



I assent.

J. M. Jenison

Governor.

1st December, 1955.

BRITISH GUIANA.

ORDINANCE No. 51 OF 1955.

AN ORDINANCE to provide a system whereby offenders guilty of minor offences may be made to perform extra-mural work instead of serving terms of imprisonment.

Enacted by the Legislature of British Guiana:—

A.D. 1955.

1. This Ordinance may be cited as the Extra-Mural Work Ordinance, 1955. Short title.

2. In this Ordinance, unless the context otherwise requires — Interpreta-
tion.
“Courts” means the Supreme Court of British Guiana or a Magistrate’s Court, as the case may require;
“Commissioner” means the Commissioner of Police;
“extra-mural work order” means an order made under section 3 of this Ordinance;

“offender” means a person in respect of whom an extra-mural order is for the time being in force;

“public work” means work prescribed by Regulations made under this Ordinance.

3. (1) Where a person —

(a) has been convicted of an offence for which he is liable to be sentenced to imprisonment; or

(b) is liable to be committed to prison for failure to pay a fine or debt —

and the Court is of opinion that, if this Ordinance had not been passed, he would have been adequately punished by imprisonment for a period not exceeding six months, but that, having regard to his character, the nature and seriousness of the offence or the circumstances of his failure to pay (as the case may be) and all other circumstances of the case, it is inexpedient so to sentence or to commit him, notwithstanding any provisions contained in any other Ordinance, the Court may in lieu thereof and subject to and in accordance with the provisions of this Ordinance, make an order requiring him to be employed on public work for such period not exceeding six months and for such number of hours each day (excluding Sundays and public holidays) as are specified in the order.

(2) Where the Court has reason to doubt whether any such person is physically fit for employment on public work, the Court —

(a) may cause him to be medically examined;

(b) shall not make an extra-mural work order unless it is shown to the satisfaction of the Court that he is so fit; and

(c) shall specify in the extra-mural work order if such an order is made, any public work for which the Court is not satisfied he is physically fit.

(3) The number of hours each day during which the offender shall be required to be employed under the preceding subsection shall not exceed three, exclusive of any intervals prescribed for meals, refreshment or rest and shall, if the offender is gainfully occupied in employment, occupy only that part of the offender's time which would represent leisure hours.

(4) The Court shall before making an extra-mural work order, explain to the person concerned in ordinary language the effect of the order and the effect of failure to comply therewith and shall not make the order unless he expresses his willingness to comply with the requirements thereof.

4. (1) Subject to the provisions of any Regulations made under this Ordinance and of the terms of the extra-mural work order, an offender shall, during the period of the extra-mural work order, report daily at such times and places as the Commissioner may specify, to the Commissioner or any other member of the Police Force appointed by him for that purpose.

(2) An offender shall each day be employed on a daily task, set by the person to whom, under the preceding subsection, he is required to report, which shall be such as can, in the opinion

Extra-mural
work order

Offender to
report to the
Commis-
sioner of
Police.

of that person, be completed by the offender, having regard to his physical capacity, during the number of hours specified in the order.

(3) If an offender is gainfully occupied in employment, the time at which he is ordered to report daily under the provisions of subsection (1) of this section shall be such as not to interfere with such employment.

5. If an offender is injured by an accident arising out of and in the course of his employment on public work while he is so employed by virtue of an extra-mural work order, he shall be entitled to receive such free medical and hospital treatment and such compensation (if any) as may be prescribed.

Injury to offender while employed on public work.

6. (1) If any offender, without reasonable cause —

- (a) fails on any day to report in accordance with subsection (1) of section 4 of this Ordinance, or
- (b) fails to perform the task set out on any day under subsection (2) of section 4 of this Ordinance, or
- (c) in any way misconducts himself during the time when he is, or should be employed on such task, or
- (d) without permission granted in such circumstances, by such persons and subject to such conditions as may be prescribed, absents himself from any place at which he should perform such task, or
- (e) fails in any other way to comply with any of the requirements of the extra-mural work order or the provision of any Regulations made under this Ordinance,

Breach of requirement of extra-mural order.

the Commissioner may make a report to the Court, and the Court may cause the offender to be brought before it and shall inquire into the facts alleged.

(2) If on any such inquiry the Court is satisfied as to the truth of any such allegations, the Court may —

- (a) order that the offender forfeit any prescribed remission of the period of the extra-mural work order which he may have earned; or
- (b) pass any sentence or make any order (including an extra-mural work order) which the Court could pass or make if the offender were then convicted of the offence in respect of which the original extra-mural work order was made, due allowance being made for the number of days on which he has completed his daily task, or may admonish the offender without passing any sentence or making any further order.

(3) In this section "the Court" means, if the offender was convicted in the Supreme Court, the Supreme Court, or if he was convicted in a Magistrate's Court, any Magistrate's Court having jurisdiction in the area in which the offender resides.

7. The Governor in Council may make regulations —

- (i) prescribing and regulating for the purposes of this Ordinance the functions of the Commissioner or any other member of the Police Force appointed by him;

Regulations.

- (ii) regulating the supervision of offenders by the Commissioner or by any other member of the Police Force appointed by him;
- (iii) prescribing the nature of the work which is to be regarded as public work for the purposes of this Ordinance;
- (iv) providing for the medical examination of persons for the purpose of subsection (2) of section 3 of this Ordinance, and of offenders;
- (v) regulating the employment of offenders on public work, regard being had amongst other things, to any entry made in an extra-mural work order in pursuance of paragraph (c) of subsection (2) of section 3 of this Ordinance;
- (vi) providing for the issue of free food to offenders so far as appears to the Governor in Council to be necessary;
- (vii) providing in the case of an offender with respect to whom an extra-mural work order has been made for non-payment of a debt, for crediting him with wages in respect of public work performed by him under this Ordinance, and for the application of sums so credited in or towards the payment of such debt;
- (viii) providing for the remission of parts of periods specified in extra-mural work order;
- (ix) providing for any other matter to be prescribed under this Ordinance;
- (x) generally for carrying the provisions of this Ordinance into effect.

Orders in
Council.

8. The Governor in Council may by Order prescribe —
- (a) the classes of offenders; and
 - (b) the areas of the Colony to which the provisions of this Ordinance shall apply.

Passed by the Legislative Council this twenty-fourth day of November, nineteen hundred and fifty-five.



Acting Clerk of the Legislature.

(S.W. 98/11/43 II)
(Leg. Bill No. 53/1955)