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**Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of British Guiana (as amended on the 23rd March, 1943, and 10th October, 1949.)**

Dated: 20TH JULY, 1928.

GEORGE R.I.

**INSTRUCTIONS TO OUR GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER OUR COLONY OF BRITISH GUIANA, OR, IN HIS ABSENCE, TO THE OFFICER FOR THE TIME BEING ADMINISTERING THE GOVERNMENT OF OUR SAID COLONY.**

WHEREAS by certain Letters Patent bearing even date herewith We have constituted, ordered, and declared that there shall be a Governor and Commander-in-Chief (hereinafter called the Governor) in and over Our Colony of British Guiana (hereinafter called the Colony):

Preamble.  
Recites  
Letters  
Patent of  
even date,  
constituting  
the Office of  
Governor.

AND WHEREAS We have thereby authorised and commanded the Governor to do and execute in due manner all things that shall belong to his said Office, according to the tenour of Our said Letters Patent and of such Commission as may be issued to him under the Royal Sign Manual and Signet, and according to Our directions contained in an Order made by Us in Our Privy Council on the Thirteenth day of July, 1928, and known as the British Guiana (Constitution) Order in Council, 1928, establishing a Legislative Council in and for the Colony, or in any Order adding to, amending, or substituted for the same, or in any other Order in Our Privy Council, and according to such Instructions as may from time to time be given to him, under Our Sign Manual and Signet, or by Us through one of Our Principal Secretaries of State, and to such laws as are or shall hereafter be in force in the Colony:

AND WHEREAS We did issue under Our Sign Manual and Signet certain Instructions bearing date the Fourteenth day of February, 1920:

Recites  
Instructions  
of 14th  
February,  
1920.

AND WHEREAS We are minded to substitute fresh Instructions for the aforesaid Instructions:

Now WE DO, by these Our Instructions under Our Sign Manual and Signet, revoke, as from the date of the coming into force of Our above-recited Letters Patent bearing even date herewith, the aforesaid Instructions bearing date the Fourteenth day of February, 1920, but without prejudice to anything lawfully done thereunder, and instead thereof We

Revokes  
Instructions  
of 14th  
February,  
1920.

do direct and enjoin and declare Our Will and Pleasure, as follows—

Oaths to be administered by the Governor.

I. The Governor may, whenever he thinks fit, require any person in the public service in the Colony to take the Oath of Allegiance, together with such other Oath or Oaths as may, from time to time, be prescribed by any laws in force in the Colony. The Governor is to administer such Oaths or cause them to be administered by some Public Officer in the Colony.

Constitution of Executive Council. As substituted on the 23rd March, 1943, and amended on the 10th October, 1949.

II. (1) The Executive Council of the Colony shall consist of the persons for the time being lawfully discharging the functions of the respective offices of Chief Secretary, Attorney General of the Colony and Financial Secretary, and shall be styled *ex officio* Members of the Council, and of such persons not holding office of emolument under the Crown who are members of the Legislative Council of the Colony, not exceeding five in number at any one time, as the Governor, in pursuance of instructions from Us, through one of Our Principal Secretaries of State, may from time to time appoint by Instrument under the Public Seal of the Colony, who shall be styled Unofficial Members of the Council.

Vacation of Seats.

(2) Every Unofficial Member shall vacate his seat in the Executive Council if he shall cease to be a Member of the Legislative Council from any cause other than a dissolution of that Council, or if he shall with the permission of the Governor, by writing under his hand addressed to the Governor, resign his seat in the Executive Council, or if he shall leave the Colony without written permission from the Governor or outstay any leave of absence granted him by the Governor or by one of Our Principal Secretaries of State. He shall in any case vacate his seat in the Executive Council at the first meeting of the Legislative Council held after the next dissolution of the Legislative Council after his appointment to be a Member of the Executive Council. Any person vacating a seat as an Unofficial Member may, if qualified, be re-appointed from time to time.

(3) If an Unofficial Member shall be appointed temporarily to any office of emolument under the Crown, he shall not sit as a member of the Council so long as he continues to hold that office.

Extraordinary Member.

(4) Whenever upon any special occasion the Governor desires to obtain the advice of any person within the Colony touching Our affairs therein he may, by an Instrument under the Public Seal of the Colony, summon for such special occasion any such person as an Extraordinary Member of the Executive Council.



III. (1) Whenever there shall be a vacancy in the number of Members of the Executive Council by reason of the fact that—

Provisional  
appoint-  
ments.  
As substituted on the  
23rd March,  
1943.

