

CHAPTER 353.

UNITED STATES BASES (AGREEMENT).

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CHAPTER 353.

UNITED STATES BASES (AGREEMENT).

An Ordinance to implement provisions contained in the agreement signed on the 27th March, 1941, between the Governments of the United Kingdom and the United States of America, relating to the bases leased to the United States of America in certain territories including the Colony of British Guiana, and to provide for other matters arising out of the establishment of the United States bases in the Colony. 25 of 1952.

1. This Ordinance may be cited as the United States Bases (Agreement) Ordinance. Short title.

INTRODUCTION.

2. (1) In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them— Interpre-
tation.

“the Agreement” means the Agreement signed on the 27th March, 1941, between the Governments of the United Kingdom and the United States of America, relating to the Bases leased to the United States of America in certain territories including the Colony of British Guiana;

“Bases” means the Bases established in the Colony in pursuance of the communications set out in Annex I to the Agreement;

“British subject” includes British protected person;

“contractor” means a contractor employed in the construction, maintenance or operation of the Bases;

“law” includes any Ordinance or Imperial Statute and any regulation, rule, by-law, proclamation, order or direction made or given under the authority of any law;

“Leased Area” means any area in the Colony in respect of which there is for the time being subsisting a lease entered into in pursuance of the communications set out in Annex I to the Agreement or which has been declared by the Governor, by order published in the Gazette, to be deemed a Leased Area for the purposes of this Ordinance;

“the United States Authorities” means the authority or authorities from time to time authorised or designated by the Government of the United States of America for the purposes of exercising the powers or enjoying the privileges in relation to which the expression is used;

“ the United States Forces ” means the naval and military forces of the United States of America;

“ United States service court ” means a military or naval court of the United States of America.

(2) References in this Ordinance to any law or to any provision of any law shall, unless the context otherwise requires, be construed as referring to that law as from time to time amended and to any law or provision from time to time in force in its place.

(3) References in this Ordinance to any particular Ordinance include references to any regulations made under that Ordinance.

United
States
Authorities.

3. (1) A notification published in the Gazette, a recital or statement in any law, or a certificate issued by or on behalf of the officer commanding the United States Military Forces in the Colony, or the officer commanding the United States Naval Forces in the Colony, to the effect that any authority or authorities has or have been authorised or designated for the purpose of exercising any power or enjoying any privilege conferred on the United States Authorities by or under this Ordinance shall be received as *prima facie* proof of the fact so notified, recited, stated or certified.

(2) Any document purporting to be issued by or on behalf of the officer commanding the United States Military Forces in the Colony or the officer commanding the United States Naval Forces in the Colony, or the United States Authorities, shall be received as *prima facie* proof that the document was so issued without proof being given of the signature of the person signing such document.

(3) A reference in any notification, recital, statement, certificate, or document, referred to in this section, to the title of any office under the Government of the United States of America shall be deemed to include a reference to any person for the time being lawfully performing the duties of that office.

Proof of the
Agreement.

4. It shall be *prima facie* proof of the terms of the Agreement to produce—

(a) a copy of the Gazette purporting to set forth such terms; or

(b) a document purporting to be printed by the Government Printer and to set forth such terms; or

(c) a document purporting to set forth such terms and to be certified by the Chief Secretary or Deputy Colonial Secretary.

5. (1) It shall be *prima facie* proof of the terms of any document to which this section relates, and of its due execution and validity, to produce—

Proof of certain leases and surrenders.

(a) a copy of the Gazette purporting to set forth such terms; or

(b) a document purporting to be printed by the Government Printer and to set forth such terms; or

(c) a document purporting to set forth such terms and to be certified by the Chief Secretary or Deputy Colonial Secretary.

(2) The documents to which this section relates are—

(a) any lease entered into, whether before or after the commencement of this Ordinance, under the Agreement;

(b) any plan or other document which is referred to in any such lease as containing the delineation or description of the property demised by such lease;

(c) any notice of abandonment given under Article XXI of the Agreement, either before or after the commencement of this Ordinance, of the whole or any part of any area from time to time comprised in any such lease.

(3) A certificate signed by the Chief Secretary or Deputy Colonial Secretary to the effect that any lease was executed under the Agreement shall be conclusive proof of that fact.

6. (1) Nothing in the Deeds Registry Ordinance shall be construed as requiring, or as having required, that notice of intention to pass any such lease as is contemplated by paragraph (a) of subsection (2) of section 5 should be advertised in the Gazette, or that the lease should be passed or executed before a judge of the Supreme Court or the Registrar of Deeds.

Exemption from requirement to advertise and register certain documents.
Cap. 32.

(2) Nothing in the Lands and Mines Department Ordinance or in the Deeds Registry Ordinance shall be construed as requiring, or as having required, the registration, in the Department of Lands and Mines or in the Deeds Registry as the case may be, of any document to which section 5 relates.

Cap. 170.

7. (1) The Governor in Council may make regulations for—

Regulations.

(a) giving effect to the provisions of this Ordinance; and

(b) implementing the Agreement as to any matter for which no provision or no sufficient provision is made in this Ordinance.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, regulations made under that subsection may make provision for—

(a) the arrest of persons found committing or reasonably suspected of having committed an offence against the regulations;

(b) the seizure of things which are, or which are reasonably suspected of being, things in respect of which or with which an offence against the regulations has been committed, and the disposal (including the forfeiture) of any things so seized;

(c) the steps which may be taken, and the persons by whom they may be taken, to prevent the commission of any offence against the regulations or to remove from any area persons who, or things which, are in that area in contravention of the regulations;

(d) the punishment of any person found guilty of any such offence on summary conviction:

Provided that provision shall not be made for any punishment greater than a fine of four hundred and eighty dollars and six months imprisonment;

(e) the exclusion, restriction or modification of the application of any law from time to time in force (other than the provisions of this Ordinance), so far as is necessary for the purposes mentioned in subsection (1) of this section.

(3) Regulations may be made under the preceding subsections of this section with retrospective effect.

(4) The Governor in Council may also make regulations to give retrospective effect to any of the provisions of this Ordinance in so far as he may deem it expedient so to do for the purpose of implementing the Agreement.

(5) Regulations having retrospective effect under subsection (3) of this section and regulations giving retrospective effect to any of the provisions of this Ordinance under subsection (4) of this section may be made to apply either generally or to any particular case or class of case and may make different provisions in different cases or classes of case and may provide for incidental and consequential matters and may contain conditions, exceptions and qualifications.

(6) Regulations made under this section shall not have any force or effect until confirmed by resolution of the Legislative Council:

Provided that the foregoing provision of this subsection shall not apply to regulations certified by the Governor to be urgently

required and that, with regard to regulations so certified, the following provisions shall have effect, namely—

(a) they shall expire at the end of thirty days after the coming into force thereof unless they have meanwhile been confirmed by resolution of the Legislative Council;

(b) such expiry shall be without prejudice to things done or suffered thereunder.

(7) Production of a copy of the Gazette purporting to set forth the terms of a certificate of the Governor under subsection (6) of this section shall be *prima facie* proof of such certificate having been given.

GENERAL PROVISIONS.

8. Subject to the provisions of any agreement entered into by the Government of the United States of America—

Extinguish-
ment of
certain
rights.

(a) all rights of way and other like rights exercisable by members of the public in any areas which are Leased Areas at the commencement of this Ordinance are hereby extinguished; and

(b) all such rights so exercisable in any area which becomes a Leased Area after the commencement of this Ordinance shall be extinguished upon such area becoming a Leased Area.

9. Nothing in any law from time to time in force relating to the laying out, maintenance or improvement of streets, or to the laying out of land for building purposes, or to the erection, construction, or alteration of buildings and structures shall be construed as preventing, restricting or regulating the exercise by the United States of America, in accordance with the Agreement, of the rights, power and authority conferred thereby.

Application
of building
laws.

10. (1) No authority or person shall exercise any statutory power of entry into or within the Leased Areas except with written or oral permission granted by or on behalf of the United States Authorities.

Restriction
on statutory
powers of
entry.

