

10.

The British Guiana (Constitution) Orders in Council, 1928 to 1943.

AT THE COURT AT BUCKINGHAM PALACE.

*The 13th day of July, 1928.**

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Recites Act
of Parlia-
ment.

WHEREAS by an Act of Parliament passed in the eighteenth year of the Reign of His Majesty, intituled "An Act to make provision for the Government of the Colony of British Guiana" it was enacted that it should be lawful for His Majesty in Council to create and constitute, in substitution for the existing Legislature, a Legislature for the Colony of British Guiana in such form and with such powers as His Majesty in Council might determine, and from time to time to alter and amend the constitution of the Legislature and any powers thereof; and that any such Order in Council might provide that, notwithstanding the powers conferred on the Legislature thereby, there should be reserved to or conferred on His Majesty full power by Order in Council from time to time to make laws for the peace, order and good government of the Colony of British Guiana.

AND WHEREAS it is expedient to exercise the powers so given to His Majesty by the said Act, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, as follows—

Title of Order.

1. This Order may be cited as the British Guiana (Constitution) Order in Council, 1928.

Definition
of terms.
(As amended
by O. in C.
1943.)

2. In this Order unless the context otherwise requires—

"His Majesty" includes His Majesty's heirs and successors.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Colony" means the Colony of British Guiana.

*The Order in Council of 1928 has been amended by two Orders in Council dated respectively, the 13th August, 1935, and the 11th March, 1943. In addition there is the British Guiana (Legislative Council—Extension of Duration) Order in Council, 1940.

The Orders in Council of 1935 and 1943 (except Article 5 of the latter) have been incorporated with the 1928 Order in Council as here printed. Article 5 of the 1943 Order in Council will be found after the 1940 Order in Council which follows the 1928 to 1943 consolidation.

“ Governor ” means the Governor and Commander-in-Chief for the time being of the Colony of British Guiana and includes every person for the time being administering the Government of the said Colony.

“ Governor in Executive Council ” means the Governor acting after consultation with the Executive Council of the Colony but not necessarily either in such Council assembled or in accordance with the advice of the Council.

“ The Council ” means the Legislative Council hereby constituted, which Council shall be known as “ The Legislative Council of British Guiana.”

Words importing the masculine gender shall include the feminine.

“ Gazette ” means the Official Gazette of British Guiana.

“ Office of emolument ” does not include a pension or other allowance to a person who has ceased to be in the service of the Crown.

3. From a date* to be fixed by the Governor in Executive Council by Proclamation in the Gazette the Court of Policy and the Combined Court of the Colony now subsisting and all and every the functions and privileges of those two bodies respectively shall cease and determine absolutely, and in place of the said Court of Policy and Combined Court there shall be in and for the Colony a Legislative Council, which shall be constituted and have such powers as is hereinafter provided.

Determination of Court of Policy and Combined Court.

Establishment of Legislative Council.

4. The Council shall consist of the Governor as President, three Official Members and twenty-one Unofficial Members.

Constitution of Legislative Council. (As substituted by O. in C. 1943.)

5. The Official Members of the Council shall be the persons from time to time lawfully discharging the functions of the respective offices of Colonial Secretary,† Attorney General of the Colony and Colonial Treasurer.‡

Official Members. (As substituted by O. in C. 1943.)

6. The Unofficial Members of the Council shall be—

Unofficial Members. (As substituted by O. in C. 1943.)

(1) such persons (hereinafter referred to as Nominated Members) not holding office of emolument under the Crown

*The 18th July, 1928, fixed by Proclamation of that date.

†Now the Chief Secretary.

‡Now the Financial Secretary.

and not exceeding seven in number at any one time, as may be appointed in the manner provided by this Order; and

(2) fourteen persons to be elected as provided by this Order (hereinafter referred to as Elected Members).

Appointment of Nominated Members.
(As amended by O. in C. 1943.)

7. The Nominated Members of the Council shall be appointed by Instructions or Warrant under His Majesty's Sign Manual and Signet, or by the Governor by an Instrument under the Public Seal of the Colony in pursuance of His Majesty's Instructions through a Secretary of State, or by the Governor in pursuance of the power hereinafter vested in him.

Tenure of office of Nominated Members.
(As substituted by O. in C. 1943.)

8. (1) A Nominated Member of the Council shall hold his seat on the Council during His Majesty's pleasure and shall in any case vacate his seat at the next dissolution of the Council after his appointment or previously thereto if his seat shall become vacant under the provisions of this Order.

(2) Any person vacating a seat as a Nominated Member may, if qualified, be reappointed from time to time as a Nominated Member by the Governor by Instrument under the Public Seal of the Colony. Any such reappointment may be disallowed by His Majesty through a Secretary of State and (without prejudice to anything done by virtue of such reappointment) the seat of such person on the Council shall become vacant on notification to him by the Governor of such disallowance.

9. *Revoked by the 1943 Order in Council.*

10. *Ditto.*

Provisional appointments.
(As substituted by O. in C. 1943.)

11. (1) Whenever there shall be a vacancy in the number of persons sitting as Members of the Council, by reason of the fact that—

(a) an Official Member is administering the Government of the Colony; or

(b) one person is lawfully discharging the functions of more than one of the offices the holders of which are Official Members; or

(c) no person is lawfully discharging the functions of an office the holder of which is an Official Member; or

(d) a Nominated Member is suspended from the exercise of his functions as a Member; or

(e) a Nominated Member is dead or the seat of any such Member is vacant for any other cause; or

(f) a Nominated Member is declared by the Governor by an Instrument under the Public Seal to be incapable of discharging his functions as a Member; or

(g) an Official or Nominated Member is absent from the Colony; or

(h) a Nominated Member is temporarily appointed to an office of emolument under the Crown,

the Governor may by an Instrument under the Public Seal of the Colony appoint a person to be provisionally a Member for the period of such vacancy.

(2) The period of any such vacancy shall terminate if the provisional appointment of a person to fill it shall be superseded by the permanent appointment of a member in the place of such person, or when the circumstances giving rise to the vacancy shall otherwise cease to exist.

For the purposes of this paragraph, an Instrument under sub-paragraph (f) of the preceding paragraph shall have effect until it is revoked by an Instrument made in a like manner.

(3) Every person so provisionally appointed shall, as long as his appointment shall subsist, be to all intents and purposes—

(a) in the case of a vacancy in the number of Official Members, an Official Member; and

(b) in the case of an appointment in the place of a Nominated Member, a Nominated Member.

