

# LEGISLATIVE COUNCIL

MONDAY, 22ND DECEMBER, 1952

The Council met at 2 p.m.

## PRESENT :

The Deputy President, the Hon. C. V. Wight, C.B.E., (in the chair).

The Hon. the Colonial Secretary, Mr. J. L. Fletcher, O.B.E., T.D. (acting).

The Hon. the Attorney-General Mr. F. W. Holder, Q.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. Dr. J. B. Singh, O.B.E., (Demerara-Essequibo)

The Hon. Dr. J. A. Nicholson, (Georgetown North).

The Hon. T. Lee : (Essequibo River).

The Hon. V. Roth, O.B.E. (Nominated).

The Hon. T. T. Thompson (Nominated).

The Hon. G. A. C. Farnum, O.B.E., (Nominated).

The Hon. Capt. J. P. Coghlan (Demerara River).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. G. M. Gonsalves, (Eastern Berbice).

The Hon. Dr. C. Jagan, (Central Demerara).

The Hon. A. T. Peters, (Western Berbice.)

The Hon. W. A. Phang, (North Western District).

The Hon. G. H. Smellie, (Nominated).

The Hon. J. Carter, (Georgetown South).

The Hon. W. A. Macnie, C.M.G., O.B.E. (Nominated).

The Clerk read prayers.

The Minutes of the meeting of the Council held on Friday, 19th December, 1952, as printed and circulated, were taken as read and confirmed.

## PRESENTATION OF REPORTS & DOCUMENTS

The Colonial Secretary : (Mr. J. L. Fletcher, O.B.E. T.D. (acting) I beg to lay on the table:

The draft Government Wharves (Charges) Rules, 1952.

## GOVERNMENT NOTICES

The Colonial Secretary: I beg to give notice of the following motions and of my intention to move the suspension of the relevant Standing Rules and Orders at the next meeting of the Council in order to proceed with the first-mentioned motion:

## CO-OPERATIVE CREDIT BANKS (SPECIAL PROVISIONS) ORDINANCE

(1) "That, in accordance with the provisions of section 9 (a) of the Co-operative Credit Banks (Special Provisions) Ordin-

ance, 1948, (No. 22), this Council approves of that Ordinance being continued in force throughout the year 1953."

#### GOVERNMENT WHARVES

(2) "That this Council approves of the draft Government Wharves (Charges) Rules, 1952, which have been laid on the table."

#### BILL—FIRST READING

**The Attorney General:** I beg to give notice of the introduction and first reading of a Bill intituled:

"An Ordinance further to amend the Money-lenders Ordinance by exempting the lending of money by way of mortgages from the provisions of the Ordinance."

#### SPIRITS (AMENDMENT NO. 4) BILL

**The Attorney General:** I beg to give notice of my intention to move the suspension of the relevant Standing Rules and Orders at a later stage today, in order to take through all its stages the Bill appearing as item 1 on the Order Paper, intituled:

"An Ordinance further to amend the Spirits Ordinance."

#### NOTICE OF QUESTIONS

##### CAMPBELLVILLE ROADS

**Mr. Fernandes:** I beg to give notice of the following questions:—

1. When will Government be ready to transport land at Campbellville to plot-holders?
2. Is Government aware of the conditions of the streets at Campbellville?
3. If the answer is in the affirmative, what steps does Government propose to take to remedy the conditions?

##### LORRY LICENCES

4. Is it Government's intention to increase the number of lorry licences

on the East Coast in accordance with the motion moved by me and carried without a division on 23rd November, 1951?

#### CONFISCATION OF "SOVIET LITERATURE"

**Dr. Jagan:** I beg to give notice of the following questions:—

(A) 1. Will Government state whether 222 copies of "Soviet Literature" and 334 copies of "Soviet Women" which were imported into the Colony from the United Kingdom by Dr. Cheddi Jagan and confiscated by the Comptroller of Customs will be sold to the public? If not, will Government state reasons?

2. In the event that these books will not be offered for sale, will Government state whether they will be destroyed? If so, by what means?

#### RATION STORE AT BOERASIRIE SCHEME

(B) 1. Will Government state to whom the ration store at the Boerasirie Scheme has been awarded?

2. Is Government aware that the appointee has had no previous experiences in such an undertaking?

3. Will Government state who gave this appointee the monopoly of the ration store?

4. Is Government aware that other persons other than the appointee have interests in this venture?

5. What work does the appointee do? Is he not a painter-contractor for the Government?

6. Has Government overlooked the evidence adduced and obtained by this appointee at the hearing of the case of the Police versus Shankland?

7. Will Government consider the advisability of giving out this privilege by tender immediately?

8. How can an official give out such a privilege before the scheme comes into operation? Is it not against the rules of the Department that such a procedure be adopted?

9. Why was the former holder of such a ration store not awarded the privilege?

## REPRESENTATION OF B.G. AT CORONATION

**Mr. Farnum:** I beg to give notice of the following questions:

1. Is it the intention of Government to send a member or members of the Local Forces to England to represent the Colony at the Coronation of Her Majesty, Queen Elizabeth II?
2. If the answer is in the negative, will Government reconsider its decision and arrange to send a representative number of our Mounted Police, since it is the wish of the majority of the community that this be done, as it is the opinion that the efficiency and morale of the troops will bring prestige to the Colony?

## FIRE PREVENTION BILL

**Mr. Smellie:** Before the Order of the Day is taken, sir, I crave your indulgence to refer to a Bill which was recently introduced into this Council and has been read for the first time. Its short title is the Fire Prevention Ordinance, 1952. The first paragraph of the Objects and Reasons attached to the Bill states that it

"seeks to give effect to certain recommendations of the Fire Advisory Board in respect of premises which by reason of their condition, construction or use, constitute fire hazards."

I wish to take this opportunity sir, to make it quite clear that the Fire Advisory Board did not consider or recommend clause 10 of this Bill, the provisions which the members of the Fire Advisory Board are not in agreement with. The hon. the Attorney-General has, however, promised me, as Chairman of the Fire Advisory Board, an opportunity to discuss with him this particularly controversial clause.

## ORDER OF THE DAY

## SPIRITS (AMENDMENT No. 4) BILL

**The Attorney General:** I beg to move the first reading of a Bill intitled—

"An Ordinance further to amend the Spirits Ordinance."

**The Colonial Secretary:** I beg to second the motion.

Motion put, and agreed to.

Bill read a first time.

**The Attorney General:** In pursuance of the notice of which I gave notice a moment ago, I beg to move that the relevant Standing Rules and Orders be suspended to enable me to take this Bill through all its stages today. The Bill is a simple one and it only seeks to repeal the provisions of section 11 of the Principal Ordinance—the Spirits Ordinance, Chapter 110, — as it is no longer necessary to levy a distillery tax to be paid by every distiller annually for every proof gallon of spirits manufactured by him during the year ending on the 30th day of November last preceding. I think this is one of the Bills which the hon. the Financial Secretary and Treasurer said in the course of his Budget speech would be introduced as soon as the opportunity permitted. I wish to ask hon. Members to agree to the suspension of the relevant Standing Rules and Orders so that this Bill might be taken through all its stages right away.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Relevant Standing Rules and Orders suspended.

**The Attorney General:** I beg to move that this Bill be now read a second time. As I have just indicated, it is no longer necessary to levy the distillery tax which was required to be paid by every distiller annually for every proof gallon of spirits manufactured by him during the year ending on the 30th day of November last preceding. As hon. Members will recollect, during his Bud-

get speech the Financial Secretary and Treasurer stated that steps would be taken along the lines which the Bill now seeks to achieve.

Clause 2 of the Bill seeks to repeal the provisions of section 111 of the Spirits Ordinance, Chapter 110, under which the tax is now levied. I do not think it is necessary to go into this matter any further, in view of what has been placed before this Council by the Financial Secretary and Treasurer — the reasons for repealing this provision.

Dr. Jagan: I was under the impression that before these various Tax Bills were taken together by the Financial Secretary opportunity would have been given us to have a debate on the Budget Statement before they were rushed through. I do not see why it is necessary to go through them at the moment, because even if this Bill is passed later, any tax collected in excess of what is allowed would be remitted. I am opposed to this Bill because, in spite of what has been said by the Financial Secretary in his Budget Statement, I do not feel that conditions are so rosy as to warrant the removal of this tax. This is one of the two or three taxes which it is proposed to remove.

The Financial Secretary in his Budget Statement said—I am sorry I do not have the exact figures here—that the sum of approximately a quarter of a million dollars will be remitted by the abolition of these taxes. I would like to know what is the necessity for the remission of these taxes at the moment. It is true that the Venn Commission recommended that certain taxes should be abolished—the acreage tax, the distillery tax and so on—but has the time come to do so at this particular moment? The sugar producers, from what we have seen, have been making fair returns on their investments within the

last few years. We have seen the balance sheets of some of the sugar companies recently, and it is apparent that they are not losing any money, and that conditions have more or less changed since the Venn Commission reported. There are also other factors which have to be taken into consideration.

