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BRITISH GUIANA

REGULATIONS

MADE UNDER

THE EMERGENCY POWERS ORDERS IN COUNCIL 1939-1963

UNDER SECTION 6 OF THE EMERGENCY POWERS ORDERS IN COUNCIL, 1939-1963, AND BY VIRTUE AND IN EXERCISE OF ALL POWERS ENABLING ME IN THAT BEHALF, I HEREBY MAKE THE FOLLOWING REGULATIONS :

Citation. 1. These Regulations may be cited as the Emergency Powers (Amendment) (No. 4), Regulations 1964, and shall be construed and read with the Emergency Powers Regulations 1964, hereinafter referred to as the Principal Regulations, and any Regulations amending the same.

Amendment of regulation 2.

2. Regulation 2 of the Principal Regulations is hereby amended as follows —

(a) by the deletion of the definition of the word “ammunition” and the substitution therefor of the following definition —

“ammunition” includes —

- (a) ammunition for any firearm of any kind;
- (b) every shell, cartridge case, bomb, hand grenade, bullet or projectile, whether containing any explosive or gas or chemical or not, and whether intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism or not, except hand grenades which can be used only for the purpose of extinguishing fires;
- (c) every part of any such shell, cartridge case, bomb, hand grenade, bullet or projectile, whether such shell, cartridge case, bomb, hand grenade, bullet or projectile may have been completely formed at any time or not;
- (d) every fuse, percussion cap, or priming cap, which could be used for the purpose of exploding any shell, bomb, hand grenade, bullet or other projectile;
- (e) every bullet clip or cartridge clip;
- (f) an explosive when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge, charge or complete round for any firearm or any other weapon, or to form any tube for firing explosives, or to form a detonator, or a projectile, which can be used either singly or in suitable combinations as, or in connection with, a missile;
- (g) everything declared by order of the Governor to be ammunition; ”;

(b) by the insertion after the definition of the expression "Chief Immigration Officer" of the following new definition —

" "dangerous weapon" includes —

- (a) an axe;
- (b) a bayonet;
- (c) a cutlass;
- (d) a dagger;
- (e) a fighting iron;
- (f) a hatchet;
- (g) a knife;
- (h) a machette;
- (i) a spear;
- (j) a stick;
- (k) a stone;
- (l) a sword;
- (m) any article, object or thing made or adapted or suitable for causing injury to the person or intended by the person having it in his possession or under his control for such use by him;".

3. Regulation 18 of the Principal Regulations is hereby amended by the deletion from paragraph (3) of the words "and shall be liable upon conviction on indictment to imprisonment for at least five years unless the Court finds that the offence was trivial or that there are special circumstances relating to the offence or the offender which would render its application unjust" and the substitution therefor of the following —

Amendment
of regula-
tion 18.

"and shall be liable upon conviction on indictment to imprisonment for a term not exceeding ten years".

4. The Principal Regulations are hereby amended by the insertion after regulation 18 of the following new regulations —

Addition of
new regula-
tions 18A
and 18B.

"Prohibited
matter and
acts and
words pre-
judicial to
public safety.

18A (1) No person shall do any act or publish anything likely —

- (a) to be prejudicial to defence, public safety or order;
- (b) to promote feelings of ill-will or hostility between any sections or classes or races of the inhabitants of the Colony.

(2) The Governor may by order prohibit generally or specifically the publishing of any matter, the publishing of which, in his opinion would be, or might be likely to become, prejudicial to defence, public safety or order.

(3) When any matter is published in contravention of paragraph (1) of this regulation or of an order made under paragraph (2) of this regulation the publisher thereof and the proprietor, printer, publisher and editor of the publication in which it is printed and the persons who write, print, draw or design the matter shall be guilty of an offence against these Regulations.

(4) For the purposes of this regulation, the word "publish" includes any publication by means of words written

or spoken, pictorial representations, gramophone records, cinema films and sound tracks.

Seizure of unlawful publications and of printing presses.

18B, (1) Without prejudice to any other provisions of these Regulations any authorised officer may seize and detain any unlawful, seditious or prohibited publication and may seize and detain any printing press or other instrument or apparatus which is the subject of an order made under subparagraph (c) of paragraph (2) of this regulation.

(2) Without prejudice to any other provisions of these Regulations the Governor may by order —

- (a) prohibit for such period as he may specify in the order the future publication of any newspaper, book, document or other publication which in his opinion contains any unlawful, seditious or prohibited matter;
- (b) prohibit for such period as he may specify in the order the use of any printing press or other instrument or apparatus used for printing such newspaper, book, document or other publication;
- (c) authorise the seizure and detention for such period as he may specify in the order of such printing press or other instrument or apparatus. ”.