(2) In this section the expression “statutory power of entry” means a power of entry, and the exercise or performance of any power or duty following thereon, conferred expressly by any law from time to time in force.

JURISDICTION AND POLICE.

Jurisdiction
of Govern-
ment of the
United States
of America.

11. (1) The Government of the United States of America shall have the right to exercise the following jurisdiction over offences committed in the Colony—

(a) where the accused is a member of a United States force—

(i) if a state of war exists, exclusive jurisdiction over all offences wherever committed;

(ii) if a state of war does not exist, exclusive jurisdiction over security offences wherever committed and United States interest offences committed inside the Leased Areas; concurrent jurisdiction over all other offences wherever committed;

(b) where the accused is a British subject or a local alien and a civil court of the United States is sitting in the Colony, exclusive jurisdiction over security offences committed inside the Leased Areas;

(c) where the accused is not a member of a United States force, a British subject or a local alien, but is a person subject to United States military or naval law—

(i) if a state of war exists, exclusive jurisdiction over security offences committed inside the Leased Areas; and United States interest offences committed inside the Leased Areas; concurrent jurisdiction over all other offences wherever committed;

(ii) if a state of war does not exist and there is no civil court of the United States sitting in the Colony, exclusive jurisdiction over security offences which are not punishable under the law of the Colony; concurrent jurisdiction over all other offences committed inside the Leased Areas;

(iii) if a state of war does not exist and a civil court of the United States is sitting in the Colony, exclusive jurisdiction over security offences committed inside the Leased Areas; concurrent jurisdiction over all other offences wherever committed;

(d) where the accused is not a member of a United States force, a British subject or a local alien, and is not a person subject to United States military or naval law, and a civil court of the United States is sitting in the Colony, exclusive jurisdiction over security offences committed inside the Leased Areas; concurrent jurisdiction over all other offences committed inside the Leased Areas and, if a state of war exists, over security offences committed outside the Leased Areas.

(2) Wherever under subsection (1) of this section, the Government of the United States of America has the right to exercise exclusive jurisdiction over security offences committed inside the Leased Areas, such right shall extend to security offences committed outside the Leased Areas which are not punishable under the law of the Colony.

(3) In every case in which under this section the Government of the United States of America has the right to exercise jurisdiction and the accused is a British subject, a local alien or, being neither a British subject nor a local alien, is not a person subject to United States military or naval law, such jurisdiction shall be exercisable only by a civil court of the United States sitting in the Colony.

(4) In every case in which under this section the Government of the United States of America has the right to exercise exclusive jurisdiction, the following provisions shall have effect—

(a) the United States Authorities shall inform the Government of the Colony as soon as is practicable whether or not they elect to exercise such jurisdiction over any alleged offences which may be brought to their attention by the competent authorities of the Colony or in any other case in which the United States Authorities are requested by the competent authorities of the Colony to furnish such information;

(b) if the United States Authorities elect to exercise such jurisdiction, the accused shall be brought to trial accordingly, and the courts of the Colony shall not exercise jurisdiction except in aid of a court or authority of the United States, as required or permitted by the law of the Colony;

(c) if the United States Authorities elect not to exercise such jurisdiction, and if it shall be agreed between the Government of the Colony and the United States Authorities that the alleged offender shall be brought to trial, nothing in this section shall affect the exercise of jurisdiction by the courts of the Colony in the case.

(5) In every case in which under this section the Government of the United States of America has the right to exercise concurrent jurisdiction, the following provisions shall have effect—

(a) the case shall be tried by such court as may be arranged between the Government of the Colony and the United States Authorities;

(b) where an offence is within the jurisdiction of a civil court of the Colony and of a United States military or naval court, conviction or acquittal of the accused by one such court

shall not exclude subsequent trial by the other, but in the event of such subsequent trial the court in awarding punishment shall have regard to any punishment awarded in the previous proceedings;

(c) where the offence is within the jurisdiction of a civil court of the Colony and of a civil court of the United States, trial by one shall exclude trial by the other.

(6) Notwithstanding anything contained elsewhere in this section, when a state of war exists in which the Government of the United Kingdom is, and the Government of the United States of America is not, engaged, then in any case in which the Government of the United States of America would, but for this subsection, have exclusive jurisdiction, that jurisdiction shall be concurrent in respect of any of the following offences against any part of Her Majesty's dominions committed outside the Leased Areas or, if not punishable by the Government of the United States of America in the Colony, inside the Leased Areas—

(a) treason;

(b) any offences of the nature of sabotage or espionage or against any law relating to official secrets;

(c) any other offence relating to operations, in the Colony, of the Government of any part of Her Majesty's dominions, or to the safety of Her Majesty's naval, military or air bases or establishments or any part thereof or of any equipment or other property of any such Government in the Colony.

(7) Nothing in this section shall give the Government of the United States of America the right to exercise jurisdiction over a member of a United Kingdom, Dominion or Colonial armed force, except that, if a civil court of the United States is sitting in the Colony and a state of war does not exist or a state of war exists in which the Government of the United States of America is, and the Government of the United Kingdom is not, engaged, the Government of the United States of America shall have the right, where the accused is a member of any such force, to exercise concurrent jurisdiction over security offences committed inside the Leased Areas.

(8) Nothing in this section shall affect the jurisdiction of a civil court of the Colony except as expressly provided in this section.

(9) In this section the following expressions shall have the meanings hereby assigned to them—

“British subject” shall not include a person who is both a British subject and a member of a United States force;

“ local alien ” means a person, not being a British subject, a member of a United States force or a national of the United States, who is ordinarily resident in the Colony;

“ member of a United States Force ” means a member (entitled to wear the uniform) of the naval, military or air forces of the United States of America;

“ security offence ” means any of the following offences against the United States and punishable under the law thereof—

(a) treason;

(b) any offence of the nature of sabotage or espionage or against any law relating to official secrets;

(c) any other offence relating to operations, in the Colony, of the Government of the United States of America, or to the safety of the United States naval or air bases or establishments or any part thereof or of any equipment or other property of the Government of the United States of America in the Colony;

“ state of war ” means a state of actual hostilities in which either the Government of the United Kingdom or the Government of the United States of America is engaged and which has not been formally terminated, as by surrender;

“ United States interest offence ” means an offence which (excluding the general interest of the Government of the Colony in the maintenance of law and order therein) is solely against the interests of the Government of the United States of America or against any person (not being a British subject or local alien) or property (not being property of a British subject or local alien) present in the Colony by reason only of service or employment in connection with the construction, maintenance, operation or defence of the bases.

12. (1) United States service courts and authorities of the United States of America may exercise within the Colony in relation to members of the United States Forces, in matters concerning discipline and internal administration, all such powers as are conferred upon them by the law of the United States of America and any regulations made thereunder.

Provisions
with respect
to discipline
and adminis-
tration of
United States
Forces.

(2) Without prejudice to the provisions of section 11 of this Ordinance, nothing in the foregoing subsection shall affect the jurisdiction of any court of the Colony to try a member of the United States Forces for any act of omission constituting an offence against the law of the Colony:

Provided that—

(a) without the prior consent in writing of the Attorney General, no summons or warrant in respect of any alleged offence shall be issued by any magistrate, justice or court of the Colony against a member of the United States Forces at the instance of any person other than the Attorney General or other law officer;

(b) it shall be lawful for the Attorney General, by notice under his hand, to require that any criminal proceedings instituted in a court of the Colony in respect of an act or omission of a member of the United States Forces shall be stayed until the termination of any proceedings which have been taken in respect of that act or omission in exercise of the jurisdiction referred to in subsection (1) of this section and are pending in a United States service court, and thereupon such proceedings shall be stayed accordingly;

(c) whenever any proceedings in exercise of the jurisdiction referred to in subsection (1) of this section in respect of any act or omission of a member of the United States Forces have terminated, it shall be lawful for the Attorney General, by notice under his hand, to require that any pending criminal proceedings against such member of the United States Forces before a court of the Colony in respect of that act or omission be withdrawn and thereupon the accused shall be discharged and no further criminal proceedings in any court of the Colony in respect of that act or omission shall be taken without the written consent of the Attorney General;

(d) a court of the Colony, in awarding punishment in any criminal proceedings in respect of an act or omission of a member of the United States Forces constituting an offence against the law of the Colony, shall have regard to any punishment in respect of such act or omission which may have been imposed by a United States service court exercising the jurisdiction referred to in subsection (1) of this section.