(4) The Governor shall forthwith report to His Majesty every provisional appointment of any person as a Member of the Council. Every such person shall hold his place in the Council during His Majesty's pleasure.

(5) The provisional appointment of any person may be disallowed by His Majesty through a Secretary of State or may be revoked by the Governor by an Instrument under the Public Seal, and (without prejudice to anything done by virtue thereof) shall cease to have effect on notification to such person by the Governor of such disallowance or revocation or on the termination of the vacancy by reason of which the appointment was made.

12. If any Nominated Member of the Council, when duly summoned to attend, absents himself without sufficient cause, and persists in such absence after being thereof admonished by the Governor, the Governor is to suspend such Member until His Majesty's pleasure therein be known, giving immediate notice thereof to His Majesty through a Secretary of State.

Suspension
of absentee
Nominated
Members.

Resignation
of Nominated
Members.

13. If any Nominated Member of the Council shall at any time, by writing under his hand addressed to the Governor, resign his seat in the Council and the Governor shall accept his resignation, his seat in the Council shall thereupon become vacant.

Vacation
of seat by
Nominated
Member.
(As sub-
stituted by
O. in C. 1943.)

14. (1) If a Nominated Member shall be appointed permanently to any office of emolument under the Crown his seat shall thereupon become vacant; and if he shall be appointed temporarily to any such office he shall retain his seat, but so long as he continues to hold such office shall not sit as a member of the Council.

(2) If any Nominated Member shall without the leave of the Governor previously obtained, be absent from the sittings of the Council for three months, or shall make any declaration or acknowledgment of allegiance to any Foreign State or Power, or shall become a citizen or subject of any Foreign State or Power, or shall be adjudicated a bankrupt, or shall make a composition or arrangement with his creditors, or shall be sentenced in any part of His Majesty's dominions or in any territory under His Majesty's protection to death or penal servitude, or to imprisonment for a term exceeding twelve months, his seat shall become vacant.

Suspension
of Nominated
Members.

15. (1) The Governor may, by an Instrument under the Public Seal of the Colony, suspend any Nominated Member from the exercise of his functions as a Member of the Council.

(2) Every such suspension shall be forthwith reported by the Governor to a Secretary of State and shall remain in force unless and until either it shall be removed by the Governor by an Instrument under the said Seal, or it shall be disallowed by His Majesty through a Secretary of State, and such disallowance shall be published in the Gazette.

Precedence
of Members.
(As sub-
stituted by
O. in C. 1943.)

16. (1) The Members of the Council shall take precedence as His Majesty may specially assign and, in default thereof, as follows—

First, the Official Members (other than Members provisionally appointed) in the order in which their respective offices are mentioned in Article 5 of this Order;

Secondly, Official Members provisionally appointed and Unofficial Members, who are members of the Executive Council according to their seniority therein;

Thirdly, Official Members provisionally appointed who are not members of the Executive Council, in order of date of appointment;

Fourthly, Unofficial Members who are not members of the Executive Council, according to the length of time during which they have been continuously members of the Legislative Council. Such Unofficial Members who have been continuously members of the Council for the same length of time shall take precedence as between themselves according to the alphabetical order of their names.

(2) For the purposes of this Article—

(a) Members elected at a general election shall be deemed to have become Members by virtue of that election on the date of the return of the first writ thereat;

(b) a Nominated Member shall be deemed to have become a Member on the date of the Instrument by which he was appointed; and

(c) in ascertaining the period for which any person shall have been continuously a Member, no account shall be taken of any interval necessarily following a dissolution of the Council.

17. The Governor, or any Member presiding, may summon to the Council any person holding public office under the Crown in the Colony notwithstanding that such person may not be a Member of the Council, when in the opinion of the Governor or such Member the business before the Council renders the presence of such person desirable. Any person so summoned shall be entitled to take part in the proceedings of the Council relating to the matter in respect of which he was summoned as if he were a Member of the Council, except that he shall not have the right to vote in the Council.

Summoning
of Public
Officers.
(As sub-
stituted by
O. in C. 1943.)

18. No member of the Council shall sit or vote therein until he shall have taken and subscribed the following oath before the Council—

Oath of
Allegiance to
be taken by
Members.

“ I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, His Heirs and successors according to law.

“ So help me God.”

Provided that every person authorised by law to make an affirmation or declaration instead of taking an oath may make such affirmation or declaration instead of the said oath.

Election of
Elected
Members.

19. (1) The persons who shall be Elected Members of the Combined Court at the date when the latter shall cease and determine under this Order shall be and become the first Elected Members of the Council and shall serve as such until the Governor shall dissolve the Council unless they shall in the meantime become subject to any of the disqualifications, other than ceasing to possess a property or income qualification, mentioned in Article 23 of this Order.

(2) After the first dissolution of the Council the Elected Members shall be elected by persons duly qualified as electors as hereinafter provided.

Electoral
Districts.

20. For the purpose of the first election of Members to serve in the Council to be held under the provisions of this Order, and until the Council shall by Ordinance otherwise provide, the Colony shall be divided into such electoral districts as shall be constituted and defined by the Governor in Executive Council by Proclamation in the Gazette, and it shall be lawful for the Governor in Executive Council by Proclamation in the Gazette to declare what number of Members shall be elected to the Council for each electoral district.

Qualifications
of Elected
Members.
(As amended
by O. in C.
1943.)

21. No person shall be qualified to be elected a Member of the Council or, having been elected, to sit or vote in Council who—

(i) is not of the male sex, and

(ii) is not entitled to vote at an election of a Member of the Council, or

(iii) is a Minister of Religion, or

(iv) is the holder of an office of emolument under the Crown, and who does not possess in the Colony one of the following qualifications, namely—

(a) receipt of a clear annual income of not less than two thousand four hundred dollars, or

(b) possession in his own right of immovable property of the value of not less than five thousand dollars over and above the amount of any mortgage, or

(c) ownership, under a lease for twenty-one years or upwards, of any house or house and land the annual rental whereof is not less than twelve hundred dollars.

Provision as
to joint
owners.

Provided that where any land or immovable property is jointly owned by more persons than one as joint owners or where any house or house and land is or are jointly owned, under a lease for twenty-one years or upwards, by more persons

than one as joint owners, each of such joint owners shall be deemed to have the property qualification for an elected member of the Council in case the value of such land or immovable property or the annual rental of such house or house and land is such as when divided by the number of such owners gives a qualification for each of such owners, but not otherwise.

The term "Minister of Religion" in this Article and in Article 23 of this Order means any clergyman, minister, priest, or other person who exercises spiritual functions or performs the offices of religion for or in respect to any Christian or other church, community, or body within the Colony.

