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BRITISH GUIANA

REGULATIONS

MADE UNDER

THE BRITISH GUIANA (CONSTITUTION) ORDER
IN COUNCIL, 1953.

IN PURSUANCE OF THE PROVISIONS OF SECTION 90E OF THE BRITISH GUIANA (CONSTITUTION) ORDER IN COUNCIL, 1953, AS INSERTED BY SECTION 25 OF THE BRITISH GUIANA (CONSTITUTION) (TEMPORARY PROVISIONS) (AMENDMENT) ORDER IN COUNCIL, 1956, AND OF ALL OTHER POWERS HIM THEREUNTO ENABLING, THE FOLLOWING REGULATIONS HAVE BEEN MADE BY THE GOVERNOR:—

1. These Regulations may be cited as the Police Service Commission Regulations, 1960. Short title.

- 2.(1) In these Regulations— Interpretation.
 - “Commission” means the Police Service Commission the establishment of which is provided for under section 90B of the Order in Council.
 - “Commissioner” means the Commissioner of Police in command of the Police Force.
 - “Order in Council” means the British Guiana (Constitution) Order in Council, 1953, as amended by the British Guiana (Constitution) (Temporary Provisions) (Amendment) Order in Council, 1956. S.I. 1953/586.
S.I. 1956/2030

- (2) References to a member of the Commission shall, unless the context otherwise requires, include references to the Chairman or Acting Chairman.

- 3.(1) Subject to paragraph (2) of this regulation, the Governor shall by instrument in writing under his hand appoint a Chairman of the the Commission and not more than three other persons to be members of the Commission. Appointments to and membership of the Commission.
 - Provided that no member of the Police Force or of the Legislature or of the Civil Service may be appointed a member of the Commission.
 - (2) The Commissioner shall *ex officio* be a member of the Commission.
 - (3) A person shall if qualified be eligible for re-appointment from time to time as Chairman or a member of the Commission.
 - (4) In the event of the Chairman being unavoidably absent from a meeting then the members present if of a sufficient number to form a quorum may elect one of their number to act as Chairman, but in the case of absence from the Colony or other inability to act for a period of two weeks or more, the Governor may appoint any person to act in the place of the Chairman or any other member of the Commission in similar circumstances.

(5) The appointment, removal or resignation of any member of the Commission shall be published in the Official Gazette.

(6) Where a vacancy occurs by reason of the resignation, removal or death of any member of the Commission it shall be filled by the Governor who shall appoint in writing another person to be a member of the Commission for the unexpired period of the term of office of the member whose position has become vacant.

Appointment
of staff to
assist Com-
mission.

4. The Governor may appoint a Secretary to the Commission and such other officers as may in his opinion be necessary to constitute the staff of the Commission at such remuneration as he may determine out of funds provided by the Legislature:

Provided that until such staff is appointed, the duties of Secretary to the Commission and of the staff of the Commission shall be performed by the Secretary and such staff of the Public Service Commission as the Governor may appoint for the purpose.

Tenure of
office.

5. Members of the Commission other than the Commissioner shall hold office during the Governor's pleasure and subject thereto, the Chairman shall hold office for such period not exceeding three years, and any other member other than the Commissioner shall hold office for such period not exceeding two years, as may be prescribed in the instrument by which he is appointed.

Oath of
office.

6. The Chairman and members of the Commission shall on their appointments as such take an oath or make an affirmation, in whichever manner is most binding upon his conscience in the form set out in the schedule to these Regulations. Such oath or affirmation shall be administered by or made in the presence of the Governor.

Schedule.

Remuneration
of members.

7.(1) The Chairman and members of the Commission shall be paid such remuneration as the Governor may determine out of funds provided by the Legislature.

(2) The Chairman and members of the Commission shall be paid such travelling and subsistence allowances as the Governor may direct out of such funds as may be provided by the Legislature for this purpose.

Leave.

8. The Governor may, on the application of any member of the Commission grant to such member leave of absence for any period not exceeding six months, excluding normal travelling time.

Resignation.

9.(1) Any member of the Commission other than the Commissioner may at any time, with the consent of the Governor, resign his office by notice in writing addressed through the Chairman to the Governor. In the case of the Chairman, the notice of resignation will be sent direct to the Governor.

(2) From the date of the receipt by the Governor of the notice, the member shall cease to be a member of the Commission.

Duties and
functions
of the Com-
mission.

10. The Commission shall meet from time to time as may be necessary but at least twice in each year in June and December, for the purpose of discharging the functions assigned to it under section 90C of the Order in Council.

11. At any meeting of the Commission the Chairman or acting Chairman and any two other members shall form a quorum capable of transacting business. Quorum.

