

THIRD PARLIAMENT OF GUYANA

FIRST SESSION'

1973 1978

MINUTES of the Proceedings of the 167th Sitting of the National Assembly held in the Parliament Chamber at the Public Buildings, Georgetown, Demerara,

AT 2.00 P.M.  
ON

WEDNESDAY, 1ST NOVEMBER, 1978

MEMBERS OF THE NATIONAL ASSEMBLY (62)

Speaker

Cde. Sase Narain, O.R., J.P., M.P., Speaker of the National Assembly

Members of the Government - People's National Congress (45)

Prime Minister (1)

Cde. L.F.S. Burnham, O.E., S.C., M.P., Prime Minister

Deputy Prime Minister (1)

Cde. P.A. Reid, M.P., Deputy Prime Minister and Minister of National Development

Senior Ministers (12)

Cde. H.D. Hoyte, S.C., M.P., Minister of Economic Development and Co-operatives(Absent)

Cde. S.S. Naraine, A.A., M.P., Minister of Works and Transport

Cde. B. Ramsaroop, M.P., Minister of Parliamentary Affairs and Leader of the House

Cde. C.V. Mingo, M.P., Minister of Home Affairs

\*Cde. H. Green, M.P., Minister of Health, Housing and Labour(Absent - on leave)

\*Cde. H.O. Jack, M.P., Minister of Energy and Natural Resources(Absent-on leav )

\*Cde. F.E. Hope, M.P., Minister of Finance

\*Cde. G.B. Kennard, C.C.H., M.P., Minister of Agriculture

\*Cde. M. Shahabuddeen, C.C.H., S.C., M.P., Attorney General and Minister of Justice

\*Cde. V.R. Teekah, M.P., Minister of Education, Social Development and Culture

\*Cde. R.E. Jackson, M.P., Minister of Foreign Affairs

\*Cde. J.A. Tyndall, A.A., M.P., Minister of Trade and Consumer Protection

Ministers (2)

Cde. S.M. Field-Ridley, M.P., Minister of Information

Cde. O.E. Clarke, M.P., Minister - Regional (East Berbice/ Corentyne)

\*Non elected Minister

2.

Ministers of State (10)

- Cde. F.U.A. Carmichael, M.P., Minister of State - Regional (Rupununi)
- Cde. P. Duncan, J.P., M.P., Minister of State, Ministry of Economic Development and Co-operatives
- Cde. C.A. Nascimento, M.P., Minister of State, Office of the Prime Minister
- Cde. K.B. Bancroft, J.P., M.P., Minister of State - Regional (Mazaruni/Potaro)
- Cde. J.P. Chowritmootoo, J.P., M.P., Minister of State - Regional (Essequibo Coast/West Demerara)
- Cde. J.R. Thomas, M.P., Minister of State, Ministry of Health, Housing and Labour
- Cde. R.H.O. Corbin, M.P., Minister of State, Ministry of National Development
- Cde. S. Prashad, M.P., Minister of State - Regional (East Demerara/West Coast Berbice)
- Cde. R.C. Van Sluytman, M.P., Minister of State, Ministry of Agriculture
- Cde. L.A. Durant, M.P., Minister of State - Regional (North West)

Parliamentary Secretaries (5)

- Cde. M.M. Ackman, C.C.H., M.P., Parliamentary Secretary, Office of the Prime Minister, and Government Chief Whip
- Cde. E.L. Ambrose, M.P., Parliamentary Secretary, Ministry of Agriculture
- Cde. M. Corrica, M.P., Parliamentary Secretary, Ministry of Education, Social Development and Culture
- Cde. E.M. Bynoe, M.P., Parliamentary Secretary, Ministry of Trade and Consumer Protection
- Cde. C.E. Wrights, J.P., M.P., Parliamentary Secretary, Ministry of Economic Development and Co-operatives

Other Members (14)

- Cde. W.G. Carrington, M.P.
- Cde. E.H.A. Fowler, M.P.
- Cde. J. Gill, M.P.
- Cde. W. Hussain, M.P.
- Cde. K.M.E. Jonas, M.P.
- Cde. J.G. Ramson, M.P.
- Cde. P.A. Rayman, M.P.
- Cde. A. Salim, M.P.
- Cde. E.M. Stoby, J.P., M.P.
- Cde. S.H. Sukhu, M.S., M.P.
- Cde. C. Sukul, J.P., M.P.
- Cde. H.A. Taylor, M.P.
- Cde. L.E. Willems, M.P.
- Cde. M. Zaheeruddeen, M.P.

