

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT
[VOLUME 7]
PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE NATIONAL
ASSEMBLY OF THE THIRD PARLIAMENT OF GUYANA UNDER THE
CONSTITUTION OF GUYANA

10th Sitting	2 p.m.	Thursday, 11th October, 1973
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MEMBERS OF THE NATIONAL ASSEMBLY

Speaker

His Honour the Speaker, Mr. Sase Narain, J.P.

Members of the Government - People's National Congress (49)

The Hon. L.F.S. Burnham, O.E., S.C.,
Prime Minister

(Absent – on leave)

Dr. the Hon. P.A. Reid,
Deputy Prime Minister and Minister of
National Development and Agriculture

Senior Ministers (7)

The Hon. H.D. Hoyte, S.C.,
Minster of Works and Communications

*The Hon. S.S. Ramphal, S.C.,
Ministers of Foreign Affairs and Justice

(Absent)

*The Hon. H Green,
Minister of Co-operatives and National Mobilisation

(Absent)

***Non-elected Ministers**

*The Hon. H.O. Jack,
Minister of Energy and Natural Resources (Absent)

*The Hon. F.E. Hope,
Minister of Finance

*Dr. the Hon. K.F.S. King,
Minister of Economic Development

*The Hon. S.S. Naraine, A.A.,
Minister of Housing

Ministers (6)

The Hon. W.G. Carrington,
Minister of Labour

The Hon. Miss S.M. Field-Ridley,
Minister of Information and Culture (Absent – on leave)

The Hon. B. Ramsaroop,
Minister of Parliamentary Affairs
and Leader of the House

*The Hon. Miss C.L. Baird,
Minister of Education (Absent)

*Dr. the Hon. O. M. R. Harper,
Minister of Health (Absent)

*The Hon. G. A. King
Minister of Trade (Absent)

Ministers of State (9)

The Hon. M. Kasim, A.A.,
Minister of State for Agriculture (Absent)

The Hon. O.E. Clarke,
Minister of State – Regional
(East Berbice/Corentyne)

***Non-elected Ministers**

The Hon. P. Duncan, J.P.,
Minister of State – Regional (Rupununi)

The Hon. C. A. Nascimento,
Minister of State, Office of the Prime Minister

Mr. M. Zaheeruddeen, J.P.
Minister of State – Regional (Essequibo
Coast/West Demerara)

*The Hon. C.V. Mingo,
Minister of State for Home Affairs

*The Hon. W. Haynes,
Minister of State – Regional (Mazaruni/Potaro)

*The Hon. A. Salim,
Minister of State - Regional
(East Demerara/West Coast Berbice)

*The Hon. F. U. A. Carmichael,
Minister of State – Regional (North West)

Parliamentary Secretaries (8)

Mr. J.R. Thomas
Parliamentary Secretary, Ministry of Housing

Mr. C.E. Wrights, J.P.,
Parliamentary Secretary, Ministry of Works
and Communications

Miss M.M. Ackman,
Parliamentary Secretary, Office of the Prime Minister,
and Government Whip

Mr. E.L. Ambrose
Parliamentary Secretary (Agriculture),
Ministry of National Development and Agriculture

Mr. K. B. Bancroft,
Parliamentary Secretary (Hinterland),
Ministry of National Development and Agriculture

***Non-elected Ministers**

Mr. S. Prashad,
Parliamentary Secretary, Ministry of Co-operatives
and National Mobilisation

Mr. J. P. Chowritmootoo,
Parliamentary Secretary, Ministry of Education

Mr. R. H. O. Corbin,
Parliamentary Secretary, Ministry of
Co-operatives and National Mobilisation

Other Members (18)

Mr. J.N. Aaron

Mrs. L. M. Branco

Mr. M. Corrica

Mr. E.H.A. Fowler

Miss J. Gill

Mr. W. Hussain

Miss S. Jaiserrisingh

Mr. K. M. E. Jonas

Mr. M. Nissar

Dr. L. E. Ramsahoye

(Absent)

Mr. J. G. Ramson

Mrs. P. A. Rayman

Mr. E. M. Stoby, J.P.