I know, for instance, that the Venn Commission recommended that contributory pension schemes should be set up for sugar estate workers, and the explanation given at the time for not setting them up was that the sugar producers did not have enough money to do so. I have not seen any communication on the subject, and I do not know whether, by the abolition of these taxes, the sugar producers will now be able to introduce the contributory pension schemes which were strongly recommended by the Venn Commission. If that is not so, then I am certainly not going to agree with the passage of this Bill at this moment. The Financial Secretary pointed out and gave us an indication of a fairly rosy picture so far as next year is concerned, but I must point out that there are many other present needs which have not yet been taken care of. I will mention, for instance, overcrowding in schools, and I think Government must give very serious consideration to this question.

To my mind, this quarter of a million dollars which would be remitted by the abolition of these taxes, can go a long way towards the solution of the terrible overcrowding that we have in schools all over this Colony. I do not see that any provision has been made for them. As I have said before, the position of the sugar industry has changed materially since the Venn Commission reported. Therefore, we have to take into consideration the fact that even though this Commission recommended the remission of these duties, conditions have changed in the meanwhile, and because of the need of the people in this Colony it is important that these taxes be

maintained. I do hope that Government will not press this matter through, and if it does I will vote against the Bill.

**Mr. Roth:** I do not think hon. Members are surprised at the remarks which have fallen from the lips of the hon. Member who has just taken his seat. He has run true to form by not missing one single chance to attack the chief industry of the Colony and the main supporter of the working class which he professes to be the champion of. I hope his organisation will do half as much for the workers as the sugar producers are doing at the present time. Only last Saturday one sugar concern distributed cash bonuses to the extent of \$167,000 in a certain section of the Colony. I wonder whether the hon. Member's organisation can do that? It is a pity that we have never had a report showing how much profit it has made. The hon. Member sought to refer to the large sugar organisation in this Colony, but he omitted to refer to the fact that its profits were not going out of this Colony and were being distributed in this way.

**The Financial Secretary and Treasurer:** On Friday night last the hon. Member for Central Demerara (Dr. Jagan) treated us to some encomiums with respect to the sugar industry which is admitted to be a capitalistic industry, and I myself felt pleased. I am very surprised, therefore, to hear today some remarks from him which appear to be a reflection on that industry. However, that is not the point at issue.

These two taxes are being removed. They are only two — the Acreage Tax and the Distillery Tax — the Insurance Tax being set out apart. The Venn Commission recommended their removal and this Council passed a resolution in April, 1951, approving of this recommendation being adopted. It only points to the fact that we were imposing additional taxation

that year, but it does not seem that we did so at that time. The Distillery Tax yielded \$12,000 and the Acreage Tax \$24,000, so that I am quite sure we need not expect to collect that money for introducing elaborate social schemes. We are glad to get these taxes off the statute books. If we want to introduce additional taxation for any social purpose let us do so, but do not let us pretend that it is really worth keeping these taxes. Let us remove them; the question of additional taxation is another matter. What we are asking the Council to do is to remove the Distillery Tax which is only yielding \$12,000 a year. I hope hon. Members will not argue it on convenient grounds. There are no convenient taxes of any sort.

**Mr. Macnie:** I am grateful to the Financial Secretary and Treasurer for reminding the Council that this resolution was passed as recently as April 4, 1951, and I have before me the volume of Hansard in which it is contained. Although taken by surprise by the hon. Member for Central Demerara I have been able to lay my hand on it. I think it is interesting to note that in the course of the debate the hon. Member for Central Demerara did not speak against the removal of this tax. The hon. Member supported the motion which was moved by the Colonial Secretary, and Mr. Morrish, who was then a Member of this Council, and the hon. Member for Berbice River (Mr. Ferreira) spoke against the high tariff barrier against rum entering the United Kingdom. That is a different thing from the removal of this tax. In any case, did the hon. Member for Central Demerara oppose the removal of this local tax?

In view of the remarks made by the hon. Member for Central Demerara about the Venn Commission recommendation for contributory pension schemes for sugar estate workers, and his question whether this money would be utilized for contributory pensions, I would remind him that it has been stated by the Financial Secretary that

the amount of money accruing from this tax is only \$12,000 a year. In my opinion the Venn Commission was somewhat hasty in making the recommendation which they admitted was made without any expert advice, for it is stated that the cost of a contributory pension scheme would have been—between 1941 and 1948—in the vicinity of \$400,000 a year. I would remind hon. Members that the Venn Commission also pointed out that in order to meet the cost of such schemes and other measures recommended by them, they had recommended a special subsidy from the United Kingdom to the industry in this Colony, of £1 per ton. That recommendation was rejected by the United Kingdom Government at the same time the report was published in this Colony and in London. I do not know whether the hon. Member, having regard to his remarks, expects the sugar companies to operate without making a fair profit. I assume that he does not expect a company to operate with fair losses.

Motion put, the Council dividing and voting as follows:—

For : Messrs. Macnie, Smellie, Phang, Peters, Fernandes, Farnum Thompson, Roth, Lee, Dr. Gonsalves, Dr. Nicholson, the Financial Secretary and Treasurer, the Attorney General and the Colonial Secretary—14.

Against: Dr Jagan—1.

Motion carried.

Bill read a second time.

Council resolved itself into Committee to consider the Bill clause by clause.

#### COUNCIL IN COMMITTEE

Clause 1 passed as printed.

Clause 2—*Repeal of section 11 of the Principal Ordinance.*

**Dr. Jagan :** We have just heard that the amount which would be gained

by the sugar producers if this Bill is passed would be only \$12,000 a year, but that is why I was speaking a moment ago about the three different taxes — the Acreage Tax, the Distillery Tax and the Export Tax — which the Financial Secretary referred to.

**The Financial Secretary and Treasurer:** I beg your pardon, Sir. I did not refer to any export tax. There is no export tax.

**Dr. Jagan :** One must realize that \$12,000 in the hands of Government and properly utilized can do a lot of good. At least, \$12,000 can build a school, and there are many children in need of school accommodation. I would like to hear from Government how they expect to accommodate the school children even here in the City of Georgetown right now. They are being taught in the open air and have nowhere to go.

I think the Attorney General misconstrued what I said on the last occasion when I spoke about the question of industrial integration. I think that if hon. Members had been listening to me they would have realized that I was speaking about the way in which the sugar industry was integrated, and that it was probably because of that that it was able to make profits. I do not see why there should be any confusion about what I said.

**The Financial Secretary and Treasurer:** If there was any confusion it was in the hon. Member's own mind. However, that is quite irrelevant. I do not think we should take this opportunity to discuss tariff and fiscal policies. What we are doing now is to honour the resolution passed in April, 1951, to which the hon. the Seventh Nominated Member referred. When it is necessary to impose a special tax on the sugar industry and we need the money, let us do so another time.

**Mr. Fernandes:** I quite agree with the Financial Secretary that the Venn Commission report can be "fired at" when the tax Bill comes before the

Finance Committee. I am going to accept the statement of the hon. Member for Central Demerara about profits being made by the sugar industry, and without any further say I am going to agree to deduct from it 45 per cent which would be roughly \$44,000; leaving a balance of \$56,000. That amount — \$44,000—can more than build a school.

**Dr. Jagan:** If that \$44,000 goes into the hands of the sugar producers it need not be shown as a profit. It could be hidden in so many places that it need not appear as profit at all.

**Mr. Fernandes:** I do not know if the hon. Member is trying to suggest that the sugar people are dodging the Income Tax office. If he thinks so and has information to that effect, my advice to him is to consult the Commissioner of Income Tax and let him have the information. It is necessary to see that they pay all the Income Tax they should pay. I do not think that the sugar industry or anybody is dodging the Income Tax Office, if a tax normally has to be paid and charged to expenses. I would like to see by what kind of dodging that money is hidden. I am not going to take the hon. Member's remarks seriously, but I have to correct them and put them in their right perspective. I am sure he would be the first one to see that they pay, and I would support him if he has the facts.

**Dr. Jagan:** The mere fact that I referred to the integration of the sugar industry shows what can be done so far as computing the costs and profits in the industry. It is not an isolated industry but is tied up with many other activities which are controlled by the same people. So when Members refer to \$11,000 as being profits, and 45 per cent. has to be taken out of that as Income Tax, that is only imagination. It is obviously looking at it like a school child, and I must accept it as being simple as that. I know what happens. What about those tremendous buildings we see going up? Where is

the money coming from? It is a very simple point. If profits are made in one phase of an integrated industry, they can be pushed into another phase where so much profits are not made.

**Mr. Fernandes:** I cannot allow the hon. Member to get away with the statement that that is the way a school child looks at it. He should know that if 20 companies are involved, whichever one gets this \$11,000 has got to pay 45 per cent. Income Tax on it. It does not matter whether it is passed on to shipping or trading. Wherever it is accounted for, as long as it is profit it is bound to pay 45 per cent. Income Tax.

That is very simple. If the hon. Member thinks otherwise he would have to say that every sugar company, or the companies connected to a sugar company, is or are dodging Income Tax, but he would find that these companies are being audited by accredited auditors who would not allow anything of the kind to happen.

Title and enacting clause put and agreed to.

Council resumed.