Addition of new regulation 42A.

5. The Principal Regulations are hereby amended by the insertion after regulation 42 of the following new regulation —

“Temporary curfew.

42A (1) Any member of Her Majesty’s Forces not below the rank of major may, as respects any area in the Colony where any security operations are about to be undertaken or are being undertaken by any member of the Police Force or any member of Her Majesty’s Forces, if he is satisfied that it is expedient for defence or for the maintenance of public order or safety, by order, whether written or verbal —

- (a) direct that no person shall, between such hours as may be specified in the order, be out of doors except under authority granted by or on his behalf;
- (b) prohibit any person or class of persons from entering or remaining within the area:

Provided that no order made in pursuance of this paragraph shall have effect for a period of more than twenty-four hours except under the authority of the Governor or other person authorised by the Governor in that behalf.

(2) Without prejudice to the provisions of regulation 63, any person who fails to comply with an order made under paragraph (1) of this regulation may be compelled to go in doors or be removed from the area, as the case may require, by any member of the Police Force or any member of Her Majesty’s Forces, who may use all force necessary for the purpose; and any person so compelled or so removed shall be deemed to be in lawful custody.”

Amendment of Regulation 44.

6. Regulation 44 of the Principal Regulations is hereby amended by the deletion therefrom of the words “Any officer of police” and the substitution therefor of the following words —

“Any member of the Police Force”.

7. Regulation 49 of the Principal Regulations is hereby amended as follows — Amendment of regulation 49.

- (a) by the substitution of the word “firearms” for the word “arms” wherever it occurs in paragraphs (1), (2) and (3);
- (b) by the deletion of paragraphs (4) and (5).

8. The Principal Regulations are hereby amended by the insertion after regulation 49 of the following new regulation — Addition of new regulation 49A.

“Further provisions relating to firearms, deadly weapons, ammunition and explosives.

49A (1) Any person who without lawful authority, the burden of proof of which shall lie upon him, imports, purchases, sells, exchanges, transfers, acquires, receives, makes, manufactures, carries or has in his possession or under his control any firearm, ammunition or explosive shall be guilty of an offence and shall —

- (a) on summary conviction be liable to imprisonment for a term not exceeding three years or to whipping or to flogging or to both such imprisonment and whipping or flogging;
- (b) on conviction on indictment be liable to imprisonment for life or to whipping or flogging or to both such imprisonment and whipping or flogging.

(2) Any person who consorts with or is found in the company of another person who is carrying or has in his possession or under his control any firearm, ammunition or explosive in contravention of paragraph (1) of this regulation, in circumstances which raise a reasonable presumption that he intends, or is about to act, or has recently acted with such other person in a manner prejudicial to public safety or public order, shall be guilty of an offence and shall —

- (a) on summary conviction be liable to imprisonment for a term not exceeding three years or to whipping or flogging or to both such imprisonment or whipping or flogging; or
- (b) on conviction on indictment be liable to imprisonment for a term not exceeding ten years or to whipping or flogging or to both such imprisonment and whipping or flogging.

(3) Any person who consorts with or is found in the company of another person who is carrying or has in his possession or under his control any firearm, ammunition or explosive in contravention of paragraph (1) of this regulation, in circumstances which raise a reasonable presumption that he knew that such other person was carrying or had in his possession or under his control any such firearm, ammunition or explosive, shall be guilty of an offence and shall —

- (a) on summary conviction be liable to imprisonment for a term not exceeding three years or to whipping or flogging or to both such imprisonment and whipping or flogging;
- (b) on conviction on indictment be liable to imprisonment for a term not exceeding seven years or to whipping or flogging or to both such imprisonment and whipping or flogging.

(4) Any person who attends or takes part in any meeting or procession and carries or has in his possession or under his control any firearm, ammunition, explosive or dangerous weapon or who carries or has in his possession or under his control any dangerous weapon, in circumstances which raise a reasonable presumption that he has used or intends or is about to use such dangerous weapon for any unlawful purpose, shall be guilty of an offence and shall —

- (a) on summary conviction be liable to imprisonment for a term not exceeding three years or to whipping or flogging or to both such imprisonment and whipping or flogging;
- (b) on conviction on indictment be liable to imprisonment for a term not exceeding seven years or to whipping or flogging or to both such imprisonment and whipping or flogging.

