

THE EMERGENCY ORDER

Section No.	Contents
1.	Interpretation.
2.	Master of vessel or pilot of aircraft.
3.	Sending or receiving of communications.
4.	Interpretation Ordinance, Chapter 5.
5.	Disturbers of the peace.
6.	Appointment of Competent Authority.
7.	Holder of designated office as Competent Authority.
8.	Authorised Officer.
9.	Interference with telegraphic communications.
10.	Means of secret communication.
11.	General provisions for safeguarding information.
12.	Restriction of movements of suspected persons.
13.	Restriction orders and detention orders.
14.	Interference with Her Majesty's forces, etc.
15.	Misleading acts and misrepresentation.
16.	Causing disaffection.
17.	Propaganda.
18.	Unofficial uniforms, etc.
19.	Processions and meetings.
20.	Acts done with intent to assist disturbers of the peace.
21.	Entering and leaving the Colony.
22.	Protected places.
23.	Protected areas.
24.	Controlled areas.
25.	Trespassing and loitering.
26.	Control of highways.
27.	Control of traffic at ports.
28.	Handling and conveyance of ammunition etc., in ports.
29.	Power to stop and search vehicles.
30.	General control of industry.
31.	Power to do work on land.
32.	Taking possession of land.
33.	Use of land for purposes of H.M. forces.
34.	Entry and inspection of land.
35.	Requisitioning of property other than land.
36.	Power to require storing, cooling, etc., services.
37.	Power to require water and power services.
38.	Curfew.
39.	Special police forces.
40.	Power to arrest without warrant.
41.	Identification of persons in custody.
42.	Power to obtain information.
43.	Affixing of notices.
44.	False statements.
45.	Arms, ammunition and explosives.
46.	Powers of search.
47.	Injury to property.
48.	Employment of voluntary labour.
49.	Direction of labour.
50.	Billeting.
51.	Power to proscribe organisations.
52.	Obstruction.
53.	Restrictions on disclosing information.
54.	Licences, permits, etc.
55.	Fees for licences, etc.

Section
No.

Contents

- 56. Attempts to commit offences and assisting offenders, Cap. 13 & Cap. 17.
- 57. Offences by corporations.
- 58. Penalties.
- 59. Legal proceedings.
- 60. Disposal of articles in possession of Executive Authorities.
- 61. Recovery of Expenses.
- 62. Entrusting of functions to statutory bodies.
- 63. Publicity for orders.
- 64. Service of notices.
- 65. Revocation and variation of orders etc.
- 66. Powers of the Governor.
- 67. Liability for offences.

BRITISH GUIANA

THE EMERGENCY ORDER

Made under the provisions of section 21 of the British Guiana (Constitution) Order in Council, 1961 and pursuant to the provisions of Part II of the Emergency Powers Order in Council, 1939.

1. (1) For the purpose of this Order, unless the context otherwise requires —

Interpreta-
tion.

10 & 11 Geo.
5 c 80 and
26 Geo. 5 & 1
Edw. 3 c 44.
Cap. 75.

“aircraft” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 and 1936;

“ammunition” has the same meaning as in the Arms and Ammunition Ordinance;

“Dominion” means a Dominion within the meaning of the Statute of Westminster, 1931, and includes any territory administered by Her Majesty’s Government in such a Dominion;

“Dominion ship or aircraft” means a British ship or aircraft registered in any Dominion or in India, Burma or Southern Rhodesia, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, Her Majesty’s Government in the United Kingdom, and “Dominion ship” and “Dominion aircraft” shall be construed accordingly;

“essential services” means such services as may for the time being be declared by order of the Governor to be of public utility or to be essential to the life of the community;

“explosive” has the same meaning as in the Explosives Ordinance;

Cap. 74.

“firearms” has the same meaning as ‘arms’ in the Arms and Ammunition Ordinance;

Cap. 75.

“land” includes land covered with water and parts of houses or buildings;

“officer of police” means a police officer of or above the rank of **Sub-Inspector of Police**;

“photographs” includes any photographic plates, photographic films, or other sensitised articles which have been exposed in a camera, whether they have been developed or not;

“postal packet” has the same meaning as in the Post and Telegraph Ordinance;

Cap. 185.

“requisition” means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;

“ship” and “vessel” have respectively the same meanings as in the Merchant Shipping Act, 1894, but shall not include a ship or vessel belonging to Her Majesty;

“telegram” means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communication by means of electric signals;

“United Kingdom ship or aircraft” means a ship or aircraft registered in the United Kingdom, and includes any ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, Her Majesty’s Government in the United Kingdom;

“wireless transmitting apparatus” means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and “wireless receiving apparatus” means apparatus for receiving communications or information made or given by the said means.

2. Any reference in this Order to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

57 & 58
Vic. c. 60.

Master of
vessel or
pilot of air-
craft.

3. Any reference to the making, sending or receiving of communications which is made in any of the sections of this Order relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

Sending or
receiving of
communi-
cations.

