

# Bill No. 10 of 1959

PUBLISHED 7TH FEBRUARY, 1959

Bill No. 10 of 1959.  
FULL COURT (FINAL DECISIONS) BILL, 1959  
ARRANGEMENT OF SECTIONS.

Section

1. Short title and commencement.
2. Decisions of Full Court to be final.
3. Amendment of schedule.

A BILL

Intituled

AN ORDINANCE TO PRESERVE THE FINALITY OF CERTAIN DECISIONS OF THE FULL COURT OF THE SUPREME COURT.

Enacted by the Legislature of British Guiana:—

Short title and commencement.  
No. 19 of 1958.

Decisions of Full Court to be final.

Amendment of schedule.

1. This Ordinance may be cited as the Full Court (Final Decisions) Ordinance, 1959, and shall be deemed to have come into operation on the date on which Part II of the Federal Supreme Court (Appeals) Ordinance, 1958, came into operation.

2. Every decision of the Full Court of the Supreme Court given in pursuance of a provision for the time being specified in the schedule to this Ordinance shall be final and conclusive.

3. (1) The Governor in Council may from time to time by order published in the Gazette amend the schedule to this Ordinance by adding any provision thereto or deleting any provision therefrom.

(2) Any order made by the Governor in Council under this section shall be laid before the Legislative Council within fourteen days next after it is made if the Council is sitting on the last day as aforesaid, and if the Council is not then sitting or constituted within fourteen days after the commencement of the next ensuing sitting.

(3) If, within twenty-one days after the order is laid before the Legislative Council, a resolution is passed by the Council that the order or any part of it be annulled, it shall thereby be annulled to the extent set forth in the resolution, and the order, or part thereof, so annulled shall thenceforth become void and of no effect.

(4) Where any provision is added to the schedule to this Ordinance by an order made under this section and, on the date on which that order is made, any appeal is pending from any decision of the Full Court of the Supreme Court given in pursuance of that provision, nothing in this Ordinance shall be deemed to apply to such decision of the Full Court and the appeal from such decision may be heard and determined as if the order had not been made.

SCHEDULE

Section 2.

Ordinance	Section
1. Immigration Ordinance, (Cap. 98).	s. 25
2. District Lands Partition and re-allotment Ordinance, (Cap. 173).	s. 16(13)
3. Mining Ordinance, (Cap. 196).	s. 74
4. Motor Vehicles and Road Traffic Ordinance, (Cap. 280).	s. 82(2)
5. Customs Ordinance, (Cap. 309)*.	s. 19(1)
6. Intoxicating Liquor Licensing Ordinance, (Cap. 316).	ss. 25 & 26

\* (as amended by the Customs (Consolidation) (Amendment) Ordinance, 1954, (No. 12 of 1954).

OBJECTS AND REASONS.

Prior to the coming into force of Part II of the Federal Supreme Court (Appeals) Ordinance, 1958, there was no right of appeal to the West Indian Court of Appeal from decisions of the Full Court of the Supreme Court. Part II of the Federal Supreme Court (Appeals) Ordinance, 1958, confers, however, a restricted right of appeal to the Federal Supreme Court from decisions of the Full Court in cases where it is not provided by Ordinance that those decisions shall be final. Having regard to this provision this Bill seeks to declare that decisions of the Full Court given in exercise of special jurisdiction conferred on the Court by certain Ordinances shall be final. In view of the nature of these cases (which are all outside the normal jurisdiction of the courts) and the fact that in all of them the decision of the Full Court is on appeal from some other court or tribunal, it is considered desirable that the existing position whereby no appeal lies from the decision of the Full Court should be maintained.

A. M. I. AUSTIN,  
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(M.P. C. 52/3 II).  
(Leg. Bill 10/1959).