



ORDINANCE NO. 29 OF 1961.
MISCELLANEOUS ENACTMENTS (AMENDMENT)
ORDINANCE, 1961.



I assent.
W. A. G. G.
Governor.

12th July, 1961.

BRITISH GUIANA.

Arrangement of Sections.

Section

1. Short title.
2. Amendment of enactments.
3. Commonwealth War Graves Commission.
Schedule.

AN ORDINANCE to amend certain enactments.

Enacted by the Legislature of British Guiana:—

A.D. 1961.

1. This Ordinance may be cited as the Miscellaneous Enactments (Amendment) Ordinance, 1961, and so far as it amends any Ordinance shall be construed as one with that Ordinance and any Ordinance amending such Ordinance.

Short title.

Amendment
of enact-
ments.
Schedule.

2. The enactments specified in the first column of the schedule to this Ordinance shall be amended to the extent set out in the second column thereof.

Common-
wealth War
Graves Com-
mission
Cap. 356.

3. (1) Notwithstanding the change of name effected in section 2 of the War Graves Ordinance by virtue of the preceding section, the alteration in the name of the Commission shall not prejudice or affect any rights or obligations of the Commission or anything which remains to be done or forborne to be done under or by virtue of its previous name, and the Commission may exercise by its new name all existing rights, powers and privileges.

(2) Any reference to the Commission by its previous name in any enactment, instrument or document of any kind shall be construed as a reference to the Commission by its new name.

SCHEDULE

Section 2.

Enactment	Amendment
1. Law Reform (Miscellaneous Provisions) Ordinance, Chapter 4. Section 13	In subsection (1) the words "satisfaction of the" shall be deleted.
2. Interpretation Ordinance, Chapter 5. Section 37 (as amended by Ordinance No. 16 of 1960).	In subsection (5) after the words "in force" there shall be inserted the words "or which may hereafter be enacted".
3. Criminal Law (Offences) Ordinance, Chapter 10. Section 21	For section 21 the following section shall be substituted — "21. Where any person is convicted of an indictable offence, not being an indictable offence punishable with death, the Court may, in its discretion, according to the circumstances of the case, substitute for a punishment prescribed by this Ordinance, or by any statute for the time being in force, for the offence a different punishment as follows — (a) a fine;

(b) if it thinks proper, according to the circumstances of the case, order that, in addition to, or in the case of any misdemeanour in lieu of, any other punishment, the person convicted shall enter into his own recognisance, with or without sureties, for keeping the peace and being of good behaviour and that in default of entering into the recognisance, he be imprisoned, in addition to the term (if any) of imprisonment to which he may be sentenced, for any term not exceeding six months."

4. Summary Jurisdiction
(Procedure) Ordinance,
Chapter 15

After section 52 the following section shall be inserted —

"Payment of amount due on warrant of commitment.

52A. If any person against whom an order is made for the payment of a sum of money and in respect of whom a warrant of commitment is issued under section 52 of this Ordinance, pays or tenders to the police or other constable charged with the execution of the warrant the sum of money adjudged to be paid by the order, together with all other costs, charges and expenses, or produces to the police or other constable a receipt of the clerk for them, the police or other constable shall cease to execute the warrant, and the amounts aforesaid shall be paid to the clerk."

5. (a) Evidence Ordinance,
Chapter 25. Section 43 For subsection (4) the following subsection shall be substituted —
“(4) In this section the expression “Government Analyst” shall be construed to include an assistant analyst, a radiologist, and in cases not involving homicide the Government Bacteriologist and Pathologist.”
- (b) Evidence Ordinance,
Chapter 25. Section 71 For the proviso the following proviso shall be substituted —
“Provided that —
(i) the judge shall determine whether the witness is of competent understanding to give that evidence;
(ii) where the evidence of a child admitted by virtue of this section is given by the prosecution, the accused shall not be liable to be convicted of the offence unless the evidence is corroborated by some other material evidence in support thereof implicating him.”
- (c) Evidence Ordinance,
Chapter 25. Section 90 In the proviso to subsection (1) the words “outside British Guiana” shall be substituted for the words “beyond the seas”.
- (d) Evidence Ordinance,
Chapter 25. Section 95 For subsection (4) the following subsection shall be substituted —
“(4) It shall be sufficient evidence of absence from British Guiana, within the meaning of this section, to prove that the deponent was on board a vessel or an aircraft on its outward journey from British Guiana bound for some port or place beyond British Guiana, and that on inquiry being made for the deponent before trial at his last or most usual place of abode or business he could not be found.”