4. The Interpretation Ordinance shall apply to the interpretation of this Order, and of any orders or rules made thereunder, as it applies to the interpretation of an Ordinance, and for the purposes of section thirty of the said Ordinance this Order and such orders and rules as aforesaid shall be deemed to be ordinances.

Interpreta-
tion Or-
dinance.
Cap. 5.

5. Any reference in this Order to “disturbers of the peace” shall be construed as a reference to any persons who—

(a) by use of arms, explosives or violent means act in a manner prejudicial to public safety or order; or

(b) incite to violence or counsel disobedience to law or resistance to lawful authority.

Disturbers of
the peace.

6. The Competent Authority shall be the person appointed by the Governor in writing for the purposes of all or any of the sections in which such expression occurs, and any person so appointed is in this Order referred to as the Competent Authority.

Appoint-
ment of
Competent
Authority.

Holder of designated office as Competent Authority.

7. Where the holder of a designated office has been appointed to be the Competent Authority, then unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Authorised officer.

8. An "authorised officer" means any officer of police, and, for the purposes of such provisions of this Order, as the Governor may by Order specify, such members of Her Majesty's Forces as the Governor may by Order declare.

Interference with telegraphic communications.

9. No person shall knowingly—

- (a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or
- (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Provided that this section shall not apply to anything done by, or with the permission or under the direction of, any servant of Her Majesty or police constable acting in the course of his duty as such.

Means of secret communication.

10. (1) Subject to the provisions of this section no person shall, except with permission granted by the Governor, knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside the Colony —

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information,
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in paragraph (a) of subsection (1) of this section, shall, if requested by or on behalf of the Governor so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this section, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Governor so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in subsections (2) and (3) of this section shall be taken to prevent the prosecution of any person in respect of a contravention of subsection (1) of this section.

(5) In this section the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but subsection (1) of this section shall not apply—

(a) to the possession of—

- (i) any code or cipher the use of which is approved by the Governor, or

(ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or

(b) to the use, in accordance with conditions imposed by the Governor, of any such code or cipher as is mentioned in paragraph (a) of this subsection,

and shall not restrict the doing of anything by any servant of Her Majesty or police constable acting in the course of his duty as such.

11. No person shall, in any manner likely to prejudice the defence of the realm or public safety and order—

- (1) obtain,
- (2) record, communicate to any other person or publish, or
- (3) have in his possession any document containing, or other record whatsoever of, any information being, or purporting to be, information with respect to any of the following matters, that is to say:—
 - (a) the number, description, armament, equipment, disposition, movement or condition of any of Her Majesty's forces, vessels or aircraft;
 - (b) any operations or projected operations of any of Her Majesty's forces, vessels or aircraft;
 - (c) any measures for the defence or fortification of any place on behalf of Her Majesty;
 - (d) the number, description or location of any prisoners of war;
 - (e) munitions of war;
 - (f) any other matter whatsoever information as to which would or might be directly or indirectly useful to disturbers of the peace.

General provisions for safeguarding information.

12. (1) The Governor, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety, order or defence, it is necessary so to do, may make an order for all or any of the following purposes, that is to say:—

- (a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in the Colony as may be so specified;
- (b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

Restriction of movements of suspected persons.

(2) If any person is in any area in contravention of an order made under this section, or fails to leave any area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that area by any officer of police or by any person authorised in that behalf by the Governor.

13. (1) The Governor, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety, order or defence, it is necessary so to do, may make an order:—

Restriction orders and detention orders.

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or the propagation of opinions;
- (c) directing that he be detained;

and so long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions, as the Governor may from time to time determine, and shall, while so detained, be deemed to be in legal custody.

(2) For the purposes of this section, there shall be one or more advisory committees consisting of persons appointed by the Governor, and the chairman of any such committee shall be a person who holds or has held high judicial office.

(3) The functions of any such committee shall be to consider, and make recommendations to the Governor with respect to, any objections against an order under this section which are duly made to the committee by the person to whom the order relates.

(4) The Governor may make rules as to the manner in which objections against such an order as aforesaid may be made to such an advisory committee, and such rules shall contain provisions for enabling any person in respect of whom an order is made under this section to make objections against the order either in person or by counsel, or solicitor or duly authorised agent; and every such person shall be informed of his right to make objections under this section.

14. No person shall—

- (1) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of Her Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or
- (2) do, in relation to any person whom he knows to be a member of Her Majesty's forces or to be a person so engaged, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged:

Provided that a person shall not be guilty of an offence under this section by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

15. (1) No person shall—

- (a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of Her Majesty or a foreign Government, or as a member of a police force or fire brigade, or

Interference with Her Majesty's forces, etc.

Misleading acts and misrepresentation.

