revised Edition, and reference to Imperial legislation. No. 4 of 1926.

Printing of Revised Edition.

Bringing into force and validity of the Revised Edition.

ments therein reproduced and revised and shall for all purposes be of full force and effect and without any question whatsoever be recognised in all courts of justice, subject, however, to the provisions of subsection (1) of section six.

Ordinances not included in the Revised Edition.

14. Any Ordinance or any part of an Ordinance, published before the date referred to in subsection (1) of section three but not contained in the Revised Edition, may be, in any court or on any occasion, referred to —

- (a) for the purpose of construing or interpreting any contract, or agreement, or other document, or any rule or regulation in which such Ordinance or part thereof is cited or referred to or incorporated by reference; or
- (b) for the purpose of construing or interpreting any Ordinance contained in the Revised Edition; or
- (c) if it has not been repealed, or its provisions have not been incorporated in any Ordinance contained in the Revised Edition, then for the purpose of showing what the law is on the subject with which it deals:

Provided always that where any provision of any Ordinance contained in the Revised Edition is inconsistent with any Ordinance, published as aforesaid but not contained in the Revised Edition, that provision shall, until the contrary be shown, be deemed to have been repealed.

Effect of repealed or omitted Ordinances.

15. The repeal or omission from the Revised Edition of any enactment repealed or omitted during and for the purpose of the preparation of such Revised Edition shall not affect the validity of any existing resolutions of the Legislative Council or any subsidiary law made under any enactment so repealed or omitted, but any such resolution or subsidiary law, in so far as it is not inconsistent with any other enactment for the time being in force, shall continue in force until otherwise provided.

Construction of reference to enactment repealed or otherwise affected.

16. Where, in any enactment or in any document of whatever kind, reference is made to any enactment repealed or otherwise affected by or under the operation of this Ordinance, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding enactment in the Revised Edition.

Saving of existing subsidiary laws.

17. All subsidiary laws made under any enactment included in the Revised Edition and in force at the date when such Revised Edition shall come into force, shall continue in force until otherwise provided; and references in any such subsidiary law to the enactment under which it is made or to any other enactment shall, where necessary and practicable, be deemed to apply to the corresponding enactment in the Revised Edition.

Expenses of preparation and publication.

18. (1) The Governor may, by warrant addressed to the Financial Secretary and Treasurer, from time to time direct the payment of all expenses of and incidental to the preparation and publication of the Revised Edition.

(2) Such expenses shall be paid from such moneys as

shall from time to time be provided by the Legislative Council for that purpose.

19. (1) The Governor shall determine the number of copies of the Revised Edition, or of any portions thereof which shall be available for sale to the general public, and such copies shall be offered for sale at such price or prices as may from time to time be fixed by the Governor.

Sale and distribution of copies of the Revised Edition.

(2) The Governor may distribute copies of the Revised Edition, or of any portion thereof, free of charge, amongst such persons officers and departments as he may think proper.

20. (1) It shall be lawful for the Governor, by writing under his hand, to appoint a Commissioner or Commissioners for the purpose of preparing a revised edition of the subsidiary laws of the Colony in force on such date as the Governor shall determine, and thereupon the provisions of this Ordinance relating to the preparation printing publication and bringing into force of a revised edition of the Ordinances shall *mutatis mutandis* apply and have effect in relation to the preparation printing publication and bringing into force of such revised edition of the subsidiary laws.

Revision of the subsidiary laws.

(2) The Governor in Council may, by Order published in the *Gazette*, from time to time direct that there shall be included in the revised edition of the subsidiary laws under subsection (1) of this section such Acts of Parliament, Proclamations of His Majesty, Orders and Regulations of His Majesty in Council, and other Imperial legislation, having effect in the Colony or affecting the Colony, as he may think fit.

FIRST SCHEDULE.

Section 7.

(Ordinances to be omitted from the Revised Edition).

Chapter, or Number and year, of Ordinance.	Short title of Ordinance.
Cap. 42	Stamp Duties Ordinance.
Cap. 45	Public Purposes Loan Ordinance.
Cap. 140	Baptisms and Burials Registration Ordinance.
Cap. 192	Industrial and Reformatory Schools Ordinance.
Cap. 203	Public Officers (Widows' and Orphans' Fund) Ordinance.
Cap. 276	Georgetown (Vlissengen) Improvement Ordinance, 1876.
Cap. 277	Vlissengen Commission (Dissolution) Ordinance.
27 of 1929	W. A. Lea Pension Ordinance, 1929.
28 of 1929	J. G. Cruickshank Pension Ordinance, 1929.
29 of 1929	R. B. Craig Pension Ordinance, 1929.
32 of 1929	H. D. Brassington Retirement Ordinance, 1929.
37 of 1929	Drainage and Irrigation (Bush Lot) Ordinance, 1929.
48 of 1929	Harbour Board (Surplus Funds) Ordinance, 1929.
28 of 1930	C. H. Greig Pension Ordinance, 1930.
37 of 1930	Harbour Board (Surplus Funds) Ordinance, 1930.
7 of 1931	A. G. Biden Pension Ordinance. 1931.
1 of 1932	Transport and Harbours (Temporary Surtax) Ordinance, 1932.
9 of 1932	Electric Lighting Ordinance, 1932.
11 of 1932	Sir H. K. M. Sisnett Pension Ordinance, 1932.