Members of the Opposition (16)

(i) People's Progressive Party (14)

Leader of the Opposition (1)

- Cde. C. Jagan, M.P., Leader of the Opposition

Deputy Speaker (1)

- Cde. Ram Karran, M.P., Deputy Speaker of the National Assembly

Other Members (12)

Cde. J. Jagan, M.P.  
Cde. Keepu Daman Persaud, J.P., M.P., Opposition Chief Whip  
Cde. N. Persaud, M.P.  
Cde. C. Collymore, M.P. (Absent)  
Cde. S.F. Mohamed, M.P.  
Cde. I. Basir, M.P.  
Cde. C.C. Belgrave, M.P.  
Cde. R. Ally, M.P.  
Cde. Dalchand, J.P., M.P.  
Cde. Dindayal, M.P.  
Cde. H. Nokta, M.P.  
Cde. P. Sukhai, M.P. (Absent - on leave)

(ii) Liberator Party (2)

Mr. M.F. Singh, J.P., M.P. (Absent - on leave)  
Mr. M.A. Abraham, M.P.

OFFICERS

Clerk of the National Assembly (F.A. Narain, A.A.)  
Acting Deputy Clerk of the National Assembly (A. Knight)

PRAYERS

The Clerk read Prayers

OATHS

- (i) Resignation of Cdes. M. Kasim and M. Nissar
- (ii) Election of Cdes. C.V. Mingo and F.U.A. Carmichael

The Speaker informed the Assembly that he had received letters from Cde. Mohamed Kasim and Mohamed Nissar, resigning as Members of the National Assembly. With their resignation, two seats had become vacant in the Assembly.

In accordance with article 70(1) of the Constitution he had called upon the Representative of the People's National Congress List of Candidates, i.e., the List from which the names of the two persons had been extracted, to further extract from the said List the names of two other persons who were willing to become elected Members of the National Assembly, to fill the vacancies therein.

The names of Cde. Claude Vibert Mingo, Minister of Home Affairs and of Cde. Fitz Uriel Alexander Carmichael, Minister of State Regional (Rupununi), had been extracted, and Cdes. Mingo and Carmichael had been declared elected Members of the National Assembly.

Cdes. Mingo and Carmichael who were present, made and subscribed as elected Members of the Assembly the Oaths of Office as required by article 76 of the Constitution.

ANNOUNCEMENTS BY THE SPEAKER(i) Congratulations to newly elected Members

On behalf of Members of the Assembly and himself, the Speaker congratulated Cdes. Mingo and Carmichael on their having been declared elected Members of the Assembly.

(ii) Leave

The Speaker announced that leave had been granted to-

- (a) Cdes Green and Jack for that sitting;
- (b) Cde. Sukhai for a period of one month from 13th October, 1978, and
- (c) Mr. M.F. Singh for a period of two months from 23rd October, 1978.

PRESENTATION OF PAPERS AND REPORTS, ETC.

(1) By the Minister of Parliamentary Affairs and Leader of the House, on behalf of the Minister of Health, Housing and Labour:

National Insurance and Social Security (Industrial Benefit)(Amendment) Regulations 1978 (No. 5), made under sections 12, 14, 20, 21, 23, 24, 39 and 51 of the National Insurance and Social Security Act, Chapter 36:01, on the 10th of February, 1978, and published in the Gazette on the 18th of February, 1978.

(23/4/34 II)(Circulated)

(2) By the Minister of Finance:

State Pension (LILY SUKNANDAN) Order 1978 (No. 111), made under section 4 of the State Pensions Act, Chapter 27:04, on the 10th of October, 1978, and published in the Gazette on the 21st of October, 1978.

(ST: 4/24)

QUESTIONS TO MINISTERSQuestions No. 28

Cde. Mohamed asked the Prime Minister the following question:

QUESTION: Will the Prime Minister say how much was paid by all the Corporations listed in the full page advertisement in the Sunday Chronicle of August 7, 1977, including the Guyana National Newspapers Ltd., offering "best wishes to the PMC for successful deliberations at their Second Biennial Congress" held at Sophia from 12th to 20th August, 1977.

(Notice Paper No. 149 published 10.2.78)

The Deputy Prime Minister gave the following reply:

ANSWER: The full page advertisement in the Sunday Chronicle of August 7, 1977, was a GUYSTAC Group advertisement ~~of a~~ total cost of two thousand, nine hundred and sixty-five dollars (\$2,965.00).

The Group operates in the main on a commercial basis, and it is the general practice to seek promotional leverage where the circumstances would seem to justify the cost involved.

In the case of the advertisement under reference, the "Second Biennial Congress" of the People's National Congress was an event of significant public interest and import with a potential increase in readership of the newspaper, hence the advertisement was placed in terms of the expected business returns.