(a) an *ex officio* Member is administering the Government of the Colony; or

(b) one person is lawfully discharging the functions of more than one of the offices the holders of which are *ex officio* Members; or

(c) no person is lawfully discharging the functions of an office the holder of which is an *ex officio* Member; or

(d) a Member is suspended from the exercise of his functions as a Member; or

(e) an Unofficial Member is dead or the seat of any such Member is vacant for any other cause; or

(f) a Member is declared by the Governor by an Instrument under the Public Seal to be incapable of discharging his functions as a Member; or

(g) a Member is absent from the Colony;

the Governor may by an Instrument under the Public Seal of the Colony appoint a person to be provisionally a Member for the period of such vacancy.

(2) The period of any such vacancy shall terminate if the provisional appointment of a person to fill it shall be superseded by the permanent appointment of a Member in the place of such person, or when the circumstances giving rise to the vacancy shall otherwise cease to exist.

For the purposes of this paragraph, an instrument under sub-paragraph (f) of the preceding paragraph shall have effect until it is revoked by an instrument made in like manner.

(3) Every person so appointed shall, as long as his appointment shall subsist, be to all intents and purposes a Member of the Council.

(4) The Governor shall forthwith report to Us, through one of Our Principal Secretaries of State, every such provisional appointment.

(5) Any such appointment may be disallowed by Us through one of Our Principal Secretaries of State (without prejudice to anything done by virtue thereof) or may be revoked by the Governor by an Instrument under the Public Seal of the Colony, and shall cease to have effect on notification by the Governor to the person appointed of such disallowance or revocation, or on the termination of the vacancy by reason of which the appointment was made.

Precedence  
of Members.  
As amended  
on the 23rd  
March, 1943.

IV. The seniority and precedence of the Members of the Executive Council shall be as follows: First, the *ex officio* Members in the order in which their offices are above mentioned; and, secondly, the other Members in the order of date of their appointments, or, if two or more are appointed by the same Instrument, according to the order in which they are named therein. Provided that any Member of the Council other than an *ex officio* Member, re-appointed to the Council on the termination of his term of office, shall take precedence according to the date from which he has been continuously a Member of the Council. In ascertaining for the purposes of this Clause the period for which any person shall have been continuously a Member of the Council, no account shall be taken of any interval between the date of the vacation by that person of his seat on the Executive Council in consequence of a dissolution of the Legislative Council and the date of his re-appointment to fill the vacancy thereby caused.

Governor to  
communicate  
Instructions  
to Executive  
Council.

V. The Governor shall forthwith communicate these Our Instructions to the said Executive Council, and likewise all such others, from time to time, as he shall find convenient for Our service to impart to them.

Summoning  
and Quorum  
of Executive  
Council.  
As sub-  
stituted on  
the 23rd  
March,  
1943.

VI. The Executive Council shall not be summoned except by the authority of the Governor, and when so summoned shall not proceed to the despatch of business if there are not two or more members present in addition to the Governor or Member presiding.

Who to  
preside.

VII. The Governor shall attend and preside at the meetings of the Executive Council, unless prevented by illness or other grave cause, and in his absence the senior Member of the said Council actually present shall preside.

Journals or  
Minutes of  
Executive  
Council to be  
kept.  
To be trans-  
mitted home  
twice a year.

VIII. Minutes shall be regularly kept of the proceedings of the Executive Council; and at each meeting of the said Council the minutes of the last preceding meeting shall be confirmed or amended, as the case may require before proceeding to the despatch of any other business. Twice in each year a full and exact copy of the minutes for the preceding half-year shall be transmitted to Us through one of Our Principal Secretaries of State.

Governor to  
consult  
Executive  
Council.

IX. In the execution of the powers and authorities granted to the Governor by Us, he shall in all cases consult with the Executive Council, excepting only in cases which are of such a nature that, in his judgment, Our service would sustain



material prejudice by consulting the said Council thereupon, or when the matters to be decided are too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect to any such matters. In all such urgent cases he shall, at the earliest practicable period, communicate to the said Executive Council the measures which he may so have adopted, with the reasons therefor.

Proviso:  
urgent cases.

X. The Governor alone shall be entitled to submit questions to the Executive Council for their advice or decision; but if the Governor decline to submit any question to the said Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the minutes his written application, together with the answer returned by the Governor to the same.

Governor alone entitled to submit questions.

XI. The Governor may act in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case deem it right to do so; but in any such case he shall fully report the matter to Us, by the first convenient opportunity, with the grounds and reasons of his action. In every such case it shall be competent to any Member of the said Council to require that there be recorded at length on the minutes the grounds of any advice or opinion he may give upon the question.

Governor may act in opposition to Executive Council. Reporting grounds for so doing. Members may require to be recorded on minutes their adverse opinions.