22. Every person who, having been returned as an Elected Member of the Council, but not having been at the time of his election qualified to be an Elected Member, shall sit or vote in the Council, shall for every day on which he sits or votes, and every person who shall sit or vote in the Council after his seat has become vacant shall for every day on which he sits or votes after his seat has become vacant, be liable to a penalty of two hundred and fifty dollars to be recovered by action in the Supreme Court of British Guiana at the suit of the Attorney General.

Penalty for unqualified persons sitting or voting. (As amended by O. in C. 1943.)

23. (1) If any Elected Member of the Council shall die, or shall, by writing under his hand, addressed to the Governor, resign his seat in the Council, or shall cease to possess a property or income qualification as required by Article 21 of this Order, or shall, without the leave of the Governor previously obtained, be absent from the sittings of the Council for three months, or shall make any declaration or acknowledgment of allegiance to any foreign State or power, or shall become a citizen or subject of any foreign State or power, or shall be adjudicated a bankrupt, or shall make a composition or arrangement with his creditors or shall be sentenced in any part of His Majesty's dominions or in any territory under His Majesty's protection to death or penal servitude, or to imprisonment for a term exceeding twelve months, or shall accept any office of emolument under the Crown or under the Government of the Colony, or shall become a Minister of Religion, or shall become of unsound mind, his seat in the Council shall thereupon become vacant.

Seat of Elected Member, how vacated. (As amended by O. in C. 1943.)

(2) Whenever it shall be shown to the satisfaction of the Governor that the seat of an Elected Member has become vacant, the Governor shall, as soon as possible, issue a writ for the election of a new Member in the place of the Member whose seat has become vacant.

Writ for election to supply vacancy.

Questions as to qualification of Members on vacating of seats to be determined by Supreme Court.

Qualifications of voters. (As amended by Os. in C. 1935 and 1943.)

24. All questions which may arise as to the right of any person to be or remain an Elected Member of the Council shall be referred to and decided by the Supreme Court of British Guiana.

25. Subject to the provisions hereinafter contained, every person shall be entitled to be registered as a voter in any one electoral district, and when registered, to vote at the election of a Member or Members of the Council for such district who is qualified as follows—

- (a) has attained the age of 21 years;
- (b) is under no legal incapacity;
- (c) is a British subject;

and possesses within the electoral district in which he claims to be registered one or more of the following qualifications, namely—

(i) ownership, during six months previous to registration, of not less than six acres of land; or

(ii) occupation or tenancy, during the six months previous to registration, of not less than six acres of land secured by lease or some document in writing for three years or upwards, such lease or document to be recorded or deposited in the Deeds Registry or in the Department of Lands and Mines; or

(iii) ownership during the six months previous to registration, of a house or land, or land with a house or other erections thereon, of the value of not less than three hundred and fifty dollars; or

(iv) occupation or tenancy, during the six months previous to registration of a house or land, or land with a house or other erections thereon, of the annual rental of not less than ninety-six dollars, secured by lease or any document in writing for one year or upwards deposited or recorded in the Deeds Registry or in the Department of Lands and Mines; or

(v) possession or enjoyment of an annual income or salary which (together with any sum paid or allowed to him or on his behalf for board or lodging or board and lodging) amounts to not less than three hundred dollars, coupled with residence in the district, such possession or enjoyment and residence having subsisted during the six months previous to registration; or

(vi) payment, during the twelve months previous to registration, of direct taxes to the Colonial Revenue of twenty

dollars or upwards, coupled with residence in the district during the six months previous to registration:

Provided that no licence duty of any kind shall be deemed to be within the meaning of the term "direct taxes."

Provided that where any land, or house, or house and land, or house and land or appurtenances in any electoral district is or are jointly owned or occupied by more persons than one as owners or tenants, each of such joint owners or tenants shall be entitled to be registered as a voter for such electoral district in respect of such land, or house, or house and land, or house and land or appurtenances, in case the value of such land, or house, or house and land, or house and land or appurtenances, is such as when divided by the number of such owners or tenants gives a qualification for each and every such owner or tenant, but not otherwise.

26. No person shall be entitled to be registered as a voter if he—

(i) cannot read and write some language, provided always that any person who knows how to read and write, but is incapacitated by blindness or other physical cause from reading or writing, shall not be disqualified from being a voter; or

(ii) has, within the twelve months previous to registration received any relief from public funds or funds of any local authority except such special relief as may be declared by any law for the time being in force not to be relief for the purposes of this Article; or

(iii) has been sentenced in any part of His Majesty's dominions or in any territory under His Majesty's protection to death or penal servitude or to imprisonment for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as by competent authority may have been substituted, or received a free pardon from His Majesty.

Disqualifications for being voter.
(As amended by O. in C. 1943.)

27. As soon as possible after electoral districts have been constituted as required by Article 20 of this Order a register shall be made in each of the said electoral districts of the persons entitled to vote at the election of Members of the Council, and shall come into force at such time as shall be appointed by the Governor in Executive Council by Proclamation to be published in the Gazette.

Register of voters to be made.

No person who is not registered as a voter shall vote at any such election.

Unregistered persons not to vote.

Appointment
of registering
and revising
officers.

28. The Governor may from time to time appoint such persons as he may think fit to perform the duties of registering officers or revising officers with respect to the electoral districts to be constituted as aforesaid, and may at any time cancel any such appointment. Every appointment or cancellation of appointment of a registering officer or revising officer shall be notified in the Gazette.

Statutory
declaration
to be made
by person
claiming to be
registered as
a voter.

29. (1) Every person claiming to be registered as a voter in any electoral district shall be required to make a statutory declaration that the particulars given in his claim to be registered are truly and correctly stated to the best of his knowledge and belief. No fee shall be charged for taking the declaration hereby required to be made.

No fee to be
charged.

(2) A registering or revising officer may, on the consideration or hearing of any claim, objection or appeal, require that the evidence tendered by any person shall be given on oath or affirmation and may administer an oath or affirmation for this purpose; and any person who in the course of any such consideration or hearing knowingly swears or affirms anything material to the validity of such claim or objection which is false or incorrect shall be guilty of an offence and on conviction thereof, be liable to be imprisoned, with or without hard labour, for a term not exceeding two years.

Appointment
of returning
officers.

30. The Governor shall from time to time appoint a fit and proper person to be the returning officer of each electoral district, and may at any time cancel any such appointment; and if any returning officer shall, by sickness or other cause be prevented or disabled from acting, or shall refuse or neglect to act at any election, the Governor may at any time appoint some fit and proper person to act in the place of such returning officer at such election. Every appointment of a returning officer shall be valid until his death, or until his appointment shall be cancelled by the Governor. Every appointment or cancellation of appointment of a returning officer shall be notified in the Gazette.