Mr. S. H. Sukhu, M.S., J.P.

Mr. C. Sukul, J.P.

Mr. H. A. Taylor

Mr. R.C. Van Sluytman

Mrs. L.E. Willems

Members of the Opposition

Liberty Party (2)

Mr. M. F. Singh, Deputy Speaker

Mrs. E. DaSilva

OFFICERS

Clerk of the National Assembly – Mr. F.A. Narain

Deputy Clerk of the National Assembly – Mr. M. B. Henry, AMBIM.

11.10.73
p.m.

National Assembly

2.15- 2.25

2.15 p.m.

PRAYERS

ANNOUNCEMENTS BY THE SPEAKER

APPOINTMENT OF MINISTER OF TRADE

The Speaker: Hon. Members I have been informed that Mr. George Anderson King, who is not an elected Member of the National Assembly, has been appointed to be a Minister and has been designated Minister of Trade with effect from the 5th of October, 1973.

In accordance with article 34 (6) of the Constitution, Mr. King has become a Member of the National Assembly.

LEAVE

Leave has been granted to the hon. Prime Minister for today's sitting and the hon. Minister of Information and Culture, Miss Shirley Field-Ridley.

PRESENTATION OF PETITIONS

PRIVATE BILLS

MISSIONARY BOARD OF THE CHURCH OF GOD

Mr. Aaron: Mr. Speaker, I beg to present a Petition on behalf of the Missionary Board of the Church of God of Anderson, Indiana, United States of America, seeking to have introduced in the Assembly a Private Bill to incorporate the Church of God in Guyana.

The Clerk read the Petition as follows:

11.10.73

National Assembly

2.15- 2.25 p.m.

“Guyana

To the honourable members
of the national assembly
of Guyana.

The humble petition of the Missionary Board of the Church of God respectfully sheweth: -

1. That your Petitioner is of Anderson, Indiana, and United States of America, incorporated under the laws of the State of Indiana, United States of America.
2. That all property in Guyana vested in your Petitioner by virtue of the Missionary Board of the Church of God (Vesting of Property) Ordinance, Chapter 230, are held in trust for the use of the Church of God in Guyana (“the Church”).
3. That your Petitioner is desirous of promoting a Bill to establish a local Board of trustees (“the Board of Trustees”) to hold all the aforesaid property and for purposes in connection therewith.
4. That the objects of the Bill are to incorporate the board of Trustees to replace your Petitioner and to provide for other related and incidental matters there to which are considered desirable and expedient in the interests of the Church.
5. That the provisions of the Bill have been approved by the governing body of the Church.
6. That a copy of the Bill is hereto annexed.
7. That your Petitioner humbly requests that the Honourable Members of the National Assembly be pleased to permit the introduction of the bill and to enact the same.

WHEREFORE YOUR PETITIONER
AS IN DUTY BOUND WILL NEVER PRAY

Dated the 22nd day of May, 1972

THE MISSIONARY BOARD OF THE CHURCH
OF GOD

11.10.73

National Assembly

2.15- 2.25 p.m.

(sgd.) R. Eugene Sterner

President

(sgd.) Lester A. Gross

The Speaker: In accordance with Standing Order No. 57 (4), I will now put the Question.

Question-

“That the Promoters be allowed to proceed with the Bill”

put, and agreed to.

The Speaker: The promoters may proceed accordingly.

HAND-IN-HAND FIRE INSURANCE COMPANY LIMITED

Mr. Fowler: Mr. Speaker, I beg to present a Petition on behalf of the Hand-in-Hand mutual Fire Insurance Company Limited, seeking to have introduced in the Assembly, a Private Bill to amend to Hand-in-Hand Fire Insurance Company Ordinance, Chapter 208.

