

BRITISH GUIANA

REGULATIONS

MADE UNDER

THE BRITISH GUIANA (CONSTITUTION) ORDERS

1961 AND 1964

THE HOUSE OF ASSEMBLY (VALIDITY OF ELECTION)
REGULATIONS 1964.

IN EXERCISE OF THE POWERS CONFERRED BY SECTION 3 (4) OF THE BRITISH GUIANA (CONSTITUTION) ORDER 1964 FOR THE PURPOSES OF ARTICLE 70 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:—

Citation

1. These regulations may be cited as the House of Assembly (Validity of Election) Regulations 1964.

Interpretation
(Cap. 5)

2. (1) 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.

(2) In these regulations unless the context otherwise requires —

- (a) “Commission”, “Constitution”, “district”, “election”, “election day”, “election officer”, “elector”, “group of candidates”, “official list of electors” have the meanings respectively assigned to them by regulation 2 of the Election Regulations, 1964;
- (b) “assistant agent” means an assistant agent appointed under paragraph (1) of regulation 25 of the Election Regulations, 1964;
- (c) “candidate” means a person whose name is included in a list of candidates submitted to the Chief Election Officer under regulation 11 or 13 of the Election Regulations, 1964 and approved or, having effect as if approved, by the Commissioner;
- (d) “costs” includes charges and expenses;
- (e) “Court” means the Supreme Court;

(f) "election agent" means an election agent appointed under paragraph (1) of regulation 24 of the Election Regulations, 1964;

(g) "judge" means a judge of the Court:

(h) "Registrar" means the Registrar of the Supreme Court;

(i) "regulation" means a regulation of these regulations;

(j) "Speaker" means the Speaker of the House of Assembly.

(3) In these regulations, any reference to a corrupt or illegal practice, or to illegal payments, employments or hirings shall be construed according to the Election Regulations 1964.

(4) The powers of the Governor under these regulations shall be exercised by him in his discretion.

3. (1) Any question whether any person has been validly elected as a member of the House of Assembly shall be referred to and determined by the Court in accordance with the provisions of these regulations. Method of questioning validity of election.

(2) Every such reference shall be by a petition (hereinafter referred to as an election petition) presented to the Court in accordance with the provisions of these regulations.

4. (1) An election petition may be presented by an elector or by a candidate. Presentation and service of election petition.

(2) The person whose election is complained of is hereinafter referred to as the respondent and if the petition complains of the conduct of a member of the Commission the Chief Election Officer shall for the purposes of these regulations be deemed to be a respondent and if it complains of the conduct of an election officer such officer shall for such purposes be deemed to be a respondent.

(3) An election petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner or all of the petitioners if more than one, and shall be presented by delivering it at the office of the Registrar; and the Registrar or the officer of the registry of the Court to whom the petition is delivered shall, if required, give a receipt therefor.

(4) The Registrar shall cause a copy of the petition to be transmitted to such persons as may be prescribed and shall cause the petition to be published in the prescribed manner.

(5) An election petition shall be served in such manner as may be prescribed.

5. (1) Subject to the provisions of this regulation, an election petition shall be presented within twenty-eight days of the publication in the Gazette of the results of the election under regulation 71 of the Election Regulations, 1964. Time for presentation of election petition.

(2) If the petition questions the validity of the election of any person upon an allegation of a corrupt practice and specifically alleges a payment of money or other reward to have been made by the person elected who is the respondent, or by an election agent or

assistant agent or other agent with his consent or connivance, since the date referred to in paragraph (1) of this regulation in pursuance or furtherance of the alleged corrupt practice, it may be presented within twenty-eight days after the date of the payment.

(3) An election petition questioning the validity of the election of any person upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented —

(a) within fourteen days after the provisions of paragraph (1) of regulation 82 of the Election Regulations 1964 have been complied with in relation to the election expenses of the group of candidates of the person elected who is the respondent;

(b) if specifically alleging a payment of money or some other act to have been made or done since such compliance by the person elected who is the respondent or by an election agent or assistant agent or other agent with his consent or connivance, in the pursuance or in furtherance of the alleged illegal practice, within twenty-eight days after the date of the payment or other act:

Provided that when there is an authorised excuse for failing to make an election expenses return or election expenses declaration the provisions of paragraph (1) of regulation 82 of the Election Regulations 1964 shall, for the purposes of this paragraph, be deemed to have been complied with on the date of the allowance of the excuse, or, if there was such a failure in two or more respects and the excuse was allowed at different times, on the date of the allowance of the last excuse as defined in paragraph (4) of regulation 83 of the Election Regulations 1964.