**The Attorney General:** With the consent of Council I beg to move that this Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

#### CINEMATOGRAPH (AMENDMENT NO. 2) BILL

The Council resumed consideration in Committee of the Bill intituled —

"An Ordinance further to amend the Cinematograph Ordinance, Chapter 105, by providing for the appointment of a Board of Film Censors; and for purposes connected therewith."

Clause 3.



**The Attorney General:** When this Bill was last in Committee the hon. Member for Central Demerara (Dr. Jagan) suggested an amendment to the proviso to clause 3 (1) and (2) in regard to which there appears to be no objection, but I regret to inform the hon. Member that the circumstances under which cinematograph films are dealt with in the United Kingdom are totally different to the manner in which they are dealt with in Trinidad, Barbados and other Colonies. The control of films, as regards their suitability for public exhibition, is not the subject of statutory provision, but there is no censorship of films as there is with stage plays. Such matters are in practice dealt with by conditions imposed by the licensing authorities, probably in the form of the licence itself.

That is the law today and I refer hon. Members to Halsbury Laws of England (Second Edition 32) with regard to cinema entertainment, page 77. I believe, as I said, that is in the form of the licence itself in regard to each particular film to be shown. There is no such thing as a Censorship Board, as this Bill seeks to bring about. It is not practicable to follow the suggestion which the hon. Member put forward in this Council when the Bill was under consideration.

The point is that this is only permissive, and if a Board is established, as I indicated before, the Board may or may not have regard for a certificate issued by the Board of Censorship in Trinidad; on the other hand it may accept whatever the procedure is in the United Kingdom, or it may not. With regard to the films, the first duty is cast on the Board to deal with the films as they are. And so, whether films have been passed in Trinidad or in the United Kingdom, there is no obligation placed on the Board to accept the findings, the certificate, or the licence, as the case

may be, of Trinidad or the United Kingdom, or anywhere else. Therefore, the hon. Member sees the reason why this proviso has been inserted in the Bill. It is because the present procedure is to take the certificates which have been granted by the Board of Film Censors in Trinidad and accept and pass the films on the face of those certificates. The proviso is inserted in order to indicate that if the Board wish they can do so, but they are not obliged to do so. While I appreciate the hon. Member's point, the procedure adopted in England is quite different. Hon. Members are aware of the fact that so far as stage plays are concerned the same thing does not apply to cinematograph films. I suppose when the films are issued the licence is given in regard to each.

**Mr. Lee:** There is one thing I would like to draw this Government's attention to. In the censoring of films the distributor pays to the censors certain sums of money for the purpose of issuing the licence. If any public officer is appointed on this Board and receives that money it should be paid into the Government Treasury. I am asking Government to consider that.

**The Attorney General:** I hope the hon. Member for Central Demerara appreciates the point. So far as I am concerned, if at any time there is a way of making the desired provision it would be done, but I do not see, as the matter stands, that I can incorporate in the provision to which the hon. Member refers the words "or by the Board of Film Censors in the United Kingdom". It is not a question of practicability in regard to the particular circumstances.

**Dr. Jagan:** The hon. the Attorney General has quoted to us the law from Halsbury. I do not know much about it, but I am wondering how he reasons



that is so, because I remember when I was in the United Kingdom recently I found that no picture was censored before it was shown. If it is licensed to be shown in the United Kingdom it is almost taken for granted. If you say that there is no Board of Film Censors, the fact that a picture is licensed automatically gives it approval for exhibition. It is almost saying that the film is allowed to be shown by the Licensing Authority or a Board of Censors. That is all that is said here. I am not saying that it must be done by a Board of Censors.

The hon. the Attorney General says that in England there is no provision for a Board of Film Censors. As long as a picture is licensed it is accepted — let us say — by the B.G. Film Society to be shown here, as the film was allowed to be exhibited in the United Kingdom whether by a Board of film Censors or some other licensing body. The same provision can be made here because, as he rightly pointed out, the fact that it is passed by the Board of Film Censors in Trinidad presupposes that it can be exhibited in this Colony. The fact is that once the film Censors here have the knowledge that it was allowed to be exhibited in the United Kingdom, then it comes to the same thing. I think that should be instituted here.

The Attorney-General: With all due deference to the hon. Member I would just express the point of view, that at the present time I do not see how it can be fitted in, having regard to the particular circumstances under which the licenses are issued. I do not pretend to have a knowledge of how exactly it is done in England, and consequently I would suggest to the hon. Member that in view of the fact that I intimated that I had no objection to putting in the amendment which he sought to be inserted when this matter was under consideration, at some time later, after

having found out the line on which it is done and in what other ways it can be done so as to have the legislation properly and correctly drafted, it can be done. The hon. Member will appreciate the point. That does not necessarily mean that the Board of Film Censors established under this Ordinance would be bound to accept anything, even though it is licensed in England or Trinidad. It is only to bring to their mind that they can, if they so desire. It is really permissive more than anything else.

Dr. Jagan: I see the hon. the Attorney-General is not quite clear as to the method adopted in the United Kingdom. That seems to be the stumbling block at the moment. I do not see any difficulty in adding another sub-clause to clause 2, to read in almost the exact words as in the first proviso :

"and provided further that the Board of Film Censors may without any examination approve the exhibition of any cinematograph film, if there is in force a certificate issued by the authorities in the United Kingdom for the exhibition of the particular film in the United Kingdom."

That will be on a similar footing to subclause (2), except that in subclause (2) it is done directly by a Board of Film Censors. As long as it is licensed, I do not see how the hon. Attorney-General can say he does not know.

The Attorney-General: I said I want to be perfectly clear as to how it is done.

Dr. Jagan: To use the broad term I used, that is the caption one sees on any films exhibited in the United Kingdom. One sees the statement "This film is licensed to be shown in the United Kingdom." I think if that sub-clause is put in it would meet the whole case, otherwise I would ask: if films are not censored in the United Kingdom then why bring in censorship of films in this Colony? If the hon. the Attorney-General is not prepared—

**Mr. Roth:** To a point of correction! I understand plays and pictures for public exhibition must have the approval of the Lord Chamberlain.

**The Attorney-General:** That is by the issue of a licence.

**Dr. Jagan:** The point I was making is that if there was no Board of Censorship in the United Kingdom what is the object of introducing in this Colony censorship of films? Most of the films which come into this Colony are generally exhibited in the United Kingdom. If the argument is that there is no film censorship there, then I see no necessity for it here.

**Mr. Roth:** I rise to a point of correction! The hon. Member is harping on the mistake that there is no censorship in the United Kingdom. It is not called a Board of Censors.

**Dr. Jagan:** If it is not called a Board of Censors then we can use the general statement — "one which is licensed to be exhibited in the United Kingdom" — which would cover whether it is done by a Board of Censors or by the Lord Chamberlain, or anybody else. I am not concerned with who actually does the censoring. All I am interested in is that the film has been censored and a certificate issued for it to be exhibited.

**The Attorney General:** I have pointed out to the hon. Member — I think I have made it quite clear — that there is no Board of Film Censors in England such as obtains in Trinidad under the Cinematograph Ordinance, nor a Board such as is contemplated under the provisions of this Bill. I also pointed out that there is a method of licensing, and the licence may be granted, I think, by the London County Council. Conditions may be attached to these licences in regard to the particular film, or in regard to the particular company when it seeks to obtain

licences, as to the fact that they must distribute and show pictures that are suitable, and in the event of there being a breach of these conditions there may be attached the penalty of cancellation of the licences. It is a totally different procedure. That is the point I was making to the hon. Member.

**Dr. Jagan:** I see the hon. the Attorney-General is not willing to introduce the amendment.

**The Attorney-General:** It is not that I am unwilling to introduce the amendment. What I told the hon. Member is this: I would wish to be very clear as to the method by which it is done either by the London County Council or the licensing body when the licences are issued—whether the licences are attached to the films themselves or the licences are given to the company or person who seeks to obtain these licences with a penalty of cancellation or some additional penalty in case they distribute films which are unsuitable and improper. That was the point I was making. Consequently it is on a different line to what is proposed under clause 3 of this Bill. The hon. Member will recollect that what he sought to do on the last occasion was just to add the words "and the Board of Film Censors in the United Kingdom" and I suggested to the hon. Member not to do it that way, as it might not be the correct method.

All I am saying is that if the Bill is accepted I will make full enquiry into it, because the hon. Member has stated that when he was in the United Kingdom in the early part of this year he saw films distributed and shown, mentioning that they had been passed by the Film Censors. As far as I know that is not correct. It is only a licence issued by the London County Council or some other body. It is only a question of trying to get the whole thing properly and accurately incorporated in the Bill. I suggest to the hon. Member to leave it as it is.

**Dr. Jagan:** If the hon. the Attorney-General is agreeable to the proposition which was originally put, as he said he was, I suggest that this Bill should be postponed further until such time as he has the information, so that we can pass the Bill at one time in the form he has accepted. I do not see why it is necessary to rush this Bill at the moment.

**The Attorney General:** A Bill passed during one year should be enacted during that year. It does not make any difference so far as the principle is concerned, and that is this: As I have explained to this Council the reason why we have introduced that proviso was just to let the Board of Film Censors bear in mind that there were the Trinidad Cinematograph Ordinance and the Trinidad Board of Film Censors, and it has been the practice to accept the certificate issued by that Board, and that they may continue to do so if they are satisfied. What the hon. Member seeks to introduce in the Bill does not carry it any further.