(3) No proceedings in respect of pay, terms of service or discharge of a member of the United States Forces shall be entertained by any court of the Colony.

13. (1) In this section—

“ Commanding Officer ” means the officer in charge of the United States Forces in the Leased Area in question;

“ process ” includes any process issued in any civil or criminal proceedings for securing the attendance of a witness or the production of documents or exhibits.

(2) Except as in this Ordinance otherwise provided, no arrest shall be made, and no process shall be served, in a Leased Area without permission granted by or on behalf of the Commanding Officer.

(3) (a) If permission to effect service of process in a Leased Area is refused, service of process may be effected by any person authorised in that behalf by or on behalf of the Commanding Officer, and it shall be assumed, unless the contrary be proved, that any person so effecting service was duly authorised.

(b) Duplicate copies of a process to be served in accordance with this subsection shall be provided for the use of the Commanding Officer.

(c) Without prejudice to any other method of proving service, proof of service effected in accordance with this subsection may be made by affidavit of the person effecting service sworn before an officer of the United States Army not below the rank of Captain or an officer of the United States Navy not below the rank of Lieutenant Junior Grade, and any such affidavit purporting to be sworn before an officer of the United States Army or Navy not below such ranks as aforesaid shall be presumed to have been so sworn unless the contrary be proved.

(d) No stamp duty shall be payable on any such affidavit.

(e) Except as expressly provided in this subsection, nothing in this subsection shall make lawful any service of process or proof thereof which does not comply with the law for the time being in force.

(4) A request for service of process in accordance with paragraph (2) of Article VI of the Agreement shall be transmitted, together with copies in duplicate of the document to be served, to the appropriate officer (as hereinafter defined) and service of such document shall be effected and proved in the manner requested. No fee shall be payable in respect of any affidavit made in proof of service effected under this subsection. In this subsection, the expression "the appropriate officer" means—

(a) where the person on whom the document to be served is a member of Her Majesty's naval, military or air forces, the officer commanding Her Majesty's naval, military or air forces, as the case may be, in the Colony;

(b) in any other case, the Commissioner of Police.

Surrender of
offenders to
or by
United States
Authorities.

14. (1) Any person whose surrender is requested under arrangements made in pursuance of Article VIII of the Agreement may be arrested and surrendered in accordance with such arrangements and shall be deemed to be in lawful custody whilst detained—

(a) for the purpose of such surrender; and

(b) without prejudice to any law relating to release on bail, after such surrender until the disposal of his case.

(2) Any document published in the Gazette and purporting to set forth arrangements made as aforesaid shall be presumed, unless the contrary be shown, to constitute such arrangements.

(3) Where an obligation arises under Article VI of the Agreement to arrest and surrender any person, surrender of that person shall, for the purposes of this section, be deemed to have been requested under the aforesaid arrangements.

Provisions
relating to
United States
courts.

15. (1) Where any person, not being a member of the United States Forces, commits any of the following offences, that is to say—

(a) on being duly summoned, in accordance with subsection (4) of section 13 of this Ordinance as a witness before a court of the United States of America sitting in the Colony and after payment or tender (except where such person is a member of Her Majesty's forces) of the reasonable expenses of his attendance, fails without reasonable excuse to attend or remain in attendance until he is excused therefrom; or

(b) being in attendance as a witness—

(i) refuses to take an oath or make an affirmation lawfully required (according to the law of the United States of America) by such court to be taken or made; or

(ii) refuses to produce any document in his power or control lawfully required (according to the law of the United States of America) by such court to be produced by him; or

(iii) refuses to answer any question to which such court may lawfully require an answer according to the law of the United States of America;

the president of such court, or the judge or other person constituting such court, as the case may be, may certify the offence under his hand to any magistrate and the magistrate may thereupon inquire into the alleged offence as though the certification thereof were a complaint and such witness shall be liable on summary conviction to a fine not exceeding one hundred dollars:

Provided that a person shall not be punishable for refusing to take an oath as aforesaid if he objected to taking the oath either on the ground that he had no religious belief or on the ground that the taking of the oath was contrary to his religious belief, or for refusing to answer any question or to produce any document as aforesaid which he could not be required to answer or produce in similar proceedings before a court of the Colony.

(2) Where a person, not being a member of the United States Forces, when examined on oath or affirmation before a court of the United States of America sitting in the Colony, wilfully gives false evidence, he shall be liable to be convicted of and punished for the offence of perjury by the Supreme Court.

(3) Where a person, not being a member of the United States Forces, is guilty of any contempt towards a court of the United States of America sitting in the Colony by using insulting or threatening language or by causing any interruption or disturbance in its proceedings, or by printing observations or using words calculated to influence the members of or witnesses before such court, or to bring such court into disrepute, the president of such court, or the judge or other person constituting such court, as the case may be, may certify the offence under his hand to the Registrar of the Supreme Court, and a judge of the Supreme Court may thereupon inquire into such alleged offence and, after hearing any witnesses that may be produced against or on behalf of the person so accused, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of such person in like manner as if he had been guilty of contempt of the Supreme Court.

(4) In matters not dealt with in subsections (1), (2) and (3) of this section, the members of any court of the United States of America sitting in the Colony and persons taking part in any proceedings in any such court shall enjoy the like immunities and privileges as are enjoyed by like courts of the Colony and by persons taking part in any proceedings in such courts.

(5) Where any sentence has been passed upon any person by a court of the United States of America sitting in the Colony convened for the purposes of any legal proceedings within the Colony, the court shall be deemed to be properly constituted, and its proceedings shall be deemed to have been regularly conducted, and the sentence shall be deemed to be within the jurisdiction of the court and in accordance with the law of the United States of America, and, if executed according to the tenor thereof, shall be deemed to have been lawfully executed, and any person who is detained in custody in pursuance of any

such sentence or pending the determination by such a court as aforesaid of the charge brought against him, shall for the purposes of any such proceedings as aforesaid be deemed to be in lawful custody.

For the purposes of any such proceedings as aforesaid a certificate under the hand of the United States Authorities to the effect that a person is being detained for either of the causes aforesaid shall be conclusive proof of the cause of his detention, and a certificate under the hand of such Authorities that the person or persons specified in the certificate constituted the court shall be conclusive proof of that fact.

Powers of
United States
constables.

Cap. 77.

16. (1) A United States constable shall have and may exercise—

(a) within a Leased Area, all the powers and privileges of a constable appointed under the Police Ordinance; and

(b) within any such area, and elsewhere in the Colony on a fresh pursuit from any such area, power to arrest without warrant any person who he has reasonable cause to believe has committed an offence with regard to which the United States has jurisdiction under Article IV of the Agreement.

(2) A United States constable effecting an arrest shall, where the person arrested is not released forthwith and is not to be dealt with by a court of the United States of America, deliver him in custody, or cause him to be delivered in custody by another United States constable, to a member of the British Guiana Police Force, and thereupon the like consequences shall ensue as if such person had been arrested by a member of the British Guiana Police Force.

(3) Where any person is under arrest in accordance with this section, he shall be deemed to be in lawful custody until his case is disposed of or he is sooner released.

(4) Any person who, not being a United States constable, unlawfully—

(a) puts on or assumes, either in whole or in part—

(i) the dress, name or description of a United States constable; or

(ii) any dress, name or description resembling or intended to resemble that of a United States constable; or

(b) in any way pretends to be a United States constable in connection with the doing of any act which such a constable is authorised by this section to do;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months.

(5) A certificate issued by the United States Authorities to the effect that any person named therein is a United States constable shall be accepted for all purposes as conclusive proof of that fact.