(4) Paragraph (3) of this regulation shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(5) For the purposes of this regulation, the allegation that the election of any person is avoided on the grounds that corrupt or illegal practices or illegal payments, employments or hirings were committed in reference to the election for the purpose of promoting or procuring the election of any person thereat and had so extensively prevailed that they may reasonably be supposed to have affected the allocation of seats under regulation 69 of the Election Regulations, 1964, shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

6. The Court may, at any stage before conclusion of the trial of an election petition, allow the petitioner to alter or amend the petition in such manner and on such terms as may seem just:

Provided that no amendment for the purpose of inserting an allegation of a corrupt or illegal practice in a petition shall be allowed, unless made within the time within which a petition might have been presented under regulation 5.

7. (1) At the time of presenting an election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent. ^{Security for costs.}

(2) Security shall be of an amount of one thousand dollars and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

8. Within the prescribed time, not exceeding five days after the presentation of an election petition, the petitioner shall in the prescribed manner serve on the respondent a notice of the presentation of the petition, and of the nature of the security or proposed security, and a copy of the petition. ^{Service of petition.}

9. (1) Within a further prescribed time, not exceeding ten days after service of the notice of the presentation of the petition, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that the person named in the recognisance has not duly acknowledged the recognisance. ^{Objections to security.}

(2) An objection to the security shall be heard and decided by a judge, whose decision shall be final, and if the objection be allowed the petitioner may, within such time as may be allowed remove the objection by giving further security either in the form of an additional recognisance with a surety or sureties approved by the judge, or by deposit in the prescribed manner of such sum of money as the judge may deem sufficient.

(3) The costs of hearing or deciding objections made as to security shall be paid as ordered by the judge or, in the absence of such order, shall form part of the general costs of the petition.

10. (1) If security as in regulation 7 provided is not given by the petitioner, or if any objection is allowed and not removed as in regulation 9 provided, no further proceedings shall, subject to the provisions of regulation 11, be had on an election petition and the respondent may apply to a judge for an order directing the dismissal of the petition and for the payment of the respondent's costs. ^{Dismissal of petition on failure to give security.}

(2) The costs of hearing and deciding such application shall be paid and ordered by the judge or, in the absence of such order, shall form part of the general costs of the petition.

11. (1) On the hearing of an application under regulation 10 any person who might have been a petitioner in respect of the matter to which the election petition relates may apply to the judge to be substituted as a petitioner for the original petitioner and the judge may, if he thinks fit, dismiss the original petitioner from the petition and substitute as the petitioner such applicant, who shall provide security in the sum of one thousand dollars and subject to the like conditions and to the same rights of objection as in the case of the original petitioner. ^{Substitution of petitioner on failure to give security.}

(2) Such security shall be given within three days of the making of the order of substitution and on the failure of the applicant to comply with the provisions of this paragraph the petition shall stand dismissed.

Petition at issue.

12. On the expiration of the time limited for objections or after objection made, on the objection being disallowed or removed whichever last happens, the election petition shall be at issue.

Trial of petition.

13. (1) An election petition shall be tried by three judges of the Court in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner not less than fourteen days before the day of trial.

(2) The Court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day, not being a holiday observed by the Court, until conclusion:

Provided that an election petition may be presented and heard and all other necessary proceedings thereunder may be taken during any period appointed as a vacation to be observed by the Court.

(3) The trial of an election petition shall be proceeded with notwithstanding the prorogation of the Legislature and notwithstanding the resignation by the respondent as a member of the House of Assembly.

(4) On the trial of the petition, unless the Court otherwise directs, any charge of a corrupt or illegal practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt or illegal practice.

(5) The determination or order of any two judges of the Court shall be deemed to be the determination or order of the Court and shall be final.

Witnesses.

