

BILL No. 26 OF 1957

THE VOLUNTEER (AMENDMENT) BILL, 1957

ARRANGEMENT OF SECTIONS

Section.

- 1. Short title.
- 2. Amendment of section 2 of Chapter 88.
- 3. Repeal of section 5 of Chapter 88.
- 4. Amendment of section 6 of Chapter 88.
- 5. Amendment of section 11 of Chapter 88.
- 6. Amendment of section 18 of Chapter 88.
- 7. Repeal and re-enactment of section 22 of Chapter 88.
- 8. Amendment of section 33 of Chapter 88.
- 9. Miscellaneous amendments.
- 10. Substitution of "private" for "volunteer" in Chapter 88.
- 11. Application of Pensions Ordinance, 1933, to members of Force.

A BILL

INTITULED

AN ORDINANCE TO AMEND THE VOLUNTEER ORDINANCE.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Volunteer (Amendment) Ordinance, 1957, and shall be construed and read as one with the Volunteer Ordinance, hereinafter referred to as the Principal Ordinance and any Ordinance amending the same.

Short title.

2. Section 2 of the Principal Ordinance is hereby amended by the deletion of the definition of the word "Commandant".

Cap. 88.

Amendment of section 2 of Chapter 88.

3. Section 5 of the Principal Ordinance is hereby repealed.

Repeal of section 5 of Chapter 88.

4. Section 6 of the Principal Ordinance is hereby amended—

Amendment of section 6 of Chapter 88.

(a) by the substitution for the words "the rank of Lieutenant-Colonel of the Force" in subsection (2) of the words "such rank as the Governor shall from time to time assign"; and

(b) by the repeal of subsection (3) and by the substitution therefor of the following subsection—

"(3) The Commanding Officer shall be responsible to the Governor for —

- (a) the maintenance of discipline, efficiency and proper system in the Force;
- (b) the training of the Force and its readiness for duty in an emergency; and
- (c) the proper expenditure of all public moneys appropriated for the service of the Force."

5. Section 11 of the Principal Ordinance is hereby amended by the deletion of the words "subject to the general direction of the Commandant," wherever they occur in the section.

Amendment of section 11 of Chapter 88.

6. Section 18 of the Principal Ordinance is hereby amended by the repeal of subsection (5) and by the substitution therefor of the following subsections —

Amendment of section 18 of Chapter 88.

"(5) In the case of a proclamation under paragraph (a) of subsection (1) of this section the Governor may, for such purposes as Her Majesty may, through a Secretary of State, direct, order that the embodied Force or the embodied part or parts of such Force as the case may be, or any part thereof, shall be employed on service outside of or beyond the Colony:

Provided that where any such order has been made by the Governor, no member of the Force shall be required to serve outside of or beyond the Colony unless he has taken the Oath specified in paragraph (b) of subsection (1) of section 22 of this Ordinance.

(6) In the case of a proclamation under paragraph (b) of subsection (1) of this section, the Commanding Officer may at the request or with the concurrence of the Commissioner of Police charge any member of the embodied Force

or of the embodied part or parts of the Force with the duties of members of the British Guiana Police Force and members of the Force so charged shall have all the rights, powers, functions, duties, privileges and immunities for the time being possessed by members of the British Guiana Police Force."

Repeal and re-enactment of section 22 of Chapter 88.

7. Section 22 of the Principal Ordinance is hereby repealed and the following substituted therefor—

"Oath of allegiance and service.

22. (1) Every member of the Force shall, on appointment or enlistment or as soon thereafter as possible, take and subscribe, at his election, either of the following Oaths of Allegiance and Service—

(a) "Volunteer Ordinance

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will faithfully serve Her Majesty in the Colony for the defence thereof against all Her enemies and opposers whatsoever according to the conditions of my service as a member of the British Guiana Volunteer Force, so help me God!"

(b) "Volunteer Ordinance

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will faithfully serve Her Majesty the Queen, Her Heirs and Successors against all enemies and opposers whatsoever according to the conditions of my service as a member of the British Guiana Volunteer Force—So Help me God!"

(2) The Oath shall be taken—

- (a) in the case of the Commanding Officer, before the Governor;
- (b) in the case of any other officer of the Force, before the Governor or the Commanding Officer;
- (c) in the case of other ranks before the Commanding Officer or any officer of the Force who has himself taken the Oath.

(3) Any person who would by law be permitted to make his solemn affirmation instead of taking an oath may make an affirmation, and the affirmation shall, to all intents and purposes be of the same force and effect as if he had taken the oath.

