

7.

Letters Patent passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Colony of British Guiana (as amended by Letters Patent passed under the Great Seal of the Realm on the 23rd March, 1943).

Dated: 20TH JULY, 1928.

GEORGE THE FIFTH BY THE GRACE OF GOD OF BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS KING, DEFENDER OF THE FAITH, EMPEROR OF INDIA: TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Recites
Letters
Patent of
14th
February
1920.

WHEREAS by our Letters Patent under the Great Seal of Our United Kingdom, bearing date at Westminster the Fourteenth day of February, 1920, We did constitute the Office of Governor and Commander-in-Chief in and over Our Colony of British Guiana, and did provide for the Government thereof:

AND WHEREAS We are minded to make other provision in lieu thereof:

Revokes
Letters
Patent of
14th
February
1920.

Now, therefore, We do hereby revoke the above-recited Letters Patent of the Fourteenth day of February, 1920, but without prejudice to anything lawfully done thereunder, and in lieu thereof We do ordain and declare Our Will and Pleasure as follows—

Office of
Governor
constituted.

I. There shall be a Governor and Commander-in-Chief (hereinafter called the Governor) in and over Our Colony of British Guiana (hereinafter called the Colony), and appointments to the said Office shall be by Commission under Our Sign Manual and Signet.

LETTERS PATENT constituting the Office of Governor and Commander-in-Chief of the Colony of BRITISH GUIANA.

Publication
of Governor's
Commission.

II. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice for the time being, or other Judge of the Supreme Court of the Colony, and of such Members of the Executive Council as are able to attend, which being done, he shall then and there take the Oath of Allegiance, in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of the Reign of Her Majesty Queen Victoria intituled "An Act to amend the Law relating to Promissory

Oaths to be
taken by
Governor.
Imperial Act
31 & 32
Vict. c. 72.

Oaths"; and likewise the usual Oath for the due execution of the Office of Governor and for the due and impartial administration of justice; which Oaths the said Chief Justice for the time being of the Colony, or, in his absence, or in the event of his being otherwise incapacitated, the senior Judge then present of the Supreme Court of the Colony, shall and he is hereby required to tender and administer unto him.

III. We do hereby authorise and command the Governor to do and execute in due manner all things that shall belong to his said Office according to the tenour of these Our Letters Patent and of such Commission as may be issued to him under the Royal Sign Manual and Signet, and according to our directions contained in an Order made by Us in Our Privy Council on the Thirteenth day of July 1928, and known as the British Guiana (Constitution) Order in Council 1928, establishing a Legislative Council in and for the Colony, or in any Order adding to, amending, or substituted for the same, or in any other Order in Our Privy Council, and according to such Instructions as may from time to time be given to him, under Our Sign Manual and Signet, or by Us through one of Our Principal Secretaries of State, and to such laws as are or shall hereafter be in force in the Colony.

Governor's powers and authorities.

IV. For the purpose of advising the Governor there shall be in and for the Colony an Executive Council which shall be constituted in such manner and consist of such persons as may be directed by any Instructions under Our Sign Manual and Signet, and all such persons shall hold their places in the said Executive Council during Our pleasure.

Executive Council Constitution.

The Governor may, upon sufficient cause to him appearing, suspend from the exercise of his functions in the Council any member thereof pending the signification of Our pleasure, giving immediate notice to Us through one of Our Principal Secretaries of State. If the suspension is confirmed by Us through one of Our Principal Secretaries of State, the Governor shall forthwith by an instrument under the Public Seal of the Island revoke the appointment of such Member, and thereupon his seat in the Council shall become vacant.

V. The Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Seal.

Public Seal.

VI. The Governor, in Our name and on Our behalf, may make and execute, under the Public Seal of the Colony, grants and dispositions of any lands within the Colony which may be lawfully granted and disposed of by Us:

Grants of land.

To be made
in conformity
with the law.

Provided that every such grant or disposition be made in conformity either with some law in force in the Colony, or with some Instructions addressed to the Governor under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, or with such regulations as are now in force or may be made by the Governor in that behalf and publicly promulgated in the Colony.

Governor
empowered
to appoint
Judges and
other
Officers.