(6) In this section—

“United States constable” means any member of the United States Police Force;

“United States Police Force” means any civil police force or any force or body of police established by the Government of the United States of America and authorised by that Government to exercise police powers in a Leased Area.

17. (1) The Governor may make arrangements with Authorities of the United States of America for the reception, detention and imprisonment in prisons of the Colony of persons sentenced to imprisonment (by whatever name called) by a court of the United States of America in exercise of their jurisdiction under this Ordinance, for the treatment of such persons while so detained or imprisoned, for their release or their return to the United States Authorities, and for the manner in which they are to be dealt with in the event of their unsoundness of mind, or other illness, while so detained or imprisoned. Such arrangements shall have the force of law and, subject thereto, any law of the Colony relating to such prisons and detention and imprisonment therein and release therefrom shall have effect as if the sentence passed on any person detained or imprisoned in pursuance of such arrangements had been passed by a court of the Colony.

Imprisonment.

(2) Any document published in the Gazette and purporting to set forth arrangements made as aforesaid shall be presumed, unless the contrary be shown, to constitute such arrangements.

UNITED STATES COUNSEL.

18. (1) In any case in which a member of the United States Forces is a party to a civil or criminal proceeding in any court in the Colony by reason of some alleged act or omission arising, or alleged to have arisen, out of or in the course of his official duty, an authorised United States counsel (as hereinafter defined) shall, notwithstanding that he is not a barrister-at-law or a solicitor of the Supreme Court, have the right of audience and the right to do, in relation to the proceeding, all such things as

Right of audience of United States counsel.

might properly be done by a barrister-at-law or a solicitor of the Supreme Court.

(2) A certificate issued by the United States Authorities to the effect that any person named therein is an authorised United States counsel shall be accepted for all purposes as conclusive proof of that fact.

(3) In this section, the expression "authorised United States counsel" means a United States counsel authorised to practise before any of the Federal or State Courts of the United States of America, who is in the service of the Government of the United States of America and has been appointed by the United States Authorities for the purpose of exercising generally or specially the rights conferred by this section.

SURVEYS.

Power of
United States
Authorities
to make
surveys.

19. (1) Whenever the United States Authorities notify the Chief Secretary of their wish to make any such topographic or hydrographic survey as is contemplated by Article X of the Agreement, it shall be lawful for any member of the United States Forces or any civilian employee thereof, or any other persons designated for the purpose by agreement between the Chief Secretary and the United States Authorities, to enter upon any land or other premises and to make such survey accordingly, and to do all such things as may be incidental to such survey including the cutting of sightways or traces and the placing or erection of any beacon, post, stone or mark:

Provided that no such person shall enter on land or premises in private occupation for the purpose of exercising the powers conferred by this section unless not less than twenty-four hours prior notice in writing of the intention to exercise such powers has been given by or on behalf of the Governor to the occupier (if any) thereof.

(2) The notice in writing referred to in subsection (1) of this section may be served personally, or by letter addressed to the occupier of the land or premises at his usual or last known place of abode or business, or (if service in any such manner is impracticable) by posting up or affixing the notice in some conspicuous place on the land or premises.

(3) Any person who wilfully obstructs or hinders in any way any other person exercising the powers conferred by subsection (1) of this section shall be guilty of an offence against this Ordinance and liable on summary conviction to a fine not exceeding fifty dollars:

Provided that an occupier of any land or premises or his servants or agents shall not be guilty of an offence under this section in any case where a person exercising the powers conferred by this section does not upon demand produce an instrument of authority given by or on behalf of the United States Authorities.

(4) Compensation shall be payable from the general revenue of the Colony for any damage resulting from the exercise or the purported exercise, of the powers conferred by this section, and the amount of the compensation shall be as agreed between the Commissioner of Lands and Mines and the claimant or in default of such agreement may be adjudged (without limit of amount) in an action in a magistrate's court brought by the claimant against the Attorney General, and any such action shall be commenced by the filing of a claim as if the Attorney General were a private person and any sum adjudged to be paid by the Attorney General in any such action shall be paid out of the general revenue of the Colony:

Provided that compensation under this subsection—

(a) shall not be payable for any damage in respect of which the claimant has accepted or agreed to accept compensation from the Government of the United States of America or the United States Authorities; and

(b) shall not be awarded by the court unless proceedings are commenced within twelve months, or such extended period as the court may in any special case allow, after the date upon which the damage was caused.

SHIPPING.

20. United States public vessels operated by the War or Navy Departments, by the Coast Guards or by the Coast and Geodetic Survey, bound to or departing from a Leased Area or the territorial waters in the vicinity thereof, shall—

Shipping dues and pilotage.

(a) not be subject to light or harbour dues under the Transport and Harbours Ordinance;

Cap. 261.

(b) not be subject to compulsory pilotage under the Transport and Harbours Ordinance;

(c) not be subject to payment of fees under the River Navigation Ordinance or any regulations made thereunder.

Cap. 270.

21. (1) The River Navigation Regulations and the Harbours Regulations shall not apply in relation to—

Applica-
tion of the
River
Navigation
Regulations
and the
Harbours
Regulations.

(a) vessels and boats owned by the Government of the United States of America;

(b) the officers and crew of vessels and boats mentioned in paragraph (a), who are members of the United States Forces, while acting in the course of their duty as such.

(2) No fee shall be payable for the licensing or registration of any vessel or boat while owned by a person who is ordinarily resident in the United States of America and used by him exclusively for the performance of any service or work for the United States of America in connection with the construction, maintenance, operation or defence of the Bases:

Provided that the licensing or registration of a vessel or boat effected without payment of a licence fee under this subsection shall be valid so long only as the circumstances justifying the exception shall apply to that vessel or boat.

(3) Where any licence or certificate of registration is issued without fee by virtue of subsection (2) of this section, the issuing officer shall cause it to be endorsed to that effect.

(4) The use of a vessel or boat owned by the United States of America or certified by the United States Authorities as a vessel or boat used solely in connection with the construction, maintenance, operation or defence of the Bases, shall be deemed, for the purposes of section 40 of this Ordinance, to be a service or work for the United States of America in connection with the construction, maintenance, operation or defence of the Bases.

VEHICLES.

Registration
and
licensing of
motor
vehicles.
Cap. 280.

22. (1) Notwithstanding the provisions of the Motor Vehicles and Road Traffic Ordinance—

(a) no fee shall be payable in respect of the registration of any motor vehicle or trailer—

(i) while owned by the Government of the United States of America; or

(ii) while owned by a person who is ordinarily resident in the United States of America and used by him exclusively for the performance of any service or work for the United States of America in respect of the construction, maintenance, operation or defence of the Bases; or

(iii) while kept and used solely within the Leased Areas by any person described in paragraph (1) of Article XVII of the Agreement;

and no licence shall be necessary in respect of any motor vehicle or trailer while so exempt from registration fee:

Provided that registration of a vehicle or trailer which has been effected without payment of fee by virtue of this paragraph shall be valid so long only as the circumstances justifying such exemption apply to that vehicle or trailer;

(b) a motor vehicle or trailer while owned by the Government of the United States of America shall not require to be registered if—

(i) it carries identification marks assigned to it by the United States Authorities of such size and nature and affixed in such positions as the United States Authorities may generally or specially approve; and

(ii) such particulars as the Licensing Authority may require of the motor vehicle or trailer and of the identification marks so assigned have been furnished by the United States Authorities.

(2) If any motor vehicle or trailer which, by virtue of the preceding subsection, has not been required to be licensed shall, by reason of a transfer of ownership or otherwise be required to be licensed, previous user thereof which justified the exemption shall be excluded for the purposes of the provisos to subsection (2) of section 17 of the Motor Vehicles and Road Traffic Ordinance.

(3) If any motor vehicle or trailer, which by virtue of subsection (1) of this section is not registered or not licensed, is used for an unauthorised purpose (as hereinafter defined), the person in charge of the vehicle and any other person using the vehicle or trailer for the unauthorised purpose shall each be guilty of an offence and shall be liable on summary conviction to a fine of fifty dollars.