Chapter, or Number and year, of Ordinance.	Short title of Ordinance.
20 of 1932	Georgetown Improvement Works (Authorisation) Ordinance, 1932.
36 of 1932	Drainage and Irrigation (Advances Repayment) Ordinance, 1932.
37 of 1932	Drainage and Irrigation (Costs Variation) Ordinance, 1932.
15 of 1933	Georgetown Sewerage and Water Commissioners (Validation) Ordinance, 1933.
37 of 1933	Revenue Protection Fund (Transfer) Ordinance, 1933.
1 of 1935	Fawcett Pension Ordinance, 1935.
20 of 1936	Douglas Pension Ordinance, 1936.
24 of 1936	William Cunningham Pension Ordinance, 1936.
29 of 1937	Benjamin Disraeli McDougall Pension Ordinance, 1937.
3 of 1939	Georgetown Sewerage and Water (Amendment) Ordinance, 1939
11 of 1939	Mining Licences (Validation) Ordinance, 1939.
6 of 1940	Thomson Pension Ordinance, 1940.
16 of 1940	Patents, Designs, Copyright and Trade Marks (Emergency) Ordinance, 1940.
17 of 1940	Cunha (Validation of Acts performed as a Justice of Peace) Ordinance, 1940.
18 of 1940	Bannister Pension Ordinance, 1940.
20 of 1940	Stockdale Pension Ordinance, 1940.
1 of 1941	Excess Profits Tax Ordinance, 1941.
4 of 1941	Teachers Pensions (Re-computation of Amounts) Ordinance, 1941.
10 of 1941	Haynes Pension Ordinance, 1941.
28 of 1941	Excess Profits Tax (Amendment) Ordinance, 1941.
1 of 1942	Dias Pension Ordinance, 1942.
8 of 1942	John Williams Pension Ordinance, 1942.
14 of 1942	Marriage Validation (Georgetown and East Bank Demerara District) Ordinance, 1942.
22 of 1942	Land Partition and Re-allotment (Christianburg and Wismar) Ordinance, 1942.
28 of 1942	Life Assurance Companies (Temporary Modification) Ordinance, 1942.
4 of 1943	Excess Profits Tax (Amendment) Ordinance, 1943.
20 of 1943	U.S.O. Rating and Taxation (Special Provision) Ordinance, 1943.
22 of 1943	Owen Pension Ordinance, 1943.
28 of 1944	New Amsterdam Town Council (Loan) Ordinance, 1944.
31 of 1944	Georgetown Town Council (Extension of Borrowing Powers) Ordinance, 1944.
32 of 1944	Georgetown (Valuation and Rating) (Special Provisions) Ordinance, 1944.
33 of 1944	Excess Profits Tax (Amendment) Ordinance, 1944.
38 of 1944	Income Tax (Amendment No. 2) Ordinance, 1944.
9 of 1945	Janki Pension Ordinance, 1945.
12 of 1945	District Lands Partition and Re-allotment (Special Procedure) Ordinance, 1945.
12 of 1946	Excess Profits Tax (Amendment) Ordinance, 1946.
2 of 1947	Excess Profits Tax (Cessation) Ordinance, 1947.
3 of 1947	Aldie Pension Ordinance, 1947.
12 of 1947	Public Officers Guarantee Fund (Repeal) Ordinance, 1947.
16 of 1947	Post Office Savings Bank (Special Provisions) Ordinance, 1947.
21 of 1947	Sugar Export Duty Ordinance, 1947.

SECOND SCHEDULE. Section 10.

(Legislative enactments and constitutional documents to be printed in Appendix to the Revised Edition).

1. Publication relating to Alterations in the Names of Plantations, dated the 20th July, 1803 and having force in the then Colony of Demerara and Essequibo.

2. Articles of Capitulation proposed in 1803 by the Governor-General and the Court of Policy of the Colonies of Essequibo and Demerara, and the Commanding Officers of the Sea and Land Forces of the Batavian Republic in the said Colony, to their Excellencies the Commanders-in-Chief of His Britannic Majesty's Sea and Land Forces off Demerara, with the Answers to such Articles; and Additional Articles thereto.

3. An Act relating to the Boundaries between Berbice and Surinam (7th February, 1800), in the English version only.

4. A Proclamation by the Provisional Government and other Members of the Court of Policy and Criminal Justice in the Colony of Berbice relating to the Capitulation of the Colony (27th September, 1803).

5. Award of the Tribunal of Arbitration constituted under Article I of the Treaty of Arbitration signed at Washington on the 2nd February, 1897, between Great Britain and the United States of Venezuela, dated the 3rd October, 1899.

6. Award of His Majesty the King of Italy with regard to the boundary between the Colony of British Guiana and the United States of Brazil, dated the 6th June, 1904.

7. Letters Patent dated the 20th July, 1928 passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Colony of British Guiana, as amended from time to time.

8. Royal Instructions dated the 20th July, 1928 passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of British Guiana, as amended from time to time.

9. British Guiana Act, 1928.

10. British Guiana (Constitution) Order in Council, 1928, as amended from time to time.

11. Standing Rules and Orders of the Legislative Council.

12. West Indian Court of Appeal Act, 1919, as amended by section 1 (5) of the Dominica Act, 1938.

13. West Indian Court of Appeal Rules, 1945.

14. West Indian Court of Appeal (Expenses) Order in Council, 1922.

15. Regulations made on the 20th January, 1923 by the West Indian Court of Appeal pursuant to the West Indian Court of Appeal (Expenses) Order in Council, 1922.

16. Order of His Majesty in Council dated the 7th February, 1921 prescribing Rules for the making of Appeals from the West Indian Court of Appeal to His Majesty in Council.

17. Order of His Majesty in Council dated the 10th January, 1910, governing Appeals from the Supreme Court to His Majesty in Council, as amended by Order of His Majesty in Council dated the 12th March, 1923.

18. Judicial Committee Rules, 1925, as amended by Order of His Majesty in Council dated the 8th August, 1932, the 30th April, 1936, and the 25th February, 1944.

19. British Nationality Act, 1948.

20. British Nationality Regulations, 1948.