Writs of
election.

31. For the purpose of every general election of Members of the Council, and for the purpose of the election of Members to supply vacancies caused by death, resignation, or otherwise, the Governor shall issue writs of election under the Public Seal of the Colony, addressed to the returning officers of the respective electoral districts for which Members are to be returned. Every such writ shall specify the day and place of election, and

the day on which it is returnable to the Governor; upon receipt of such writ the returning officer shall proceed to hold the election thereby directed; and after such election he shall certify the return of the member elected by endorsement on the writ, and shall return the writ so endorsed to the Governor within the time for that purpose specified therein. He shall also, as soon as possible, give public notice of the candidate elected, and in the case of a contested election of the number of votes given for each candidate whether elected or not.

In the case of a general election of Members of the Council all the elections shall be held on the same day.

32. (1) On receiving a writ for the election of a Member of the Council, the returning officer shall give notice in the Gazette and one daily newspaper of the day and place on and at which he will receive the nomination of a candidate or candidates for the seat or seats to be filled by election.

Appointment
of day of
nomination
and election.

(2) The day so fixed shall be not less than five or more than ten days after the day on which the writ was received.

(3) On the day and at the place so fixed, the returning officer shall attend at nine o'clock in the morning, and receive the nomination of any duly qualified candidate or candidates for the seat or seats to be filled.

Nomination
of candidates.

(4) Every candidate shall be proposed and seconded in writing by two persons whose names appear on the register of voters for the electoral district.

(5) If at the hour of ten of the clock in the morning of the said day no more candidates stand nominated than there are seats to be filled in the electoral district, the returning officer shall forthwith declare the candidate or candidates who may stand nominated to have been duly elected, but if at such hour more candidates stand nominated than there are seats to be filled, the returning officer shall thereupon appoint a day, being not more than ten days thereafter, for the holding of the election.

(6) If any candidate duly nominated desires to withdraw from his candidature before the day fixed for the holding of the election, he may do so on giving notice in writing to that effect to the returning officer, and if on such withdrawal no more candidates remain than there are seats to be filled in the electoral district, the returning officer shall thereupon declare such remaining candidate or candidates to have been duly elected.

(7) If one of the candidates nominated shall die before the day fixed for the holding of the election, the returning officer

shall, upon being satisfied of the fact of such death, countermand the notice of the holding of the election and all the proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by the returning officer on the day on which proof was given to him of such death; provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the notice of the holding of the election.

Delivery by
candidate of
declaration
of his
qualification.

33. (1) Every candidate nominated at any election of a Member of the Council shall at the time of nomination, or within forty-eight hours thereafter, deliver, or cause to be delivered, to the returning officer a statutory declaration made and subscribed by such candidate of his qualification in the form prescribed by the Regulations to be made by the Governor or by any law made by the Council in pursuance of Article 41 of this Order. If such statutory declaration is not delivered as aforesaid, the nomination or election, as the case may be, of such candidate shall be deemed to be void, and the returning officer shall thereupon proceed as if such candidate had withdrawn from his candidature, or had not been elected.

(2) The returning officer after the election shall forward the statutory declaration or declarations of the candidate or candidates to the Clerk of the Council.

(3) Any person who is convicted of making a false statutory declaration under this Article shall not thereafter be eligible to be elected as a Member of the Council for the period of seven years.

Deposit by
candidate.

34. (1) Every candidate nominated at any election of a Member of the Council, or someone on his behalf, shall, as soon as his nomination has been accepted by the returning officer or within forty-eight hours thereafter, deposit, or cause to be deposited, with the returning officer the sum of two hundred and forty dollars, and if he fails to do so, he shall be deemed to have withdrawn from his candidature.

(2) The deposit may be made by the deposit of any legal tender or, with the consent of the returning officer, in any other manner.

(3) If after the deposit is made, but before the poll is commenced, the candidate dies, the deposit, if made by him, shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom the deposit was made.

35. If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed, in the case of an electoral district returning one Member, fifteen per cent. of the total number of votes polled, or in the case of an electoral district returning more than one Member, fifteen per cent. of the total number of votes polled divided by the number of Members to be elected for that electoral district, the amount deposited shall be forfeited to the Colonial Revenue; but in any other case the amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath, affirmation or declaration as a Member, and, where the candidate is not elected, as soon as practicable after the result of the election is declared.

Forfeiture of
deposit in
certain cases.

36. In the case of a poll at an election of a Member of the Council the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this Order called a ballot paper) showing the names and description of the candidates. Each ballot paper shall be printed in English characters and also in Urdu and Nagri characters, and shall have a number printed on the back, and shall have attached to it a counterfoil with the same number printed on the face. At the time of voting the ballot paper shall be marked on both sides with an official mark and delivered to the voter within the polling station, and the number of such voter on the register of voters shall be marked on the counterfoil, and the voter having secretly marked his vote on the paper, and folded up the paper so as to conceal his vote, shall place it in a closed box in the presence of the officer presiding at the polling station after having shown to him the official mark at the back.

Poll at
elections.
Ballot.

Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything except the said number on the back is written or marked, by which the voter can be identified, shall be void and not counted.

After the close of the poll the ballot boxes shall be sealed so as to prevent the introduction of additional ballot papers and shall be taken charge of by the returning officer, who shall, in the presence of such agents (if any) of the candidates as may be in attendance, open the ballot boxes and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidate or candidates to whom the majority of the votes have been given.

The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

Procedure in case of voter incapacitated by blindness, etc.

37. If any voter is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Order, or by any law or proclamation in force for the time being, the officer presiding at the polling station shall, at the request of such voter, in the presence of the agents of the candidates, cause his vote to be marked on a ballot paper in the manner directed by such voter, and the ballot paper so marked to be placed in the ballot box, and the name and number on the register of voters of every voter whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list which shall be delivered to the returning officer.

Casting vote of returning officer.

38. (1) Whenever there is an equality of votes between candidates at any election of a Member of the Council, and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer, if he is a registered elector of the electoral district for which the election is held, may give such additional vote, but the returning officer shall not, in any other case, be entitled to vote at an election for which he is the returning officer.

(2) If, in any such last-mentioned case, the returning officer is not a registered voter as aforesaid, or if, being such registered voter, he declines to vote, he shall make a special return of the result of the election, and the Council shall have the right of choosing one of such candidates to be a Member of the Council.