(4) Any member of the Force who has taken the Oath of Allegiance and Service specified in paragraph (a) of subsection (1) of this section may, at any time thereafter take the Oath of Allegiance and Service specified in paragraph (b) of subsection (1) of this section and the provisions of subsections (2) and (3) of this section shall apply to the taking of any such Oath."

Amendment of section 33 of Chapter 88.

8. Section 33 of the Principal Ordinance is hereby amended—

- (a) by the repeal of subsection (1);
- (b) by the deletion of the words "and to Local Forces Orders made under subsection (1) of this section,"

and the words "subject to the general direction of the Commandant," in subsection (2); and
 (c) by the deletion of the words "of Local Forces Orders and" in subsection (3).

9. The sections of the Principal Ordinance specified in the first column of the schedule to this Ordinance are hereby amended in the manner and to the extent shown in the second column of the said schedule.

Miscellaneous amendments. Schedule.

10. The Principal Ordinance is hereby amended by the substitution for the word "volunteer" wherever it occurs of the word "private" and by the substitution for the word "volunteers" wherever it occurs of the word "privates":

Substitution of "private" for "volunteer" in Chapter 38.

Provided that nothing in this section shall cause any amendment of or substitution for the word "Volunteer" occurring anywhere in sections 1, 3, 22, 33 and 34 of the Principal Ordinance and in the definition of the words "the Force" in section 2 thereof.

11. The provisions of the Pensions Ordinance, 1933, in so far as they are applicable, shall apply and shall be deemed always to have applied to members of the Force as if the expression "service" and cognate expressions in the said Ordinance and in any declaration of pensionable offices made thereunder included service in the Force.

Application of Pensions Ordinance, 1933, to members of Force. Cap. 73.

SCHEDULE

Section 9.

Amendments to the Volunteer Ordinance.

| Section | Amendment |
|---------|--|
| 10 | For the word "Commandant" occurring in section and in the marginal note substitute the words "Commanding Officer". |
| 13 | For the word "Commandant" substitute the words "Commanding Officer". |
| 16(5) | For the word "Commandant" substitute the words "Commanding Officer". |
| 18 | For the word "Commandant" wherever it occurs in the section substitute the words "Commanding Officer". |
| 19(1) | For the word "Commandant" substitute the words "Commanding Officer". |
| 20(3) | For the words "Local Forces Orders made by the Commandant" substitute the words "Volunteer Force Orders made by the Commanding Officer". |
| 21 | For the word "Commandant" occurring in the section and in the marginal note thereto substitute the words "Commanding Officer". |
| 28 | For the word "Commandant" substitute the word "Commanding Officer"; |
| 30(1) | Delete the number "5". |
| 34 | For the word "Commandant" wherever it occurs in the section substitute the words "Commanding Officer". |

OBJECTS AND REASONS

Under the provisions of the Volunteer Ordinance, Chapter 38, the Commissioner of Police, as the Commandant Local Forces, is responsible to the Governor for the efficient conduct of the British Guiana Volunteer Force. It is now considered desirable that the Volunteer Force and the Police should be separate and distinct and that the Commissioner of Police should no longer have such dual responsibilities.

2. It is also considered desirable that members of the Force should have the option of rendering themselves liable for service overseas in time of imminent national danger or great emergency—other than civil disturbance in the Colony.

3. Clauses 2, 3, 4, 5, 8 and 9 of the Ordinance seek to amend the Volunteer Ordinance so as to abolish the post of Commandant Local Forces and to give effect to the transfer of command of the Force to the Commanding Officer.

4. Clause 6 seeks to provide—

(a) that members of the Force who take the alternative form of Oath for service overseas may be employed out of or beyond the Colony where the Force is embodied in time of "imminent national danger"

or great emergency" and the Governor, on instructions from the Queen through a Secretary of State, has ordered that the Force or any part of it shall be employed out of or beyond the Colony; and

- (b) that where the Force is embodied in time of "actual or apprehended civil disturbance in the Colony" only such members as are charged with police duties shall have all the powers and immunities of members of the Police Force.

5. Clause 7 seeks to provide the alternative form of Oath and to enable every present or future member of the Force to take such Oath if he so desires.

6. Clause 10 seeks to substitute for the designation "volunteer" the designation "private" with reference to ranks of the Force.

7. Clause 11 seeks to provide for the application of the Pensions Ordinance, 1933, to members of the Force.

M. S. PORCHER,
Acting Chief Secretary.

(M.P. C. 336/1/24).
(Leg. Bill No. 26/1957).