12. Minutes of all meetings of the Commission shall be recorded and kept by the Secretary. Copies of such minutes duly confirmed shall as soon as practicable thereafter be forwarded to the Governor by the Chairman. Minutes of meeting.

13.(1) All decisions of the Commission shall be by a majority of the votes of members present and voting at a meeting: Decisions and recommendations of the Commission.

Provided that any question may also be decided by circulation of the relevant papers but if on such circulation there is a difference of opinion among the members, or if any member so desires, the question shall be discussed at a meeting.

(2) At a meeting the Chairman or acting Chairman shall have an original and a casting vote.

(3) It shall be open to any member of the Commission who is present at any meeting when a decision is made and who dissents from such decision to record his dissent and his reasons therefor.

(4) All recommendations and decisions made by the Commission shall be submitted to the Governor by the Chairman. Consultation with other persons.

14.(1) The Commission may require any member of the Police Force to attend and to give evidence before it in any matter which it shall have under consideration and may require the production of any official document relating to any such matter.

(2) The Commission in considering any question or matter referred to it for its decision or advice may in its discretion, and shall, where matters relating to conditions of service are involved, consult the Police Federation, any other staff association which may be recognised from time to time as representing any section of the Force or other person or body of persons as the Commission may consider proper and desirable. Publication and disclosure of information to unauthorised persons prohibited.

15.(1) Neither the Chairman nor any member of the Commission nor any other person shall, without the written permission of the Governor under the hand of the Governor's Secretary, publish or disclose to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under the Order in Council or these Regulations in respect of any matters referred to the Commission under the Order in Council or these Regulations and any person who knowingly acts in contravention of the provisions of this regulation shall be guilty of an offence and upon summary conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred and eighty dollars or to both such imprisonment and fine.

(2) If any person having possession of such information which to his knowledge has been disclosed in contravention of the provisions of this regulation, publishes or communicates any such information to any other person otherwise than for the purpose of any prosecution

under these Regulations, he shall be guilty of an offence and upon summary conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred and eighty dollars or to both such imprisonment and fine.

Protection of
Chairman and
members of
the Com-
mission.

16. The Chairman and any member of the Commission shall enjoy the same protection and privileges in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty as is by law conferred upon any Judge of the Supreme Court of British Guiana while acting in the execution of his office.

Reports and
statements or
other com-
munications
of the Com-
mission to be
privileged.

17. Except with the consent of the Governor signified in writing under the hand of the Governor's Secretary, no person shall in any legal proceedings produce or be permitted to give secondary evidence as to the contents or nature of any letter, statement, report or other document or any oral information addressed, made or given —

- (a) to the Commission by or on behalf of the Governor or the Commissioner of Police for the purpose of enabling the Commission to discharge any of its duties under the Order in Council; or
- (b) by the Commission to the Governor or the Commissioner of Police in relation to any matter concerning or arising out of the duties of the Commission.

Offence to
influence or
attempt to
influence the
Commission.

18. Any person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any matter whatsoever influences or attempts to influence any decision of the Commission or the Chairman or any member thereof, shall be guilty of an offence and upon summary conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred and eighty dollars or to both such imprisonment and fine:

Provided that nothing in this regulation shall apply to any person giving a certificate or testimonial to any applicant or member of the Police Force.

Offence to
give false
information
to the Com-
mission.

19. Any person who, in connection with an application by any person for an appointment in the Police service or with any matter upon which it is the duty of the Commission to advise the Governor under these Regulations, wilfully gives to the Commission or to any member thereof or to any person or body of persons appointed to assist the Commission in the exercise of its functions or the discharge of its duties any information which is false by reason of the falsity of, or by reason of the omission of, a material particular, shall be guilty of an offence and upon summary conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred and eighty dollars or to both such imprisonment and fine.

Attorney
General's
fiat.

20. A prosecution under these Regulations shall not be instituted except by or with the consent of the Attorney General.

Revocation of
Police Service
Commission
Regulations,
1958.
No. 24 of
1958.

21. The Police Service Commission Regulations, 1958, are hereby revoked, without prejudice, however, to anything lawfully done thereunder.

SCHEDULE

Reg. 6.

Oath of Office

I
 having been appointed to act as Chairman of the Police Service Commission,
 a member
 do _____ swear _____ that I will freely and without
 solemnly and sincerely declare and affirm
 fear or favour, affection or ill-will, give my counsel and advice in connection
 with all such matters as may be referred to the Police Service Commission and
 that I will not directly or indirectly reveal any such matters to any unauthorised
 persons or otherwise than in the course of duty.

Signature.....

Sworn
 _____ before me this.....day of....., 19....
 Declared

Governor.

Made this 18th day of October, 1960.

R. F. A. GREY,
 Governor.

(M.P. C. 77/104 I).