- in the service, or on behalf, or an undertaking engaged in the performance of essential services, or
- (b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, Her Majesty, or has or has not been classified, selected or appropriated on behalf of Her Majesty for any particular purpose, or
 - (c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of the realm or the securing of the public safety, or order, or
 - (d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorised by or on behalf of the Governor, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or
 - (e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of the realm or the securing of the public safety or order:

Provided that the provisions of paragraph (a) of this subsection shall not apply to anything done by any servant of Her Majesty or police constable acting in the course of his duty as such.

(2) In this section the expression "defence signal" means any signal authorised by or on behalf of the Governor to be used for any purpose connected with defence or the securing of public safety or order.

16. (1) No person shall —

- (a) endeavour to cause disaffection among or to seduce from their duty any persons engaged (whether in the Colony or elsewhere) in Her Majesty's service, or in the performance of essential services, or to induce any person to do or omit to do anything in breach of his duty as a person so engaged, or
- (b) with intent to contravene, or to aid, abet, counsel or procure a contravention of, paragraph (a) of this subsection, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

Causing disaffection.

(2) A prosecution for an offence against this section shall not be instituted except with the consent of the Director of Public Prosecutions.

Propa-
ganda.

17. (1) No person shall —
- (a) endeavour, whether orally or otherwise, to influence public opinion (whether in the Colony or elsewhere) in a manner likely to be prejudicial to defence or public safety and order, or
 - (b) do any act, or have any article in his possession, with a view to making, or facilitating the making of, any such endeavour.

A prosecution in respect of a contravention of this subsection shall not be instituted except with the consent of the Director of Public Prosecutions.

(2) The Governor may make provision by order for preventing or restricting the publication in the Colony of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication, thereof would or might be prejudicial to defence or public safety and order, and an order under this subsection may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order (including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in the order).

(3) Where any person is convicted on indictment of an offence against this section by reason of his having published a newspaper, the Governor may by order direct that, during such period as may be specified in the order, that person shall not publish any newspaper in the Colony.

(4) In this section —

- (a) The expression “public opinion” includes the opinion of any section of the public;
- (b) the expression “cinematograph film” includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such film;
- (c) the expression “publication” means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds in connection with the exhibition of the film as aforesaid; and
- (d) the expression “newspaper” includes any journal, magazine or other periodical publication.

18. (1) The Governor may by order prohibit the wearing or display by any person in public of any distinctive dress or article of apparel or any emblem, being a dress, article or emblem as to which the Governor is satisfied that the wearing or display thereof as aforesaid would be likely to cause a disturbance of public order or to promote disaffection; and any such order may be made so as to apply either generally or to a specified area.

Unofficial
uniforms,
etc.

(2) For the purposes of this section, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

19. (1) The Governor, if satisfied, with respect to any area in the Colony, that the holding of public processions or of any class of such processions in that area would be likely to cause a disturbance of public order or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of processions or processions of that class, as the case may be.

Processions and meetings.

(2) The Governor may give directions prohibiting the holding of any meeting as to which he is satisfied that the holding thereof would be likely to cause a disturbance of public order or to promote disaffection.

(3) Any police constable or any member of Her Majesty's forces may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order or directions made or given under this section.

20. If, with intent to assist disturbers of the peace, any person does any act which is likely to assist disturbers of the peace or to prejudice the defence of the Colony or public safety and order, he shall be guilty of an offence against this section.

Acts done with intent to assist disturbers of the peace.

21. The Governor may make provision by order for securing that, subject to any exemptions for which provision may be made by the order —

Entering and leaving the Colony.

- (a) no person shall, on coming by sea or by air from a place outside the Colony, disembark in the Colony from any vessel or aircraft elsewhere than at a place specified in the order;
- (b) no person shall, for the purpose of proceeding by sea or by air to a destination outside the Colony, embark in the Colony on any vessel or aircraft elsewhere than at a place so specified;
- (c) no person shall proceed from the Colony to a destination outside it, except under the authority of a written permit granted by such authority or person as may be specified in the order.

22. (1) If, as respects any premises, it appears to the Governor to be necessary or expedient, in the interests of defence or public safety and order, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purposes of this Order; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Protected places.

Any premises in relation to which an order made under this section is in force are hereafter in this Order referred to as a "protected place".

(2) Where, in pursuance of this section, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Governor or by the authority or person granting the permission; and an authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this section, or, while in such a place, fails to comply with any direction given under this section, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorised officer or any person authorised in that behalf by the occupier of the premises.

Protected areas.

23. (1) Without prejudice to any other of the sections of this Order, the Governor, if satisfied with respect to any area that it is necessary or expedient, in the interests of defence or public safety and order, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of this Order; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this section is in force is hereafter in this Order referred to as a "protected area".

(2) If any person is in a protected area in contravention of this section, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of an authorised officer.

Controlled areas.

24. Without prejudice to any other of the sections of this Order the Governor may, as respects—

(a) any protected place or protected area, or
 (b) any place in relation to which it appears to the Governor to be necessary to take special precautions owing to the presence in that place of members of Her Majesty's forces or munitions of war,
 make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, or for safeguarding the discipline and efficiency of members of Her Majesty's forces therein, or for facilitating the enforcement therein of the provisions of this Order; and a rule made in relation to any place by virtue of paragraph (b) of this section may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

Trespassing and loitering.

