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Bill No. 23 of 1960

PUBLISHED 10TH DECEMBER, 1960

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AMERINDIAN (AMENDMENT) BILL, 1960.

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Repeal and re-enactment of section 13 of Chapter 58.
3. Insertion of section 29A in Chapter 58.
4. Amendment of section 30 of Chapter 58.
5. Validation.

A BILL

Intituled

AN ORDINANCE TO AMEND THE AMERINDIAN ORDINANCE.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Amerindian (Amendment) Ordinance, 1960, and shall be construed and read with the Amerindian Ordinance, hereinafter referred to as the Principal Ordinance.

Short title.

Cap. 58.

2. Section 13 of the Principal Ordinance is hereby repealed and the following substituted therefor—

Repeal and re-enactment of section 13 of Chapter 58.

"Informations and complaints.

13.(1) The Commissioner, a district commissioner, or any member of the police force may lay an information or complaint in his own name on behalf of any Amerindian against any person in the magistrate's court having jurisdiction to hear and determine the offence or other matter alleged against that person.

(2) The information or complaint, and all proceedings arising out of the same, may be prosecuted or conducted before such court on behalf of the Amerindian by the person who laid the information or complaint in pursuance of the preceding subsection, or by the Commissioner, the district commissioner or any officer authorised in that behalf in writing by the Commissioner.

(3) The Commissioner, the district commissioner or an officer may, if necessary, appeal to the Full Court of the Supreme Court against any decision of the magistrate in proceedings instituted under this section, and may in the Full Court retain the services of counsel, and in all respects take such steps on behalf of the Amerindian as he may think fit."

3. The Principal Ordinance is hereby amended by the insertion after section 29 of the following section—

Insertion of section 29A in Chapter 58.

"Payment of monies into the Fund at the direction of the Chief Secretary.

29A. Nothing in this Ordinance shall preclude the payment of monies into the Fund from time to time in pursuance of any directions of the Chief Secretary in that behalf."

Amendment of
section 30 of
Chapter 58.

4. Subsection (5) of section 30 of the Principal Ordinance is hereby amended—

- (a) by the insertion before the words “the district commissioner”, wherever they occur, of the words “the Commissioner or”; and
- (b) by the insertion after the words “the district commissioner” in the last line of the words “as the case may be”.

Validation.

5. No payment of monies into the Amerindian Purposes Fund prior to the commencement of this Ordinance shall be deemed to have been unlawfully made on the ground that it was in contravention, or not in pursuance, of the provisions of the Principal Ordinance.

OBJECTS AND REASONS

Section 13 of the Amerindian Ordinance provides that informations and complaints may be laid in the magistrate's court by the Commissioner of the Interior, a district commissioner or any member of the police force on behalf of an Amerindian who resides in an Amerindian District, Area or Village. It is considered desirable for the assistance of Amerindians that the benefit of this provision should be extended to all Amerindians wherever they reside and that the officers already referred to and any other officer duly authorised should also have power to conduct the summary proceedings on behalf of the Amerindian. Clause 2 of the Bill seeks to effect this purpose.

2. It is doubtful whether monies, other than monies lying to the credit of the Aboriginal Indian Reservation Fund or consisting of interest from the investment of the Amerindian Purposes Fund, may lawfully be paid into the latter Fund under the provisions of the Ordinance. Clause 3 of the Bill seeks to provide that the payment into the Amerindian Purposes Fund of monies directed to be so paid by the Chief Secretary does not amount to a contravention of the Ordinance. Clause 5 seeks to validate payments into the Amerindian Purposes Fund which have already been made.

3. Clause 4 of the Bill seeks to amend subsection (5) of section 30 of the Ordinance to enable permissions to employ Amerindians for periods not exceeding six months to be granted by the Commissioner of the Interior as well as by the district commissioner as already provided by that subsection.

IVOR O. SMITH,
Chief Secretary (Acting.)

(M.P. M. 1/27).

(Leg. Bill 23/1960).