What I suggest to hon. Members is this: having regard to the fact that it is not necessarily obligatory on the Film Censors to accept the licence issued by even the Lord Chamberlain or the London County Council, it does not carry the matter any further here. It does not make it obligatory on the Board to follow Trinidad or anywhere else. I am suggesting to this Council to pass the Bill as it is, and if it becomes necessary to include the proposed amendment I can bring an amending Bill and deal with it. In view of the fact that there is a difference in circumstances it is not easy to put the amendment in the Bill.

**Dr. Jagan:** I do not think there is any disagreement with what the hon. the Attorney-General has said about the Film Censorship Board having the right to refuse any film, no matter what certificate is attached to it. I agree with that, but the whole point is that if a film is coming here from Trinidad and it has been censored there and a certi-

ficate has been given for it, when it comes here the Board, having been apprised of the existence of the certificate, may or may not pass it. It is likely that the Board may not go to the trouble of examining that film again. What I say is that there are many films coming here from the United Kingdom either directly or passing through Trinidad. Because of that it would be better if in the opinion of the Film Censors they should be shown here, that all they have to do is not to look at the films but accept the certificate given. If there is no Board of Film Censors in the United Kingdom that qualification would be quite right, but the hon. the Attorney-General can certainly get around that.

What is worrying us at the moment is not how the film is censored or how the certificate is obtained, or whether it is done by a Film Censorship Board or any other body. That is not the point which is worrying us at the moment. All we are concerned with is that a certificate has been issued. I feel that if the hon. the Attorney-General is willing to add another proviso it may be done in two forms. The first proviso to clause 3 (1) can be extended by the addition of the words "by the Authorities in the United Kingdom" after the word "Trinidad" in the last line. In that case the approval would not be qualified or governed by "the Board of Film Censors".

As I see it, however, the hon. the Attorney General is not prepared to do that for a moment. He is suggesting that we should pass this Bill and then come back subsequently for the insertion of another clause to amend this one. I think that would be a waste of time. To my mind the matter could be dealt with at this moment by simply adding another proviso which I am ready to move at this moment. I move that after the word "Trinidad" in the provisos to clause 3 (1) and (2) we add the words:—

"And provided further that the Board of Film Censors may without any examina-

tion approve the exhibition of any cinematograph film, if there is in force a certificate issued by the authorities in the United Kingdom for the exhibition of the particular film in the United Kingdom."

I think that makes the situation clear. It does not make any difference who issues the certificate, so long as it is issued in the United Kingdom. This also agrees with what the Attorney General has said, and I am only now putting it in a form more in sequence with things.

**Mr. Smellie:** I think the hon. Member is perfectly right, and that we should alter this clause in any case. We are all creeping in the dark and do not know what the position is in the United Kingdom. We want to be protected here.

**Mr. Roth:** I move that the question be now put.

**The Chairman:** The question is that clause 3 be amended by the addition of the words "and Tobago" at the end of the provisos to sub-clauses (1) and (2), and also in the margin. Then there is the further amendment that has been just moved by the hon. Member for Central Demerara, for the addition of the following words after the word "Trinidad" in the provisos to clause 3 (1) and (2):—

"And provided further that the Board of Film Censors may without any examination approve the exhibition of any cinematograph film, if there is in force a certificate issued by the authorities in the United Kingdom for the exhibition of the particular film in the United Kingdom."

I shall put this second amendment first.

Second amendment put, the Committee dividing and voting as follows:—

For: Dr. Jagan and Mr. Lee—2.

Against: Messrs. Macnie, Carter, Smellie, Phang, Peters, Fernandes, Capt. Coghlan, Farnum, Thompson, Roth, Dr. Gonsalves, Dr. Singh, the Financial Secretary and Treasurer, the

Attorney-General and the Colonial Secretary—15.

Second amendment lost.

First amendment put and agreed to.

Clause 3, as amended passed.

Title and enacting clause agreed to.  
Council resumed.

**The Attorney General:** With the consent of Council I beg to move that this Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Motion put, the Council dividing and voting as follows:

For: Messrs. Macnie, Carter, Smellie, Phang, Peters, Fernandes, Capt. Coghlan, Farnum, Roth, Lee, Dr. Gonsalves, Dr. Singh, the Financial Secretary and Treasurer, the Attorney General and the Colonial Secretary—15.

Against: Dr. Jagan—1.

Motion carried.

Bill read a third time and passed.

#### LEGAL PRACTITIONERS (AMENDMENT) BILL, 1952

**The Attorney General:** I beg to move that this Council resumes consideration in Committee of the Bill intitled—

"An Ordinance further to amend the Legal Practitioners Ordinance."

**The Colonial Secretary:** I beg to second the motion.

Question put and agreed to.

**The Attorney General:** When this Bill was before the Council one or two points were raised by hon. Members and I asked leave to defer its consideration in order that I could be in a position

to consult the hon. the Chief Justice. I have done so, and as a result of his consideration I have had circulated to hon. Members certain amendments to meet the points raised in the course of the second reading. One question was the number of barristers and solicitors to be appointed to the Committee, and the other point was with regard to the rule-making Authority. Hon. Members will see from the document circulated that it is proposed to substitute in clause 2 (2), as printed, a new paragraph (c); and it is also proposed to substitute a new sub-clause (3) for the printed one, these reading as follows:—

“(c) by the substitution for subsection (3) of the following subsection—

“(3) The Chief Justice shall appoint not more than seven persons, of whom four may be practising Barristers and three practising Solicitors, to be members of the Committee.”

Then it is proposed to amend clause 4 in the manner indicated in the copy circulated. The proposal is that the following substitution should be made with regard to the rule-making Authority:—

4. Section thirty-one of the Principal Ordinance is hereby repealed and the following substituted therefor:—

“Rules. 31—(1) There shall be constituted a rule-making Authority which shall consist of the Chief Justice, a Puisne Judge, two practising Barristers and two practising Solicitors to be appointed by the Chief Justice in writing under his hand.

(2) The Chief Justice may, with the concurrence of the other members of the rule-making Authority, make rules—

(a) for regulating in respect of any matter the professional practice, conduct and discipline of legal practitioners and providing for the making of complaints to the Committee in respect of any failure to comply with any of the rules so made;

(b) regulating the making, hearing and determination of applications to the Committee;

(c) regulating the reports to be made by the Committee to the Judges;

(d) providing for the payment of costs by an applicant or a legal practitioner; and

(e) generally for the better carrying out of the provisions of this part of this Ordinance.

(3) The rules shall be subject to the approval of the Governor in Council.

The rules in the copy circulated are the rules as they were printed in the Bill. Then there is a new sub-clause (4) which reads:—

(4) The rules and forms in the Schedule hereto shall be in force until and except in so far as they are amended, supplemented, or repealed, by rules made under the authority of subsection (2) of this section.”

We have therefore made certain changes in the law as a result of the comments made in the course of the debate on this Bill. I should like to say that the hon. the Chief Justice has re-changes in the law as a result of the suit a body representing the Barristers' branch, and also the Solicitors' branch, on the question of the selection by him of two Barristers and two Solicitors to be appointed to this rule-making Authority. Then follows the procedure contained in the Supreme Court of Judicature Ordinance, Chapter 10, amended by Ordinance No. 25 of 1930.

Clause 2 — *Amendment of section 27 of the Principal Ordinance.*

**The Attorney-General:** I ask leave to insert as paragraph (2) (c) the provisions appearing in the copy as circulated.

Question put, and agreed to.

Clause 2, as amended, passed.

Clause 4—*Repeal and re-enactment of section 31 of the Principal Ordinance.*

**The Attorney-General:** I ask leave to substitute for this clause the provisions contained in the new clause 4 which is contained in the copy circulated to Members of the Council.

Question put, and agreed to.

Clause 4, as amended, passed.

Title and enacting clause agreed to.

Council resumed.

**The Attorney-General:** With the consent of Council I beg to move that this Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put and agreed to.

Bill read a third time and passed.

#### INTOXICATING LIQUOR LICENSING (AMENDMENT NO. 2) BILL

**The Attorney-General:** I beg to move the second reading of the Bill intituled —

“An Ordinance further to amend the Intoxicating Liquor Licensing Ordinance.”

Clause 2 of the Bill seeks to empower the Governor in Council, by order published in the *Gazette*, to extend the areas in respect of which off-licences may be issued under the Intoxicating Liquor Licensing Ordinance, Chapter 107. A similar provision with respect to liquor stores at present in force will be revoked with effect from the 1st January, 1953, under the provisions of section 3 of the Intoxicating Liquor Licensing (Amendment) Ordinances, 1952 (No. 30 of 1952), which we passed a couple of months ago.

I think hon. Members will recollect the changes that had to be made in the course of the consideration of that Bill and other related Bills. The provisions in the Intoxicating Liquor Licensing Bill which was passed some time ago deal with licences only, and this clause seeks to re-introduce the provisions which were inadvertently repealed. I think that hon. Members quite understand that owing to the very many changes which had to be made that matter was overlooked.