Petitions against disputed elections. (As amended by O. in C. 1935.)

39. (1) A petition complaining of an undue return or undue election of a Member of the Council, in this Order called an election petition, may be presented to the Supreme Court by any one or more of the following persons, that is to say—

- (i) some person who voted or had a right to vote at the election to which the petition relates,
- (ii) some person claiming to have had a right to be returned or elected at such election,
- (iii) some person alleging himself to have been a candidate at such election.

Trial of election petitions.

(2) Every election petition shall be tried before the Supreme Court in the same manner as a suit commenced by a writ of summons. At the conclusion of the trial, the Court shall determine whether the Member of Council whose return or election is complained of or any and what other person was duly returned or elected, or whether the election was void, and shall certify such determination to the Governor, and, upon such certificate being given, such determination shall be final;

Decision of Supreme Court final.

and the return shall be confirmed or altered, or a writ for a new election shall be issued, as the case may require, in accordance with such determination.

(2A) Where any charge is made in an election petition of any corrupt practice or illegal practice having been committed at an election to which the petition refers, the Court shall, when certifying in the manner prescribed in the preceding paragraph, report in writing to the Governor as follows—

Report by Court as to corrupt practices, etc.

(a) whether any corrupt practice or illegal practice or the offence of aiding, counselling or procuring the offence of personation has or has not been proved to have been committed at such election and the nature of any corrupt practice or illegal practice so proved;

(b) whether any practice or offence proved to have been committed as aforesaid has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, or by a person acting under the general or special authority of any such candidate with reference to the election;

(c) the names of all persons, if any, who have been proved at the trial to have been guilty of any practice or offence as aforesaid;

(d) whether corrupt practices or illegal practices have, or whether there is reason to believe that corrupt practices or illegal practices have, extensively prevailed at the election to which the petition relates.

(3) At the trial of an election petition the Court shall, subject to the provisions of this Order or of any regulation to be made by the Governor, have the same powers, jurisdiction, and authority, and witnesses shall be subpoenaed, and sworn in the same manner, as nearly as circumstances will admit, as in a trial of a civil action in the Supreme Court, and shall be subject to the same penalties for perjury.

Power of Supreme Court.

Summoning witnesses.

(4) No voter who has voted at any election shall in any proceeding to question the election be required to state for whom he has voted.

(5) The Governor in Executive Council may make regulations providing—

(a) for the deposit or giving by a petitioner of security to an amount not exceeding 1,000 dollars, for the payment of all costs, charges and expenses that may become payable by the petitioner; and

(b) for the regulation of the practice procedure and costs of election petitions, and the trial thereof, and the certifying and reporting thereon.

Expenses of
Elections.
(As amended
by O. in C.
1935.)

40. (1) The Governor in Executive Council may make regulations—

(a) with respect to the incurring of expense and the making of payments by or on behalf of a candidate, whether before, during or after an election, on account of or in respect of, the conduct or management of such election;

(b) requiring the appointment of an election agent through or by whom all such expenses or payments as aforesaid shall be incurred or made;

(c) fixing the maximum amount of expenses that may be incurred or paid, whether before, during or after an election, on account, or in respect of the conduct or management of such election;

(d) fixing the time within which all election expenses shall be paid and barring all claims in respect thereof not made within the prescribed time;

(e) requiring a return of election expenses and prescribing the form in which the same shall be made and verified.

(2) Contraventions of such regulations shall be deemed illegal practices, and provision may be made in the said regulations for the punishment, on summary conviction, of persons committing or taking part in the commission of such illegal practices by—

(a) fine, not exceeding 500 dollars; and

(b) disqualification from voting at any election under this Order and being elected as a Member for three years from the date of his conviction.

(3) An election petition may be presented in respect of any illegal practice, and the provisions of Article 39 and of any regulations made thereunder shall, subject to the terms of any regulations made under this Article, apply to petitions presented in respect of illegal practices.

Publication of
Regulations.
(Inserted by
O. in C. 1943.)

40A. All Regulations made under Article 39 or Article 40 of this Order shall be published in the Gazette and shall take effect and have the force of law in the Colony from the date of such publication, subject to any provision contained in the regulations postponing the operation of the whole or any part thereof.

41. (1) Provision may be made by laws enacted under this Order in respect of any of the matters referred to in Articles 24 to 40 and 41A to 53 of this Order and any matters connected therewith; and such laws may provide for the amendment or for the revocation in whole or in part of any of those Articles.

Legislation regarding elections. (As substituted by O. in C. 1943.)

(2) Notwithstanding the provisions of Article 58 of this Order, if any such law provides for the amendment or for the revocation in whole or in part of any of the following Articles, that is to say, Articles 25, 26 and 41 to 53, or is in any way repugnant to or inconsistent with the provisions of those Articles, such law shall be reserved by the Governor for signification of His Majesty's pleasure unless he has been authorised by a Secretary of State to assent thereto.

41A. Any Regulation made under this Order and any Proclamation under Article 20 may from time to time be amended varied renewed or revoked by subsequent Proclamation or Regulation, as the case may be, not inconsistent with the provision of any law made by the Council in accordance with the provisions of Article 41 of this Order.

Amendment of Regulations, etc. (Inserted by O. in C. 1935.)

42. No election shall be invalid by reason of a non-compliance with the regulations to be made by the Governor in Executive Council or by any law made by the Council, as hereinbefore provided, if it appears to the Court on the representation of the Attorney General or of any duly qualified voter that the election was conducted in substantial accordance with the principles laid down in such regulations and that such non-compliance did not affect the result of the election.

Non-compliance with regulations.

43. (1) No election shall be valid if any corrupt practice or illegal practice or the offence of aiding counselling or procuring the offence of personation is committed in connection therewith by the candidate elected.

Corrupt or illegal practice avoids election.

(2) The expression "corrupt practice" as used in this Order means any of the following offences, *viz.*: treating, undue influence, bribery, and personation, as hereinafter set forth.

(As substituted by O. in C. 1935.)

(3) A corrupt practice or illegal practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent or, for the purposes of this Article, if it is committed by a person who is acting under the general or special authority of such candidate with reference to the election:

Provided that where an illegal practice consists of a payment made by an election agent in contravention of any law or

regulation providing for the payment of election expenses and the candidate proves to the Court that the payment was made without his sanction or connivance the election of the candidate shall not be void.

Definition
of bribery.

44. The following persons shall be deemed guilty of bribery within the meaning of this Order—

(i) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election.

(ii) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election.

(iii) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected Member of the Council, or the vote of any voter at any election.