25. (1) No person shall—

(a) trespass on, or on premises in the vicinity of, any premises to which this section primarily applies.

(b) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of Her Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or

(c) trespass on premises in the vicinity of any protected place;

and if any person is found trespassing on any premises in contravention of this subsection, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this subsection, then, without prejudice to any proceedings which may be taken against him, he may be removed by an authorised officer from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall for any purpose prejudicial to the public safety or defence, be in, or in the vicinity of, any premises to which this section primarily applies or any such vehicle, vessel or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this subsection, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to public safety or defence.

(3) No person loitering in the vicinity of a protected place, of any premises to which this section primarily applies or of any such vehicle, vessel or aircraft as aforesaid, shall continue to loiter in that vicinity after being requested by the appropriate person, to leave it.

(4) The premises to which this section primarily applies are premises used or appropriated

- (a) for any of the purposes of Her Majesty's service or for defence against, or protection from, a disturber of the peace, or
- (b) for the performance of any essential services.

26. The Governor, if he considers it necessary in the interests of defence or public safety or order so to do, may by order provide for the stopping up or diversion of any highway, and for prohibiting or restricting the exercise of any right of way or the use of any waterway.

Control of highways.

27. (1) Without prejudice to any navigation order, the Governor, if it appears to him to be necessary or expedient, so to do in the interests of defence or public safety and order, or for maintaining supplies and services essential to the life of the community, may make provision by order—

Control of traffic at ports.

- (a) for prohibiting or restricting the shipping or unshipping of articles or persons, or any specified class of articles or persons, at any port in the Colony;
- (b) generally for regulating, facilitating or expediting the traffic at any such port;

and an order under this section may contain such incidental and

supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) The reference in this section to shipping or unshipping shall be construed as including a reference to embarking or putting on board seaplanes or disembarking or unloading from seaplanes.

Handling and conveyance of ammunition etc., in ports.

28. (1) No restriction imposed by any Ordinance in relation to any port in the Colony shall apply—

(a) to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of Her Majesty or under instructions given by the Governor, or

(b) to the conveyance of ammunition, explosives or inflammable substances in any vessel for purposes of defence;

but the Governor may by order make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances as aforesaid in any such area.

(2) Any reference in this section to shipping or to unshipping shall be construed as including a reference to putting on board seaplanes or to unloading from seaplanes, as the case may be.

Power to stop and search vehicles.

29. (1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required so to do by any police constable in uniform or by any member of Her Majesty's forces being in uniform and on duty.

(2) If—

(a) as respects any road vehicle being on a public highway or in a place to which the public have access, or

(b) upon the overtaking of a road vehicle on any occasion on which the person driving, or in control of, the vehicle has been lawfully required to stop it but has failed to do so,

any police constable or member of Her Majesty's forces has reasonable ground for suspecting that there is to be found in the vehicle evidence of the commission of an offence against this Order, he may search the vehicle and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of such an offence.

(3) In this section the expression "road vehicle" means any vehicle designed or adapted for use on roads.

General control of industry.

30. (1) A competent authority, so far as appears to that authority to be necessary in the interests of defence or public safety and order, or for maintaining supplies and services essential to the life of the community, may by order provide—

(a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, sale, purchase, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;

- (b) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;
- (c) for requiring persons carrying on, or employed in connection with any trade or business specified in the order to produce such authority or person as may be so specified any books, accounts or other documents relating to that trade or business, and for requiring any persons to furnish to such authority or person as may be specified in the order such estimates or returns as the competent authority may require;
- (d) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates by persons authorised in that behalf by the competent authority, with a view to securing compliance with the order;

and an order under this section may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking and so as to have effect either throughout the Colony or in any particular area therein.

(2) Where the right to make charges in connection with the carrying on of any undertaking with respect to which an order may be made under this section is limited by law, any order so made in relation to that undertaking may authorise the undertakers to make in that connection charges in excess of, or in addition to, those which they would otherwise be authorised to make.

(3) If it appears to a competent authority that in the interests of the defence of the realm, or public safety and order, or for maintaining supplies and services essential to the life of the community, it is necessary to take control on behalf of the Governor of the whole or any part of an existing undertaking, and that, for the purpose of exercising such control, it is expedient that the undertaking or part should be carried on in pursuance of an order made under this subsection, the competent authority may, with the approval of the Governor, by order authorise any person (hereinafter referred to as an 'authorised controller') to exercise, with respect to the undertaking or any part thereof specified in the order, such functions of control, on behalf of the Governor as may be provided by the order, and so long as an order made under this subsection is in force with respect to any undertaking or part of an undertaking —

- (a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the competent authority so, however, that he

shall not have power to give any directions inconsistent with the provisions of any Ordinance or instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller in accordance with the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

(4) In this section

(a) the expression "essential work" means work appearing to the competent authority to be essential for defence or public safety and order or to be essential to the life of the community; and

(b) the expression "undertaking" means any public utility undertaking or any industrial or commercial enterprise, and the expression "undertakers", in relation to any such enterprise, means the person by whom it is carried on;

and any reference in this section to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

Power to do work on land.

