

Bill No. 10 of 1963

PUBLISHED 19TH MARCH, 1963

No. 283

LEGISLATURE,
Public Buildings,
Georgetown.
15th March, 1963.

The following Bill which will be introduced in the Legislative Assembly is published for general information.

I. CRUM EWING,
Clerk of the Legislature.

Bill No. 10 of 1963.

MISCELLANEOUS ENACTMENTS (AMENDMENT) BILL, 1963.

Arrangement of Sections

Section

1. Short title.
2. Amendment of enactments.

SCHEDULE.

A BILL

Intituled

An Ordinance to amend certain Enactments.

Enacted by the Legislature of British Guiana:—

A.D. 1963.

1. This Ordinance may be cited as the Miscellaneous Enactments (Amendment) Ordinance, 1963, and so far as it amends any Ordinance shall be construed as one with that Ordinance and any Ordinance amending such Ordinance.

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.

SCHEDULE

Section 2

Enactment	Amendment
1. The Immigration Ordinance, Chapter 98.	
(a) the whole Ordinance	Wherever in the Ordinance the expression "the Governor" or "the Governor in Council" appears there shall be substituted therefor the expression "the Minister".

Enactment**Amendment**

(b) section 2

The following definition shall be inserted after the definition of the expression "master" —

"the Minister" means the Minister charged for the time being with responsibility for immigration."

(c) section 30

In subsection (1) for the expression "the Legislative Council" there shall be substituted the expression "the Legislature".

(d) section 36

For section 36 the following section shall be substituted —

"Regulations to be laid before Legislative Assembly.

36.(1) Any regulations made under this Ordinance shall be laid before the Legislative Assembly within fourteen days after they are made, and if the Legislative Assembly, within the period of thirty days beginning with the day on which any such regulations are laid before it, resolves that the regulations or any of them be annulled, they or it shall be thereby annulled and the regulations or regulation so annulled shall thenceforth become void and of no effect but without prejudice to the validity of anything previously done under the regulations or regulation or to the making of new regulations.

(2) In calculating a period of days for the purposes of the last foregoing subsection no account shall be taken of any time during which the Legislature is dissolved or prorogued or during which the Legislative Assembly is adjourned for more than seven days.

(3) Any regulations, or any part thereof, which have not, within the period of thirty days after they are laid before the Legislative Assembly, been annulled by resolution of the Assembly, shall have effect as if enacted in this Ordinance."

2. The Expulsion of Undesirables Ordinance, Chapter 99.

(a) the whole Ordinance

Wherever in the Ordinance the expression "the Governor" or "the Governor in Council" appears there shall be substituted therefor the expression "the Minister".

(b) section 2

The following definition shall be inserted before the definition of the expression "undesirable person"—

"the Minister" means the Minister charged for the time being with responsibility for the maintenance of public safety and public order."

3. The Aliens (Immigration and Registration) Ordinance, Chapter 101.

(a) the whole Ordinance

Wherever in the Ordinance the expression "the Governor", or "the Governor in Council", appears there shall be substituted therefor the expression "the Minister".

Enactment	Amendment
(b) section 2	The following definition shall be inserted before the definition of the expression "registration officer"— "the Minister" means the Minister charged for the time being with responsibility for immigration.
4. The Firearms Ordinance, Chapter 345.	
(a) the whole Ordinance.	Wherever in the Ordinance the expression "the Governor" or "the Governor in Council" appears there shall be substituted therefor the expression "the Minister".
(b) section 2	(i) The following definition shall be inserted after the definition of the expression "firearms dealer"— "the Minister" means the Minister charged for the time being with responsibility for the maintenance of public safety and public order. (ii) The following definition shall be inserted after the definition of the expression "offence under this Ordinance"— "the Permanent Secretary" means the Permanent Secretary who is responsible for the supervision of the departments of government and in respect of which the Minister has been charged with responsibility.
(c) section 18	In subsection (10) for the expression "the Chief Secretary" there shall be substituted the expression "the Permanent Secretary".
(d) section 19	In subsection (6) for the expression "the Chief Secretary" there shall be substituted the expression "the Permanent Secretary".
(e) section 42	In the proviso to the section, for the expression "the Attorney General" there shall be substituted the expression "the Director of Public Prosecutions".
(f) section 44	The following subsections shall be inserted— "(3) Any regulations made under this section shall be laid before the Legislative Assembly within fourteen days after they are made, and if the Legislative Assembly, within the period of thirty days beginning with the day on which any such regulations are laid before it, resolves that the regulations or any of them be annulled, they or it shall be hereby annulled and the regulations or regulation so annulled shall thenceforth become void and of no effect but without prejudice to the validity of anything previously done under the regulations or regulation or to the making of new regulations. (4) In calculating a period of days for the purposes of the last foregoing subsection, no account shall be taken of any time during which the Legislature is dissolved or prorogued or during which the Legislative Assembly is adjourned for more than seven days. (5) Any regulations, or any part thereof, which have not, within the period of thirty days after they are laid before the Legislative Assembly, been annulled by resolution of the Assembly, shall have effect as if enacted in this Ordinance."