The Clerk read the Petition as follows:

“GUYANA

PETITION

To the honourable of
the National Assembly of
Guyana:

The humble petition of the Hand-in-Hand Mutual Fire Insurance Company Limited, of 1, 2 and 3 Avenue of Republic, Robbstown, Georgetown, respectfully sheweth:

1. Your Petitioner is a Company incorporated by the Hand-in-Hand Mutual Fire Insurance Ordinance, Chapter 208 (hereinafter referred to as the Principal Ordinance).
2. Your Petitioner is desirous of promoting a Bill to amend the Principal Ordinance (hereinafter referred to as the Bill) a copy whereof is hereto annexed.
3. The object of the Bill is to modify the provisions of the Principal Ordinance by –
 - (i) Amplifying the power conferred on the company by section 6 (vii) of the Principal Ordinance;
 - (ii) Fixing the capital of the Company at the stated sum of two million dollars instead of calculating it on a percentage of total risks;
 - (iii) Simplifying the requirements of the Principal Ordinance relating to the execution of documents;
 - (iv) Consolidating in one section the provisions of Principal Ordinance relating to the proof of by-laws books, documents and records of the Company;
 - (v) Substituting provisions for the keeping of a register of Directors and copies of the by-laws of the Company for the provisions relating to the publication of the List of Directors and by laws of the Company in the Gazette;
 - (vi) Modernizing the provisions relating to the absence of directors from the country;
 - (vii) Incorporating in section 83 of the Principal Ordinance in usual provisions relating to payments by cheque found in the Articles of Association of Joint Stock Companies;
 - (viii) Making consequential amendments.
4. The amendments of the Principal Ordinance sought to be made by the Bill are considered desirable and expedient in the interest of the Company and were approved at a general meeting of the members of the company on the 30th day of August, 1965.

11.10.73

National Assembly

2.15- 2.25 p.m.

5. On or about the 17th day of February, 1966, a petition to the House of Assembly for permission to introduce the Bill was delivered to the Clerk of the Legislations but before it could be presented to the House of Assembly, the House was dissolved.
6. Your Petitioner is desirous of having the Bill introduced in the National Assembly and enacted by the Parliament of Guyana.

WHEREFORE your Petitioner humbly prays that the Honourable Member of the National Assembly may be pleased to allow your Petitioner to proceed.

AND YOUR Petitioner as in duty bound will ever pray.

Signed this 11th day of January, 1973

for and on behalf of

THE HAND-IN-HAND MUTUAL FIRE INSURANCE
COMPANY LIMITED.

(sgd.) Bruce Gomes Chairman

(sgd.) Donald Jackson Director

(sgd.) C.P. Fitt Secretary

(SEAL)

Seal Affixed

(sgd.) C.P. Pitt
Secretary.

11.10.73

National Assembly

2.15- 2.25 p.m.

The Speaker: In accordance with Standing Order No. 57 (4), I will now put the Question.

Question-

“That the promoters be allowed to proceed”

put, and agreed to.

The Speaker: The promoters may proceed accordingly.

CANADIAN MISSION COUNCIL IN GUYANA

Miss Jaiserrisingh: Mr. Speaker, I beg to present a petition on behalf of the Canadian Mission Council in Guyana, seeking to have introduced in the Assembly, a Private Bill to incorporate the Guyana Presbyterian Church.

The Speaker: The Clerk will now read the Petition.

The Clerk read the Petition as follows:

“Guyana

PETITION

To the honourable members of the National Assembly of Guyana.

The humble petition of the Canadian Mission Council in Guyana respectfully sheweth:-

1. That your Petitioner is a baby corporate incorporated under the Canadian Mission Council Incorporation Ordinance Chapter 219.
2. That all property in Guyana vested in your Petitioner are held for the use and benefit of the Presbyterian Church in Canada in Guyana known as the Guyana Presbyterian Church (“the church”).
3. That your Petitioner is desirous of promoting a Bill to establish a local board of trustees (“The Board of Trustees”) to hold all the aforesaid property and for purposes in connection therewith.
4. That the object of the Bill are to incorporate the Board of Trustees to replace your Petitioner and to provide for other related and incidental matters thereto which are considered desirable and expedient in the interest of the church.
5. That the provisions of the Bill have been approved by the governing body of the church.
6. That a copy of the bill is here to annexed
7. That your Petitioner humbly requests that the Honourable Members of the National Assembly be planned to permit the introduction to the Bill and enact the same.