VII. Subject to the provisions of any law of the Colony, the Governor may constitute and appoint all such Judges, Commissioners, Justices of the Peace and other necessary Officers in the Colony, as may be lawfully constituted and appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

Grant of
pardons.

VIII. When any crime or offence has been committed within the Colony, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime or offence, who shall give such information and evidence as shall lead to the conviction of the principal offender, or of any one of such offenders if more than one; and further, may grant to any offender convicted of any crime or offence in any Court, or before any Judge, Justice, or Magistrate within the Colony, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence for such period as the Governor thinks fit, and may remit any fines, penalties, or forfeitures which may become due and payable unto Us:

Remission of
fines.
Proviso.
Banishment
from the
Colony
prohibited.
Exception;
Political
offences.

Provided always that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself from the Colony.

Dismissal
and
suspension
of Officers.
(As sub-
stituted on
the 23rd
March, 1943.)

IX. The Governor may, subject to the provisions of any law for the time being in force in the Colony and to such instructions as may from time to time be given to him by Us through one of Our Principal Secretaries of State, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office within the Colony, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

Succession to
Government.

X. Whenever the Office of Governor is vacant, or if the Governor becomes incapable or is absent from the Colony, or is from any cause prevented from acting in the duties of his Office, such person or persons as We may appoint under Our

Sign Manual and Signet, and in case there shall be no person or persons within the Colony so appointed, then the person for the time being lawfully exercising the Office of Chief Secretary shall, during Our pleasure, administer the Government of the Colony, first taking the Oaths, hereinbefore directed to be taken by the Governor, and in the manner herein prescribed; which being done, We do hereby authorise, empower, and command any such Administrator as aforesaid to do and execute, during Our pleasure, all things that belong to the Office of Governor and Commander-in-Chief, according to the tenour of these Our Letters Patent, and according to Our Instructions as aforesaid and the Laws of the Colony.

Administra-
tor.

To take
Oaths of
Office
administer-
ing Govern-
ment.

Powers and
authorities.

XI. (1) Whenever the Governor has occasion to be absent from the seat of Government but not from the Colony, or to be absent from the Colony for a period which he has reason to believe will be of short duration, he may, by an Instrument under the Public Seal of the Colony, appoint any person resident in the Colony to be his deputy during such absence, and in that capacity to exercise, perform and execute for and on behalf of the Governor during such absence all such powers and authorities vested in the Governor as shall in and by such Instrument be specified but no others.

Appointment
of Deputy
to Governor.
(As sub-
stituted on
the 23rd
March, 1943).

(2) By the appointment of a deputy as aforesaid the power and authority of the Governor shall not be abridged, altered, or in any way affected otherwise than as We may at any time hereafter think proper to direct, and every such deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance.

(3) Any appointment under this section may at any time be revoked by the Governor or by one of Our Principal Secretaries of State, and shall cease and determine upon the return of the Governor to the seat of Government or the Colony, as the case may be.

(4) The Governor shall not be regarded as absent from the Colony for the purposes of Article X of these Letters Patent during his passage from any part of the Colony to any other part thereof or when there is a subsisting appointment of a deputy under this Article.

XII. And We do hereby require and command all Officers and Ministers, Civil and Military, and all other the inhabitants of the Colony, to be obedient, aiding, and assisting unto the Governor, and to such person or persons as may from time to time, under the provisions of these Our Letters Patent, administer the Government of the Colony.

Officers and
others to
obey and
assist the
Governor.

Term "the Governor" explained.

XIII. In the construction of these Our Letters Patent the term "the Governor" shall, unless inconsistent with the context, include every person for the time being administering the Government of the Colony.

Power reserved to His Majesty to revoke, alter, or amend the present Letters Patent.

XIV. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

Publication of Letters Patent.

XV. And We do further direct and enjoin that these Our Letters Patent shall be published in the Official Gazette of British Guiana and shall be read and proclaimed at such place or places, within the Colony, as the Governor shall think fit, and shall come into operation on a day* to be fixed by the Governor by Proclamation in the said Gazette.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the twentieth day of July in the nineteenth year of Our Reign.

By Warrant under The King's Sign Manual.

SCHUSTER.



*1st September, 1928, fixed by Proclamation dated the 17th August, 1928.