31. (1) Any member of Her Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this section, may for any purpose connected with defence, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, do any work on any land or place, anything in, on or over any land.

(2) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of defence, public safety and order or the maintenance of supplies and services essential to the life of the community, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person (other than a servant of Her Majesty or police constable acting in the course of his duty as such) shall, except with permission granted by or on behalf of a competent authority, remove, alter or tamper with any work done, or thing placed in, on or over any land in pursuance of this section.

(4) For the purpose of this section the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land, the maintenance of any work or anything in, on or over that land, and the removal from the land of anything so placed, demolished or pulled down in pursuance of this section.

Taking possession of land.

32. (1) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of defence or public safety and order, or for maintaining supplies and services essential to the life of the community, may take possession of any land, and may give such directions as appear to the competent

authority to be necessary or expedient in connection with the taking of possession of that land.

(2) While any land is in the possession of a competent authority by virtue of this section, the land may, notwithstanding any restriction imposed on the use thereof (whether by any Ordinance or other instrument or otherwise), be used by, or under the authority of, the competent authority for such purpose, and in such manner as that authority thinks expedient in the interests of defence or public safety and order, or for maintaining supplies and services essential to the life of the community; and the competent authority so far as appears to it to be necessary or expedient in connection with the taking possession or use of the land in pursuance of this subsection, —

- (a) may do, or authorise persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest, and
- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(3) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him in connection with the execution of this section) as may be so specified.

33. Without prejudice to any other of the sections of this Order, the Governor may by order authorise, subject to any restrictions and conditions imposed by the order, the use of any land specified therein for military purposes, for air force purposes or for any of the purposes of Her Majesty's navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the Governor to be necessary or expedient for the purposes thereof, provide—

- (a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and
- (b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

34. Any member of Her Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this section,—

- (1) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by sections 35, 36 and 37,
- (2) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land, and

Use of land
for purposes
of H.M.
forces.

Entry and
inspection of
land.

- (3) may, for any purpose connected with defence, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

Requisitioning of property other than land.

35. (1) Subject as hereinafter provided, the Governor, if it appears to him to be necessary or expedient so to do in the interests of defence, or public safety and order, or for maintaining supplies and services essential to the life of the community, may by order provide for the requisitioning of—

- (a) any property other than land situated in the Colony;
- (b) any article on board any vessel or aircraft for the time being within the Colony or the territorial waters thereof; and
- (c) any, ship or aircraft registered in the Colony, wherever it may be;

and may give such directions as appear to him to be necessary or expedient in connection with the requisition:

Provided that this section shall not authorise the requisitioning of anything on board a United Kingdom or Dominion ship or aircraft.

(2) Where the Governor requisitions any property (including a ship or aircraft) under this section, he may use or deal with or authorise the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of defence or public safety and order, or for maintaining supplies and services essential to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Governor, if it appears to him to be necessary for the effectual exercise of his powers under subsection (1) of this section so to do, may, by order made as respects the whole of the Colony or any part thereof,—

- (a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;
- (b) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) An order under this section may authorise any person, or any class of persons, to perform such functions in connec-

tion with the requisitioning and may contain such directions as appear to the Governor to be necessary or expedient.

36. The Governor may require any person who carries on the business of storing, cooling, transporting or distributing goods of any description to afford similar services in relation to the storage, cooling, transport or distribution of goods for the purpose of any of Her Majesty's forces.

Power to require storing, cooling, etc., services.

37. The Governor may require any company, authority or person supplying or authorised to supply water, light, heat or power, to supply water, light, heat or power to any building, premises or camp belonging to or used for the purposes of any of Her Majesty's forces, and to carry out such work and render such services in connection with such supply as may be directed by the Governor.

Power to require water and power services.

38. The Governor may, as respects any area in the Colony by order direct that, subject to any exemptions for which provision may be made by the order, no person in that area shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by the Governor or such person as may be specified in the order.

Curfew.

39. (1) The Governor, if it appears to him to be necessary or expedient in the interests of defence or public safety and order so to do, may by order provide—

Special police forces.

(a) for the constitution of a special police force for any such area in the Colony as may be specified in the order, for the appointment of persons as members of that special police force and for enabling members of existing police forces to serve with the special police force;

(b) for securing that the said special police force shall be under the control of such person as may be specified in the order, and for conferring on that person in relation to the said area, all or any of the powers and duties of a superintendent of police;

and any such order may contain such incidental and supplementary provisions (including provisions for modifying or adapting any Ordinance or Regulations relating to any police authority or police force) as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) All persons being members of a special police force constituted for any area by an order under this section shall have all the powers of police constables.