WHEREFORE YOUR PETITIONER
AS IN DUTY BOUND BILL EVER PRAY

Dated the 25th day of May 1972

The Caribbean Mission Council in Guyana

(Sgd.) David Karran

(Sgd.) Robert Janki

(Sgd.) Charles Kartick

11.10.73

National Assembly

2.25- 2.35 p.m.

The Speaker: In accordance with Standing Order No. 57 (4), I will now put the Question.

Question-

“That the promoters be allowed to proceed”

put and agreed to.

The Speaker: Hon. Member Mrs. Williams.

Mrs. Williams: Mr. Speaker, I beg to present a Petition on behalf of the Guyana and Trinidad Mutual Fire Insurance Company Limited, sneaking to have introduced in the Assembly, a Private Bill to amend the Guyana and Trinidad Natural Fire Insurance Company Ordinance, Chapter 210.

The Speaker: The Clerk will now read the Petition.

The Clerk read the Petition as follows:

“GUYANA

PETITION

To: the Honourable members of the

National Assembly of Guyana.

The humble petition of the Guyana and Trinidad Mutual Fire insurance Company Limited whose registered office is at 27, 28 and 29 Robb and Hincks Streets, Georgetown Guyana, respectfully sheweth as follows:-

1. Your petitioner is a company incorporated in Guyana by virtue of the Guyana and Trinidad Mutual Fire insurance Company ordinance, Chapter 210 of the laws of Guyana.
2. Your petitioner underwrites insurance in several of the Caribbean territories through branches or agencies therein. By reason of its place of incorporation, your petitioner considers that it would be beneficial to its interests should it establish subsidiaries in the territories where in it underwrites insurance having regulated to the varying laws applicable in such places.
3. Your petitioner is the promoter of a Bill which seeks to enable your petitioner to establish subsidiaries in the in the Caribbean territories aforementioned and which also seeks to have the Company's machinery keep pace with the modern requirements of commercial practice.
4. Your petitioner is desirous of having the said Bill introduced in the National Assembly and enacted by parliament of Guyana.

Wherefore your petitioner humbly prays that the Honourable Members of the National Assembly may be pleased to allow your petitioner to proceed.

And your petitioner, as in duty bound, will over pray.

Signed this 25th day of November 1969.

THE GUYANA AND TRINIDAD MUTUAL
FIRE INSURANCECOMPANY LIMITED.

(sgd.) C.J Bettencourt -Gomes- Chairman

(sgd.) G.U. Jaikaram - Director

(sgd.) E. O'Dowd - Director

(sgd.) A Belgrave - Secretary

The Speaker: In accordance with standing Order No. 57(4), I will now put the question.

Question-

11.10.73

National Assembly

2.25- 2.35 p.m.

“That the promoters be allowed to proceed”,

put and agreed to.

The Speaker: The promoters may proceed accordingly.

The Speaker: Hon Member Mr. Van Sluytman

Mr. Van Sluytman: Mr. Speaker, I beg to present a Petition on behalf of Rev. Richard I. Griffith of 8 Norton Street, Wortmanville, Georgetown, and Mrs. Wilhelmina Martin of 176 James Street, Albouystown, Georgetown, seeking to have introduced in the Assembly a Private Bill to incorporate the Gladtidings Assembly Guyana Mission.

The Speaker: The Clerk will now read the Petition

The Clerk read the Petition as follows:

“Guyana

PETITION

To: The honourable members of
the National Assembly of
Guyana.