6. Old Age Pensions Ordinance, Chapter 63.
Section 10 For subsection (2) the following subsection shall be substituted—
“(2) The Governor in Council may direct that the time prescribed in the preceding subsection in respect of persons resident in any specified area, or in respect of any specified class of persons or, for good reason shown, in respect of any specified person, shall be extended.”
7. Labour Ordinance, Chapter 103.
Section 39A (as amended by Ordinance No. 8 of 1960). In subsection (1), after the word “Crown”, there shall be inserted the words “secrecy concerning”.
8. Holidays with Pay Ordinance, Chapter 108.
Section 7 In paragraph (d) for the figure “9” there shall be substituted the figure “10”.
9. Mental Hospital Ordinance, Chapter 140.
Section 10 For subsection (1) the following subsection shall be substituted —
“(1) The magistrate of the judicial district in which any person alleged to be of unsound mind is or is residing, upon the information given in Form No. 1 in the schedule to the magistrate aforesaid on the oath of any informant that such informant has good cause to believe and does believe that such person is of unsound mind and a proper subject for confinement, may in any convenient place examine such person and in the same or in some other place may hold an inquiry as to the state of mind of such person.”
10. Local Government Ordinance, Chapter 150. The following section shall be inserted after section 139 —

- "Recovery of interest. 139A. The provisions of sections 120 to 139 (both inclusive) of this Part shall apply to the recovery of any interest that becomes payable under subsection (4) of section 117 of this Ordinance as they apply to the recovery of rates."
11. Drainage and Irrigation Ordinance, Chapter 192.
Section 68 In subsection (1) for the words "authorised or required by" there shall be substituted the words "required or considered by the Board to be necessary for the purpose of".
12. Rice Marketing Ordinance, Chapter 249. .. . After section 23A the following section shall be inserted —
- "Receipts or acknowledgments to be given on payment of milling fees. 23B. (1) E v e r y manufacturer shall give to every rice farmer who pays any sum of money for or on account of milling fees, a receipt or acknowledgment for such fees or portion of fees so paid.
(2) E v e r y manufacturer who contravenes the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance."
13. River Navigation Ordinance, Chapter 270.
Section 13 At the end the following proviso shall be inserted —
"Provided that any regulation made under section 7 of this Ordinance for the carrying of lights shall apply to boats belonging to Amerindians when such

boats are being used by them upon those portions of the rivers of the Colony below the first falls.”

14. Motor Vehicles Insurance (Third Party Risks) Ordinance, Chapter 281.

Section 3

After subsection (4), there shall be inserted the following subsection —

“(5) A person who by virtue of an order of a court under this section is disqualified from holding or obtaining a driver’s certificate may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, notwithstanding the provisions of the Summary Jurisdiction (Appeals) Ordinance, declare that the disqualification shall operate until the appeal is finally determined.”

15. Customs Ordinance, Chapter 309.

Section 2

In the definition of “Officer” the word “and” after the words “Customs and Excise” shall be deleted and after the words “Police Force,” there shall be inserted the words “and any other person authorised in writing by the Comptroller to be an officer,”.

16. (a) Patents and Designs Ordinance, Chapter 342.

Section 2

The following definition shall be substituted for the definition of the expression “examiner” —
 ““examiner” means any skilled person appointed by the Registrar for the purposes of this Ordinance to whom the Registrar refers questions concerning patents;”

- (b) Patents and Designs
Ordinance, Chapter
342.
Section 80 ..

The following subsection shall be substituted for subsection (1)—
“(1) The Registrar may appoint any person as an examiner.”

17. War Graves Ordinance,
Chapter 356.
Section 2

For the definition of the expression “the Commission” there shall be substituted the following definition —

“the Commission” means the Commonwealth War Graves Commission;”

18. Nonpareil Park (Lease
to the Indian Education
Trust of British Guiana)
Ordinance No. 3 of
1960

In the schedule the figures “5915” shall be substituted for the figures “5951”.

Passed by the Legislative Council this eighth day of June, nineteen hundred and sixty-one.

(Leg. Bill No. 18/1961).

Edwyn V. Viaprey
Acting Clerk of the Legislature.