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No. 1 of 1969

GUYANA

RULES

Made Under

THE NATIONAL SECURITY (MISCELLANEOUS PROVISIONS) ACT, 1966
(No. 7 of 1966)

UNDER SECTION 13(5) OF THE NATIONAL SECURITY (MISCELLANEOUS PROVISIONS) ACT, 1966, THE FOLLOWING RULES HAVE BEEN MADE BY THE ADVISORY TRIBUNAL, WITH THE APPROVAL OF THE CHANCELLOR:—

1. These Rules may be cited as the Advisory Tribunal Citation
(Procedure) Rules, 1969 and shall come into operation forthwith.
2. In these Rules — Inter-pretation.
 - “The Act” means the National Security (Miscellaneous Provisions) Act, 1966;
 - “Minister” means the Minister to whom responsibility for the maintenance of public safety and public order has been assigned;
 - “Tribunal” means the Advisory Tribunal established under section 13 of the Act.
3. For the purpose of reviewing the case of a person who is Furnishing of grounds for making of restriction or detention order
the subject of an order made under section 12 of the Act or for the purposes of a review as required by subsection (3) of section 13 of the Act, the Chairman of the Tribunal shall, unless the Minister has sooner furnished the Tribunal with the grounds upon which the order has been made together with such other particulars having a bearing on the necessity for the order as the Minister thinks fit, due regard being had to the public interest, request the Minister to furnish the Tribunal with the said grounds, and particulars, if any.
4. It shall be the duty of the Chairman of the Tribunal to furnish Furnishing the person who is subject of a restriction or detention order with particulars.
any person who is the subject of a restriction order or a person who is detained with such particulars in support of the grounds submitted as aforesaid and with such notice of the time and place of commencement of proceedings before the Tribunal for the purposes of review under section 13 of the Act, as the Tribunal considers sufficient to enable the said person to present his case against the restriction or detention which the Tribunal shall accordingly afford him a reasonable opportunity to present, in person or by legal representative at such proceedings.

Procedure
at review.

5. For the purposes of any review by the Tribunal in pursuance of subsection (2) or (3) of section 13 of the Act, the Tribunal may, if the Tribunal considers it relevant —

- (a) hear any person having any communication to make before the Tribunal;
- (b) put any question to any person before the Tribunal;
- (c) invite the Minister to submit further information;
- (d) have regard to anything submitted, presented or communicated to the Tribunal as hereinbefore mentioned.

Exclusion
of person
from pro-
ceedings.

6. The Tribunal shall, from such proceedings before it as shall be held for the purposes of subsection (2) or (3) of section 13 of the Act, exclude any person not being the person who is the subject of a detention or restriction order, who shall be present at the proceedings, or his legal representative or a policeman on duty at the proceedings or a person performing the functions of secretary to the Tribunal or being heard under paragraph (a) of rule 5 of these Rules or whom the Tribunal, at the request of the Minister, permits to attend such proceedings :

Provided that —

- (a) the Tribunal may exclude the person who is the subject of a detention or restriction order from the said proceedings in the event of his misconducting himself by so interrupting them as to render their continuance in his presence impracticable; and
- (b) any such proceedings may be held in the absence of the person who is the subject of a detention or restriction order if, in the opinion of the Tribunal, it is unreasonable to require his presence thereat on account of his illness or for any other cause.

Report
of the
Tribunal.

7. (1) The report of the Tribunal shall specify in a separate part thereof its opinion whether or not there is sufficient cause for the detention or restriction, as the case may be, of the person in respect of whom the order was made, and the Minister shall cause a copy of that part of the report to be delivered to that person, but the remainder thereof shall not be disclosed to any person, other than the Minister, save as may be authorised by him.

(2) Where there is a difference of opinion among the members of the Tribunal as to any matter, the opinion of the majority of members shall be deemed to be the opinion of the Tribunal.

8. These Rules shall, **mutatis mutandis**, apply for the purposes of the review of the case of any person who is the subject of directions given under section 5A (1) (a) of the Immigration Ordinance.

Application of rules to case where a person's right to leave Guyana is restricted.

Made by the Tribunal this 25th day of September, 1969.

Sgd. J. T. CLARKE. (Chairman)

Sgd. K. ZAMAN ALI (Member)

Sgd. JOSEPH DE FREITAS (Member)

Approved this 25th day of September, 1969.

Sgd. E. V. LUCKHOO
CHANCELLOR