40. Any officer of police, any member of Her Majesty's forces acting in the course of his duty as such, and any person authorised by the Governor to act under this section may arrest without warrant any person whom he has reasonable ground for suspecting to have committed an offence against this Order.

Power to arrest without warrant.

41. The Governor may make rules authorising the taking, in relation to any person in custody whom an officer of police has reasonable grounds for suspecting to have committed an offence against this Order of all such steps as may be reasonably neces-

Identification of persons in custody.

sary for photographing, measuring, and otherwise identifying that person in such manner as may be prescribed by the rules.

Power to
obtain in-
formation.

42. (1) Without prejudice to any special provisions contained in this Order any person shall, on being requested by a competent authority so to do, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the competent authority considers it necessary or expedient in the interests of defence or public safety and order to obtain or examine, and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this section he shall be guilty of an offence against this section.

(2) A prosecution in respect of an offence against this section shall not be instituted except by, or with the consent of, the Director of Public Prosecutions.

Affixing
of notices.

43. Any authorised officer may, for any purpose connected with defence, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by this section enter any premises at any time; and where any authorised officer affixes a notice, or causes a notice to be displayed, in pursuance of this section, no person other than an authorised officer shall remove, alter, deface or obliterate the notice.

False state-
ments.

44. If any person —

(1) in answer to any request made in pursuance of any of the sections of this Order, or any order made thereunder makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

(2) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of the sections of this Order to make, he shall be guilty of an offence against this section.

Arms,
ammuni-
tion and
explosives.

45. (1) The Governor may, by order, in any area specified in such order, regulate or prohibit either absolutely or subject to such exceptions as he may prescribe the buying, selling or otherwise dealing in any arms, parts of arms, ammunition or explosive substance, and may direct that all persons or any person or class of persons having in their or his possession any arms, parts of arms, ammunition or explosive substances, shall keep the same in a secure place approved by the Commissioner of Police, or remove them to any place directed by the Commissioner of Police, and if any person contravenes such an order or direction he shall be guilty of an offence against this Order.

(2) The Governor may, by order, in any area specified in the order, regulate or prohibit, either absolutely or subject to such exceptions as he may prescribe, the carrying or use of arms,

parts of arms ammunition or explosive substances, and if any person contravenes any such order he shall be guilty of an offence against this Order.

(3) Any person who, in any area specified in an order made under subsection (2) of this section, consorts with or is found in the company of another person who is carrying any arms, parts of arms, ammunition or explosive substance, in circumstances which raise a presumption that he intends to or is about to act with or has recently acted with such other person in a manner prejudicial to the public safety or the preservation of the peace, shall be guilty of an offence against this Order.

(4) Any person who attends or takes part in any meeting or procession and who has in his possession any arms, ammunition, explosive substance or stick or any stone or other dangerous missile, shall be guilty of an offence against this Order.

(5) In this section the expression "arms" includes (in addition to firearms) swords, spears, cutlasses, machettes, axes, hatchets, knives and other dangerous weapons.

46. (1) Any police officer of or above the rank of sub-inspector or any commissioned officer of Her Majesty's forces may, without warrant and with or without assistance, and with the use of force if necessary—

- (a) enter and search any premises, or
- (b) stop and search any vessel, vehicle or individual, whether in a public place or not, if he suspects that any evidence of the commission of an offence against this Order is likely to be found on such premises, vessel, vehicle or individual, and may seize any evidence so found.

(2) Whenever under this section a woman is searched, the search shall be made by another woman.

47. (1) Any person who injures, or does any act calculated to injure, or to prevent the proper use or working of any public building, railway, canal, bridge, road, vehicle, telegraph or telephone line, cable or plant, mine, shop, school, dwelling house, lines, factory, waterworks, gasworks, electricity generating station, or any works or plant used or adapted for use for the production, supply, storage or transport of food, fuel, munitions, water; light, heat or power shall be guilty of an offence against this Order.

(2) Any person who approaches, or who is in the neighbourhood of, or who enters any such place as aforesaid, with intent to do injury thereto or to do any other act specified in subsection (1) of this section, shall be guilty of an offence against this Order.

48. (1) The Governor, or any person authorised by the Governor, in that behalf, may employ and pay volunteers or voluntary labour of any description for any purpose which in the opinion of the Governor is necessary or expedient in order to maintain supplies and services essential to the life of the community or to secure the public safety or maintain public order.

(2) The remuneration of volunteers or voluntary labour employed under this section shall be paid out of the public funds

Powers of search.

Injury to property.

Employment of voluntary labour.

of the Colony and shall be such as may be directed by the Governor or by anyone authorised by the Governor in that behalf.