Enactment

Amendment

5. The Explosives Ordinance, Chapter 346.
- (a) the whole Ordinance
- Wherever in the Ordinance the expressions "the Governor", "the Governor in Council" and "the Governor and Legislative Council" appear there shall be substituted therefor the expression "the Minister".
- (b) section 2
- After the definition of the expression "magazine" there shall be inserted the following definition—
"the Minister" means the Minister charged for the time being with responsibility for the maintenance of public safety and public order.'
- (c) section 8
- In subsection (4) for the expression "the Financial Secretary" there shall be substituted the words "the Minister charged for the time being with responsibility for finance".
- (d) section 9
- For the words "proclamation of the Governor" there shall be substituted the words "order of the Minister".
- (e) section 11
- The following subsections shall be inserted—
 (5) Any regulations made under this section and section 12A shall be laid before the Legislative Assembly within fourteen days after they are made, and if the Legislative Assembly, within the period of thirty days beginning with the day on which any such regulations are laid before it, resolves that the regulations or any of them be annulled, they or it shall thereby be annulled, and the regulations or regulation so annulled shall thenceforth become void and of no effect but without prejudice to the validity of anything previously done under the regulations or regulation or to the making of new regulations.
 (6) In calculating a period of days for the purposes of the last foregoing subsection, no account shall be taken of any time during which the Legislature is dissolved or prorogued or during which the Legislative Assembly is adjourned for more than seven days.
 (7) Any regulations, or any part thereof, which have not, within the period of thirty days after they are laid before the Legislative Assembly, be annulled by resolution of the Assembly, shall have effect as if enacted in this Ordinance."
- (f) section 18
- In subsection (3) for the expression "the Legislative Council" there shall be substituted the expression "the Legislative Assembly".
6. The Police Ordinance, No. 39 of 1957.
- (a) the whole Ordinance
- Wherever in the Ordinance the expression "the Legislative Council" appears there shall be substituted therefor the expression "the Legislature".
- (b) section 2
- The following definition shall be inserted after the definition of the expression "member of the Force"—
 "the Minister" means the Minister charged for the time being with responsibility for the Police department.'
- (c) sections 2(2), 3(2), 3(3), 4, 5, 7(1), 12(2), 28, 32(1), 33(1), 33(2), 36, 44(2), 50(1), 51, 52(c), 77
- For the expression "the Governor" appearing in these sections there shall be substituted the expression "the Minister".

Enactment

Amendment

(d) section 7

For section 7 the following section shall be substituted—

“7.(1) The Commissioner shall have the command and superintendence of the Force and shall be responsible to the Minister for peace and good order throughout the Colony, for the efficient administration and government of the Force, and for the proper expenditure of all public moneys appropriated for the service thereof.

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~~(2) In the exercise of his functions under the preceding subsection the Commissioner shall be subject to the directions and orders of the Minister.~~

(2) (3) The Commissioner shall have his headquarters in Georgetown.”

(e) sections 13(2), 13(4), 13(5), 83(2), 83(3) For the expression “the Governor in Council” appearing in these sections there shall be substituted the expression “the Governor”.

(g) (f) section 96 For the expression “the Governor in Council” there shall be substituted the expression “the Minister”.

OBJECTS AND REASONS

This Bill seeks to remove certain constitutional anachronisms referred to in the schedule including references to the Governor in Council, the Chief Secretary and the Financial Secretary. Provision is made in appropriate cases for regulations made by the Minister to be laid in the Legislative Assembly and be subject to an annulling resolution of the House. Opportunity is taken to vest in the Minister powers which the Governor now exercises on advice from the Council of Ministers or from the Minister acting under general authority. Provision is made for the functions previously exercised by the Attorney General to be exercised by the Director of Public Prosecutions. The functions of the Financial Secretary will be exercised by the Minister responsible for finance and the functions of the Chief Secretary by the Permanent Secretary to the Ministry of Home Affairs.

F. H. W. RAMSAHOYE,
Attorney-General.

(M.P. L. 94/89).
(Bill 10/1963 (L.A.).

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