14. Witnesses shall be summoned and sworn in the same manner as in an ordinary action within the jurisdiction of the Court and shall be subject to the same penalties for perjury.

Power of Court to summon witnesses.

15. (1) On the trial of an election petition the Court may by order require any person who appears to it to have been concerned in the election to attend as a witness and any person refusing to obey this order shall be guilty of contempt of court.

(2) The Court may examine any person so required to attend or who is in court, although he is not called or examined by any party to the petition.

(3) A witness may, after his examination by the Court under paragraph (2) of this regulation, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4) The Director of Public Prosecutions shall obey any direction given him by the Court with respect to the summoning and examination of any witness to give evidence at the trial:

Provided that the examination of a witness may be conducted by such counsel as the Director of Public Prosecutions may appoint as his representative for that purpose and it shall not be necessary for a person appointed as the representative of the Director of Public Prosecutions under any provision of these regulations to produce any commission or other proof of his having been so appointed.

(5) The Director of Public Prosecutions shall without any direction from the Court cause any person appearing to him to be able to give material evidence as to the subject of the trial to attend the trial and either himself or his representative shall, with the leave of the Court, examine him as a witness.

16. (1) A person called before the Court as a witness respecting an election shall not be excused from answering any question relating to any offence at or connected with the election on the ground that the answer thereto may criminate or tend to criminate him or on the ground of privilege: Obligation of witness to answer.

Provided that —

(a) a witness who answers truly all questions which he is required by the Court to answer shall be entitled to receive a certificate of indemnity from the Court stating that the witness has so answered; and

(b) an answer by a person to a question put by or before the Court when trying an election petition shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceedings, civil or criminal, admissible in evidence against him.

(2) Where a person has received a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any corrupt or illegal practice, or any illegal payment, employment or hiring, or any offence under regulation 98 of the Election Regulations, 1964 or regulation 23 of these regulations, committed by him previously to the date of the certificate at or in relation to the election, any court having cognisance of the case shall, on production of the certificate, stay the proceeding and may, in its discretion, award to the said person such costs as he may have been put to in the proceeding.

(3) Nothing in this regulation shall be deemed to relieve a person receiving a certificate of indemnity from any incapacity under any law relating to elections or from any proceedings (other than a criminal prosecution) to enforce such incapacity.

17. No person who has voted at any election shall, in any proceeding on an election petition, be required to state for which list of candidates he has voted. Elector not to be asked for whom he voted.

Expenses of witnesses.

18. (1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses in the trial of civil actions before the Court may be allowed to such person under the hand of a judge or the Registrar, and the amount to be paid to any such witness shall be ascertained and certified by the Registrar.

(2) The expenses of a witness called by a party shall be deemed to be costs of the petition but the expenses of a witness called by the Court shall be deemed part of the expenses of the Court and paid out of moneys provided for such expenses.

Production of Election documents.

19. Any document or paper relating to an election and required to be kept thereafter in safe custody by the Chief Election Officer under regulation 75 of the Election Regulations, 1964, may be inspected or produced under an order of the Court for the purpose of an election petition and the order may be made by a judge on his being satisfied by evidence on oath that such inspection or production is required for the purpose aforesaid:

Provided that the Chief Election Officer shall, after the expiration of twelve months from the date of an election, burn all such documents and papers relating thereto.

Scrutiny.

20. (1) On a scrutiny at the trial of an election petition any tendered vote proved to be a valid vote shall, on the application of any party to the petition be added to the poll and any vote given on a ballot paper in contravention of the provisions of paragraph (2) of regulation 64 of the Election Regulations, 1964, shall be struck off.

(2) Any decision referred to in paragraph (5) of regulation 64 of the Election Regulations, 1964, shall be subject to reversal by the Court on an election petition.

Withdrawal of petition.

21. (1) A petitioner shall not withdraw an election petition without the leave of the Court on special application, made in the prescribed manner and at the prescribed time and place.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given in the prescribed manner.

(3) Where there are more petitioners than one, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioners shall be liable to pay the costs of the respondent.

Evidence required for withdrawal of petition.

22. (1) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors and by the election agents of all the said parties who were candidates at the election, but the Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his solicitor shall further state the grounds on which the petition is sought to be withdrawn.

