

THE OFFICIAL GAZETTE — 23RD MARCH, 1974
LEGAL SUPPLEMENT — C

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

14th March, 1974.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. NARAIN,
Clerk of the National Assembly.



GUYANA

BILL No. 9 of 1974

CARIBBEAN METEOROLOGICAL ORGANISATION BILL 1974

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Financial provisions.
4. Certain provisions of the Agreement to have the force of law.
5. Certificate of Minister conclusive as to contents.
6. Amendment of the Schedule.
7. Regulations.

SCHEDULE

A BILL

Intituled

An Act to provide for the implementation by Guyana of the Agreement Establishing the Caribbean Meteorological Organisation and for purposes connected therewith.

A.D. 1974 Enacted by the Parliament of Guyana:—

Short title. 1. This Act may be cited as the Caribbean Meteorological Organisation Act 1974.

Interpretation. 2.(1) In this Act —

“Agreement” means the Agreement for the establishment of the Caribbean Meteorological Organisation set out in the schedule;

Schedule

“Organisation” means the Caribbean Meteorological Organisation established by the Agreement;

“Minister” means the Minister responsible for hydro-meteorology.

(2) The reference in Article 24 of the Agreement to the effect that the Organisation shall possess full juridical personality shall be construed as meaning that the Organisation is a body corporate.

Financial provisions.

3. All sums required to be paid by the Government for the purpose of meeting the obligations of Guyana under the Agreement are hereby charged on the Consolidated Fund.

Certain provisions of the Agreement to have the force of law

4. Articles 24 and 33 of the Agreement shall have the force of law in Guyana.

Certificate of Minister conclusive as to contents.

5. If in any proceedings a question arises as to the entitlement of the Organisation or any other person to any immunities or privileges under the Agreement, a certificate issued by or under the authority of the Minister to the effect that the Organisation or other person is or is not entitled shall be conclusive evidence of the fact.

Amendment of the schedule.

6.(1) Where Guyana becomes a party to any agreement to amend the Agreement the Minister may, by order, amend the schedule by including therein the amendment.

(2) An order made under subsection (1) may contain such consequential, supplemental or ancillary provisions (including provisions amending this Act) as appear to the Minister to be necessary or expedient for the purpose of giving due effect to the amendment of the Agreement as mentioned aforesaid.

(3) Where the Agreement in the schedule is amended pursuant to this section any reference in this Act or any other instrument to the Agreement shall, unless the context otherwise requires, be construed as a reference to the Agreement as so amended.

(4) Every order made under this section shall be subject to negative resolution of the National Assembly.

7. The Minister may make regulations which he considers necessary for giving effect to the provisions of this Act. Regulations.

SCHEDULE

**AN AGREEMENT
FOR THE ESTABLISHMENT OF
THE CARIBBEAN METEOROLOGICAL ORGANISATION**

THE GOVERNMENTS OF THE CONTRACTING STATES:

RECOGNISING the need for the establishment of an efficient meteorological service in the Region;

CONSCIOUS of the fact that such a service can contribute to the economic development of the Region;

MINDFUL that the Common Services Conference convened in Trinidad and Tobago in July, 1962 decided that the proposed arrangement in respect of the future of meteorological services in the Region should be embodied in a formal agreement;

NOTING that in pursuance of the foregoing a formal agreement was entered into by the parties and is now in force;

DESIRING that regional co-operation in matters of meteorological and allied sciences should be continued and expanded.

HAVE AGREED AS FOLLOWS:—

ARTICLE 1

**ESTABLISHMENT OF THE CARIBBEAN
METEOROLOGICAL ORGANISATION**

The Caribbean Meteorological Organisation (hereinafter referred to as "the Organisation") is hereby established, with the membership, powers and functions hereinafter stipulated.

ARTICLE 2

MEMBERSHIP

Membership of the Organisation shall be open to —

- (a)
 - (i) Antigua
 - (ii) Bahamas
 - (iii) Barbados
 - (iv) Belize
 - (v) British Virgin Islands
 - (vi) Cayman Islands
 - (vii) Dominica
 - (viii) Grenada
 - (ix) Guyana
 - (x) Jamaica
 - (xi) Montserrat
 - (xii) St. Kitts-Nevis-Anguilla
 - (xiii) St. Lucia
 - (xiv) St. Vincent
 - (xv) Trinidad and Tobago
 - (xvi) Turks and Caicos Islands;

- (b) any other State of the Region able and willing to exercise the rights and assume the obligations of membership and which is admitted as a member in accordance with Article 29.