(3) Where volunteers or voluntary labour employed under the provisions of subsection (1) of this section, have performed any work which would, but for the circumstances which necessitated the employment of such volunteers or voluntary labour, have been performed by labour paid by or on behalf of, any public or private undertaking or other employer of labour, the costs and expenses incurred by Government, in or about the provision and remuneration of such volunteers or voluntary labour, or such proportion of those costs and expenses as may be declared by the Governor or by any person authorised by him in that behalf to be recoverable, shall be recoverable from such undertaking or employer and shall be a debt due to Government by such undertaking or employer and may be sued for by the Attorney-General or by any person authorised by the Governor in that behalf.

(4) There may be paid out of the public funds of the Colony such compensation to any person employed under subsection (1) of this section or to the personal representatives or dependants of any such person such compensation for injury or death resulting from such employment as may be decided by the Governor or any person or authority appointed by him in that behalf.

Direction of
labour.

49. (1) Where in the opinion of the Governor it is necessary or expedient in order to maintain supplies and services essential to the life of the community or to secure the public safety or maintain public order, the Governor or any person authorised by the Governor in that behalf may—

- (a) by order, direct any person or class of persons, specified or described by name, office or employment or otherwise, who is or are ordinarily employed, whether in the capacity of principal, manager, agent, servant or otherwise, in or about an undertaking connected with such supplies and services, to remain in and continue such employment at his or their usual or ordinary remuneration until released by the Governor or anyone so authorised as aforesaid;
- (b) by order, direct any person (hereinafter called "a person directed") to undertake and perform for such remuneration and under the direction of such person or authority as may be specified, such work or duties in or about an undertaking connected with such supplies and services and at such place as may be specified.

(2) Any inability of a person directed, by reason of any requirement of an order made under paragraph (b) of subsection (1) of this section, to perform any contract of service shall not afford to any other party to the contract grounds for terminating or repudiating the same; but such other party may deduct from the salary or wages, due under the contract of service to a person directed, a fair proportion of such salary or wages having regard to the period or periods during which the person directed is unable

to perform such contract by reason of the requirements of such order as aforesaid.

(3) The Governor, or any person authorised by him in that behalf, may pay out of the public funds of the Colony to a person directed, in addition to any remuneration due to him by virtue of an order made under paragraph (b) of subsection (1) of this section, any expenses reasonably incurred by him in complying with the terms of the order; and the provisions of subsection (3) of the preceding section shall apply for the purposes of the recovery by the Government of such remuneration and expenses in like manner as such provisions apply for the purposes of recovery of the costs and expenses referred to in those provisions.

(4) Any person who, without lawful excuse, fails or neglects to comply with any such order or direction, or prevents or obstructs or interferes with any other person in the performance of any such order or direction, shall be guilty of an offence against this section:

Provided that nothing in this section shall make it an offence for any person or persons to take part in a strike in any service not being an essential service within the meaning of the Trade Disputes (Essential Services) Ordinance, 1942, of the Colony.

(5) Any person who terminates or repudiates any such contract of service as aforesaid for any reasonable attributable to, or to the requirements of an order made under paragraph (b) of subsection (1) of this section, shall be guilty of an offence against this Order.

Billeting

50. (1) Any person authorised by the Governor for the purpose may cause to be served upon the occupier of any premises a written notice (hereinafter referred to as a "billeting notice"), requiring the occupier of those premises to furnish therein until further notice, according as that notice may direct, accommodation (by way of lodging or food or both, and either with or without attendance, according as the notice may direct), for such number of persons as may be so specified.

(2) Every billeting notice must, in order to be of any effect for the purposes of this section, define by reference to the particular service or services in which they are engaged, the persons for whom accommodation is required by the notice.

Power to
proscribe
organisations.

51. (1) The Governor may, by order, declare to be unlawful any society or organisation which, in the opinion of the Governor, is prejudicial to public safety or order.

(2) Any person who, so long as any order under subsection (1) of this section is in force in relation to any society or organisation, manages or works for such society or organisation or in any other way assists such a society or organisation to continue to exist or takes part in any activities thereof shall be guilty of an offence against this Order.

(3) Any person who shall, without lawful authority or excuse, have in his possession any badge, ticket, document or any other thing whatsoever, which purports to have been, or which appears to have been, issued by any society or organisation declared to be unlawful under the provisions of subsection (1) of

this section, whether before or after such declaration, or which purports to, or which appears to be, or which appears to be intended as, evidence of membership of, or any authority from, or any association with, any such society or organisation shall be guilty of an offence against this Order.

(4) It shall be lawful for any police officer to seize anything whatsoever which may appear to belong to or to be connected with, or to be intended to be used for the purpose of, any society or organisation declared to be unlawful as aforesaid; and it shall be lawful for a magistrate upon such notice (if any) as he shall think fit, to order any such thing to be forfeited. Anything so forfeited shall be disposed of in such manner as the Commissioner of Police may direct.

Obstruction.

52. No person shall obstruct any servant of Her Majesty, a police constable acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of the sections of this Order or otherwise discharging any lawful functions in or in connection with defence or the securing of the public safety.

Restrictions on disclosing information.

53. No person who obtains any information by virtue of this Order shall, otherwise than in connection with the execution of the sections of this Order or of an order, rule or by-law made thereunder disclose that information except with permission granted by the Governor.