(5) For the purposes of this regulation —

- (a) firearms, dangerous weapons, ammunition or explosives on the body or in the custody of any person shall be deemed to be in his possession;
- (b) every person who is proved to have had in his possession or under his control anything whatsoever containing any firearm, dangerous weapon, ammunition or explosive shall, until the contrary is proved, be deemed to have been in possession of such firearm, dangerous weapon, ammunition or explosive;
- (c) where any firearm, ammunition or explosive is found on any land or in any building or structure, every person who is proved to have been an occupant of such land, building or structure at or about the time of such finding shall, until the contrary is proved, be deemed to have been in possession of such firearm, ammunition or explosive;
- (d) where in any prosecution for an offence against paragraph (2) or (3) of this regulation it is established to the satisfaction of the court that the accused person was consorting with, or in the company of any person who was carrying or had in his possession or under his control any firearm, ammunition or explosive, it shall be presumed, until the contrary is proved, that such last-mentioned person was carrying

or had in his possession or under his control such firearm, ammunition or explosive in contravention of the provisions of this regulation.

(6) No person who surrenders any firearm, ammunition or explosive in compliance with the provisions of, and during such period as may be specified in, any order made by the Governor under this paragraph shall be liable to any penalty under paragraph (1) of this regulation by reason only of the fact that at the time of such surrender, or at any time prior to such surrender, he holds or held no valid licence or permit in respect of such firearm, ammunition or explosive.

(7) The Commissioner of Police or any member of the Police Force authorised by him in that behalf and the Commander British Guiana Garrison or any member of Her Majesty's Forces authorised by him in that behalf may publish notices offering rewards of such amounts as may be authorised by the Governor for information leading to the discovery of firearms, ammunition and explosives in the possession or suspected possession of or having been in the possession of or suspected possession of any person in contravention of this regulation or to the prosecution or conviction of offenders against this regulation. ”.

9. Regulation 50 of the Principal Regulations is hereby amended by the deletion from paragraph (1) of the words “Any officer of police or any commissioned or warrant officer of Her Majesty's Forces” and the substitution therefor of the following —

of regulation 50.

“Any member of the Police Force above the rank of constable and any member of Her Majesty's Forces not below the rank of corporal”.

10. The Principal Regulations are hereby amended by the insertion after regulation 63 of the following new regulation —

Addition of new regulation 63A.

“Bail to be refused and fines not to be imposed in certain cases.

63A (1) No bail shall, except with the consent of the Commissioner of Police or of a member of the Police Force acting on his behalf, be granted to a person charged with any offence which the Governor by order prescribes to be a specified offence for the purposes of this paragraph.

(Cap. 15)
(Cap. 10)
(No. 29 of 1961)

(2) The provisions of section 36 of the Summary Jurisdiction (Procedure) Ordinance and the provisions of section 21 of the Criminal Law (Offences) Ordinance (as amended by the Miscellaneous Enactments (Amendment) Ordinance, 1961) shall not apply where a person is convicted of any offence which the Governor by order prescribes to be a specified offence for the purposes of this paragraph. ”.

Made this 6th day of July, 1964.

RICHARD E. LUYT,
Governor.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport)

1. These regulations further amend the Emergency Powers Regulations, 1964 ("the Principal Regulations"), their main features being summarised in the succeeding paragraphs.

2. The definition of ammunition contained in regulation 2 of the Principal Regulations is replaced by a more comprehensive definition and a definition of dangerous weapons inserted. A new regulation 49A is inserted which imposes liability to heavy penalties for unlawful possession of firearms, ammunition and explosives and creates new offences connected with them and with dangerous weapons, also heavily punishable. Presumptions are created that persons in possession of anything in which firearms, etc., are found or who are in occupation of land on or of buildings in which they are found are, unless the contrary is proved, deemed to be in possession of the firearms, etc., so found.

3. Prohibition of publication of matter likely to be prejudicial to public order or to promote hostility between sections or races of the Colony's population is contained in a new regulation 18A of the Principal Regulations and power is given by a new regulation 18B to prohibit for such period as the Governor may specify further publications and to seize and detain printing presses for such periods.

4. Temporary curfews may be authorised by senior officers of Her Majesty's Forces in areas where security operations are being carried out (new regulation 42A of the Principal Regulations).

5. A new regulation (regulation 63A of the Principal Regulations) restricts the power to grant bail and takes away the possibility of a fine being imposed in the case of "specified offences", i.e., offences prescribed to be such by order of the Governor.