ARTICLE 3

OBJECTIVES

The Organisation shall have as its objectives the promotion and co-ordination of regional activities in the fields of meteorology and allied sciences.

ARTICLE 4

FUNCTIONS

For the purpose of attaining the objectives set out in Article 3 the functions of the Organisation shall include —

- (a) meteorological services to civil aviation;
- (b) co-operation with other services to provide an efficient hurricane warning system;
- (c) provision of meteorological information and advice to Member States;
- (d) collection and analysis of all relevant meteorological data available and publication of results;
- (e) co-operation with meteorological services;
- (f) participation in the work of the appropriate international organisations particularly the World Meteorological Organisation and the International Civil Aviation Organisation;
- (g) the execution of basic scientific observations in keeping with its objectives;
- (h) participation in work in applied meteorology, agricultural meteorology, hydrology and associated research of direct interest to the Region;
- (i) co-operation with all relevant scientific institutions.

ARTICLE 5

**GENERAL UNDERTAKING
AS TO IMPLEMENTATION**

Member States shall take all appropriate measures to ensure the carrying out of obligations arising under this Agreement.

ARTICLE 6

THE ORGANS

The organs of the Organisation shall include —

- (a) the Caribbean Meteorological Council (hereinafter referred to as “the Council”);
- (b) the Caribbean Meteorological Institute (hereinafter referred to as “the Institute”);
- (c) the Caribbean Meteorological Foundation (hereinafter referred to as “the Foundation”);
- (d) the Headquarters Unit.

ARTICLE 7

ESTABLISHMENT AND MEMBERSHIP OF THE COUNCIL

- (1) The Council is hereby established as the supreme organ of the Organisation.
- (2) Each Member State shall be entitled to be represented on the Council by one person designated by such State.
- (3) Each Member State may, as appropriate, designate an alternate to represent the State at any meeting of the Council.

ARTICLE 8

PROCEDURE

- (1) The Council shall meet at least once in each calendar year and at such other times as it may consider necessary or on a request submitted to the Secretariat of the Organisation by not less than one-third of the Member States.
- (2) The Chairman of the Council shall be elected by the Council at the beginning of each meeting from among the Council members.
- (3) Where the representative of a Member State is elected Chairman, that Member State shall be entitled to appoint another representative in his place.
- (4) The Chairman shall not have a vote, but where no representative has been appointed in accordance with paragraph (3) of this Article, the Chairman may in his capacity as a representative exercise his vote. If on any question to be decided by the Council the votes are equally divided, then the motion shall be considered to be lost.

(5) A quorum of the Council shall consist of not less than three-fifths of the members.

(6) Where at any meeting of the Council a difference of opinion exists on any matter arising for decision, the decision of the majority of the representatives present shall be the decision of the Council:

Provided that such a majority decision shall not commit any Member State to expenditure except with the agreement of such State:

Provided also that such a majority decision shall not preclude any number of Member States from agreeing to execute and thereupon executing any project in meteorology and allied sciences:

Provided also that such a majority decision shall not be put into effect without approval of a majority of the representatives of all Member States.

(7) Subject to the foregoing provisions of this Agreement, the Council shall regulate its own procedure.

ARTICLE 9

FUNCTIONS AND POWERS

(1) The Council may issue directions of a general or special character as to the policy to be pursued by the Organisation and any organs, institutions or bodies of the Organisation, and effect shall be given to any such directions.

(2) The Council shall be the final authority for the conclusion of agreements on behalf of the Organisation and for entering into relationships between the Organisation and other Organisations and States. The Council may however delegate this authority in any particular case.

(3) Subject to the provisos to Article 8 (6) the Council shall take decisions for the purpose of maintaining the financial arrangements necessary for meeting the expenses of the Organisation and shall be the final authority on questions arising in relation to the financial affairs of the Organisation.

(4) The Council may determine the operation of regional programmes in meteorology and allied sciences to achieve the objectives of the Organisation.

(5) The Council may at the request of any Member State make provision for the representation of that State by the Organisation on any constituent body of the World Meteorological Organisation.

