

# British Guiana.

## REGULATIONS MADE BY THE GOVERNOR UNDER THE EMERGENCY POWERS (DEFENCE) ACT, 1939, AS EXTENDED TO THE COLONY BY THE EMERGENCY POWERS (COLONIAL DEFENCE) ORDER IN COUNCIL, 1939.

1. These Regulations may be cited as the Merchant Vessels (Control of Radiotelegraphy) (No. 2) Regulations, 1939, and shall come into force upon the date of their publication in the *Gazette*.

Short title and commencement.

2. (1) In these Regulations, unless the context otherwise requires—

Interpretation.

“inland waters” includes all rivers and creeks whether tidal waters or not;

“master” includes any person (except a pilot) having command or charge of any ship;

“ship” means any merchant ship whether British or foreign.

(2) The Interpretation Ordinance shall apply to the interpretation of these Regulations as it applies to the interpretation of an Ordinance.

Cap. 5.

3. No radiotelegraph installation on board any ship shall be worked while such ship is in any harbour or in any inland water in the Colony.

Radiotelegraph installation not to be worked while ships in harbour, or in inland waters.

Starter handles of radiotelegraphy apparatus in British, Dominion and French ships to be sealed while in harbour.

4. (1) Immediately any British, Dominion or French ship secures alongside in any port, or anchors in any harbour, in the Colony the Comptroller of Customs, or any person authorised in that behalf in writing by the said Comptroller, shall board the said ship and shall, if possible, seal separately with an official seal the handle of each starter of the main and all auxiliary sets of the ship's radiotelegraphy apparatus

Provided that if it is not possible so to seal the handles of all starters of every set in such ships the provisions of the sub-regulation next following shall be applicable thereto.

Means of entry to wireless telegraphy offices in other ships to be sealed.

(2) Immediately any ship—

(a) being a ship in which it is impossible to seal the handle of each starter of the main and all auxiliary sets of the ship's radiotelegraphy apparatus in accordance with the provisions of the preceding sub-regulation ; or

(b) not being a British, Dominion or French ship,

secures alongside in any port, or anchors in any harbour in the Colony, the Comptroller of Customs, or any person authorised in that behalf in writing by the said Comptroller, shall board the said ship and shall seal with an official seal all means of entry to the ship's wireless telegraphy office capable of permitting human entry thereto.

No seal to be broken etc. while ship remains in harbour.

5. During the stay of any ship in any harbour, or in any inland water, in the Colony no seal affixed in accordance with the provisions of the preceding regulation shall be broken, defaced, removed or otherwise damaged :

Provided that if a ship is remaining in any harbour or inland water in the Colony for a protracted period and it becomes necessary to have access to the wireless telegraphy office for the purpose of attending to the batteries or any other part of the wireless telegraphy installation the Master of the said ship shall so inform the Comptroller of Customs, or his agent in that behalf duly appointed in writing, and the said Comptroller may authorise any officer of customs or any police officer to break any seal affixed in accordance with the provisions of regulation 4 (2) and enter the said wireless telegraphy office together with the ship's wireless officer, or member of the crew, who shall then effect such repairs or perform such acts as may be reasonably necessary to maintain the efficiency of the wireless telegraphy installation ;

And provided further that when such repairs have been effected or such acts performed the seal shall be replaced immediately by the Comptroller of Customs, or by any person duly authorised in that behalf in writing by the said Comptroller.

6. At any time when entry to a ship's wireless telegraphy office is effected in accordance with the first proviso to the preceding regulation the Master of the said ship shall, as well as the officer, or member of the crew who enters the said office, be responsible that no wireless telegraph message is transmitted from the ship while the office is so open.

Master of ship also responsible for ensuring that no message is transmitted while office is open.

7. (1) Any person who—

Offences.

- (a) breaks, tampers with, removes or otherwise defaces any seal affixed to the handle of any starter of any set of a ship's radiotelegraphy apparatus or to a means of entry to the wireless telegraphy office of any ship;
- (b) enters the wireless telegraphy office on any ship, the entry to which has been sealed in accordance with the provisions of regulation 4 (2), except as provided by regulation 5 hereof, while the ship is in any harbour or in any inland water in the Colony;
- (c) transmits, or endeavours to transmit, any message by wireless telegraphy from a ship's wireless telegraphy office while such ship is in any harbour or in any inland water in the Colony;
- (d) obstructs, delays or in any way interferes with the Comptroller of Customs, or any person duly authorised in writing by the said Comptroller, in the execution of any of the duties imposed upon the said Comptroller by these Regulations;

shall be liable upon conviction to pay a fine of five hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

(2) Any master who—

- (a) navigates, or permits to be navigated, a ship in any inland water in the Colony without first having the starter handles of all sets of the ship's radiotelegraphy apparatus or the ship's wireless telegraphy office (as the case may be) sealed in accordance with the provisions of these Regulations;
- (b) refuses, neglects or otherwise fails to obtain permission from the Comptroller of Customs, as required by regulation 5 hereof, before entering, or permitting the entry of any other person into, a ship's wireless telegraphy office which has been sealed in accordance with the provisions of regulation 4 (2);

shall be liable upon conviction to pay a fine of five hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

Prosecu-  
tions.

8. All prosecutions and proceedings for offences and penalties under these Regulations may be instituted under the Summary Jurisdiction Ordinances by the Comptroller of Customs or by any person authorised by him in that behalf in writing.

Revocation.

9. The Merchant Vessels (Control of Radiotelegraphy) Regulations, 1939, made by the Acting Governor on the 3rd September, 1939, are hereby revoked.

*Made this 28th day of December, 1939.*

G. D. OWEN,  
Officer Administering the Government.

(M.P. 140/S/6).