Clause 4 makes provision for pending appeals which would otherwise be wiped out. As stated in the memorandum of Objects and Reasons

attached to the Bill, it seeks to provide that the execution of the decision of a Licensing Board shall not be suspended pending an appeal therefrom, where such appeal was made before October 15, 1952. As the law stands at present such provision relates only to appeals against the decision of a Board made on or after the fifteenth day of October, 1952.

With regard to clauses 5 and 6, opportunity has been taken to correct certain errors and omissions occurring in the Intoxicating Liquor Licensing (Amendment) Ordinance, 1952. Clause 7 deals with the commencement of the provisions of this Bill. It states in sub-clause (1) that section 2 of this Ordinance shall come into operation on January 1, 1953; in sub-clause (2) that save as provided by the said sub-clause (1) this Ordinance shall be deemed to have come into operation on the fifteenth day of October, 1952. These provisions have resulted from the Bill which hon. Members were considering two months ago. One or two matters were overlooked and on going into it subsequently, it was found that we should have to make these amendments because, as hon. Members are aware, the Licensing Board will sit towards the end of this month. I think the meeting is fixed for December 29, and therefore it is necessary that amendments to clarify this and other matters should be enacted.

**Mr. Lee:** I desire to second the motion and to say that when the amending Ordinance of 1952 was passed it was specifically understood by the public in general that these licences were applicable to every part of this Colony, and that everyone could apply for them. It was also understood that if an objection was lodged against any application it would take the usual course. Now, however, Government is amending those provisions by this Bill. Clause 3 states:

“3 Section six of the Principal Ordinance as amended by section thirty of the Intoxicating Liquor Licensing (Amendment) Ordinance, 1952, is hereby

further amended by the insertion of the words and comma "restaurant liquor," between the word and comma "hotel," and the words "railway station or stelling liquor."

So far as I know, the Principal Ordinance which was amended in 1952 did give power to the Board to grant these licences when applications were made—for restaurants or otherwise—and any interested person can object thereto. Now I see that the Governor-in-Council has the authority to declare the areas in respect of which first class or second class off-licences may be issued under this Ordinance. I would like to have that explained.

**The Attorney-General:** The first Schedule to the Principal Ordinance shows that section 30 was amended, and that amendment reads:—

"For the words "a liquor store licence" there shall be substituted the words "an off-licence."

There was a change in the term or expression "a liquor store licence", the words "an off-licence" being submitted therefor. Then there is a change with respect to restaurant licences to be dealt with by the Board. This clause, 3, seeks to correct an omission made when section 6 of the Principal Ordinance, Chapter 107, was amended by section 30. It is really a change of title and, as a result, it is essential that the consequential amendment should now be made, having regard to the fact that, as I have said, applications for restaurant liquor licences are to be dealt with by the Board.

So far as clause 2 is concerned, that provision was inadvertently repealed by Ordinance No. 30 of 1952. All that this clause seeks to do is to re-introduce the provision which was already there, and which there was no intention to remove, but, unfortunately, through inadvertence, it was repealed. In other words, it was the law when this matter was dealt with by the Council. As hon. Members will recollect, there were so many changes during the consideration of the Bill that there is little wonder that this was overlooked.

I ought to emphasize for the benefit of the hon. Member for Essequibo River (Mr. Lee) that this is nothing new. We have put what should be there and what should remain there.

Question put, and agreed to.

Bill read a second time.

The Council resolved itself into Committee and approved the Bill as printed.

Council resumed.

**The Attorney-General:** With the consent of Council I move that this Bill be now now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put and agreed to.

Bill read a third time and passed.

#### EXCISE (TRANSFER OF DUTIES) BILL

**The Attorney-General:** I beg to move the second reading of a Bill intituled—

"An Ordinance to transfer to the Comptroller of Customs and Excise certain powers and duties of District Commissioners."

This Bill seeks to make provision for the transfer, as from the 1st January, 1953, to the Comptroller of Customs and Excise of the powers and duties of District Commissioners under the Ordinances and Regulations set out in the Schedule thereto, which are as follows:—

"Intoxicating Liquor Licensing Ordinance—Chapter 107; Bitters and Cordials Ordinance—Chapter 109; Spirits Ordinance—Chapter 110; Stills Ordinance—Chapter 111; The Match Factories 1930 Regulations."

Clause 2 of the Bill seeks to include in the definition of the term "Comptroller of Customs and Excise" the words:

"Any District Commissioner and any warden or sub-warden of a mining district authorised in writing by the Comptroller to perform any of the functions and duties conferred on the Comptroller by this Ordinance."



This provision will enable the Comptroller to delegate his powers and duties under that Ordinance in respect of areas of the Colony which are too remote to be under the direct control and supervision of the Comptroller himself, or of officers of the Department of Customs and Excise.

Clause 3, as printed in the Bill, is considered to be too wide as it stands but some of the provisions are to remain. I have re-drafted clause 3, to provide that the powers and duties of District Commissioners under the Ordinances and Regulations in the Schedule shall be exercised and performed by the Comptroller of Customs and Excise. It is a matter of wording so far as that is concerned.

Clause 4 seeks to repeal the provisions by virtue of which District Commissioners exercise the powers and duties and perform the functions now sought to be transferred to the Comptroller of Customs and Excise.

I should like to point out that with regard to paragraph (b) of the new clause 3, it was necessary to set it out in that form because, unfortunately, in our research we came across the particular legislation which had not their titles, but the Regulations made in 1905 gave their titles. So I had to set them out at some length for the purpose of identifying the Regulations.

Hon. Members will appreciate the desirability of transferring the powers and duties of District Commissioners under these various Ordinances and Regulations which have been referred to, to the Comptroller of Customs and Excise. It is hoped that this transfer will become effective in the new year. The provision with regard to the commencement of the Ordinance is in clause 5. I beg to move that the Bill be now read a second time.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a second time,

#### COUNCIL IN COMMITTEE.

The Council resolved itself into Committee to consider the Bill clause by clause.

*Clause 3—Powers and duties of District Commissioners under the Ordinances and Regulations in the Schedule to be exercised and performed by the Comptroller of Customs and Excise, No. 31 of 1937.*

**The Attorney-General:** I move that the new clause 3, copy of which has been provided Members, be substituted for the printed clause. It was found that the powers under section 3 of the District Administration (Transfer of Duties) Ordinance of 1937 were somewhat too wide, and so we have considered it desirable to recast clause 3, as I have pointed out, to deal particularly with the Regulations referred to in paragraph (b), owing to the fact that there were certain misprints in the original Regulations so far as the titles go.

Question put, and agreed to

Clause 3 as amended passed.

*Clause 4—Repeal of Sec. 3 of No 31 of 1937.*

**The Attorney-General:** I ask leave to delete clause 4 and to re-number clause 5 as clause 4.

Question put, and agreed to.

Clause 4 deleted and clause 5 re-numbered 4.

Title and enacting clause agreed to.  
Council resumed.

**The Attorney-General:** With the consent of Council I beg to move that this Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

## TAX (AMENDMENT NO. 4) BILL.

**The Attorney General:** I beg to move the second reading of a Bill intituled—

"An Ordinance further to amend the Tax Ordinance, 1939".

Clause 2 of the Bill seeks to increase the rate of excise duty payable on compound spirits for every gallon of the strength of proof and so on in proportion, for any greater alcoholic strength than the strength of proof, and for any greater or less quantity than a gallon — from six dollars (\$6.00) to seven dollars and twenty-five cents (\$7.25) which is the same rate of excise duty in respect of rum. Hon. Members will appreciate that when the rate of excise duty on rum was fixed, the rate of duty on compound spirits was not raised.

In view of the fact that the Tax Bill was coming to this Council before this Bill, I took the opportunity to deal with the Acreage Tax to which the hon. the Financial Secretary and Treasurer referred in his Budget as a tax which should be removed. Clause 2 in the circulated copy of amendments to the Bill seeks to repeal the Acreage Tax. Hon. Members have already dealt with the Distillery Tax, and this is the other tax referred to by the hon. the Financial Secretary and Treasurer in his Budget Statement.

Clause 3 seeks to give effect to the recommendation of the Select Committee of the Legislative Council appointed by His Excellency the Officer Administering the Government on the 7th July, 1949, to consider and examine, *inter alia*, the Pawnbroking Ordinance, Chapter 69, that every person who carries on the business of a pawnbroker elsewhere than in Georgetown or New Amsterdam, or within six miles of those places, should pay for so doing the sum of sixty dollars (\$60.00) for an annual licence instead of the present amount of fifty dollars (\$50.00).

Clause 4 seeks to re-enact the provisions of subsection (2) of section 43 of the Tax Ordinance 1939, which were repealed by section 7 of the Tax (Amendment No. 3) Ordinance, 1952. These provisions enable registered chemists and druggists and registered sick-nurses and dispensers to sell medicated wines by retail in a drug store without taking out a malt liquor and wine licence. I think that was by inadvertence repealed, and hon. Members will agree that it is desirable that it should be reintroduced so as to permit registered sick-nurses and dispensers to sell medicated wines by retail in a drug store, as they had done hitherto.