In this subsection, the expression "unauthorised purpose" means—

(a) in the case of a motor vehicle or trailer referred to in paragraph (a) (i) of subsection (1) of this section, a purpose not sanctioned by the United States Authorities;

(b) in the case of a motor vehicle or trailer referred to in paragraph (a) (ii) of the said subsection, a purpose other than the performance of any service or work in connection with the construction, maintenance, operation or defence of the Bases.

(4) The use of any motor vehicle or trailer by the United States Authorities for the carriage for reward of members of the United States Forces or for the carriage for reward of persons employed in connection with the construction, maintenance, operation or defence of the Bases, shall, if sanctioned by the

Cap. 280.

Governor in Council, be deemed not to be an infringement of the rights conferred on any person by any licence in force under section 75 of the Motor Vehicles and Road Traffic Ordinance, whether granted before or after the commencement of this Ordinance.

(5) Notwithstanding anything to the contrary in Part V of the Motor Vehicles and Road Traffic Ordinance, a member of the United States Forces shall not require a driving licence for the purpose only of driving while on duty a motor vehicle owned by the Government of the United States of America.

Construction
of motor
vehicles.
Cap. 280.

23. Nothing in the Motor Vehicles and Road Traffic Ordinance shall, by reason of any provision therein relating to the construction of motor vehicles or trailers, prevent or penalise the use upon roads in the Colony by or on behalf of any person present or employed in the Colony in connection with the construction, maintenance, operation or defence of the Bases, or prevent the registration or licensing, of any motor vehicle or trailer owned by any such person or by the Government of the United States of America and certified by the United States Authorities to be, or accepted by the Licensing Authority as being, a standard or test type:

Provided that, if any such motor vehicle or trailer shall cease to be owned either by any such person or by the Government of the United States of America, the registration and licensing thereof shall, if it could not have been registered or licensed but for this section, be void.

Motor
vehicles
insurance.
Cap. 281.

Cap. 280.

24. Section 3 of the Motor Vehicles Insurance (Third-party Risks) Ordinance, shall not apply in relation to any motor vehicle owned by the Government of the United States of America while it is being used in the service of that Government, and subsection (2) of section 5 of the Motor Vehicles and Road Traffic Ordinance shall have effect accordingly.

Licensing
of vehicles.
Cap. 280.

25. (1) Notwithstanding the provisions of the Motor Vehicles and Road Traffic Ordinance and the regulations made thereunder—

(a) no duties shall be payable in respect of the licensing of any vehicle (as defined in the said Ordinance)—

(i) while owned by the Government of the United States of America; or

(ii) while owned by a person who is ordinarily resident in the United States of America and used by him exclusively for the performance of any service or work for the United

States of America in respect of the construction, maintenance, operation or defence of the Bases:

Provided that a licence issued in respect of any vehicle without payment of duties by virtue of this paragraph shall be valid so long only as the circumstances justifying such exemption shall apply to that vehicle;

(b) any such vehicle while owned by the Government of the United States of America shall not be required to be licensed if—

(i) it carries identification marks assigned to it by the United States Authorities of such size and nature and affixed in such positions as the United States Authorities may generally or specially approve; and

(ii) all particulars of the vehicle and of the identification marks so assigned which the Licensing Authority may require have been furnished by the United States Authorities;

(c) no such vehicle shall require to be licensed while it is kept and used solely within the Leased Areas by a person described in paragraph (1) of Article XVII of the Agreement.

(2) If any such vehicle which, by virtue of the preceding subsection, has been licensed without payment of duties or has not been required to be licensed shall, by reason of a transfer of ownership or otherwise, require to be licensed, previous user thereof which justified the exemption shall be excluded for the purposes of the provisos to subsection (2) of section 17 of the Motor Vehicles and Road Traffic Ordinance.

IMMIGRATION.

26. (1) Nothing in the Immigration Ordinance shall operate or apply so as to prevent the admission into the Colony, for the purposes of the Agreement, of any person shown to the satisfaction of the Immigration Officer to be a member of the United States Forces posted to a Leased Area or a person (not being a national of a Power at war with Her Majesty the Queen) employed by, or under a contract with, the Government of the United States of America in connection with the construction, maintenance, operation or defence of the Bases.

(2) If the status of any person who has been admitted into the Colony by virtue of subsection (1) shall be changed so that, if he sought admission to the Colony at the time of such change of status, he would have been a prohibited immigrant for the purposes of the said Ordinance, such person shall thereupon be deemed to be such a prohibited immigrant and may be dealt with accordingly.

Immigra-
tion.
Cap. 98.

CUSTOMS AND EXCISE.

27. (1) Notwithstanding anything contained in the Customs Duties Ordinance or in any law for the time being in force whereby customs duties (which expression includes any taxes, duties or imposts on the importation of articles into the Colony) are imposed—

(a) material, equipment, supplies or goods for use in the construction, maintenance, operation or defence of the Bases, consigned to, or destined for, the United States Authorities or a contractor; and

(b) goods for use or consumption aboard United States public vessels of the Army, Navy, Coast Guard or Coast and Geodetic Surveys; and

(c) goods consigned to the United States Authorities for the use of institutions under the control of the Government of the United States of America known as Post Exchanges, Ships' Service Stores, Commissary Stores or Service Clubs, or for sale thereat to United States employees or members of their families resident with them and not engaged in any business or occupation in the Colony or such other persons as may, in pursuance of agreement between the Governor and the United States Authorities, be specified in regulations made under this Ordinance; and

(d) goods belonging to—

(i) United States employees or members of their families resident with them and not engaged in any business or occupation in the Colony; or

(ii) contractors and their employees being nationals of the United States of America employed in the construction, maintenance or operation of the Bases and present in the Colony by reason only of such employment;

being their personal belongings and household effects (which expression is hereby declared not to include consumable goods and to include only goods owned by such persons at the time of their first arrival in the Colony in the capacity in question, whether imported at that time or otherwise); and

(e) goods, other than goods to which the provisions of paragraph (d) of this subsection apply, which, on importation into the Colony, are delivered to the Central Agency established as hereinafter provided, and which the Central Agency or the United States Authorities are satisfied—

(i) belong to or are presents intended for United States employees, or members of their families resident with them

and not engaged in any business or occupation in the Colony; and

(ii) are the product of the United States of America; and

(iii) are for the personal use of the person for whom, as owner or donee, they are imported; and

(f) goods imported through a United States Post Office established in accordance with section 33 of this Ordinance or otherwise imported by sea or air directly into a Leased Area, being articles (in any such case) as to which the United States Authorities are satisfied of the matters specified in paragraph (e) of this subsection; and

(g) consumable goods, sports equipment and clothes owned by the Government of the United States of America and consigned to or destined for the United States Authorities, being goods which are solely for the use (whether on payment or otherwise) of United States employees, but are not for sale at a profit; and

(h) consumable goods, sports equipment and clothes owned by, and consigned to or destined for, a contractor, being goods which are solely for the use (whether on payment or otherwise) of nationals of the United States of America employed by him in the construction, maintenance or operation of the Bases, but are not for sale at a profit;

shall be admitted free of customs duty whether or not such material, equipment, supplies or goods pass through any other part of the Colony *en route* to a Leased Area.

(2) Notwithstanding anything contained in the Customs Duties Ordinance or any law for the time being in force whereby export duties (which expression includes any taxes, duties or imposts on the exportation of articles from the Colony) are imposed, no export duties shall be payable on material, equipment, supplies, goods, personal belongings or household effects, admitted free of customs duty under the preceding subsection in the event of reshipment from the Colony whether or not they pass through any other part of the Colony *en route* from a Leased Area. Cap. 310.

(3) For the purposes of subsection (1) there shall be established a Central Agency, the constitution of which shall be agreed from time to time between the Governor and the United States Authorities. Production of a copy of the Gazette purporting to notify the constitution of the Central Agency shall be sufficient evidence of such constitution. The Central Agency may determine its own practice and procedure and may delegate

its powers generally or specially and either absolutely or conditionally to any member or members of the Central Agency. A certificate purporting to record a decision of the Central Agency and to be signed on its behalf shall be sufficient evidence of such decision.

