



I assent,

[Handwritten signature]
Governor.
26th January, 1929.

BRITISH GUIANA.

[THE LEGISLATIVE COUNCIL.]

ORDINANCE NO. 2 OF 1929.

AN ORDINANCE to amend the Summary Conviction Offences Ordinance, 1893, with respect to the suppression of the circulation of and traffic in obscene publications.

A.D. 1929.

BE it enacted by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Summary Conviction Offences Ordinance, 1929, and shall be construed with the Summary Conviction Offences Ordinance, 1893, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short Title

No. 17 of 1893.

2. Sections one hundred and sixty-four, one hundred and sixty-five and one hundred and sixty-six of the Principal Ordinance are hereby repealed and the following provisions shall be inserted therein as sections one hundred and sixty-four and one hundred and sixty-five :

Repeal of sections 164, 165 and 166 of Ord. 17 of 1893, and insertion of other provisions.

Circulation
of or traffic
in obscene
objects.

164. Every person who—

- (a.) for the purposes of or by way of trade or for distribution or public exhibition makes or produces or has in his possession or imports, conveys or exports or causes to be imported, conveyed or exported or in any manner whatsoever puts into circulation any obscene writing, drawing, print, painting, printed matter, picture, poster, emblem, photograph, cinematograph film or any other obscene object ; or
- (b.) carries on or takes part in a business whether public or private, concerned with any of the said obscene matters or things, or deals in any of them in any manner whatsoever, or distributes them or exhibits them publicly or makes a business of lending them ; or
- (c.) advertises or makes known by any means whatsoever, in view of assisting in the said circulation or traffic, that any person is engaged in any of the above acts, or advertises or makes known how or from whom any of the said obscene matters or things may be procured either directly or indirectly,

shall be guilty of an offence and, on being convicted thereof, shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for six months.

Power to
search for,
seize and
destroy
obscene
objects.

- 165.—(1) On proof upon oath before a magistrate that there is reasonable cause to suspect that any of the obscene matters or things in the preceding section mentioned are kept in any house, shop, room, or other place within the limits of the jurisdiction of such magistrate for any of the purposes in that section mentioned, it shall be lawful for the magistrate to authorise, by warrant under his hand, any police constable to enter in the day-time, by force, if necessary, such house, shop, room or other place and to search for, seize and bring before him any such obscene matters or things found in such house, shop, room or other place.
- (2) Upon any matters or things seized under a warrant being brought before him the magistrate shall if satisfied that they or any of them are or is obscene, issue a summons requiring the occupier of the house, shop, room or other place to appear before him to show cause why such matters or things should not be destroyed.
- (3) If such occupier or some other person claiming to be the owner of such matters or things does not appear before the magistrate or, though appearing fails to satisfy the magistrate that such matters or things, were

not being kept for any of the purposes aforesaid, the magistrate shall order such matters or things to be destroyed forthwith: Provided that the magistrate may stay the execution of such order in respect of any such matters and things as he may consider should be preserved for use in further proceedings or, on application being made in that behalf by any interested party, he may stay the execution pending an appeal.

- (4) If the magistrate is satisfied that any matters or things seized under a warrant are not obscene or were not being kept for any of the purposes aforesaid, he shall direct that they be returned forthwith to the house, shop, room or other place in which they were so seized.

Passed by the Legislative Council this 2nd day of January, 1929.

M. Bhanig

Clerk of the Council.

(M.P. 7052/28).