Clause 5 seeks to repeal the provisions of the Principal Ordinance relating to the payment of annual licence duties for licences issued in respect of certificates granted by the Intoxicating Liquor Licensing Board, and clause 6 seeks to re-enact those provisions as a part of section 57 of the Principal Ordinance, thereby making provision for security by bond to be given where the amount of duty for any such licence exceeds one hundred dollars. That is necessary in view of the fact that excise licences will be issued as from 1st January, 1953. Clause 7 seeks to repeal certain provisions which will no longer be necessary on the enactment of the Customs Ordinance, 1952, and certain Regulations made thereunder.

A new clause 8 is to be inserted. The decision for the transfer was made after the Bill was published. In view of the Council's approval to the transfer of the functions and duties now exercisable by the District Commissioners to the Comptroller of Customs and Excise, it becomes necessary to have these amendments which are all related to the provisions of the Bill which hon. Members have just approved.

**The Financial Secretary and Treasurer:** I beg to second the motion.

**Mr. Fernandes:** I do not think it is fair to expect Members to be able to understand fully the amendments which have just been put before us. Last year

we had a similar Bill rushed through here at the last moment and I protested very strongly against it. We have met today at great inconvenience to Members, on a day when the Council should not meet. I had no means of knowing what was going to be discussed today, and I came here to find Bills which are amendments to amendments, and not a single copy of the Principal Ordinance is here for anyone to consult. I am afraid I am at a loss and can take no useful part in discussing this Bill. As I would not like any laws to be passed here without knowing fully about them, and as it is obvious to anyone that I cannot do so today through no fault of my own, I am asking that this particular Bill be postponed to the next meeting of the Council. I have only just got the 1939 Ordinance to which the Bill relates.

**Mr. Farnum:** I would like to support that. I am not a lawyer and so I am not trained in the law. It is rather confusing and one cannot follow these amendments.

**The Attorney-General:** I hope that hon. Members will in due time have revised copies of the revised Laws of British Guiana. As hon. Members are aware, the revision of the Laws is now being commenced. I appreciate the point which both hon. Members have made. Hon. Members will also appreciate the difficulty with which I myself am confronted. It is not that I desire to rush legislation through this Council or to force hon. Members to support or reject a matter of this sort. I also agree that it is extremely difficult to follow amendments to amendments, but I would like to say that the reason why the copies have been given to hon. Members is because, as we were doing the Tax Bill. I took the opportunity to introduce provisions relating to the Acreage Tax to which the hon. Member made reference.

The other aspect of the situation is that in view of the fact that the Comptroller of Customs and Excise will be taking over certain functions of the District Commis-

sioners, it is obvious that there are related laws which will be affected as the result of his assumption of certain duties and functions hitherto exercisable by District Commissioners. Although it may appear involved and confusing, the amendments are simply consequential in general principle—

(a) the Acreage Tax which the hon. the Financial Secretary and Treasurer said in his Budget Statement it is proposed to repeal;

(b) the Comptroller of Customs and Excise is to assume certain functions hitherto exercisable by the District Commissioners; and

(c) there was a repeal of certain provisions through inadvertance whereby registered sicknurses and dispensers and registered chemists and druggists were permitted to sell by retail medicated wines in a drug store without taking out a malt liquor and wine licence. There is now an endeavour to remedy that mistake, because hon. Members will agree that it is not desirable to impose a tax on registered sicknurses and dispensers and registered chemists and druggists. Consequently, that is being introduced.

Those are simple principles. The rest is just legal machinery for carrying these provisions into effect. There is nothing, I suggest to hon. Members, which is sought to be introduced in this Bill, which will not meet with the approval of hon. Members. I am sorry it is put in this form but that cannot be helped. I am sorry that hon. Members have suggested that there is an attempt to rush this Bill through, but it will be appreciated that, so far as the question of matters relating to intoxicating liquor is concerned, the Licensing Board holds its meeting at the end of December, and consequently an endeavour is being made so that the Board will know its position in any matter affecting its consideration of applications and the licence fees in regard to matters which come before it. That is, in short, the reason for presenting this Bill to hon. Members.

I am sorry for whatever inconvenience may have been caused hon. Members by our meeting today. I regret it very much but, as hon. Members are aware, during the course of last week we spent some time dealing with other matters, so we were unable to complete our consideration of these matters in time for the end of the year. I hope hon. Members will accept my explanation of the provisions of the Bill and also of the reasons for asking this Council to meet here today in order that those provisions may be considered. I am sorry the hon. Member was not as fully prepared as he should be, but I know he knows quite a considerable amount of subjects in this matter and, having regard to the fact that the principles have been approved, it is only a question of details and having the procedure for carrying into effect the various matters which are now before the Council.

**Mr. Fernandes:** By a strange coincidence last year I complained of the same thing—10 days between the notice of a Bill and the time we have to discuss it. In those 10 days one is fully occupied with the normal duties of his private life. I suppose that does not concern the Administration. We have been also pressed to the point that we had to work in this Council far past the normal hours. We had to work on Wednesday, Thursday and Friday. Besides that one was not able to see the Order Paper until one came into this Council. I complained bitterly last year but, evidently, that did not make any difference so far as the Administration was concerned.

I accept the word of the hon. the Attorney-General as I believe he speaks the truth, but there are little ways in which these little amendments may affect the public. I am here to represent the public, and that makes it necessary for me to be able to

have sufficient time to go into these matters carefully before I vote on them. I have only one vote. I asked for a division so as to vote against it. One certainly gets tired coming here year after year and making the same objections. I am sorry, but I would not take any active part in the discussion on this Bill. I am entirely in agreement with the removal of the Acreage Tax but, nevertheless, it is not only the amendment with which I am concerned, but the fact that here again—in 1952—we find the same complaint. When I made the complaint last year I thought it would have been the last occasion, because my term of office ended on November 21, this year, but through no fault of my own the life of the Council has been extended. Now I have the same statement to make—that it is not necessary to have this before the end of the year.

**Mr. Macnie:** I feel I must associate myself with the remarks of the hon. Member who has just taken his seat. It is true that the original amendment was published on December 12, but we did receive our copies of the Order Paper an hour before our arrival here this afternoon, and we had no idea that the Bill was going to be taken, neither did we have any idea that it was a matter of urgency. Furthermore, we have been handed since we came here this afternoon, amendments to no fewer than three Bills, including the one under discussion.

I agree entirely with the hon. Member for Georgetown Central (Mr. Fernandes) when he says that Members of the Council are entitled to an opportunity to study these Bills. Further, a study is made more difficult by the fact that, regrettably, we cannot get copies of the law. If it was merely a matter of taxation which, as we all know, has to be put before the Council and read three times, we would know that it was necessary; but there does not seem to be anything of that nature in the Bill. There is no assurance that the Admin-

istration would be more than embarrassed if the Bill is not taken today. When I say "the Administration" I speak of the official Government.

As I understood it, the Department — the District Administration, the Customs or the Licensing Board—can continue. There was certainly no opportunity for hon. Members to pay any attention to this Bill, and therefore I support the hon. Member for Georgetown Central and the hon. the Fourth Nominated Member.

**Dr. Singh:** I think we must try to display a spirit of give-and-take in this Council. We know what a busy time we had here last week when we sat seven or eight hours on some days, and I am perfectly satisfied with the explanation given by the Attorney General. I think we should take heed of it.

**Mr. Thompson:** I have expressed many views about these matters, and only last week I did so. I have no alternative, therefore but to remain silent. This matter was dealt with a long time ago and I do not see how we can deal with it now if it is intended to introduce an amendment. This is not my first complaint, but I do not appear to have done any good by complaining.

**Mr. Peters:** I may have elected to remain silent when it comes to the question of protesting against the rushing of a Bill like this through the Council, but my own mental attitude is to turn off and point to something else, because there was nothing in the way in which this Bill was presented to interest me at all, and I certainly do join in protesting against its presentation in this manner today.

**Mr. Lee:** If hon. Members have not had an opportunity to study the Bill, the Council should be adjourned until tomorrow, so that they may have an opportunity of doing so tonight. We have to get it through before the year ends.

**The Attorney-General:** I am grateful to the hon. Member for Essequibo

River (Mr. Lee) for his suggestion — that hon. Members be given an opportunity to study the Bill if they so desire. I have no objection, and I should like to emphasize that there is no desire on my part, or on the part of Government, to rush anything through this Council at any time. But in view of the fact that the principles of the Bill were accepted and are acceptable to the Council, there is reason for putting it before hon. Members today.

It will be appreciated that when Bills have been passed by this Council they have to be printed, and in such a form that they can receive the assent of the Governor. That takes some time, and one of the instructions is that all Bills passed before the close of a year must be assented to before the close of that year. That being so, hon. Members will realize the position which faces us in endeavouring to get this legislation passed, so as to have it printed in order to receive the assent of the Governor on or before December 31.

That is the position, but I would wish hon. Members to appreciate that there is no desire that they should not have the fullest opportunity to examine legislation and to be in a position to make comments and give their considered opinion on such legislation. If hon. Members are agreeable to sitting tomorrow I shall be very grateful to them, because there are two other Bills in the same category, and it is not a question of rushing or anything of the sort.