(iv) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected Member of the Council, or the vote of any voter at any election.

(v) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

(vi) Every voter who, before or during any election, directly or indirectly, by himself or by any other person in

his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.

(vii) Every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

(viii) Every person who, directly or indirectly, corruptly pays any rate or tax on behalf of any other person for the purpose of enabling him to be registered as a voter in order thereby to influence his vote at any future election, and every person on whose behalf, and with whose privity, any such payment as last aforesaid is made.

45. The following persons shall be deemed guilty of treating within the meaning of this Order— Definition of treating.

(i) Every person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly, gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or to refrain from voting, at such election, or on account of such person or any other person having voted or refrained from voting at such election.

(ii) Every voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

46. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels induces, or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Order. Definition of undue influence.

Definition of personation.

47. Every person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name, shall be guilty of personation within the meaning of this Order.

Penalty for bribery, treating, or undue influence.

48. Every person who is guilty of bribery, treating, or undue influence, shall, on conviction thereof, be liable to be imprisoned with or without hard labour, for a term not exceeding one year, or to be fined any sum not exceeding one thousand dollars.

Penalty for personation.

49. Every person who is guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation, shall, on conviction thereof, be liable to be imprisoned, with or without hard labour, for a term not exceeding two years.

Disqualification for bribery, etc.

50. Every person who is convicted of bribery, treating, undue influence, or personation, or of aiding, counselling, or procuring the commission of the offence of personation, shall (in addition to any other punishment) be incapable during a period of seven years from the date of conviction—

(i) of being registered as a voter, or voting at any election of a Member of the Council.

(ii) of being elected a Member of the Council, or, if elected before his conviction, of retaining his seat as such Member.

Penalty for certain illegal practices at elections.

51. Every person who—

(i) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Order, or by any law, from voting at such election;

(ii) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promotion or procuring the election of another candidate;

shall be guilty of an illegal practice, and shall, on summary conviction thereof, be liable to a fine not exceeding five hundred dollars, and be incapable, during a period of five years from the date of conviction, of being registered as a voter, or voting at any election of a Member of the Council.

51A. (1) Where upon the trial of an election petition the Court reports in writing to the Governor that any corrupt practice or the offence of aiding counselling or procuring the offence of personation has been proved to have been committed by or with the knowledge and consent of any candidate at the election, the candidate shall be incapable—

Disqualifica-
tion of
candidates
for corrupt
or illegal
practice.
(Inserted by
O. in C. 1935.)

(a) of ever being elected a Member of the Council for the district in respect of which he was a candidate at the election, and

(b) during the period of seven years next after the date of the report of holding any public or judicial office and if he holds any such office the office shall be vacated, and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such corrupt practice or offence.

(2) Where upon the trial of an election petition the Court reports in writing to the Governor that any candidate has been guilty by his agent of any corrupt practice or the offence of aiding counselling or procuring the offence of personation in reference to the election the candidate shall be incapable during a period of seven years after the date of the report of being elected a Member of the Council for the electoral district concerned.

(3) Where upon the trial of an election petition the Court reports in writing to the Governor that any illegal practice has been proved to have been committed in reference to the election by or with the knowledge and consent of any candidate, he shall be incapable of being elected a Member of the Council for five years next after the date of the report, and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice.

(4) Where upon the trial of an election petition the Court reports in writing to the Governor that a candidate at such election has been guilty by his agent of any illegal practice in reference to the election, the candidate shall be incapable of being elected a Member of the Council for the electoral district concerned during the Legislative Council then in existence:

Provided that where the illegal practice consists of a payment made by an election agent in contravention of any law or regulation providing for the payment of election expenses and the candidate proves to the Court that the payment was made without his sanction or connivance, the candidate

shall not be subject to any incapacity by reason only of such payment.

(5) For the purposes of this Article a candidate shall be deemed to be guilty by his agent of a corrupt practice or an illegal practice or the offence of aiding counselling or procuring the offence of personation, if such practice or offence has been committed by a person acting under the general or special authority of such candidate with reference to the election.

(6) In this Article—

“Public office” means any office under the Crown or under any Ordinance relating to the Georgetown Town Council or the New Amsterdam Town Council or under any Ordinance relating to local government or to any authority empowered to levy rates or spend public funds, whether the office is that of mayor, chairman, councillor, member of a board of commission, or is the office of town clerk, clerk or other officer under a council, board, commission or other authority;

“Judicial office” includes the offices of justice of the peace, registering officer and revising officer.

Offences in
respect of
ballot papers,
etc.

52. Every person who—

(i) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or the official mark on any ballot paper; or

(ii) without due authority supplies a ballot paper to any person; or

(iii) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(iv) fraudulently takes out of the polling station any ballot paper; or,

(v) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or

(vi) not being duly registered as a voter, votes at the election of a Member of the Council;

shall be guilty of misdemeanour, and be liable, if he is a returning officer or presiding officer, or clerk employed at a polling station, to imprisonment for any term not exceeding two years, with or without hard labour, or to a fine not exceeding one thousand dollars, and, if he is any other person, to imprisonment for any term not exceeding six months,

with or without hard labour, or to a fine not exceeding two hundred and fifty dollars.

Any attempt to commit any offence specified in this clause shall be punishable in the manner in which the offence itself is punishable.

In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in such ballot boxes, ballot papers, or things may be stated to be in the returning officer at such election.

53. Every officer, clerk and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at that station, and no person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

Infringement
of secrecy.

Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to ascertain at such counting the number on the back of any ballot paper or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom or against whose name he has so marked his vote.

Every person who acts in contravention of the provisions of this clause shall be liable, on summary conviction before a magistrate, to imprisonment for any term not exceeding six months, with or without hard labour, or to a fine not exceeding two hundred and fifty dollars.

54. It shall be lawful for the Governor, with the advice and consent of the Council, subject always to any conditions, provisos, and limitations prescribed by any Order in Council or by any Instructions under His Majesty's Sign Manual and

Powers of
Legislative
Council.

Signet, to make laws for the peace, order and good government of the Colony:

Provided nevertheless, and it is hereby reserved to His Majesty, His heirs and successors, His and their undoubted right and authority to confirm, disallow, or with the advice of His or their Privy Council to revoke or amend any such laws, and to make, enact, and establish, from time to time, with the advice of His or their Privy Council, all such laws as may to him or them appear necessary for the peace, order and good government of the Colony.