Licences, permits, etc.

54. (1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purposes of any of the sections of this Order shall, on demand made in that behalf by any police constable or by any authorised officer, produce the permit, licence or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of the sections of this Order, or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence against this section.

(3) Any licence, permit or permission granted for the purposes of any of the sections of this Order may be revoked at any time by the authority or person empowered to grant it.

Fees for licences, etc.

55. There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of the sections of this Order, or any order made thereunder such fee, not exceeding twenty-five dollars, as the Governor may by order determine.

Attempts to commit offences, & assisting offenders. Cap. 13, Cap. 17.

56. (1) Without prejudice to the operation of section twenty-three of the Summary Jurisdiction (Offences) Ordinance, and section thirty-three of the Criminal Law (Offences) Ordinance, any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of the sections of this Order, shall be deemed to be guilty of an offence against that section.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of the sections of this Order, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

57. Where a person convicted of an offence against any of the sections of this Order is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Offences by corporations.

58. If any person contravenes or fails to comply with any of the sections of this Order, or any order or rule made thereunder or any direction given or requirement imposed thereunder, he shall be guilty of an offence against that section; and, subject to any special provisions contained in this Order, a person guilty of an offence against any of the sections of this Order shall—

Penalties.

- (1) on summary conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both such imprisonment and such fine, or
- (2) on conviction on indictment be liable to imprisonment for a term not exceeding five years or to a fine not exceeding two thousand five hundred dollars or to both such imprisonment and such fine.

59. Proceedings in respect of an offence alleged to have been committed by a person against any of the sections of this Order may be taken before the appropriate court in the Colony having jurisdiction in the place where that person is for the time being.

Legal proceedings.

60. (1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under this Order or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of an offence against this Order, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this section in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this section is hereafter in this section referred to as "a retained article".

Disposal of articles in possession of executive authorities.

(2) Where proceedings are taken in respect of an offence against this Order, being proceedings in which a retained article is, or can properly be adduced in evidence, the court by or before which the alleged offender is tried may make an order—

- (a) authorising the destruction or disposal of the article, or
- (b) authorising the further retention of the article, until such date as may be specified in the order;

and any such order authorising the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of the Colony.

(3) Without prejudice to the operation of subsection (2) of this section, a court of summary jurisdiction upon complaint made in respect of a retained article by an executive authority, may, after giving to the person (if any) claiming, or appearing to the Court to be, the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorised by subsection (2) of this section.

(4) A court shall not make an order under this section unless the court is satisfied that it is necessary so to do in the interests of defence or public safety and order.

(5) Where an order is made under this section authorising the further retention of an article, subsection (1) of this section shall, in relation to that article, have effect as if the period first mentioned in that subsection were a period ending on the date until which the article is authorised by the order to be retained; and the making by a court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by subsection (2) or subsection (3) of this section.

(6) Where, in the course of any proceedings for an offence, an order is made under subsection (2) of this section, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under subsection (3) of this section, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to the Supreme Court, and for the purposes of this subsection and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this subsection authorising the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) For the purposes of this section, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(10) For the purposes of this section, any authority, police constable or other person whatsoever having functions in connection with the execution of the provisions of this Order shall be deemed to be an executive authority.

(11) Nothing in this section shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this section.

61. Where any work is done in the exercise of powers conferred by any of the sections of this Order, then, if and so far as the work was work which, apart from the provisions of this Order, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt from that person to the **Crown**.

Recovery of expenses.

62. A provision made in, or a direction or determination made or given in pursuance of, any of the sections of this Order or any order made thereunder and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the section or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under an Ordinance; and any such body corporate to whom any functions are entrusted under or by virtue of this Order shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from this Order, is imposed by any Ordinance or other instrument determining the functions of that body.

Entrusting of functions to statutory bodies.

63. When any order is made under the provisions of this Order, the Governor, or other authority issuing the order, shall cause notice of the effect of such order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the order.

Publicity for orders.

64. Without prejudice to any special provisions contained in this Order, a notice to be served on any person for the purposes of any of the sections of this Order may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Service of notices.

65. Any power conferred by any of the sections of this Order to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Revocation and variation of orders, etc.

66. The powers conferred by this Order shall be in addition to and not in derogation of any other rights or powers vested in the Governor, or conferred by law on any other authority or person.

Powers of the Governor.

67. Nothing in this Order shall affect the liability of any person to trial and punishment for any offence otherwise than in accordance with this Order:

Liability of offences.

Provided that no person shall be punished twice for the same act or omission.

I, RALPH FRANCIS ALNWICK GREY hereby certify that the above order has been prepared under section 21 of the British Guiana (Constitution) Order in Council, 1961 and pursuant to the provisions of Part II of the Emergency Powers Order in Council, 1959, and in accordance with my directions given thereunder

Certified this 16th day of February, 1962 at *p. m.*

R. F. A. GREY,
Governor.