XII. In the making of laws the Governor and the Legislative Council of the Colony shall observe, as far as practicable, the following Rules—

Rules as to the making of laws.

(1) The style of enacting laws shall be “ Ordinances enacted by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof.”

Style of laws.

(2) No Ordinance shall be enacted for any purpose which shall not have been first proposed to the said Legislative Council by the Governor, or by some Member of the Council under his sanction previously obtained.

Governor to propose Ordinances.

(3) All Ordinances shall be distinguished by titles, and the Ordinances of each year shall also be distinguished by consecutive numbers, commencing in each successive year with the number one, and every such Ordinance shall be divided into successive clauses or paragraphs consecutively numbered, and to every such clause there shall be annexed in the margin a short summary of its contents.

Ordinances to be numbered and methodically arranged.

All Ordinances passed in any one year shall, unless they require to be reserved for the signification of Our pleasure,

be assented to by the Governor in that year, and shall be dated as of the day on which the assent of the Governor is given, and shall be numbered as of the year in which they are passed. Ordinances not so assented to, but reserved by the Governor for the signification of Our pleasure, shall be dated as of the day, and numbered as of the year, on and in which they are brought into force.

(4) Each different matter is to be provided for by a different Ordinance, without intermixing in one and the same Ordinance such things as have no proper relation to each other; and no clause is to be inserted in or annexed to any Ordinance which shall be foreign to what the title of such Ordinance imports, and no perpetual clause is to be part of any temporary Ordinance.

Different subjects not to be mixed in the same Ordinance. No clause to be introduced foreign to what the title imports. Temporary Ordinances.

XIII. The Governor shall not assent in Our name to any Bill of the following classes—

(1) Any Bill for the divorce of persons joined together in holy matrimony:

(2) Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself:

(3) Any Bill affecting the currency of the Colony or relating to the issue of Bank notes:

(4) Any Bill establishing any banking association, or amending or altering the constitution, powers, or privileges of any banking association:

(5) Any Bill imposing differential duties:

(6) Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty:

(7) Any Bill interfering with the discipline or control of Our forces by sea, land or air:

(8) Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced:

(9) Any Bill whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable:

(10) Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us:

Description of Bills not to be assented to.



Unless in the case of any such Bill as aforesaid the Governor shall have previously obtained Our instructions upon such Bill through one of Our Principal Secretaries of State, or unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the Colony of Our pleasure thereupon; or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorised to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed on Us by Treaty. But he is to transmit to Us, by the earliest opportunity, the Bill so assented to, together with his reasons for assenting thereto.

Proviso in cases of emergency for the immediate operation of a Bill.

XIV. Every Bill, not being a Government measure, intended to affect or benefit some particular person, association, or corporate body, shall contain a section saving the rights of Us, Our heirs and successors, all bodies politic and corporate, and all others, except such as are mentioned in the Bill and those claiming by, from, or under them. No such Bill shall be introduced into the Legislative Council until due notice has been given by not less than three successive publications of the Bill in the Official Gazette of British Guiana; and the Governor shall not assent thereto in Our Name unless it has been so published. A certificate under the hand of the Governor signifying that such publication has been made shall be transmitted to Us with the Bill.

Private Bills. As amended on the 23rd March, 1943.

XV. When any Ordinance has been passed, or when any Bill has been reserved for the signification of Our pleasure, the Governor shall forthwith lay it before Us for Our final assent, disallowance, or other direction thereupon, and shall transmit to Us, through one of Our Principal Secretaries of State, a transcript in duplicate of the same, together with a marginal abstract thereof, duly authenticated under the Public Seal of the Colony, and by his own signature. Such transcript shall be accompanied by such explanatory observations as may be required to exhibit the reasons and occasion for passing such Ordinance or Bill.

Authenticated laws to be sent home in duplicate for approval or disallowance.

Marginal notes.

XVI. The Governor shall transmit to the Chief Justice of the Colony, to be enrolled in the Supreme Court, a transcript, duly authenticated in the manner before mentioned, of every Ordinance passed by him with the advice and consent of the said Legislative Council, and of every Bill reserved by him for the signification of Our pleasure, together with a certificate, under his hand and seal, of the effect of every Order or other direction

Enrolment of Ordinances in the Supreme Court.

which he may receive from Us, or through one of Our Principal Secretaries of State, in regard to any such Bill or Ordinance, which certificate shall in like manner be enrolled in the said Supreme Court, and there remain on record, to the intent that the Judges of the said Court may without further or other proof take cognisance of all Ordinances made and promulgated for the peace, order, and good government of the Colony.

Annual collection of Ordinances to be published.

XVII. At the earliest practicable period at the commencement of each year the Governor shall cause a complete collection to be published, for general information, of all Ordinances enrolled during the preceding year.