PUBLIC BUSINESS

BILL            Second and Third Readings

ITEM 1 -    ADMINISTRATION OF JUSTICE BILL 1978 - Bill No. 20/1978  
published 20.9.78

Correction of Typographical Errors

The Speaker informed Members of the following typographical errors:

- Clause 4    (a) In the proposed section 61(2), substitute the word "guilty" for "gutity" appearing at the end of ~~the subsection;~~
- (b) In the proviso to the proposed section 61(9), after the word "that", substitute the word "no" for the word "not";
- Clause 6            In the heading of the proposed First Schedule, substitute the word "OFFENCES" for the word "OFFENCE";
- Clause 18(b)        Substitute the word "substitution" for the word "subsection" appearing after the word "the".

Second Reading

The Attorney General and Minister of Justice moved the second reading of the following Bill:

A BILL intituled AN ACT TO ALTER CHAPTER VII OF THE CONSTITUTION IN ACCORDANCE WITH ARTICLE 73 THEREOF AND TO MAKE PROVISION FOR MATTERS RELATING TO THE ADMINISTRATION OF JUSTICE.

The Leader of the Opposition was speaking to the motion when the time for the suspension of the sitting was reached.

On a motion by Cde. Reepu Daman Persaud, it was agreed that the Leader of the Opposition would conclude his speech before the sitting was suspended.

SUSPENSION OF SITTING

At 4.08 p.m. the sitting was suspended for refreshments.

RESUMPTION OF SITTING.

At 4.27 p.m. the sitting was resumed.

Cde. Reepu Daman Persaud and the Deputy Speaker spoke to the motion.

The Attorney General and Minister of Justice replied.

The motion was then put and carried.

The Bill was read a second time.

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

In Committee

Clauses 1 to 3 were passed as printed.

Clause 4 - Cde. Reepu Daman Persaud moved the following amendment which was put and negatived:

Deletion of the expression "and the accused" appearing in section 61(2) and substitution therefor of the expression "and if the accused consents".

Clause 4 was then passed as printed.

Clauses 5 to 7 were passed as printed.

Clause 8 - The Attorney General and Minister of Justice moved the following amendment which was put and carried:

Substitution of the following for paragraph (c):-

(c) by the insertion immediately after section 32 of the following section as section 32A -

"Reference 32A(1) Where a person tried on indictment has to Court been acquitted (whether in respect of the whole of Appeal or any count thereof), the Director of Public Prosecutions may, if he desires the opinion of the Court of Appeal on a point of law which has following arisen in the case, refer that point of law to acquittal the Court, and the Court shall, in accordance on in- with this section, consider the point and give dictment. their opinion on it.

(2) For the purpose of their consideration of a point of law referred to them under this section, the Court of Appeal shall hear arguments -

- (a) by, or by counsel on behalf of, the Director of Public Prosecutions; and
- (b) if the acquitted person desires to present any argument to the Court, by himself, or by counsel on his behalf.

(3) Where, on a point of law being referred to the Court of Appeal under this section, the acquitted person appears by counsel for the purpose of presenting any argument to the Court, he shall be entitled to the payment of his costs, that is to say, such sums as are reasonably sufficient to compensate him for expenses properly incurred by him for the purpose of being represented on the reference.

(4) Rules of Court may be prescribed for the purpose of regulating the practice and procedure on any reference under this section and, in the absence of any such rules, the court of Appeal may, on any reference under this section, give such directions as they think fit for the purpose of carrying out and giving effect to the provisions of this section.

(5) A reference under this section shall not affect the trial in relation to which the reference is made or any acquittal at that trial."

Clause 8 was then passed as amended

Clause 9 The Attorney General and Minister of Justice moved the following amendment which was put and carried:

Substitution of the following provisions as Part V -

'PART V - LIMITED CIVIL JURISDICTION OF THE COMMISSIONER OF TITLE AND THE REGISTRAR OF THE SUPREME COURT.

Jurisdiction of a Commissioner of Title and the Registrar of the Supreme Court in Bail Court and Chamber matters.

9(1) A Commissioner of Title and the Registrar of the Supreme Court may exercise the jurisdiction of a judge of the High Court in respect of such -

- (a) matters as are disposed of in Bail Court; and
- (b) business as is done in Chambers, as may be assigned to them respectively, by the Chief Justice and, for that purpose, a Commissioner and the Registrar shall be vested with, and may exercise, the powers of a judge of the High Court.

(2) Any order of a Commissioner or the Registrar made in exercise of the jurisdiction conferred on them by this section shall have effect as if it had been made by a judge of the High Court.