The humble petition of Rev. Richard Ivor Griffith of 8 Norton Street, Wortmanville, Georgetown, and of Mrs. Wilhelmina Martin of 176 James Street, Albouystown, Georgetown, respectfully sheweth as follows:-

1. Your Petitioners are the President and the Secretary, respectively, of the Executive Committee of the Gladtidings Assembly Guyana Missions;
2. The said Church was established in 1959 with Headquarters at 35 D'Urban Street, Lodge, Georgetown, and has a membership of 59 (fifty-nine) persons;
3. Church services were had regularly in hired premises at 35 D'Urban Street, Lodge, Georgetown;
4. Since November, 1967, Church services have been regularly held in the premises at 26 D'Urban Street, Lodge, Georgetown;
5. The church is desirous of acquiring the premises at 26 D'Urban Street Lodge, Georgetown;
6. The Gladtidings Assembly Guyana Mission wishes to be incorporated so as to be able to acquire and dispose of property in Guyana;
7. Your Petitioners are the promoters of a Bill which seeks to incorporate the Gladtidings Assembly Guyana Mission;
8. Your Petitioners are desirous of having the said Bill introduced in the National Assembly and enacted by the Parliament of Guyana.

Wherefore your Petitioners humbly pray that the Honourable Members the National Assembly may be pleased to allow them to proceed.

And your Petitioners as in duty bound will ever pray.

Signed this 13th day of April, 1973.

1. (sgd.) Richard I Griffith

2. (sgd.) Wilhelmina Martin

11.10.73

National Assembly

2.25- 2.35 p.m.

The Speaker: In accordance with Standing Order No. 57(4)I will now put the Question.

Question-

“That the Promoters be allowed to proceed”, *put and agreed to.*

The Speaker: The promoters may proceed accordingly.

EVANGELICAL LUTHERAN CHURCH

The Speaker: Hon. Member Mr. Sukul.

Mr. Sukul: Mr. Speaker I beg to present a Petition on behalf of the Executive Committee of the Evangelical Lutheran Church in Guyana seeking to have introduced in the Assembly a Private Bill to amend the Evangelical Lutheran Church (Incorporation) Ordinance, Chapter 225.

The Speaker: The Clerk will now read the Petition.

The Clerk read the Petition as follows:

GUYANA

PETITION

To: The Honourable Members of the National Assembly of Guyana.

The humble petition of the Executive Committee of the Evangelical Lutheran Church in Guyana, respectfully sheweth:-

1. That your Petitioner is a body corporate incorporated by the Evangelical Lutheran Church (Incorporation) Ordinance Chapter 225 (hereinafter referred to as “the Principal Ordinance”).
2. That your Petitioner is desirous of promoting a Bill to amend the Principal Ordinance (hereinafter referred to as the Bill”).
3. That the object of the Bill is to give effect to a change in the name of the church from the Evangelical Lutheran Church of the Lutheran Church.
4. That the change in the name of the Church and the amendments to the Principal Ordinance sought to be made by the Bill were approved at a convention of the Church on the 3rd day of February, 1966.
5. That a copy of the Bill is hereto annexed.
6. That your Petitioner humbly requests that the Honourable Members of the National Assembly may be pleased to permit the introduction of the Bill and to enact the same.

Wherefore your Petitioner as in duty bound will ever pray.

Dated the 13th day of January, 1970.

The Executive Committee of the Evangelical Lutheran Church in
Guyana

(sgd.) James B. Dookran President

(sgd.)HarrinarineRajaballey Vice President

(sgd.) Marvin Jahoor Secretary

(sgd.) Cecil Ramnanan Treasurer

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National Assembly

2.25- 2.35 p.m.

(sgd.) Paul G. Hansen Member

(sgd.) Paul B. Beatty, Jr. Member

(sgd.) Peter R. Ramkisson Member

The Speaker: In accordance with standing order No.57 (4)

I will put the question.

Question-

“That the Promoters be allowed to proceed”, *put and agreed to.*

The Speaker: The promoters may proceed accordingly.