The Bill which stands as item 9 on the Order Paper has been engaging the attention of this Council for some time, and it is also desirable that that should be completed. There were certain clauses which are deferred, and I wish to have the views of hon. Members with regard to those deferred clauses after I have given an explana-

tion of the things which have to be enacted before hon Members finally decide upon those particular clauses. It will be also realised that that Bill is one of some 270 clauses, and it will take some time to have it printed, prepared and examined: Therefore, it is only a suggestion to hon. Members, that in the light of the particular circumstances at the present time there is no alternative but to seek the co-operation of this Council in a matter of this sort.

I regret that I was not present last year when the hon. Member for Georgetown Central registered his objection, as he said, with regard to bringing legislation of importance before Council at this time of the year but, in the light of what I have just said, it would be appreciated that it very often becomes a matter of necessity that that course has to be adopted. I hope hon. Members will understand the reasons with regard to the bringing of Bills at this time. Nothing is farther from the mind of Government than that Members should be forced to deal with them without proper examination. I would go further and say that if hon. Members agree to approve the second reading—since it is really an examination of the details which hon. Members desire to have an opportunity to make before they approve—I would suggest that we defer further consideration of the Bill until tomorrow

**Mr. Fernandes:** I will agree to the second reading because, at least, I am agreeable to the Bill in principle. If the hon. Member desires that we should continue to deal with the Customs Ordinance I shall be happy to do so because, when the O.A.G. asked us to sit today, he mentioned that as one of the things to be dealt with, and I came here today intending to go through with it. I do not want to be harsh to Members, but one feels hurt when he has to come here year after year and register the same objection.

I am quite prepared to continue with the Customs (Amendment) Ordinance. I do not know whether the Attorney General hopes to get all these things through today, because I am sure that if he had left this Bill for the last we would not have reached it before 5 o'clock.

**The Attorney-General:** I ask leave to defer consideration of this Bill.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill deferred.

**Mr. Farnum:** May I, at this stage, move that Council adjourns until tomorrow. We have to come here tomorrow in any case.

#### PROVISIONAL COLLECTION OF TAXES (AMENDMENT) BILL, 1952

**The Attorney-General:** The next Bill involves a change of only one word, and it is bound up with the Customs Bill. I may say, in answer to the hon. Member for Georgetown Central, that the Bills are very short, and I do not think they will be controversial. The Bill I desire to take now is at item No. 7.

I ask leave to move the suspension of the Standing Rules and Orders to enable me to take the Bill at item No. 7 which was published on December 17. It is a very simple Bill and is tied up with Parts I and III of the Schedule in the Customs Bill. The reason why it has to be taken is to enable Government to collect the duties levied under Parts I and III of the Schedule when published. The word "export" has to be inserted (in section 2 of the Principal Ordinance) because it is not in the present law.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Relevant Standing Rules and Orders suspended.

**The Attorney General:** I beg to move the second reading of the Bill intituled—

"An Ordinance to amend the Provisional Collection of Taxes Ordinance".

As hon. Members will see from the memorandum of Objects and Reasons, the Bill seeks to provide for the payment of export duty on articles exported from this Colony where the Governor-in-Council has, during any session of the Legislative Council, approved of the introduction into the Legislative Council of a Bill whereby an export duty is imposed on any articles previously exempt from that duty, or whereby the export duty previously payable on any articles is altered, the Governor may order that the Comptroller of Customs shall demand, levy and collect on those articles, the duties set forth in the Bill as the duties to be levied thereon, instead of the duties payable thereon under the existing law, provided that, where the alteration in the duty contained in the Bill is a reduction of the duty under the existing law the duty under the existing law shall be levied and collected. That is in terms of the present law, Chapter 41, except that it does not include matters with regard to export.

Hon. Members are aware of the fact that in the Customs Bill which is the next item on the Order Paper, Parts I and II of the First Schedule relate to questions of tariff, and the law has been so designed that in matters of that sort where, for obvious reasons, it is not possible to publish the tariff, that is done later on, and when the Bill is read the first time the taxes leviable by reason of that Bill can be collected by the Comptroller of Customs. It is reasonable that there should be such a provision.

In the Bill as it stands — the Customs Bill — hon. Members are aware of the fact that Parts I and III of the First Schedule were left blank, and I explained that in due time those Parts would be presented to the Council. But in the meantime, when this Bill is passed we would have had to present the other portions without Parts I and III of the First Schedule, if they were to be ex-

amined by Members of this Council. Accordingly, the procedure which has to be adopted is under the Provisional Collection of Taxes Ordinance, Chapter 41, as it now stands. That provision, however, does not include any reference to export and, consequently, it is essential that some Bill should be passed to include that word by an amendment. I hope I have made the situation clear. It is bound up with the provisions in the Customs Bill. I beg to move that this Bill be now read a second time.

**The Colonial Secretary:** I beg to second the motion.

Question put and agreed to.

Bill read a second time.

**Council resolved itself into Committee** to consider the Bill clause by clause.

#### COUNCIL IN COMMITTEE

*Clause 2—Amendment of section 2 of the Principal Ordinance.*

**Mr. Fernandes:** If I understand the Bill correctly, the Schedule to the Customs Ordinance might increase the export tax on any articles now paying export tax, and if it does this the new tax would be payable. If it reduces the tax, however, then the old tax would be payable. Again, as I see it—I am just speaking on the spur of the moment—this appears to be giving power to the authorities concerned to fix an export tax on anything without reference to this Council. I remember that some time ago it was attempted to put an export tax on greenheart logs, but because it was recommended that sawn greenheart be also included we have not heard anything more about that tax.

I am not prepared to allow this Council to lose any of its little powers without recording my vote against it. This Bill was printed on December 17 and I suppose it got into my box on Wednesday night, thus reaching my office on Thurs-



day. On Thursday I had very little time to consider it, and I had a very busy week-end. If this Schedule increases the tax on anything and the increase has to be paid, or if it decreases the tax on anything and the present tax has to be paid I think it would be in no way due to the power of the Legislative Council. If that is the correct interpretation I do not see how I can support this Bill.

**The Financial Secretary and Treasurer:** I think the hon. Member is under a misapprehension. In the first place there is no intention to increase export duty in any way whatever. If there was, this Council would have been told about it in the Budget Statement. Hon. Members will remember that I did mention in my Budget Statement that, at the same time, before the end of the year the Attorney-General would be laying over the new tariff which is to be adopted in place of the one abolished in the Customs Bill, and I also said that that new tariff would contain a number of modifications. In fact, the whole tariff is a re-arrangement of the existing tariff in one way or another.

I also indicated that the result would be a slight increase in revenue, but an increase in revenue was not intended. However, as a result of the Customs law which would come into force on January 1, 1953, there would be this amended tariff. There would be no time to consider it in detail and, therefore, this procedure of bringing it into force by Order in Council would be adopted. This does not mean that it would become permanent law. We bring it into force by Order in Council to enable duty to be levied at the proper rate, but until the Council has passed that Schedule it does not become permanent law. The Council is not being deprived in the slightest way of an opportunity to consider the tariff as a whole. In the new Customs Bill export duties are dealt with as well as import duties. Unless

this is passed into law, which includes export as well as import duties, it would be ineffective. Therefore, the insertion of the word "export" into this law would enable the Customs authorities to collect export as well as import duties. I hope I have made myself clear.

**Mr. Fernandes:** I do not know if the hon. the Financial Secretary and Treasurer would explain why it is put in the Objects and Reasons that, if increased, the higher rates would be taken, and if decreased, the present rates would be taken.

**The Attorney-General:** That is only the language of the Ordinance. It is really to put the law in such a way for an Order in Council so as to place before the Council the whole tariff. We cannot do so at the present time. Hon. Members will have an opportunity to scrutinize the tariff and express their views on it. Therefore we have to devise some means whereby we can put the tariff under the Provisional Collection of Taxes Ordinance, but that Ordinance has no reference to export. In the tariff itself and the reclassification the question of export is mentioned, and consequently we have to have it introduced into the Ordinance for this particular purpose. We are dealing with a matter which is rather new; in this way we are having a whole Customs Ordinance.

**The Financial Secretary and Treasurer:** I was asked for an explanation. If I had to write the memorandum of Objects and Reasons I would have written it in two lines—Insert the word "export"

**Mr. Fernandes:** I would like to be very clear on one point—that in future variation of the export tax can be done without the approval of this Council. That is the question I want answered, and that is what I am getting at. I want to make sure that nothing passed there can at some time in the future be thrown at me. As long as the assurance is given me that there is nothing in this Bill that would deprive the Leg-

islative Council of the power to say whether an export tax should be decreased, increased or abolished, I will accept it without any further talk.

**The Attorney-General:** If the hon. Member refers to the Customs Bill itself, which we have been considering, he will see at clause 8 that the Governor in Council may make an interim order, and that clause 9 provides that the interim order is to be confirmed, amended or revoked by the Legislative Council. The difficulty is to bridge the gap at the present time with regard to this question of the tariff. This Council is now engaged in passing legislation which provides for adequate safeguards in respect of this particular matter, but at the moment we have to devise this method in order to get the tariff through this Council, so that hon. Members would have full opportunity to examine it.