- (3) For the purposes of this section -
  - "Bail Court" has the meaning assigned to it in the Rules of the High Court;
  - "business in Chambers" means those matters which may be disposed of in Chambers by a judge under Order 43 of the Rules of the High Court.

Cap. 3:02

(4) Section 9 of the High Court Act shall not apply in relation to the powers conferred on the Registrar of the Supreme Court under this section.'

Clause 9 was then passed as amended.

Clause 10 was passed as printed.

8.

Clause 11 The Attorney General and Minister of Justice moved the following amendment which was put and carried:

Substitution of the words "one thousand, five hundred" for the words "two thousand", the number "1500" for the number "2000", and the number "500" for the number "5000"

Clause 11 was then passed as amended

Clause 12 was passed as printed.

Clause 13 - The Attorney General and Minister of Justice moved the following amendments which were put and carried:

(i) Insertion of the words "and with the consent of the judge," between the words "Chancellor," and "sit" in the proposed subsection (4) of section 3 of the High Court Act.

(ii) Insertion of the words "a judge of the High Court" after the words "powers of" in the proposed subsection (5) of section 3 of the High Court Act.

Clause 13 was then passed as amended.

Clause 14 The Attorney General and Minister of Justice moved the following amendment which was put and carried:

Substitution of the words "five years" for the words "ten years" in the proposed subsection (2) of section 14 of the Criminal Law (Offences) Act.

Clause 14 was then passed as amended.

Clause 15 was passed as printed.

Clause 16 - The Attorney General and Minister of Justice moved the following amendments which were put and carried:

(i) Relettering of paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and insertion of the following paragraph as paragraph (b) -

(b) by the insertion of the following subsection as subsection (3) of section 173 -

"(3) Where an accused person absents himself ~~sicks to absent himself~~ from trial on the ground of illness the Court may order him to submit himself for examination by a registered medical practitioner designated by the Court in order to determine whether or not he is fit to attend the trial and thereafter the Court may proceed with the trial in the absence of the accused person if -

(a) he does not submit himself for the examination; or



(b) the Court, having considered the report of that examination, together with any other report of any registered medical practitioner tendered by the accused person and, if necessary, the testimony on oath of any registered medical practitioner, is satisfied that the accused person is capable of attending the trial.".'.

(ii) Insertion of the words "if, in proceedings instituted under this section within the period of ten years after the date of the commission of the offence" after the words "convicted and" in the proposed subsection (9) of section 203 of the Criminal Law (Procedure) Act.

Cde. Reepu Daman Persaud moved the following amendment which was put and negatived :

"Deletion of subsection (9)"

Clause 16 was then passed as amended.

Clause 17 to 20 were passed as printed.

Assembly resumed.

Third Reading

On a motion by the Attorney General and Minister of Justice the Bill was read the third time and passed as amended in Committee on the following division:

<u>FOR</u>	<u>AGAINST</u>
Cde. Zaheeruddeen	Cde. Nokta
Cde. Willems	Cde. Ally
Cde. Taylor	Cde. Mohamed
Cde. Sukul	Cde. N. Persaud
Cde. Sukhu	Cde. Reepu Daman Persaud
Cde. Stoby	
Cde. Salim	
Cde. Rayman	
Cde. Ramson	
Cde. Jonas	
Cde. Hussain	
Cde. Gill	
Cde. Fowler	
Cde. Carrington	
Cde. Wrights	
Cde. Bynoe	
Cde. Corrica	
Cde. Ambrose	
Cde. Ackman	
Cde. Durant	
Cde. Van Sluytman	
Cde. Prashad	
Cde. Corbin	
Cde. Thomas	
Cde. Chowritmootoo	
Cde. Bancroft	
Cde. Nascimento	

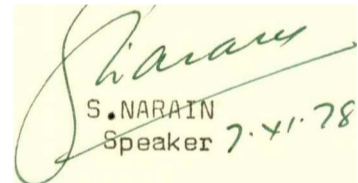
Carried 27  
Forward:

5

	FOR	<u>AGAINST</u>
Brought Forward:	27	5
Cde. Duncan		
Cde. Carmichael		
Cde. Clarke		
Cde. Field-Ridley		
Cde. Mingo		
Cde. Ramsaroop		
Cde. Naraine		
Cde. Reid		
Cde. Burnham		
 TOTAL	 36	 5

ADJOURNMENT

At 6.47 p.m., on a motion by the Minister of Parliamentary Affairs and Leader of the House, the Assembly was adjourned to a date to be fixed.



S. NARAIN  
Speaker 7.11.78

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown.  
7th November, 1978.