Surveys and reservations to be made of waste lands.

XVIII. Before disposing of any vacant or waste lands to Us belonging in the Colony, the Governor shall cause the same to be surveyed, and such reservations made thereout as he may think necessary or desirable to be reserved and set apart for public roads or other internal communication by land or water, or for purposes of military defence, or for any other purposes of public safety, convenience, utility, health, or enjoyment. The Governor shall not, directly or indirectly, purchase for himself any of such lands without Our special permission given through one of Our principal Secretaries of State.

Governor not to purchase land without permission.

Appointments to be provisional and during pleasure. As amended on the 23rd March, 1943.

XIX. All Commissions to be granted by the Governor to any person or persons for exercising any office or employment shall, unless otherwise provided by law, be granted during pleasure only.

Suspension of Officers.

XX. Before suspending from the exercise of his office any public officer whose annual pensionable emoluments exceed 100*l.* in the case of an officer appointed to an office in the Colony before the date of the coming into operation of Our above recited Letters Patent bearing even date herewith, or 150*l.* in the case of an officer appointed to an office in the Colony on or after such date, the Governor shall signify to such officer by a statement in writing the grounds of the intended suspension, and shall call upon him to state in writing any grounds upon which he desires to exculpate himself; and if the officer does not furnish such a statement within the time fixed by the Governor, or fails to exculpate himself to the satisfaction of the Governor, the Governor shall appoint a Committee of the Executive Council to investigate the charges made and to make a full report to the Executive Council. The Governor shall forthwith cause such report to be considered by the Council, and shall cause to be recorded in the minutes whether the Council, or the majority thereof, does or does not assent to the suspension,



and if the Governor thereupon proceeds to such suspension he shall transmit the report of the Committee and the evidence taken by it, together with the minutes of the proceedings of the Council, to Us through one of Our Principal Secretaries of State at the earliest opportunity. But if in any case the interests of Our service shall appear to the Governor to demand that a person shall cease to exercise the powers and functions of his office instantly, or before there shall be time to take the proceedings hereinbefore directed, he shall then interdict such person from the exercise of the powers and functions of his office.

XXI. Whenever any offender shall have been condemned by the sentence of any Court to suffer death, the Governor shall call upon the Judge who presided at the trial to make to him a written Report of the case of such offender, and shall cause such Report to be taken into consideration at a meeting of the Executive Council, and he may cause the said Judge to be specially summoned to attend at such meeting and to produce his notes thereat. The Governor shall not pardon or relieve any such offender unless it shall appear to him expedient so to do, upon receiving the advice of the said Executive Council thereon; but in all such cases he is to decide either to extend or to withhold a pardon or relieve according to his own deliberate judgment, whether the Members of the Executive Council concur therein or otherwise; entering, nevertheless, on the minutes of the said Executive Council a minute of his reasons at length in case he should decide any such question in opposition to the judgment of the majority of the Members thereof.

Regulation of power of pardon in capital cases. As amended on the 23rd March, 1943. Judge's Report to be laid before Executive Council.

Governor to take advice of Executive Council in such cases; but to exercise his own judgment.

XXII. The Governor shall punctually forward to Us from year to year, through one of Our Principal Secretaries of State, the annual Book of Returns for the Colony, commonly called the "Blue Book," relating to the revenue and expenditure, public works, legislation, civil establishments, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters in the said Blue Book more particularly specified, with reference to the state and condition of the Colony.

Blue Book. As amended on the 23rd March, 1943.

XXIII. The Governor shall not, on any pretence whatever, quit the Colony without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Governor's absence.

XXIV. (1) In these Our Instructions the term "the Governor" shall, unless inconsistent with the context, include every

Term "the Governor" explained.

person for the time being administering the Government of the Colony.

Added on the  
10th October,  
1949.

(2) For the purposes of these Our Instructions, a person shall not be deemed to hold an office of emolument under the Crown by reason only—

(i) that he is an Unofficial Member of the Legislative Council of the Colony; or

(ii) that he is in receipt of a pension or other like allowance in respect of service under the Crown.

Added on the  
10th October,  
1949.

(3) Nothing in these Our Instructions shall preclude the authorisation of remuneration for an Unofficial Member of the Executive Council in respect of the performance of his duties as such Member.

Added on the  
10th October,  
1949.

(4) If it shall be declared by any law for the time being in force in the Colony that an office shall not be an office of emolument under the Crown for all or any of the purposes of these Our Instructions, these Our Instructions shall have effect accordingly as if that law were enacted herein.

Given at Our Court at Saint James's this twentieth day of July, in the Nineteenth year of Our Reign.

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