Until repealed or revoked by any Order in Council or by or in pursuance of any law or Ordinance passed by the Legislative Council hereby constituted, all laws, Ordinances, proclamations, regulations or other enactments in force in the Colony at the date of the coming into operation of this Order, except those specified in the Schedule to this Order, shall so far as they shall not be repugnant to or inconsistent with the provisions of this Order, remain in force and continue to have full effect in the Colony.

Where in any Ordinance, any Order of the Governor in Executive Council, any Order of the Governor and Court of Policy, any order, warrant, scheme, letters patent, rules, regulations or bylaws, any licence, grant or deed, in force at the date to be fixed by the Governor in Executive Council in accordance with Article 3 of this Order, reference is made to, or authority or power is conferred for anything to be made, done, approved or sanctioned by the Governor and Court of Policy, the Court of Policy, or the Combined Court, from and after the said date such reference, power or authority shall be deemed and construed to apply to the Council.

Assent to
Bills.

55. When a Bill passed by the Legislative Council is presented to the Governor for his assent he shall, according to his discretion, but subject to any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents thereto, or refuses his assent to the same, or that he reserves the same for the signification of His Majesty's pleasure.

Assent to
laws.

56. No law made by the Governor with the advice and consent of the Council shall take effect until either the Governor shall have assented thereto in the name and on behalf of His Majesty, and shall have signed the same in token of such assent, or His Majesty shall have given his assent thereto by Order in Council or through a Secretary of State.

Every Ordinance enacted by the Governor with the advice and consent of the Council shall be published in the Gazette and in a newspaper of the Colony as soon as possible after it has received the assent of the Governor or of His Majesty, and shall, unless some other time is therein specified for its coming into force, come into force on such publication in the Gazette.

Publication
of
Ordinances.

The date of such publication in the Gazette shall be printed in some convenient place on each copy of the Ordinance, and shall be taken notice of, in all Courts and for all other purposes, as the date of such Ordinance becoming law.

57. When the Governor assents to a law, he shall, by the first convenient opportunity, transmit an authentic copy of the law to a Secretary of State, and it shall be lawful for His Majesty, at any time within two years after such copy shall have been received by the Secretary of State, to notify to the Governor his disallowance of such law through a Secretary of State, and every law so disallowed shall become null and void from and after the day on which the Governor shall signify such disallowance by proclamation in the Gazette.

Disallowance
of laws.

58. The Governor may reserve any Bill passed by the Council for the signification of His Majesty's pleasure thereon, and shall, except where under Article 41 of this Order or otherwise in this Order power is expressly given to the Legislative Council to make provision by law, so reserve any such Bill by which any provision of this Order is repealed, altered, or amended, or which is in any way repugnant to or inconsistent with any of the provisions of this Order. A Bill so reserved shall take effect so soon as His Majesty shall have given his assent thereto, either by Order in Council or through a Secretary of State, and the Governor shall have signified such assent by message to the Council or by proclamation in the Gazette. Provided that no such message or proclamation shall be issued after two years from the day on which the Bill was presented to the Governor for his assent.

Bills reserved
for the signi-
fication of
His Majesty's
pleasure.

59. The Council shall not pass, nor shall the Governor assent to, any law, vote, or resolution the object or effect of which may be to impose any tax or dispose of or charge any part of the public revenue, or to revoke, alter or vary any such disposition or charge, unless such law, vote, or resolution shall have been proposed by, or by the direction

Initiation of
money votes.

Questions,
etc., for
debate.

of, or shall have the express approval of the Governor. But subject to the foregoing exceptions it shall be competent for any Member of the Council to propose any question for debate therein, and such question, if seconded by any other Member, shall be debated and disposed of according to the Standing Rules and Orders.

Presiding
at meetings
of the Council.
(As substi-
tuted by O.
in C. 1943.)

60. (1) When the Governor is present at a meeting of the Council he shall preside.

(2) The Governor may appoint a member of the Council to be Deputy President thereof.

(3) In the Governor's absence—

(a) if the Deputy President is present he shall preside;

(b) if the Deputy President is absent or there is no subsisting appointment to that office, a member of the Council appointed by the Governor in writing or, if no such appointment shall have been made or the member appointed shall be absent, the member present who stands first in order of precedence shall preside.

Voting.

61. Subject to the provisions contained in the following Article of this Order all questions proposed for decision in the Council shall be determined by a majority of votes of those present and voting. The Governor or other presiding officer shall not have an original vote on any question, but he shall have a casting vote if the votes shall be equally divided. The votes of Members of the Council shall be taken in the inverse order of their precedence.

Governor's
reserve
power.
(As substi-
tuted by O.
in C. 1943.)

62. (1) If the Governor shall consider that it is expedient in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Colony as a component part of the British Empire, and all matters pertaining to the appointment, salary and other conditions of service of any public officer or officers) that any bill introduced, or any motion, resolution, or vote proposed for decision in the Council should have effect, then, if the Council fail to pass such bill, motion, resolution or vote within such time and in such form as the Governor may think reasonable and expedient, the Governor in Executive Council at any time within his discretion may, notwithstanding any provisions of this Order or of any Standing Rules or Orders of the Council, declare that such bill, motion, resolution or vote shall have

effect either in the form in which it was so introduced or proposed or with such amendments as he shall think fit which shall have been moved or proposed in the Council or in any committee thereof, and thereupon the same shall have effect as if it had been passed by the Council, and in the case of any such bill the provisions of Articles 55 to 58 of this Order shall apply accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he shall make any such declaration and the reasons therefor.

(3) If any Member of the Council objects to any such declaration, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such Member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) Any such declaration, other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the Governor shall notify such revocation in the Gazette; and from the date of such notification any motion, resolution, or vote which shall have had effect by reason of the declaration revoked shall cease to have effect, but without prejudice to anything lawfully done by virtue thereof.

63. The Council shall not be disqualified from the transaction of business on account of any vacancies among the Official or Unofficial Members thereof.

Council may transact business notwithstanding vacancies.

64. No business except that of adjournment shall be transacted at any meeting of the Council unless there are present eight Members at the least besides the Governor or other Member presiding.

Quorum of Council to consist of eight Members. (As amended by O. in C. 1943.)

65. The Governor may, with the advice of the Council, from time to time make, alter, revoke, and renew such Standing Rules and Orders as may be necessary to ensure punctuality of attendance of the Members of the Council, and to prevent meetings of the Council being holden without convenient notice to the several Members thereof, and to maintain order and method in the despatch of business, and in the conduct of debates in the Council, and to secure due deliberation in the passing of laws, and to provide that before the passing of any law intended to affect the interests of private persons due notice of the same is given to all persons concerned therein.

Rules and Orders to be made for ensuring punctuality of attendance.