PRESENTATION OF PAPERS AND REPORTS

The Following paper was laid:

Report of the Transport and Harbours Department for the year ended 31st
December, 1972. [**Minister of the Works and Communications**]

INTRODUCTION OF BILLS - FIRST READING

The following Bill was introduced and read the First time:

Guyana Rice Board (Amendment) Bill 1973 [**The Deputy Prime Minister and
Minister of National Development and Agriculture on behalf of the Prime Minister**]

11.10.73

National Assembly

2.25- 2.35 p.m.

PUBLIC BUSINESS

BILL- SECOND READING

MISCELLANEOUS ENACTMENTS (AMENDMENT) BILL 1973

A Bill intituled:

“An act to amend certain Enactments.”[**The Minister of Finance**]

The Minister of Finance (Mr. Hope): Mr. Speaker, I beg to move that Miscellaneous Enactments (Amendments) Bill 1973 now read a second time.

Mr. Speaker, the Bill which is before the house is really a very simple one. Sometimes in 1968, an Advisory Committee on Licenced Premises presented a report to the Government and one of its recommendations was that the recreation clubs which were, in fact, proprietary clubs, should be abolished largely because of two reasons. One, that the Committee thought that these proprietary clubs were in fact acting in many cases as premises and covers for the criminal element in your society, and secondly, because these clubs were competing with other Licenced premises which were paying substantially large Licenced each year.

2.35 p.m.

Liquor restaurants paid \$600 per year tax, whereas these recreation clubs paid just \$24 on application for registration and nothing annually, The Committee thought for the evidence which it see that in these recreation clubs was consumed as much liquor as were consumed in many of the proprietary Licenced liquor restaurants. Largely because of these two reasons the Committee recommended to the government that the recreation clubs should be abolished. Government accepted this recommendation. It is in pursuance of that acceptable that the Bill is now before this House.

The Bill as it stands seeks essentially to abolish the private or proprietary recreation clubs, but a distinction was made as a members' club. The Bill permits members' clubs to be continued to be registered as they should now pay an annual fee. But these are mere members' clubs. Hon Members will observe from reading the Bill, included in the provisions of the Bill are conditions which will ensure from year to year that these clubs which are classified as members' clubs and which are allowed to exist under the Bill are and do in fact operate as members clubs. The Secretary has to submit the names of members, their addresses and so on. The idea being to ensure that a members' club remains and operates as a members' club provides for athletic activity is the annual fee will be reduced to one-half of the normal fee. This would mean that most of our cricket clubs, for instance, will now be classified as members' club, and they would be permitted to operate and will pay the lower fee assuming that cricket is considered an athletic activity, which I have no doubt it would be considered.

That sir, briefly, is the background of the Bill which I now commend for the acceptance of the House. Thank you.

Question Proposed.

The Speaker: Hon. Member Mr. Feilden Singh.

Mr. M. F. Singh: Mr. Speaker, we on this side of the House heartily endorse and we commend the action of the Government in bringing forward this Bill before this honourable House. There is no doubt about it that these proprietary clubs were subject to this widespread abuse. There is no doubt that proprietary clubs were operated mainly as rum shops, as we know them in Guyana not even as liquor restaurants. They paid a very nominal Licence initially, \$24 a year, and they sold liquor on the premises at all hours of the day and night. They competed against "genuine rum shops" the genuine liquor restaurants which paid a much higher tax
[Interruption] Mr. Speaker there are those of us in this House who would like to give an opposite impression to

what we know; but I think we know the realities of the situation. We all like our drinks, but there is a time and place and it must be done the right way.

I was saying that these proprietary clubs were indulging in a lot of abuse. It was a source of worry and concern to the police Department and the community at large to control these clubs, and it was quite obvious that there was necessary an amendment to the law. We agree with the proposed amendment. We agree with the restrictions that are now being sought to be imposed—the higher Licence fee with reservations for athletic clubs.