(4) In this section—

“consumable goods” means food, liquor, beverages, cigars, cigarettes, tobacco and other consumable goods;

“United States employee” means a person who is a member of the United States Forces or a civilian employee of the United States of America being a national of the United States of America and employed in connection with the Bases.

(5) For the purposes of paragraph (e) of subsection (1) of this section, goods shall not be deemed to be the product of the United States of America unless they are imported direct from the United States of America and the whole or a substantial part of the value thereof in the United States of America represents the cost of material produced or of labour performed there.

Excise
duties.

28. Notwithstanding anything contained in the following Ordinances, namely—

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|-----------|---|
| Cap. 298. | (a) the Tax Ordinance; |
| Cap. 318. | (b) the Bitters and Cordials Ordinance; |
| Cap. 319. | (c) the Spirits Ordinance; |
| Cap. 320. | (d) the Stills Ordinance; |
| Cap. 253. | (e) the Coconut Products (Control) Ordinance; |

or in any other law from time to time in force whereby excise duties (which expression includes any taxes, duties or imposts in the nature of excise duties) are imposed, any goods described in subsection (1) of section 27 of this Ordinance shall, in the relative circumstances described in that subsection, be free of excise duties, and if excise duties shall have been paid in respect thereof, a drawback shall be allowed to the persons by whom the goods were *bona fide* supplied in those circumstances in the course of wholesale or retail trade of the proportion of the duties paid which is attributable to the goods.

Offences.

29. (1) Any person who—

(a) not being a person entitled to purchase goods in accordance with paragraph (c), (g) or (h), as the case may be, of subsection (1) of section 27 of this Ordinance, purchases goods which, by virtue of any of those paragraphs, have been imported free of customs duty or in respect of which, by

virtue of such paragraphs and of section 28 of this Ordinance, excise duty has been remitted or refunded or falls to be refunded; or

(b) purchases any other goods imported into the Colony free of customs duty by virtue of section 27 of this Ordinance or any other goods on which, by virtue of sections 27 and 28 of this Ordinance, excise duty has been remitted or refunded or falls to be refunded;

shall be guilty of an offence and shall be liable—

(i) on summary conviction, to a fine of five times the value of the goods so purchased or one thousand two hundred dollars, whichever shall be the greater, or to imprisonment for six months, or to both such fine and imprisonment; or

(ii) on conviction on indictment, to a fine of five times the value of the goods so purchased or four thousand eight hundred dollars, whichever shall be the greater, or to imprisonment for three years, or to both such fine and imprisonment;

and, unless the court for special reasons thinks fit to order otherwise, a person convicted of an offence under this section shall be sentenced to pay a fine of not less than three times the value of the goods so purchased or to imprisonment for not less than half the maximum period imposable by the court by which he is convicted or to a fine of not less than twice the said value and imprisonment for not less than one quarter of the said maximum:

Provided that it shall be a defence to a charge under this section for the accused to prove that he did not know and had no reason to believe that the goods so purchased were imported free of customs duty, or were goods on which excise duty had been remitted or refunded, as aforesaid.

(2) For the purposes of this section—

(a) the value of any goods shall be the rate or price at which goods of the like kind but of the best quality upon which all duties have been paid were sold at or about the time of the offence, or according to the rate or price at which goods of the like kind but of the best quality were sold in bond at or about the time of the offence, with all duties due thereon added to such rate or price in bond. A certificate in writing signed by or on behalf of the Comptroller of Customs shall be *prima facie* proof of the value of the goods;

(b) every acquisition for value shall be deemed to be a purchase.

(3) In any prosecution for an offence against this section—

(a) if evidence is given by the prosecution of facts which create a reasonable suspicion that the goods which are the

subject of the prosecution are goods which were imported free of customs duty by virtue of section 27 of this Ordinance or goods in respect of which excise duty was remitted or refunded or fell to be refunded by virtue of sections 27 and 28 of this Ordinance, as the case may be, it shall be assumed, unless the contrary be proved, that such goods were so imported;

(b) it shall be assumed, unless the contrary be proved, that goods proved to have been in the possession of any person were acquired by him for valuable consideration.

(4) It shall be lawful for the Comptroller of Customs (or any officer authorised by him to exercise the powers conferred by this section) to accept payment, by any person who admits that he has committed an offence against this section in relation to any goods, of a penalty not greater than the maximum fine or less than the minimum fine which could have been imposed on a conviction for such offence. Acceptance of payment in any such case shall be a bar to any criminal proceedings for the offence.

Cap. 309.

(5) Sections 208, 209 and 210 of the Customs Ordinance shall apply in regard to goods reasonably suspected to have been the subject of an offence against this section as though they were prohibited or uncustomed goods and it is hereby declared that on all occasions on which any person who is an officer for the purposes of the Customs Ordinance, whether acting in pursuance of the above-mentioned sections or otherwise, shall come upon any goods reasonably suspected to have been the subject of an offence against this section, it shall be lawful for such officer to seize such goods together with any documents or exhibits which may go to prove the commission of the offence.

(6) The provisions of the Customs Ordinance shall apply in relation to seizures and forfeitures under this section as though they were seizures or forfeitures under that Ordinance; and where any person is convicted of an offence against this section or is dealt with by the Comptroller of Customs or other officer acting under subsection (4) of this section, all goods in respect of which any such offence was committed shall be forfeited and shall be disposed of as the Governor in Council may direct.

(7) Notwithstanding the previous provisions of this section, the purchase of any goods shall not be an offence if—

(a) it is made with the written permission of the Comptroller of Customs; and

(b) all terms and conditions as to payment of duty or

otherwise which the Comptroller may impose in granting such permission are duly fulfilled.

PROHIBITED ARTICLES.

30. (1) Where in the Customs Ordinance or any other law the importation of any article or thing is prohibited either absolutely or conditionally, then notwithstanding anything contained in any such law, any such article or thing may be imported in accordance with any arrangements made between the United States Authorities and the Chief Secretary.

Importation
of
prohibited
articles.
Cap. 309.

(2) A document purporting to set forth the terms of any arrangements made under subsection (1) of this section and to be certified by the Chief Secretary or Deputy Colonial Secretary shall be received in evidence and shall be *prima facie* proof of the terms of any such arrangements.

SPECIAL PROVISIONS AS TO POST EXCHANGES, ETC.

31. (1) Nothing in any law for the time being in force relating to the prohibition, restriction, or regulation of the sale of any article shall apply in respect of any such sale in a Leased Area as is contemplated by subsection (1) of section 27 of this Ordinance.

Application
of laws to
Post
Exchanges,
etc.

(2) Nothing in the Business Names (Registration) Ordinance shall apply to a person effecting no other sales than those contemplated by subsection (1) of section 27 of this Ordinance.

Cap. 332.

(3) Nothing in the Registration of Clubs Ordinance shall apply in respect of any of the institutions referred to in paragraph (c) of subsection (1) of section 27 of this Ordinance.

Cap. 321.

COMMUNICATIONS.

32. (1) The Post and Telegraph Ordinance shall not apply to any wireless apparatus installed by the United States of America in a Leased Area and used solely for military purposes.

Application
of the Post
and
Telegraph
Ordinance.

(2) No licence shall be required under the Post and Telegraph Ordinance in respect of any wireless receiving apparatus when installed or used in the Leased Areas solely by persons described in paragraph (1) of Article XVII of the Agreement.

Cap. 132.

33. Nothing in the Post and Telegraph Ordinance shall prevent the establishment and use of Post Offices by the United States of America in accordance with Article XVI of the Agreement.

United States
Post
Offices.
Cap. 132.

TAXATION.

Provisions
as to income
tax.

