

BRITISH GUIANA

REGULATIONS

MADE UNDER

THE BRITISH GUIANA (CONSTITUTION) ORDERS
1961 TO 1964THE HOUSE OF ASSEMBLY (SPEAKER'S ELECTION
AND VACATION OF OFFICE) 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 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 (Speaker's Election and Vacation of Office) Regulations 1964.
- Interpretation.** 2. In these regulations unless the context otherwise requires—
 "costs" includes charges and expenses;
 "Court" means the Supreme Court;
 "Judge" means a judge of the Court;
 "Registrar" means the Registrar of the Court.
- Reference of questions as to election of Speaker or vacation of his office.** 3. (1) Any question whether any person has been validly elected as Speaker of the House of Assembly from among persons who are not members of that Assembly, or, having been so elected, has vacated the office of Speaker, shall be determined by the Court upon a reference thereto in accordance with the provisions of these regulations.
 (2) No such question shall be referred to the Court except —
 (a) by the Clerk of the House of Assembly when so authorised by a resolution of the Assembly; or
 (b) by a member of the Assembly.
- Delivery of reference.** 4. (1) A reference to the Court under these regulations questioning whether a person was duly qualified to be elected to be Speaker shall be delivered to the Registrar within twenty-one days of the election.
 (2) The reference shall be in the prescribed form, state the prescribed matters and be signed by such person as may be prescribed.
 (3) The Registrar shall send a copy of the reference to the Clerk of the House of Assembly, who shall cause it to be laid before the Assembly.
- Security for costs.** 5. (1) When a question has been referred to the Court under these regulations by a member of the House of Assembly the member so referring the question shall at the time of delivering the reference to

the Registrar or within three days afterwards give security for all costs which may become payable by him to any witness summoned on his behalf or to any party to the reference.

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

6. The parties to a reference to the Court under these regulations shall be — Parties to a reference.

- (i) the Clerk of the House of Assembly or the member referring the question, as the case may be;
- (ii) the person whose election or tenure of office as Speaker is questioned;
- (iii) such other person as the Court may direct.

7. (1) At the conclusion of the hearing of a reference under these regulations, the Court shall determine whether the person has been validly elected as Speaker or whether he has vacated the office of Speaker, as the case may be, and shall forthwith certify in writing the determination to the Clerk of the House of Assembly, who shall cause it to be laid before the Assembly. Determination of reference.

(2) The certified determination of a reference under these regulations by the Court shall be final.

8. 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: Powers under regulations exercisable by single judge.

Provided that any power, jurisdiction or authority vested in the Court under regulation 11 of these regulations with respect to proceedings brought under or by virtue of these regulations shall only be exercisable by such number of judges as could exercise that power, jurisdiction or authority if the proceedings were an ordinary action within the jurisdiction of the Court.

9. Any summons, notice or document required to be served on any person with reference to any proceeding under these regulations may be served — Service of notices.

- (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. 10. 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 proceedings under these Regulations.

Powers of Court.

11. 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.

12. 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 29th 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 provide for the reference to and determination by the Supreme Court of questions relating to the validity of the election of the Speaker of the House of Assembly. They are modelled upon the relevant provisions of the Legislature (Appointment, Election and Membership Controversies) Ordinance, 1961.