(6) The Council may generally do all such acts and things as may be requisite in order to fulfil the objectives of the Organisation, and may in particular —

- (a) appoint officers and staff to the Organisation upon such terms and conditions as the Council may decide;
- (b) establish and designate such institutions, bodies and committees as it sees fit for achieving the purposes of carrying out the objectives of the Organisation.

(7) The Council may delegate to any of its representatives or to any organ of the Organisation or to any officer or member of staff of the Organisation, or to any other person or body, such of its powers and functions as it may decide from time to time, under the terms and within the limits laid down by the Council.

ARTICLE 10

THE HEADQUARTERS UNIT

(1) The Commonwealth Caribbean Regional Secretariat shall be recognised as the Secretariat of the Organisation. The principal office of the Secretariat in relation to this Agreement shall be the Headquarters Unit which shall be situated in Trinidad and Tobago unless the Council otherwise determines.

(2) The Headquarters Unit shall enjoy functional autonomy and shall comprise a Co-ordinating Director and such other staff as may be determined by the Council.

(3) The Co-ordinating Director shall be the principal administrative and technical officer of the Headquarters Unit.

ARTICLE 11

FUNCTIONS

The functions of the Headquarters Unit shall include —

- (a) undertaking and carrying out of the decisions of the Council;
- (b) advising and assisting Member States, in particular, those States without national meteorological services;
- (c) formulating and co-ordinating applications and requests for technical assistance from non-Member States and international agencies for regional projects;

- (d) representing those Member States which so desire at sessions of the Congress of the World Meteorological Organisation as determined by Council;
- (e) attending meetings if appropriate, of the International Civil Aviation Organisation (ICAO), especially the Regional Air Navigation Meetings;
- (f) collecting and disbursing funds for the operation of Regional programmes in meteorology and allied sciences as determined by the Council;
- (g) initiating projects, studies and other programmes of a regional nature in the field of meteorology and allied sciences;
- (h) attending to such other matters relating to the fields of meteorology and allied sciences as may be referred to it by the Council.

ARTICLE 12

THE INSTITUTE

The Institute established in Barbados as part of a project in co-operation with the United Nations Development Programme in the Plan of Operation entitled Improvement of the Caribbean Meteorological Services is hereby continued as if established under this Agreement and shall be maintained and controlled by the Organisation and shall be subject to any policy directions of a general or special character which may be issued by the Council.

ARTICLE 13

FUNCTIONS

- (1) The Institute shall provide training and conduct research in meteorology and allied sciences.
- (2) The Institute shall provide facilities to Member States for the repair and maintenance of meteorological equipment. It shall undertake the processing and dissemination of climatological data and shall provide advice to Member States on request.
- (3) The Institute shall, when appropriate, co-operate with national, regional or International organisations or other bodies concerned with the development of meteorology and allied sciences.

(4) The Institute shall also deal with such other matters relating to meteorology and allied sciences as may be referred to it by the Council.

ARTICLE 14

BOARD OF GOVERNORS

(1) There shall be in relation to the Institute a Board of Governors (hereinafter referred to as "the Board") which, subject to the provisions of this Agreement, shall be responsible for the general policy and conduct of the affairs of the Institute.

(2) The Board shall comprise —

(a) not less than seven members who shall be appointed by the Council;

(b) the Co-ordinating Director and the Principal of the Institute as **ex officio** members.

(3) In appointing members of the Board the Council shall have due regard to the principle of equitable geographical distribution and the necessity of having a quorum of members available at short notice.

(4) The Council shall appoint an alternate with full power to act for a member when he is not present. Such alternate shall, where appropriate, be appointed from the same State or group of States as that of which the member is a representative.

(5) Members shall be appointed for a term of three years unless sooner removed from office by the Council and shall be eligible for re-appointment.

(6) No personal liability shall attach to any member of the Board in respect of anything done or suffered in good faith in the course of his duties and any sums of money, damage or costs which may be recovered against or be payable by such member in respect of any act or thing done in good faith for the purpose of performing his functions under this Agreement shall be paid out of the funds of the Organisation.

(7) The Council shall pay to each member of the Board such remuneration, if any, as may be determined by the Council.

(8) A member of the Board who is in any way, whether directly or indirectly, interested in a contract made or proposed to be made by the Institute shall immediately disclose his interest to the Board and shall not

take part in any deliberations or decision of the Board with respect to that contract.

ARTICLE 15

PROCEDURE

- (1) Four Members (not including *ex officio* members) shall constitute a quorum for any meeting of the Board.
- (2) The *ex officio* members of the Board shall have no right to vote.
- (3) Subject to the foregoing provisions the Board shall regulate its own procedure.