34. (1) Notwithstanding anything to the contrary contained in the income tax laws—

(a) no member of the United States Forces or national of the United States of America, serving or employed in the Colony in connection with the construction, maintenance, operation or defence of the Bases, and residing in the Colony by reason only of such service or employment, or his wife or minor children, shall be liable to pay income tax except in respect of income derived from the Colony;

(b) no person ordinarily resident in the United States of America shall be liable to pay income tax in respect of any profits derived under a contract made in the United States of America with the Government of the United States of America in connection with the construction, maintenance, operation or defence of the Bases;

(c) no income tax shall be payable in respect of the income of any such institution as is described in paragraph (c) of subsection (1) of section 27 of this Ordinance.

Cap. 299.

(2) Notwithstanding the provisions of section 35 of the Income Tax Ordinance—

(a) in the case of any person not liable to pay income tax by virtue of subsection (1) of this section, no return as contemplated in the said section shall be prepared and delivered;

(b) in the case of any person liable to pay income tax, a certificate of the United States Authorities setting out the amount of income received by such person in the year ending the 31st December preceding from the Government of the United States of America or in respect of any employment within the Leased Areas shall be accepted in place of the return contemplated in the said section.

(3) In this section—

“income tax” means income tax leviable under the Income Tax Ordinance and any similar tax, duty or impost on income or profits;

“income tax laws” means any laws from time to time in force under which income tax is leviable.

Provisions
as to stamp
duties.

Cap. 298.

35. (1) No stamp duty shall be payable under the Tax Ordinance on any instrument drawn, made or executed—

(a) by or on behalf of the Government of the United States of America, solely in connection with the construction, maintenance, operation or defence of the Bases; or

(b) by a person ordinarily resident in the United States of America, solely in respect of any service or work for the United States of America in connection with the construction, maintenance, operation or defence of the Bases;

where, by reason of any law in force, or custom prevailing in the Colony, or by reason of any agreement made by the Government of the United States of America, whether in the Colony or elsewhere, such stamp duty would be a charge on the Government of the United States of America.

(2) A certificate given by or on behalf of a Commissioner of Stamps to the effect that an instrument is exempt from stamp duty under this section shall be *prima facie* proof of that fact.

(3) All cheques drawn by such persons upon such accounts as the Governor in Council may from time to time by order specify, shall, subject to any general or special directions given by the Governor in Council, be deemed to be instruments to which subsection (1) of this section applies.

36. No estate duty shall be payable under the Estate Duty Ordinance upon property, passing on the death of any person described in paragraph (1) of Article XVII of the Agreement, which is inside a Leased Area or situated outside the Colony.

Death duties.
Cap. 301.

37. Anything contained in the Local Government Ordinance to the contrary notwithstanding—

Application
of the Local
Government
Ordinance.
Cap. 150.

(a) no Leased Area, and no portion of a Leased Area, shall be, or shall form part of, a village district, a country district or a rural district;

(b) no property movable or immovable in a Leased Area shall be liable or subject to any rate under that Ordinance.

PROFESSIONS.

38. Nothing in any Ordinance shall prevent any person employed by the Government of the United States of America—

Provisions
as to pro-
fessions.

(a) from rendering professional services—

(i) only for that Government in a Leased Area; or

(ii) in the course of such employment to any person mentioned in Article XIV (1) (c) of the Agreement; or

(iii) to or for any person or class of persons with the approval of, and subject to any conditions which may be specified by, the Chief Secretary; or

(b) from taking or using any title or designation which, under the law of the United States for the time being in force, he is entitled to take or use:

Provided that no such first mentioned person shall hold himself out as enrolled or registered under any Ordinance of the Colony unless he is in fact so enrolled or registered:

Provided further that nothing in this section shall be construed as extending the right of audience in the courts of the Colony conferred by section 18 of this Ordinance.

Special provisions as to medical practitioners.

39. (1) References in any law to registered medical practitioners shall be construed as including a reference to any person rendering services as a medical practitioner or surgeon in accordance with section 38 of this Ordinance:

Cap. 134.

Provided that nothing in this subsection shall be taken to imply that any such person is registered under Part III of the Colonial Medical Service Ordinance unless he is actually so registered.

Cap. 162.

(2) Any certificate issued by any such person in connection with services rendered as aforesaid shall have the like force and effect for the purposes of the Registration of Births and Deaths Ordinance and for all other purposes as if it had been issued by a registered medical practitioner.

LICENCES.

Exemption from fees on licences.

40. (1) Notwithstanding any provision of any law to the contrary, if it is shown to the satisfaction of any officer or authority authorised to issue a licence under any law that any person ordinarily resident in the United States of America requires a licence to enable him to perform any service or work for the United States of America in connection with the construction, maintenance, operation or defence of the Bases, such officer or authority shall issue a licence to that person free of charge; but such person shall not thereby be authorised to do or omit any thing except in relation to such service or work as aforesaid.

(2) Notwithstanding any provision of any law to the contrary, where it is shown to the satisfaction of any officer or authority authorised to issue a licence under any law, that any person described in Article XVII of the Agreement requires a licence to own or use any property, such officer or authority may issue under that law a licence to that person to own or use such property solely within a Leased Area, and if any such licence is issued, it shall be issued free of charge and such person shall not thereby be authorised to own or use such property outside the Leased Area.

(3) An officer or authority issuing a licence free of charge by virtue of this section shall cause an endorsement to be made thereon setting out the limitation to which the authority granted by the licence is subject.

DEATHS AND BURIALS.

41. (1) The provisions of the Registration of Births and Deaths Ordinance and all other laws relating to the registration of deaths and certificates of the cause of deaths shall not apply in any case where the deceased person is a member of the United States Forces.

Provisions relating to deaths of members of the United States Forces, etc. Cap. 162.

(2) Part V of the Registration of Births and Deaths Ordinance and the Births and Deaths Registration Regulations, shall not apply in any case where the deceased person was a member of the United States Forces and is buried in a Leased Area.

(3) Notwithstanding anything to the contrary in the Coroners Ordinance—

Cap. 13.

(a) if a coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person was at the time of his death a member of the United States Forces, then, unless the Governor directs that the inquest shall be held or has directed generally that inquests in that class of case shall be held, the coroner shall not hold the inquest, or, if the inquest has been begun but not completed shall adjourn the inquest and if a jury has been summoned, discharge the jury;

(b) if, on an inquest touching the death of any person, the coroner is satisfied before the inquest is completed that a member of the United States Forces has been charged before a court of the United States of America with any offence involving responsibility for the death of the deceased person, or is being detained by the United States Authorities with a view to his being so charged, then, unless the Governor otherwise directs, the coroner shall adjourn the inquest, and if a jury has been summoned, discharge the jury, and, in the case of an inquest into the death of a person other than a member of the United States Forces, shall furnish the Registrar General with a certificate stating the particulars necessary for the registration of the death so far as they have been ascertained at the inquest;

(c) where an inquest is adjourned under this subsection, the coroner shall not resume it except on the direction of the Governor and, if he does resume it, shall proceed in all respects as if the inquest had not previously been begun, except that

it shall not be obligatory on the coroner to furnish the Registrar General with any further certificate;

(d) members of the United States Forces, and civilian employees of the United States of America being nationals of the United States of America employed in connection with the Bases, and members of their families resident with them shall not be required to give the notice of the death of a member of the United States Forces contemplated by section 4 of the Coroners Ordinance;

(e) a person who knowingly interrs, or assists in interring, in a United States burial ground, or part of a burial ground, reserved solely for the use of the United States Authorities the body of a member of the United States Forces who died an unnatural death, shall not be guilty of an offence against section 42 of the Coroners Ordinance by reason of his failure to give notice as provided in that section;

(f) the body of a member of the United States Forces may be moved by the United States Authorities at any time and it shall be the duty of any person or authority having the custody of any such body forthwith to inform the United States Authorities and, upon their request, to surrender the body to them;

(g) medical practitioners shall not exercise the powers or perform the duties conferred and imposed on medical practitioners by the Coroners Ordinance in the case of the death of a member of the United States Forces except in any case or class of case in which they may be required generally or specially so to do by direction of the Governor and no *post mortem* or anatomical examination of the body of a member of the United States Forces shall be performed by any person not authorised in that behalf by the United States Authorities except in any case or class of case in which the Governor may otherwise direct.

