

BRITISH GUIANA

REGULATIONS

MADE UNDER

THE BRITISH GUIANA (CONSTITUTION) ORDERS

1961 AND 1964

THE RACIAL HOSTILITY REGULATIONS, 1964

IN EXERCISE OF THE POWERS CONFERRED BY ARTICLE 50(3) OF THE CONSTITUTION OF BRITISH GUIANA, AS SET OUT IN SCHEDULE I TO THE BRITISH GUIANA (CONSTITUTION) ORDER 1964, AND IN EXERCISE OF ALL OTHER POWERS ENABLING HIM IN THAT BEHALF THE GOVERNOR IN HIS DISCRETION HAS MADE THE FOLLOWING REGULATIONS —

1. These regulations may be cited as the Racial Hostility Regulations, 1964. Citation.
2. The provisions of the Interpretation Ordinance shall apply for the purpose of interpreting these regulations as they apply for the purpose of interpreting an Ordinance. Interpretation,
(cap. 5)
3. (1) A person shall be guilty of an offence if he wilfully excites or attempts to excite hostility or ill-will against any section of the public or against any person on the grounds of their or his race — Excitement
of hostility
or ill-will
on grounds
of race.
 - (a) by means of words spoken by him in a public place or spoken by him and transmitted for general reception by wireless telegraphy or telegraph; or
 - (b) by causing words spoken by him or by some other person to be reproduced in a public place from a record; or
 - (c) by means of written (including printed) matter or pictorial matter published by him.
- (2) This regulation shall not apply in relation to —
 - (a) anything said or done in the course of any proceedings of the House of Assembly or any judicial proceedings; or
 - (b) the publication of any matter by order, or under the authority, of the House of Assembly.
- (3) Any person guilty of an offence under this regulation shall, on summary conviction thereof, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and such fine.

(4) For the purposes of this regulation the proprietor, printer, publisher or editor of any newspaper, or the printer of any other printed document, in which any particular matter has been published, shall be presumed himself to have so published that matter unless he proves that such publication was made without his authority, consent or knowledge and did not arise from want of due care on his part.

(5) In this regulation —

“judicial proceedings” means any proceedings had or taken in or before any court, tribunal, commission of enquiry or person in which evidence may be taken on oath;

“local government authority” means an authority constituted by law with functions relating to the government or administration of any district or area in British Guiana;

“newspaper” includes any journal, magazine or other periodical publication;

“political party” means an organisation the function, or one of the functions, of which is to sponsor or otherwise to support candidates for election to the House of Assembly or any local government authority;

“public place” means any highway, or any open space, building or other place to which, at the material time, the public or any section thereof have or are permitted to have access, whether on payment or otherwise;

“record” means any disc, tape, perforated roll or other devise in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom;

“telegraph” has the meaning assigned to it by section 61(1) of the Post and Telegraph Ordinance; and

“wireless telegraphy” has the meaning assigned to it by section 2 of the Post and Telegraph Ordinance.

(6) In this regulation expressions referring to printing shall be construed as including references to any mechanical method of representing or reproducing words in visible form or of reproducing pictorial matter.

(7) The provisions of this regulation shall not affect the operation of any other law by virtue of which any act or omission constitutes an offence.

4. (1) If a person is convicted of an offence under regulation 3, then, irrespective of any punishment to which he may be sentenced in pursuance of that regulation, for a period of five years commencing with the date of his conviction he shall be disqualified for —

- (a) membership of the House of Assembly;
- (b) membership of any local government authority; and

- (c) any of the following offices and appointments, that is to say —
- (i) the office (by whatever name called) of agent or deputy agent or assistant agent of any candidate for election to the House of Assembly or any local government authority;
 - (ii) any office in a political party whether paid or unpaid (including membership of any committee or other body that is concerned with the direction of the policy or activities of such party);
 - (iii) any office established by British Guiana law being an office power to make appointments to which is vested in the Governor or a Minister;
 - (iv) the appointment of editor of any newspaper or any appointment on the editorial staff of any newspaper; and
 - (v) any appointment on the managerial or editorial staff of any broadcasting station.

(2) Any person who, being disqualified in pursuance of paragraph (1) of this regulation for any office or appointment referred to in subparagraph (c) of that paragraph, performs any of the functions of that office or appointment, shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred dollars.

(3) Where a person who is a member of a local government authority is convicted of an offence under regulation 3, his disqualification in pursuance of paragraph (1) of this regulation for membership of that authority shall not take effect —

- (a) until the expiration of any period prescribed by or under any law during which he may enter an appeal against his conviction or a notice of such an appeal or may apply for leave to bring such an appeal; or,
- (b) if within the time so prescribed he enters such an appeal or a notice of such an appeal or applies for leave to bring such an appeal, unless and until the appeal is dismissed or discontinued and no further appeal against the dismissal is available to him as of right or, as the case may be, his application for leave to bring such an appeal is refused or withdrawn.

(4) Where a person has become disqualified as prescribed by paragraph (1) of this regulation and the conviction by reason of which he became so disqualified is set aside on appeal or he is granted a free pardon in respect thereof, the disqualification shall thereupon cease to have effect but without prejudice to its previous operation.

(5) In this regulation —

“British Guiana law” means law enacted by any legislature established in and for British Guiana;

“broadcasting station” means a station for the dissemination of any form of radio-electric communication, including radio-telegraph, radio-telephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations; and “local government authority”, “newspaper” and “political party” have the same meanings as in regulation 3.

Made this 26th day of November, 1964.

RICHARD E. LUYT,
Governor.

EXPLANATORY NOTE

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

These regulations, made by the Governor in his discretion under article 50(3) of the Constitution contain special provisions to penalise persons who seek to promote antagonism between persons of different race. Regulation 3 creates the offence of inciting or attempting to incite racial animosity and regulation 4 provides for certain disqualifications consequential upon conviction of this offence.