ARTICLE 16

POWERS

The powers of the Board shall include —

- (a) appointing such staff (other than the Principal of the Institute) and other persons as may be necessary for the adequate performance of the functions of the Institute;
- (b) delegating to the Principal of the Institute any of their powers specified in this Article in relation to the Institute;
- (c) co-opting any person to assist in the work of the Board so, however that no such person shall be, or be deemed to be, a member of the Board;
- (d) operating bank accounts.

ARTICLE 17

THE PRINCIPAL

- (1) The Principal of the Institute (hereinafter referred to as “the Principal”) shall be appointed by the Council upon such terms and conditions as the Council sees fit.
- (2) The Principal shall be responsible for carrying out the functions of the Institute and shall do so in accordance with directions of the Board.

ARTICLE 18

ADVISERS

- (1) The Board may invite such persons as it considers fit to constitute a panel of advisers to the Institute.

(2) The composition of the panel may be varied by the Board from time to time.

ARTICLE 19

THE FOUNDATION

The Foundation shall be established with the membership, powers and functions hereinafter set out.

ARTICLE 20

MEMBERSHIP AND MANAGEMENT

- (1) Membership of the Foundation shall be limited to persons nominated by the Council.
- (2) The Management of the Foundation shall be vested in a Board of Management which shall consist of persons appointed by the Council due regard being had to the principle of equitable geographical distribution.

ARTICLE 21

PURPOSE AND FUNCTIONS

- (1) The purpose of the Foundation is to raise funds for the promotion through the Institute of the study and research of meteorology and allied sciences.
- (2) The Foundation shall perform such other functions and have such powers as the Council may entrust to it.

ARTICLE 22

THE FINANCIAL ARRANGEMENTS OF THE ORGANISATION

- (1) The Council shall consider and approve budgets of the Organisation (including budgets for the Institute, the Foundation and the Headquarters Unit) and shall determine the procedure for establishing annual budgets.
- (2) The expenses of the Organisation shall be borne by Member States as apportioned by the Council.

ARTICLE 23

SETTLEMENT OF DISPUTES

(1) If any dispute shall arise between the Organisation and any Member State or between one such Member State and another touching or concerning any Article, matter or thing whatsoever herein contained, or the operation or construction thereof, or any matter or thing in any way connected with this Agreement or the rights, duties, obligations or liabilities of either party under or in connection with this Agreement, the same may be reported to the Secretary-General by any of the parties thereto and the Secretary-General shall promptly notify the other party of the receipt of the report and shall copy such notification to the party making the report.

(2) The parties may refer the dispute within forty five days from the date of such notification to an Arbitrator appointed by them from the list of Arbitrators drawn up and maintained by the Secretary-General. Where the parties to the dispute fail to appoint such an Arbitrator within the prescribed period the Secretary-General shall notify the parties of the expiration of the prescribed period and within thirty days following the expiration of that period appoint an Arbitrator from the same list.

(3) The Secretary-General shall provide the Arbitrator with such assistance and facilities as he may require.

ARTICLE 24

LEGAL CAPACITY

(1) The Organisation shall possess full juridical personality.

(2) The Organisation shall enjoy in each Member State such legal status and legal capacity as may be necessary for the fulfilment of the objectives and the exercise of the functions of the Organisation.

(3) The Organisation shall enjoy in each Member State, such privileges and immunities as may be necessary for the fulfilment of the objectives and the exercise of the functions of the Organisation.

ARTICLE 25

SIGNATURE

This Agreement shall be open for signature by any of the States listed in Article 2 (a) of this Agreement.

ARTICLE 26

RATIFICATION

This Agreement and any amendment thereto shall be subject to ratification by the signatory States in accordance with their respective constitutional procedures. Instruments of ratification shall be deposited with the Secretariat which shall transmit certified copies to each Member State.

ARTICLE 27

ENTRY INTO FORCE

This Agreement shall enter into force on the 31st day of December, 1973 if instruments of ratification of eight States including Barbados, Guyana, Jamaica and Trinidad and Tobago have been deposited in accordance with Article 26 and if not, on such later date as the eighth instrument of ratification including those of Barbados, Guyana, Jamaica and Trinidad and Tobago, has been deposited. The Secretary-General shall notify Member States of the entry into force of this Agreement.