(4) Copies of the said affidavit shall be delivered to the Director of Public Prosecutions a reasonable time before the application for the withdrawal is heard, and the Court may hear the Director of Public Prosecutions, or his duly appointed representative, in opposition to the allowance of the withdrawal of the petition, and shall have the power to receive the evidence on oath of any person or persons whose evidence the Director of Public Prosecutions or his representative may consider material.

(5) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

23. If any person makes any agreement or terms or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms or undertaking is or are for the withdrawal of the petition in consideration of any payment, or in consideration that a seat shall at any time be vacated, or in consideration of the withdrawal of any other such election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months or to a fine not exceeding one thousand dollars, or to both such imprisonment and fine. Punishment for corrupt withdrawal.

24. (1) On the hearing of the application for leave to withdraw a petition any person who might have been a petitioner in respect of the matter to which the petition relates may apply to the Court to be substituted as the petitioner and the Court may, if it thinks fit, substitute him accordingly. Substitution of new petitioner on withdrawal of petition.

(2) If the proposed withdrawal is in the opinion of the Court the result of any agreement, terms or undertaking prohibited by regulation 23 or induced by any corrupt bargain or consideration, the Court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his surety shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given by or on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition and subject to the like conditions and to the same right of objection shall be given by or on behalf of the substituted petitioner within three days after the making of the order of substitution and before he proceeds with the petition; and if the substituted petitioner fails to comply with the provisions of this paragraph the petition shall stand dismissed.

(4) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

25. (1) Where an election petition is withdrawn, the Court shall make a report to the Speaker.

(2) The report shall state whether in the opinion of the Court the withdrawal of the election petition was the result of any agreement, terms or undertaking or was in consideration of any payment, or in consideration that a seat should be at any time vacated or in consideration of the withdrawal of any other such election petition or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

26. (1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of the petition shall not affect the liability of the petitioner or any other person to the payment of costs incurred in respect of any proceeding taken prior to the abatement.

(3) On the abatement of a petition the prescribed notice thereof shall be given in the prescribed manner; and any person who might have been a petitioner may, within the prescribed time after the notice is given, apply to the Court in the prescribed manner to be substituted as a petitioner; and the Court may if it thinks fit, substitute him accordingly.

(4) Security shall be given on behalf of a petitioner so substituted as in the case of a new petition.

27. (1) If before the trial of an election petition —

(i) a respondent other than an election officer gives the prescribed notice that he does not intend to oppose the petition or dies, the Registrar shall give notice thereof in the prescribed manner and any person who might have been a petitioner in respect of the election may, within the prescribed time after the notice is given, apply to the Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly;

(ii) any person who might have been a petitioner in respect of the election gives notice in the prescribed manner that he intends at the trial to apply to be admitted as a respondent,

Report on
withdrawal.

Abatement
of petition.

Withdrawal
and sub-
stitution of
respondents
before trial.

then at the trial of the petition, upon the Court being satisfied that there are reasonable grounds for believing that circumstances have arisen that, if the original respondent (not being an election officer) were a member of the House of Assembly, would cause him to vacate his seat under article 51 of the Constitution, the Court may admit such person as a respondent to oppose the petition:

Provided that the number of persons admitted under this paragraph shall not exceed three.

(2) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

28. (1) Where on an election petition it is shown that

(a) a corrupt or illegal practice was committed in connection with the election by a candidate or by any agent of the candidate with his consent or connivance;

Avoidance of election of candidate for corrupt or illegal practice or lack of qualification.

(b) a candidate was at the time of his election a person not qualified, or a person disqualified, for election, the Court shall declare his election to be void.

(2) For the purpose of subparagraph (a) of paragraph (1) of this regulation an agent of a candidate means an election agent or assistant agent or any other person acting under the general or special authority of a candidate with reference to the election.

(3) Upon a declaration of the Court under paragraph (1) of this regulation the vacant seat in the House of Assembly shall be filled in accordance with regulation 73 of the Election Regulations, 1964.

29. (1) Where on an election petition it is shown that the seats in the House of Assembly were not allocated in accordance with the provisions of regulation 69 of the Election Regulations 1964, the Court shall order that the seats be re-allocated by the Commission in accordance with those provisions and that the membership of the House be re-declared in accordance with the provisions of regulation 70 of those Regulations.