If the tariff was presented to this Council today as Parts I and III of the Schedule, the hon. Member would have been the first to say: "I have not had an opportunity to study this" — and he would have been quite right, and I am sure that other hon. Members would have adopted the same attitude. But in order to give him that opportunity we are providing, when tariffs are laid under the Provisional Collection of Taxes Ordinance, that they become law at the first reading of the Bill. Hon. Members can then examine those tariffs at their leisure, and after they have given them due attention they can decide on them. That being so, all that is sought is to provide an amendment to the Provisional Collection of Taxes Ordinance in order that the word "export" should be inserted, because there are certain things on which export duties may be collectable which will go into the tariff.

Consequently, if it is provided for in the Provisional Collection of Taxes Ordinance, that would be an advantage so far as holding it over while Members of Council have an op-

portunity to examine and decide as to what they wish. The point raised by the hon. Member for Georgetown Central is covered by clauses 8 and 9 of the Customs Ordinance.

**Mr. Fernandes:** I see that. There again we not only have to consult the original law but the amendments and the new Bill of 170 pages. A layman is expected to keep a large section in mind without having a chance of going into the Bill. I have accepted clause 8 of the Customs (Consolidation) Bill, and I thank the hon. the Attorney-General for answering my question.

Title and enacting clause agreed to.

The Council resumed.

**The Attorney-General:** With the consent of Council I beg to move that this Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

#### CUSTOMS CONSOLIDATION BILL.

Council resolved itself into Committee and resumed consideration of the Bill intitled:

"An Ordinance to consolidate and amend the Law relating to Customs".

**The Attorney-General:** When this Bill was under consideration by this Council certain clauses were deferred at the suggestion of hon. Members of Council. They are clauses 7, 43, 70, 156, 162, 176, 214, 215 and 237. May I be permitted to take the first clause which deals with Customs Duties?

#### *Clause 7—Customs Duties.*

**The Attorney-General:** The clause reads—

"It shall be lawful for the Legislative Council from time to time by Resolution to impose import or export duties of cus-

toms upon any goods whatsoever which may be imported into or exported from the Colony, and to revoke, reduced, increase or alter any such duties, and to provide for the importation or exportation of any goods without payment of customs duty thereon".

That is purely a legal matter. The hon. Member for Georgetown Central (Mr. Fernandes) raised the point, as he wishes to be perfectly certain that there can ever be any possibility of Members of this Council or any future Legislature taking upon themselves the imposition of taxes by reason of the language used in this clause. I pointed out to the hon. Member then, and I repeat it now, as I have given it further consideration with other officers in the Department, that this clause is subject to the provisions of the Order in Council and must be so read. I may add that that is also the language used in the Trinidad Ordinance. They had a similar type of Constitution.

Mr. Fernandes: I cannot conceive of the hon. the Attorney-General saying that, but at the same time I am not going to press it. I merely warn him that it is going to happen some day.

The Attorney-General: As the hon. Member has raised the point, I appreciate the fact that there should be no apprehension in regard to it. That is why I am pleased to make the statement that section 5 of the Customs Ordinance of Trinidad, Chapter 52, has exactly the same language. I am just pointing out that all that must be read subject to the British Guiana (Constitution) Order in Council page 27, Article 59—

"The Council shall not pass, nor shall the Governor assent to any law, vote, or resolution the object or effect of which may be to impose any tax or dispose of or charge any part of the public revenue, or to revoke, alter or vary any such disposition or charge, unless such law, vote, or resolution shall have been proposed by, or by the direction of, or shall have the express approval of the Governor . . ."

I wish to emphasize that this particular clause must be read subject to Article 59 of the British Guiana (Constitution) Order in Council, 1928. In other words, as Your Excellency pointed out, no Government, Council, or House of Assembly can on its own initiate any motion to charge the revenue of the Colony. It is done by the Governor. The hon. Member said he was not pressing the point, but he raised it, and I am grateful to him for doing so.

Question put, and agreed to.

Clause 7 passed as printed.

Clause 43 — *Goods prohibited or restricted to be exported.*

The Attorney-General: The hon. Member for Central Demerara (Dr. Jagan) sought to introduce a similar provision at the end of this clause as that obtaining in clause 9. As I pointed out then, and I wish to emphasize now, I do not think it desirable to have a similar provision to that which appears in clause 9 attached to clauses 42 and 43. There may be occasions when the Governor in Council — and I wish to make it quite clear that the Executive Council with their responsible Ministers will have that responsibility—on advice and information received, may consider it desirable that certain articles should be put on the prohibited list, but not equally desirable that the matter should be placed before the Legislative Council for further consideration and a tremendous debate. I think that hon. Members would be advised to leave the provisions as they are.

Question put, and agreed to.

Clause 43 passed as printed.

Clause 70—*Penalty for not accounting for package reported.*

The Attorney-General: The point was raised by the hon. the Seventh Nom-

inated Member (Mr. Macnie) that though it was new he saw no reason for its introduction in this Bill. I wish to inform him and other Members of Council that it was the practice in this Colony for shipping agents to submit amendments to ships' reports of goods on their landing. Those amendments were accepted, and as a result a considerable amount of ships' cargoes consigned to the Colony were not proved to be landed legally, as there was nothing to show whether such cargoes shipped were landed at another port, whether they had been transferred to small vessels at sea, or whether they had been smuggled ashore after the vessel arrived in port. I think hon. Members who have experience of these customs matters will appreciate these aspects of the situation.

The law, as at present worded, places the onus on the master of a vessel to satisfy himself in respect of the cargo, and if the law is enforced strictly a vessel would not be allowed to depart until the Comptroller of Customs and Excise is satisfied as to the contents of that vessel. Clause 70 clarifies the intention behind section 40 of Chapter 33 which deals with the obligation placed on the master of a vessel to answer questions and produce papers.

The section reads:

(1) The master of every ship arriving from ports beyond the seas shall, at the time of making report, answer all such questions, and produce all such books, papers, and documents in his custody or control, relating to the ship, cargo, crew, passengers, and voyage as may be put to him or required by the Comptroller or other proper officer of customs . . .

Mr. Macnie: To a point of correction! I think the hon. the Attorney-General will find that section 40 of Chapter 33 is in clause 73 of this Bill.

The Attorney-General: What I would like to point out is that if the agent is excluded this may seriously affect the turn around of ships and also of aircraft, because it is clear that conditions cannot remain as they are at pres-

ent, whereby agents do not account or try to account for missing packages. I may also add, as I have already told hon. Members, that it was recommended in the Report of the Customs Union Commission, and that is the law in the neighbouring Colony of Trinidad where it has been the law since 1938.

Mr. Fernandes: I would like to point out to the hon. the Attorney-General that he seems to be under a misapprehension as to what was taken up.

The Attorney-General: I am under no misapprehension.

Mr. Fernandes: If he permits me to tell him, this additional penalty of \$25 is in respect of each package. There is no question of amendment. It is a question of duty. That is the point I took, and now that we are on it, as soon as the hon. the Attorney-General is finished I shall move the deletion of all the words following the word "thereon" in the 10th line of the clause.

The Attorney-General: Before we adjourn I would like to read section 68 of the Trinidad Customs Ordinance, Chapter 32, which is substantially the same as the provisions which we are seeking to introduce in this Bill. The whole point is that Customs Laws are Customs Laws. Is it to be said that we should lag so far behind that packages and other things could come here on a ship and the master does not account for them, but if he goes to Trinidad in similar circumstances he has to follow similar provisions as these?

Mr. Macnie: I took no part in the debate on this particular, clause and, whether the hon. the Attorney-General reads the Trinidad Ordinance or not, I am quite sure what I have to say will take another ten minutes.

The Chairman: It is now 5 o'clock and we will adjourn.

Further consideration of the Bill deferred.

#### FOLLOWING DAY'S BUSINESS

**Mr. Roth:** Would the hon. the Attorney-General give us an idea of what he is going to deal with tomorrow?

**The Attorney-General:** I propose to deal with the Customs Bill and the other two Bills which were deferred. I do not propose to deal with the Wild Life Bill.

Council resumed.

**The Financial Secretary and Treasurer:** If I am permitted, may I ask whether Members would give me a quarter of an hour tomorrow in Finance Committee? I should like to get a schedule through before the end of the year. We can do so after the conclusion of tomorrow's meeting of Council.

**Mr. Fernandes:** I am quite willing to work tomorrow. I have a very important engagement at 4 o'clock tomorrow but I am quite willing to work up to 4 o'clock. After that, if I have any power to object to working longer I intend to do so. I am not prepared to miss a sitting of this Council.

**The Colonial Secretary:** With the permission of Council, tomorrow I will move the suspension of the Standing Rules and Orders in order to move the motion with respect to the Co-operative Credit Banks (Special Provisions) Ordinance, notice of which I gave today, for the continuance of the Ordinance for a further year. It makes provision for loans to farmers. The motion is quite formal.

Council was adjourned to 2 p.m.  
(Tuesday, 23rd December, 1952).