ARTICLE 28

REGISTRATION

This Agreement and any amendment thereto shall be registered with the Secretariat of the United Nations.

ARTICLE 29

ACCESSION

(1) Any State of the Region may apply to the Council to become a member of the Organisation and may if the Council so decides be admitted to membership in accordance with Article 2 (b).

(2) Admission to membership shall be upon such terms and conditions as the Council may decide and shall take effect from the date on which an appropriate Instrument of Accession is deposited with the Secretariat.

ARTICLE 30

AMENDMENT

An amendment to the provision of this Agreement shall be submitted to Member State for ratification if it is approved by a decision of the **Council and it shall have effect provided it is ratified by all Member States.**

Instruments of ratification shall be deposited with the Secretariat which shall notify all Member States.

ARTICLE 31

WITHDRAWAL

(1) Any Member State may withdraw from this Agreement by giving twelve months notice in writing to the Secretariat which shall forthwith notify other Member States.

(2) A Member State so withdrawing undertakes to honour any financial obligations duly assumed during its membership of the Organisation.

ARTICLE 32

SAVING

Nothing contained in this Agreement shall preclude any Member State from deciding on the facilities in meteorology and allied sciences which it requires from time to time in its territory but any such State shall meet or make its own provisions for meeting all costs and expenses whatsoever incurred thereby.

ARTICLE 33

TRANSITIONAL PROVISIONS

(1) This Agreement shall take the place of the formal Agreement now in force and referred to in the Preamble to this Agreement.

(2) Upon the coming into force of this Agreement, the Organisation shall assume the obligations of, and accept all the assets vested in the Caribbean Meteorological Council established under the formal Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have affixed their signatures to this Agreement.

Signed by (Gerald A. Watt)

For the Government of Antigua, on 19th October, 1973 at Basseterre, St. Kitts-Nevis-Anguilla.

Signed by

For the Government of Bahamas, on

at

Signed by (A.Morrison)

For the Government of Barbados, on 19th October, 1973
at Basseterre, St. Kitts- Nevis-Anguilla.

Signed by (A. A. Hunter)

For the Government of Belize, on 10th December, 1973
at Georgetown, Guyana

Signed by

For the Government of British Virgin Islands, on

at

Signed by (A. E. Bush)

For the Government of Cayman Islands, on 19th October, 1973
at Basseterre, St. Kitts- Nevis-Anguilla

Signed by

For the Government of Dominica, on

at

Signed by (H. Preudhomme)

For the Government of Grenada, on 19th October, 1973
at Basseterre, St. Kitts-Nevis-Anguilla

Signed by (H. D. Hoyte)

For the Government of Guyana, on 27th December, 1973
at Georgetown, Guyana

Signed by (H. A. Clarke)

For the Government of Jamaica, on 19th October, 1973
at Basseterre, St. Kitts-Nevis-Anguilla

Signed by (E. A. Dyer)

For the Government of Montserrat, on 19th October, 1973
at Basseterre, St. Kitts-Nevis-Anguilla

Signed by

For the Government of St. Kitts-Nevis-Anguilla, on

at

Signed by (H. Felicien)

For the Government of St. Lucia, on 19th October, 1973
at Basseterre, St. Kitts-Nevis-Anguilla

Signed by

For the Government of St. Vincent, on

at

Signed by (Sham Mohammed)

For the Government of Trinidad and Tobago, on 19th October, 1973
at Basseterre, St. Kitts-Nevis-Anguilla

Signed by

For the Government of Turks and Caicos Islands, on

at

RESOLUTION

WHEREAS the Twelfth Meeting of the Caribbean Meteorological Conference recognising the need for the expansion of Regional Co-operation in matters of meteorology and allied sciences, agreed that a Caribbean Meteorological Organisation be established:

AND WHEREAS it was further agreed that such an Organisation should replace the present Caribbean Meteorological Council:

BE IT RESOLVED THAT upon the entry into force of the Agreement establishing the Caribbean Meteorological Organisation all the assets which are vested in the Caribbean Meteorological Council shall be deemed to have been transferred to the Caribbean Meteorological Organisation.

EXPLANATORY MEMORANDUM

This Bill seeks to enable Guyana to implement the Agreement (to which Guyana is a Party) establishing the Caribbean Meteorological Organisation.

H. D. HOYTE,
Minister of Works and Communications.