All such Rules and Orders, not being repugnant to the provisions of this Order, or of any other Order of His Majesty in Council or any Letters Patent for the time being in force in the Colony, or to any Instructions which the Governor may from time to time receive from His Majesty under His Majesty's Sign Manual and Signet, shall at all times be followed and observed, and shall be binding upon the Council, unless the same or any of them shall be disallowed by His Majesty.

And until any such Rules and Orders shall be made, and subject to any Rules and Orders to be so made, the Standing Rules and Orders of the Court of Policy now subsisting in force at the date of the coming into operation of this Order shall remain in force and apply, so far as the same are applicable thereto, to the Council constituted in accordance with this Order.

Conformity
with Royal
Instructions.

66. Subject to the provisions of this Order the Governor and the Council shall, in the transaction of the business of the Council and the passing of, and assenting to, Bills or Ordinances, conform as nearly as may be to the directions contained in any Instructions under His Majesty's Sign Manual and Signet which may be addressed to the Governor in that behalf; but no Ordinance enacted by the Governor, with the advice and consent of the Council, shall be invalid by reason that in the enactment thereof any such Instructions were not duly observed.

Sessions of
Council.

67. The sessions of the Council shall be held at such times and places as may be appointed by the Governor from time to time by Proclamation in the Gazette. There shall be at least one session of the Council in every year, and there shall not be an interval of twelve months or more between the last sitting in one session and the first sitting in the next session. The first session shall be opened as soon as may be practicable after the coming into operation of this Order.

Prorogation,
or dissolution
of Council.

68. The Governor may at any time, by Proclamation, prorogue or dissolve the Council.

Duration of
Council.

69. The Governor shall dissolve the Council whenever he shall consider it expedient that the first general election of Members of the Council shall be held, but not later than two years after the Council shall have been first constituted as hereinbefore provided, and the Governor shall dissolve the

Council at the expiration of five years from the date of the publication in the Gazette of the return of the first Member elected at the first general election held under this Order, if it shall not have been sooner dissolved; and thereafter shall dissolve the Council at the expiration of five years from the date of the publication in the said Gazette of the return of the first Member elected at the last preceding general election, if it shall not have been sooner dissolved.

70. The first general election of Members of the Council shall be held as soon as may be practicable after the first dissolution of the Council, and a general election shall be held at such time within two months after every subsequent dissolution of the Council as the Governor shall by Proclamation appoint.

Times of first and subsequent general elections.

71. Minutes shall be regularly kept of all the proceedings of the Council, and at each meeting of the Council the Minutes of the last preceding meeting shall be confirmed or amended, as the case may require, before proceeding to the despatch of any other business. The Governor shall transmit to His Majesty through a Secretary of State as soon as possible after every meeting a full and exact copy of the Minutes thereof.

Minutes of proceedings of Council.

72. If any difficulty arises as to the first establishment of the Council after the commencement of this Order, or otherwise in first giving effect to the provisions of this Order, the Governor in Executive Council, as occasion may require, may, by Order published in the Gazette, do anything which appears to him necessary for the purpose of removing the difficulty.

Power of Governor in Executive Council to make Orders to meet difficulties arising under Order.

73. From and after the date on which the Court of Policy and the Combined Courts shall cease and determine under this Order, the Ordinances of the Legislature of British Guiana specified in the Schedule to this Order shall cease to be in force, and the same are hereby revoked from and after that date, but without prejudice to anything lawfully done thereunder.

Repeal.

74. This Order shall be published in the Gazette, and shall come into operation on a day to be fixed by the Governor by Proclamation in the said Gazette; and the Governor shall give directions for the publication of this Order at such places and in such manner and for such time or times as he thinks proper for giving due publicity thereto within the Colony.

Commencement of Order in Council.

Power reserved to His Majesty to revoke, alter or amend Order in Council.

75. His Majesty hereby reserves to Himself, His Heirs and Successors, full power and authority from time to time, with the advice of His or Their Privy Council, to revoke, alter, or amend this Order as to Him, or Them, shall seem fit.

And the Right Honourable Leopold Charles Maurice Stennet Amery, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

M. P. A. HANKEY.

SCHEDULE.

The British Guiana Constitution Ordinance, 1891.

The British Guiana Constitution Ordinance, 1891, Amendment Ordinance, 1909.

The British Guiana Constitution Ordinance, 1891, Amendment Ordinance, 1914.

The British Guiana Constitution Ordinance, 1919.

The Register of Voters (Electoral District No. 1) Ordinance, 1927.

AT THE COURT AT BUCKINGHAM PALACE.

[THE 8TH DAY OF NOVEMBER, 1940.]

PRESENT

THE KING'S MOST EXCELLENT MAJESTY.

WHEREAS it is provided by Article 69 of the British Guiana (Constitution) Order in Council, 1928 (hereinafter called "the principal Order"), that the Governor of the Colony of British Guiana (hereinafter called "the Colony") shall dissolve the Legislative Council of the Colony (hereinafter called "the Council") at the expiration of five years from the date of the publication in the Official Gazette of the Colony of the return of the first Member elected at the last preceding general election, if it shall not have been sooner dissolved:

And whereas it is expedient to amend the principal Order in the manner hereinafter appearing:

Now, therefore, His Majesty, by virtue and in exercise of all powers enabling Him in that behalf, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows—

1. This Order may be cited as the British Guiana (Legislative Council—Extension of Duration) Order in Council, 1940.

2. The Council as constituted immediately before the expiration of five years from the date of the publication in the Official Gazette of the colony of the return of the first member elected at the general election last preceding the date of the making of this Order shall, subject to the provisions of Articles 8 to 15 and Articles 23, 39 and 50 of the principal Order, be the Council of the Colony until the Governor, acting in the exercise of his powers under Article 68 of the principal Order, thinks fit to dissolve the Council, and accordingly the operation of Article 69 of the principal Order is suspended until the Governor next exercises his said power of dissolution under the said Article 68.

RUPERT B. HOWORTH.

ARTICLE 5 OF THE 1943 ORDER IN COUNCIL.

5. In accordance with the provisions of this Order, on the date upon which this Order comes into operation the Colonial Treasurer* shall become an Official Member of the Council, the Nominated Official Members of the Council as constituted immediately before that date shall vacate their seats, and at any time after that date the number of Nominated Members may be increased to seven; but, subject as aforesaid, the British Guiana (Legislative Council—Extension of Duration) Order in Council, 1940, shall continue to apply to the Council as constituted immediately before the date upon which this Order comes into operation.

Continuance
of subsisting
Council.

*Now the Financial Secretary.