Re-allocation of seats in House of Assembly.

(2) Where on an election petition the Court, on a scrutiny determines that the number of valid votes cast for any list of candidates differs from the number of votes upon which seats in the House of Assembly were allocated to that list, the Court may order that the allocation of seats to that list be reviewed by the Commission and that, on it appearing to the Commission from such review that any seat was not allocated in accordance with the provisions of regulation 69 of the Election Regulations, 1964, such seat shall be re-allocated by the Commission in accordance with those provisions and membership of the House shall be re-declared by the Commission in accordance with the provisions of regulation 70 of those Regulations.

should not be made, order the whole or any part of the costs of or incidental to any proceeding before the Court in relation to the said offence or to the said person to be paid by the said person to such person or persons as the Court may direct.

Report of the
Court to the
Speaker.

34. (1) Where, in an election petition a charge is made of a corrupt practice or an illegal practice having been committed at the election to which the petition relates, the Court shall, when certifying its determination as herein before provided, report in writing to the Speaker, who shall submit such report to the House of Assembly —

(a) whether any corrupt practice or illegal practice has or has not been proved to have been committed by or with the consent or connivance of any candidate at the election, and the nature of the corrupt practice or illegal practice;

(b) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice or illegal practice;

(c) whether corrupt practices or illegal practices have, or whether there is reason to believe that corrupt practices or illegal practices have, extensively prevailed at the election to which the petition relates; and

(d) if any person is reported to have been guilty of any corrupt practice or of any illegal practice, whether he has or has not been furnished with a certificate of indemnity.

(2) Before a person, not being a party to the petition or a candidate on behalf of whom a seat is claimed by the petition, is reported by the Court to have been guilty, at the election, of any corrupt or illegal practice, the Court shall cause notice to be given to such person.

(3) If the person appears in pursuance of the notice, the Court shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(4) Every person who is reported by the Court to have been personally guilty of any corrupt or illegal practice at the election shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacities as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty.

(5) If the Court reports that any corrupt practice has been proved to have been committed in reference to the election by or with the consent or connivance of a candidate at the election, the candidate shall be incapable during a period of seven years of being elected a member of the House of Assembly and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted of such corrupt practice.

(6) If the Court reports that any illegal practice has been proved to have been committed in reference to the election by or with the consent or connivance of a candidate at the election, the candidate shall be incapable, during a period of five years next after the date of the report, of being elected a member of the House of Assembly and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice.

35. (1) Where a person who is subject to incapacity by reason of his conviction of a corrupt or illegal practice is reported under regulation 34 to be guilty of such corrupt or illegal practice, no further incapacity shall be imposed on him under the provisions of paragraph (4) of that regulation. Exemption
from
liability.

(2) Where a person who is subject to incapacity under paragraph (4) of regulation 34 for any corrupt or illegal practice is convicted of such corrupt or illegal practice no further incapacity shall be deemed to be imposed on him by reason of the conviction.

(3) Every reference to consequences under the Election Regulations, 1964 in regulations 83 and 85 thereof shall be construed to include a reference to consequences under these regulations and nothing provided in these regulations shall abridge any powers of the Court under those regulations.

36. (1) Where any person is subject to any incapacity by virtue of conviction of an offence or the report of the Court under regulation 34 and he or some other person in respect of whose act the incapacity was imposed, is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed, the acquittal shall, thereafter or, if an appeal be made, after the expiration of the ordinary period allowed for making an appeal or, if an appeal is made and the acquittal is affirmed, after the appeal is finally disposed of or, if an appeal is made and is abandoned or fails by reason of non-prosecution thereof, after the appeal is abandoned or so fails, be reported to the Court which may, if it thinks fit, order that the incapacity shall henceforth cease so far as it is imposed in respect of those matters.

(2) Where a person becomes subject to any incapacity by virtue of conviction of an offence or the report of the Court under regulation 34 of these regulations, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is subsequently convicted of perjury in respect of that evidence, the incapacitated person may apply to the Court, and the Court, if satisfied that the conviction or report regarding such person was based upon perjury, may order that such incapacity shall henceforth cease, and the same shall cease accordingly; and if by reason of the conviction or report a vacancy has occurred in the House of Assembly and such vacancy has been filled by another person in accordance with regulation 73 of the Election Regulations, 1964, such other person shall cease to be a member of the House of Assembly and the person whose incapacity has ceased shall be reinstated as a member thereof.