(4) For the purposes of this section—

(a) all persons who are by the law of the United States of America for the time being subject to the military or naval law of that country shall be deemed to be members of the United States Forces:

Provided that no civilian employed in connection with the said Forces shall be deemed to be a member thereof unless he entered into his engagement outside the Colony and not within any other part of Her Majesty's dominions, any British Protectorate or protected state or any territory in respect of which a mandate on behalf of the League of Nations

or a trust on behalf of the United Nations has been accepted by Her Majesty;

(b) a certificate issued by or on behalf of the United States Authorities stating that a person of the name and description specified in the certificate was, at a time so specified, subject to the military or naval law of the United States of America, shall be conclusive evidence of that fact.

(5) In this section—

“Registrar” has the same meaning as in the Registration of Births and Deaths Ordinance;

Cap. 162.

“United States burial ground” means a burial ground in a Leased Area or a burial ground or part of a burial ground outside the Leased Area reserved solely for the use of the United States of America.

APPLICATION OF VARIOUS ORDINANCES.

42. (1) Subject to any reservation contained in any lease whereby land is leased by the Government of the Colony to the Government of the United States of America, such portions of any road as are within an area—

Application
of Roads
Ordinance.

(a) which is a Leased Area at the commencement of this Ordinance; or

(b) which becomes a Leased Area after such commencement;

shall cease to be a road for the purposes of the Roads Ordinance upon such commencement or upon such area becoming a Leased Area, as the case may be.

Cap. 277.

(2) The powers conferred and the duties imposed on the Director of Public Works by the Roads Ordinance shall not be exercised or performed in relation to roads within any Leased Area.

(3) In this section the word “road” has the same meaning as in section 2 of the Roads Ordinance.

43. (1) Nothing in the Dangerous Drugs Ordinance shall apply to any drugs owned by, and under the effective control of, the Government of the United States of America.

Application
of Dangerous
Drugs
Ordinance.

(2) Where a person is charged with an offence under the Dangerous Drugs Ordinance the burden of proving that at the time of the alleged offence the drugs concerned were owned by, and were under the effective control of, the Government of the United States of America shall be on the person so charged.

Cap. 142.

(3) A certificate given by the United States Authorities that at the time of the alleged offence such drugs were owned by,

and were under the effective control of, the Government of the United States of America shall be *prima facie* proof of that fact.

Poisons, etc.
Cap. 141.

44. Nothing in the Pharmacy and Poisons Ordinance shall apply to the sale, exposure for sale, dispensing or compounding of any drug, poison, or patent or proprietary medicine within the Leased Areas by or on behalf of the Government of the United States of America.

Workmen's
Compensation.
Cap. 111.

45. (1) For the purposes of the Workmen's Compensation Ordinance no person who is employed by the Government of the United States of America or who is a national of the United States of America employed in the construction, maintenance, operation or defence of the Bases shall be deemed to be a workman.

(2) Notwithstanding the provisions of section 41 of the Workmen's Compensation Ordinance, no person employed in the construction, maintenance, operation or defence of the Bases shall be deemed to be a workman for the purposes of that Ordinance during any period if he has elected in writing to be regarded as eligible in respect of that period for compensation under the corresponding law of the United States of America.

(3) Election under the last preceding subsection shall not have effect for any period longer than twelve months but may be renewed from time to time.

(4) Where, before the commencement of this Ordinance, any person, other than a person mentioned in subsection (1) of this section, has been injured or killed, in the course of employment in the construction, maintenance, operation or defence of the Bases, he shall be deemed to have elected as provided in subsection (2) of this section if, before such commencement, compensation under the aforesaid law of the United States of America has been claimed or accepted in respect of his injury or death.

(5) Where any person who shall have received and shall not have repaid compensation under the Workmen's Compensation Ordinance, in respect of injury received or death caused in the course of employment in the construction, maintenance, operation or defence of the Bases shall also have received and shall not have repaid compensation under the corresponding law of the United States of America in respect of the same injury or death, such last mentioned compensation shall be a debt due from that person to the person by whom it was paid and may be recovered accordingly.

(6) Where any person is by virtue of subsection (1) of this

section not a workman for the purposes of the Workmen's Compensation Ordinance, no compensation or damages shall be payable by his employers to him or to any other person under any other enactment or at Common Law in respect of his injury or death. The provisions of this subsection shall likewise apply to any person who by virtue of subsection (2) of this section is not such a workman if compensation in respect of his injury or death is payable under the said law of the United States of America.

46. The provisions of—

(a) the Entertainments Duty Ordinance;

(b) the Cinematograph Ordinance;

(c) the Music and Dancing Licences Ordinance; and

(d) sections 50 and 51 of the Tax Ordinance

Entertainments.

Cap. 304.

Cap. 127.

Cap. 129.

Cap. 298.

shall not apply to any entertainment, exhibition or place in a Leased Area; and the Governor may exempt any entertainment, exhibition or place outside the Leased Areas, under the control of the organisation, known as the United Services Organisation, from any of the said provisions subject to such conditions, if any, as he may specify.

47. Nothing in the Importation of Textiles (Quotas) Ordinance shall be construed as applying to any goods which by virtue of section 27 of this Ordinance are entitled to be admitted free of import duties under the Customs Duties Ordinance.

Textiles.

Cap. 323.

Cap. 310.

48. Nothing in the Creeks Ordinance shall be construed as applying to any creek which runs through or adjoins a Leased Area.

Application of the Creeks Ordinance.

Cap. 274.

49. The Explosives Ordinance shall not apply in relation to—

(a) any explosives or safety cartridges while in a Leased Area, or

(b) the importation, exportation, loading, unloading, landing, removal, conveyance, or possession in accordance with arrangements made by agreement between the United States Authorities and the Chief Secretary, of explosives required for the construction, maintenance, operation or defence of the Bases or for the United States Forces.

Explosives.
Cap. 346.

50. Nothing in the Firearms Ordinance shall apply in relation to—

Firearms and ammunition.
Cap. 345.

(a) the importation or transportation of firearms and ammunition by or on behalf of the United States of America; or

(b) the use, carriage, custody or possession of firearms and ammunition by a member of the United States Forces in the exercise of his duties as such, if duly authorised by the United States Authorities.

Petroleum.
Cap. 347.

51. Nothing in the Petroleum Ordinance shall apply to the importation, landing, transport or storage of any petroleum owned by the Government of the United States of America where such petroleum is imported directly into, landed directly on to, or transported or stored in, Leased Areas in exercise of any rights, power or authority conferred by the Agreement.

FORCES OUTSIDE LEASED AREAS.

United States
Forces out-
side Leased
Areas.

52. If United States Forces shall be stationed or operating outside the Leased Areas under any agreement with the Government of the United Kingdom or the Government of the Colony, the following provisions shall have effect with respect to the Forces so stationed or operating—

(1) for the purposes of section 11 of this Ordinance, if any member of such Forces commits an offence in a place at which it is agreed that they should be stationed or operating (in this section referred to as “an agreed place”), such offence shall be deemed to have been committed in a Leased Area;

(2) for the purposes of sections 13 and 14 any member of such Forces in an agreed place shall be deemed to be within a Leased Area;

(3) for the purposes of section 26, any member of such Forces shall be deemed to be posted to a Leased Area;

(4) for the purposes of sections 16, 27, 28, 36, 38 and 46, an agreed place shall be deemed to be a Leased Area;

(5) for the purposes of section 31, a sale in an agreed place shall be deemed to be a sale in a Leased Area;

(6) for the purposes of sections 32 and 49, any wireless apparatus, or any explosive, as the case may be, which is in an agreed place shall be deemed to be in a Leased Area;

(7) section 37 shall apply to an agreed place as it applies to Leased Areas;

(8) any property owned or used by a member of the United States Forces solely in an agreed place shall be deemed to be owned or used, as the case may be, in a Leased Area for the purposes of any provisions of this Ordinance which exempt persons mentioned in Article XVII (1) of the Agreement from liability to pay taxes or fees in respect of ownership or use of property in Leased Areas, so far as those provisions relate to such liability.