

# Bill No. 28 of 1961

PUBLISHED 29TH JUNE, 1961.

Bill No. 28 of 1961.

LEGISLATURE (DISQUALIFICATION) BILL, 1961.

## ARRANGEMENT OF SECTIONS

### Section

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

First Schedule.

Second Schedule.

## A BILL

### Intituled

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:—

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. Short title and commencement.  
No. 21 of 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. Interpretation.  
S.I. 1961/1188
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; Disqualification.  
5 & 5 Eliz II, c. 20.  
(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 No. 39 of 1957.  
(ii) holds or acts in any office referred to in the first schedule to this Ordinance. First schedule.
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 enacted 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 Exceptions.  
S.I. 1961/1188  
(b) (without prejudice to the generality of any provisions of this section) is referred to in the second schedule to this Ordinance. Second Schedule.  
(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, 1956/2930



1881 Provided that this subsection shall not continue in force after such day as the Governor may, by order, appoint.

Government Contracts.

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.

(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 fourteen days before the day for the receiving of his nomination for election thereto, the person causes to be published in the Gazette and one daily newspaper 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.

- No. 31 of 1956 Member of an assessment committee constituted under the Rice Farmers (Security of Tenure) Ordinance, 1956.
- Cap. 199. Commissioner appointed under section 7 of the Petroleum (Production) Ordinance.  
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. 237. Assessor of a court of inquiry appointed under Part I of the Shipping Casualties (Investigation and Prevention) Ordinance.
- Cap. 299. 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 the British Guiana Fire Brigade.
- Supernumerary constable, subordinate officer, inspector or officer appointed under section 84 of the Police Ordinance, 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. 39 of 1957.
- Clerk or other member of the staff of a chamber.
- Member of the Governor's personal staff appointed under the Constitution. No. 3 of 1957.

## 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.
- Member of the British Guiana Electricity Corporation.

## OBJECTS AND REASONS

Under the British Guiana (Constitution) Order in Council, 1961, the present Legislature may by law specify the offices and Government contracts in which persons employed or interested shall be disqualified from membership of the Senate or Legislative Assembly established under the new Constitution. This Bill seeks to provide accordingly.

2. Clause 3 of the Bill and the first schedule thereto seek to specify such offices. These are offices the holding of which is considered to be incompatible with membership of the Legislature.

3. Clause 4 of the Bill and the second schedule thereto seek to except certain offices from the above grounds of disqualification. Such offices will, for a limited period, include offices which are held by elected or nominated unofficial members of the Legislative Council, since it is undesirable that such members should be disqualified for membership of the Senate or Legislative Assembly through remaining in posts where their continued services are required after dissolution of the Legislative Council. The offices excepted will also include offices which, by existing enactments, belong or are appropriate to the status of a member of the Legislature or which are considered not incompatible with that status.

4. Clause 5 of the Bill seeks to disqualify a person for membership of the Senate or Legislative Assembly if he, or a firm in which he is partner, or a company of which he is a director or manager, is a party to a Government contract for the supply of merchandise for public use. A person may, however, avoid such disqualification by disclosing his contractual interest so that his appointment to the Senate or election to the Legislative Assembly will not take place in ignorance thereof.

IVOR O. SMITH.  
Acting Chief Secretary.

(Leg. Bill No. 28/1961.