Observance of
Parliamentary
principles,
practices and
rules.

37. Subject to the provisions of these regulations and rules made by virtue of any such provisions, the principles, practices and rules on which committees of the House of Commons of the Parliament of the United Kingdom used to act in dealing with election petitions shall be observed, so far as may be, by the Court in the case of election petitions.

Certain
powers of the
Court to be
exercisable by
a single judge.

38. Subject to the provisions of regulation 13 any of the powers of the Court conferred by or under any of the provisions of these regulations may be exercised by a single judge.

Service of
notices.

39. Any summons, notice or document required to be served on any person with reference to any proceeding under these regulations for the purpose of causing him to appear before the Court or otherwise, or of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any Court for any purpose of these regulations, may be served —

- (a) by delivering it to that person; or
- (b) by leaving it at, or sending it by post by a registered letter to, his last known place of abode; or
- (c) in such manner as may be —
 - (i) prescribed, or
 - (ii) directed by any judge before whom the proceeding is taken.

Costs.

40. Subject to the provisions of these regulations and rules made by virtue of any such provisions, the rules of court with respect to costs in actions, causes and matters in the Court shall, so far as practicable, apply in relation to costs of petitions and other proceedings under these regulations.

Powers of
Court.

41. The Court shall, subject to the provisions of these regulations and rules made by virtue of any such provisions, have the same powers, jurisdiction and authority with respect to any proceedings brought under or by virtue of these regulations as if the proceedings were an ordinary action within the jurisdiction of the Court.

Rules of
Court.
(Cap. 7)

42. The power conferred by the Supreme Court Ordinance to make rules of court shall be deemed to include the power to make rules of court for any of the purposes of these regulations and, without prejudice to the generality of such power, for prescribing anything which these regulations authorise or require to be prescribed.

Made this 4th day of December, 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 for the purposes of article 70 of the Constitution of British Guiana, provide for the reference to and determination by the Supreme Court of questions relating to the validity of election of Members of the House of Assembly.

In general they are modelled upon the relevant provisions of the Legislature (Appointment, Election and Membership Controversies) Ordinance, 1961 with modifications rendered necessary or desirable by the new system of election.

BRITISH GUIANA

ORDER
MADE UNDER
THE INTERPRETATION ORDINANCE,
(Chapter 5).

UNDER SECTION 40 OF THE INTERPRETATION ORDINANCE, IN ACCORDANCE WITH ARTICLE 22 OF THE CONSTITUTION OF BRITISH GUIANA AND BY VIRTUE AND IN EXERCISE OF ALL OTHER POWERS ENABLING HIM IN THAT BEHALF, IT IS HEREBY ORDERED BY THE GOVERNOR AS FOLLOWS:—

1. This Order may be cited as the Delegation of Powers (No. 3) Order, 1964.

2. The Minister for the time being charged with responsibility for the Postal Services is hereby deputed to exercise on behalf of the Governor the powers specified in the first column of the schedule to this Order and conferred on the Governor by the provisions of the Post and Telegraph Ordinance specified in the second column of the said schedule, subject however, to the following conditions and qualifications —

- (a) that the delegation of each power effected by this Order shall remain in force until it is varied or revoked by the Governor;
- (b) that the exercise of any power delegated by this Order shall be subject to any direction, either general or particular, which the Governor may from time to time give in that respect.

SCHEDULE

Power Delegated	Provisions of the Post and Telegraph Ordinance
1. To approve of the Director of Posts and Telecommunications establishing post offices in any places in the Colony where the public convenience requires them.	Section 10.
2. To approve the form of licences to use postal franking machines in the Colony and the fees to be paid in respect thereof.	Section 23(4).
3. To consent to the Director of Posts and Telecommunications authorising any particular person to send, convey and deliver letters or other postal packets otherwise than by post and to collect, otherwise than by an officer of the Post Office, any letters or postal packets whether to be sent by post or otherwise.	Section 27.