



ORDINANCE No. 33 OF 1961.
LEGISLATURE (DISQUALIFICATION) ORDINANCE, 1961.



I assent.

 Governor.

17th July, 1961

BRITISH GUIANA.

Arrangement of Sections.

Section

1. Short title and commencement.
2. Interpretation.
3. Disqualification.
4. Exceptions.
5. Government contracts.

First Schedule.

Second Schedule.

AN ORDINANCE to make provision for disqualifying the holders of specified offices and persons belonging to the regular armed forces of the Crown or the Police Force, or interested in Government contracts, for membership of the Legislature.

Enacted by the Legislature of British Guiana:—

A.D. 1961.

Short title
and com-
mencement.

No. 21 of
1961.

Interpre-
tation.

S.I. 1961/
1188

Disqualifica-
tion.

5 & 5 Eliz
II, c. 20.

No. 39 of
1957.

First
schedule.

Exceptions.

S.I. 1961/
1188

Second
Schedule.

1. (1) This Ordinance may be cited as the Legislature (Disqualification) Ordinance, 1961, and shall come into operation on such day as the Governor appoints under subsection (1) of section 2 of the Representation of the People (Amendment) Ordinance, 1961.

2. In this Ordinance, unless the context otherwise requires “chamber” means the Senate or Legislative Assembly established under the Constitution ;

“the Constitution” means the Constitution of British Guiana annexed to the British Guiana (Constitution) Order in Council, 1961.

3. Subject to the provisions of section 4 of this Ordinance, a person shall be disqualified for membership of either chamber—

(a) while he holds or acts in any office of emolument in the service of the Crown in a civil capacity in respect of the government of British Guiana or any other territory or country in the Commonwealth;

(b) while he is disqualified by the House of Commons Disqualification Act, 1957, as a member of the regular armed forces of the Crown;

(c) while he is a member of the legislature of any country or territory outside British Guiana; or

(d) without prejudice to the generality of any provisions of this section, while he —

(i) is a member of the Police Force within the meaning of the Police Ordinance, 1957, or

(ii) holds or acts in any office referred to in the first schedule to this Ordinance.

4. (1) The grounds hereinbefore prescribed for disqualification for membership of a chamber shall be deemed not to include holding or acting in (whether for emolument or not) any office which —

(a) by any law made prior to the commencement of this Ordinance and for the time being in force (with modifications and adaptations by virtue of section 20 of the British Guiana (Constitution) Order in Council, 1961, if any), appertains to membership of the chamber; or

(b) (without prejudice to the generality of any provisions of this section) is referred to in the second schedule to this Ordinance.

(2) The said grounds shall be deemed not to include holding or acting in (whether for emolument or not) any office occupied at the time of dissolution of the Legislative Council established under the

British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956, by an Elected or Nominated Unofficial Member thereof: S.I. 1953/
1910, 1956/
2030,

Provided that this subsection shall not continue in force after such day as the Governor may, by order, appoint.

5. (1) A person shall be disqualified for membership of either chamber if he is a party to, or a partner in a firm, or a director or manager of a company, which is a party to any Government contract, other than a disclosed contract, for the furnishing or providing of wares, merchandise or services of a value exceeding one thousand dollars, to be used or employed in the service of the public. Government
Contracts.

(2) A contract shall be deemed not to be disclosed for the purposes of the preceding subsection —

- (a) in relation to the Senate, unless prior to his appointment thereto the person discloses to the Governor the nature of such contract and his interest, or the interest of any firm or company aforesaid, therein;
- (b) in relation to the Legislative Assembly, unless, within ten days before the day for the receiving of his nomination for election thereto, the person causes to be published in one daily newspaper, and to be delivered to the Commissioner of Elections for publication in the Gazette, a notice setting out the nature of such contract and his interest, or the interest of any firm or company aforesaid, therein.

(3) In this section the expression "Government contract" means any contract made with the Government of British Guiana, or a department of that Government, or an officer of that Government contracting as such.

FIRST SCHEDULE

Section 3 (d) (ii)

OFFICES DISQUALIFYING FOR MEMBERSHIP OF LEGISLATURE

Chief Justice.
Puisne Judge.
Commissioner of Title.
Magistrate.
Rent Assessor.

Member of an assessment committee constituted under the Rice Farmers (Security of Tenure) Ordinance, 1956.

No. 31 of
1956

Commissioner appointed under section 7 of the Petroleum (Production) Ordinance. Cap. 199.

Appointed member of Public Utility and Public Health Services Arbitration Tribunal.

- Cap. 103. Arbitrator appointed under section 4 of the Labour Ordinance.
- Cap. 59. Commissioner appointed under the Commissions of Inquiry Ordinance.
- Cap. 111. Medical referee appointed for the purposes of the Workmen's Compensation Ordinance.
Member of the Customs Tariff Tribunal.
- Cap. 257. Assessor of a court of inquiry appointed under Part I of the Shipping Casualties (Investigation and Prevention) Ordinance.
- Cap. 290. Member of the Board of Review established under section 56A of the Income Tax Ordinance.
- No. 48 of 1956. Arbitrator appointed by the Governor under section 31 of the Hydro-Electric Power Ordinance, 1956.
Director of Public Prosecutions.
- Cap. 88. Member of the British Guiana Volunteer Force within the meaning of the Volunteer Ordinance other than a member to whom section 30 thereof applies or would apply but for the revocation of any enactment referred to in the section.
Manager of the British Guiana Rice Marketing Board.
General Manager of the British Guiana Rice Development Company, Limited.
Member of a local valuation panel established under the Local Government (Valuation of Property) Ordinance, 1959.
Member of the British Guiana Fire Brigade.
- No. 39 of 1957. Supernumerary constable, subordinate officer, inspector or officer appointed under section 84 of the Police Ordinance, 1957.
- No. 22 of 1957. Prison Officer within the meaning of the Prison Ordinance, 1957.
Commissioner of Elections, Chief Electoral Officer, returning officer, deputy returning officer, election clerk, substitute election clerk, presiding officer, assistant presiding officer or poll clerk appointed under the Representation of the People Ordinance, 1957.
- No. 3 of 1957. Clerk or other member of the staff of a chamber.
Member of the Governor's personal staff appointed under the Constitution.

SECOND SCHEDULE

Section 4(1)(b)

OFFICES NOT DISQUALIFYING FOR MEMBERSHIP OF
LEGISLATURE.

Attorney General.

Member of the Advisory Council on the Prerogative of Mercy constituted under the Constitution.

A.D. 1961]

LEGISLATURE (DISQUALIFICATION)

[No. 33

Member of the British Guiana Electricity Corporation.

Member of any board, panel, committee or other similar body (whether incorporated or not) established by any law for the time being in force in British Guiana, other than an office mentioned in the first schedule to this Ordinance.

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

Edwyn V. Niarai,
Acting Clerk of the Legislature.

(Leg. Bill No. 28/1961.)