But what we find difficult to rationalize is the proposed transferring of jurisdictions from the local magistrates to the Intoxicating Liquor Licensing Board. We note it is the recommendation of the Licence Premises Advisory Committee. I am not aware of the composition of the Committee. I am not aware of its term and reference. I am sure that the committee gave its recommendation after considered deliberation. But yet for much elucidation and for the benefit of the honourable house we would like to know the reason why there is this elaborate transfer from the registration of clubs Ordinance, chapter 321 to the Intoxicating Liquor Licensing Ordinance, Chapter 316.

What we say is that jurisdiction should be left with the magistrates. That is fine. But let us put in all the curbs, let us put in all the reservations, let us make them comply with all the requirements that are laid down here and which are stipulated under the Liquor Licensing Ordinance. But it is cumbersome taking this jurisdiction away from the magistrates and putting it under the Liquor Licensing Board. After all let us look at the realities. What in fact are we doing? Is it not true that the local district magistrates are in the best position to know the fact in the particular cause? The magistrate is in the district, he knows the district, the police officers, and the Commissioner who normally give evidence have wide powers. In fact, before an application could be made within 21 days particulars of the intention to apply for that licence must be forwarded to the Commissioner of Police.

11.10.73
2.45 p.m.

National Assembly

2.45 - 2.55 p.m.

I am sure we will all agree that the application, the investigation, would be dealt with at a local level in the particular district and if the matter were to remain with the local magistrate, if jurisdiction were to remain with the local magistrate how much easier would it not be for witnesses to be able to come forward in the local district and give evidence, either in support of the granting of the Licence or, in most cases to curb the evil in an objection to the licence.

But what are we doing? We are transferring this jurisdiction to the Liquor Licensing Board. The Liquor Licensing Board meets four times a year, every quarter. It does not meet, every week, every court day. It meets four times a year and it meets in each country of the country- Essequibo, Demerara and Berbice. In Demerara it meets in Georgetown; in Berbice in New Amsterdam; in Essequibo except otherwise stipulated, at Suddie. It meets in their centres. Whereas before, the magistrate of the district had the jurisdiction.

Recently, we extend the jurisdiction. We raised their civil jurisdiction from \$250 to \$500. We raised their powers to impose fines from 12 months to 2 years. We recognised them as responsible people carrying from \$250 to \$1,000. We recognised them as people who should be given more powers.

And here, what are we doing? Are we saying that they are not casting aspersions on them? Are we saying that there is something wrong with their continuing in this jurisdiction? I know that there was abuse in the past but the abuse was not as a result of the magistrate. The problem was with the legislation. Now that we are changing the legislation, now we are streamlining it, now that we are putting on the checks and balances, give the jurisdiction to the local magistrate. Let him have the power.

I reiterate, he is in the best position to judge, being the man in the district, on the spot. He knows the local police: they co-operate with him with him. And more than anything else the witnesses

would find it so easy to come forward in the district. What is the present position? If an application is made for a club in Mahaica or Mahaicony, what happens? The application has to be made now in Georgetown magistrates' court. And there are elaborate provisions for witnesses to object. The witnesses will all have to travel to Georgetown at their own expense.

If there are people living nearby who would want to object. The witnesses will all have to travel to Georgetown at their own expense.

If there are people living nearby who would want to object on the grounds that there are residential houses around- these are premises where undesirable chapters would normally congregate- they would want to object to the granting of a Licence. It may be ordinary people there. Are we imposing the burden on them to come all the way down to Georgetown? And I will tell you, as a lawyer that these applications are not dealt with at one sitting. You have a "call-over". There is one day when the matter comes up, as we call it, "first-call", then it is adjourned and you may have two, three, four and a dozen, several adjournments. The matters and "part heard" and put for another day. Are we saying that these witnesses must continue coming, paying the cost of coming down to Georgetown on the several occasions when these matters would be transferred?

We, on this side of the House, think it is unfair. We want to make the small men a real man. We want to make life easier for him rather more difficult. We want him to live in peace; to enjoy the tranquilly of his home rather than to be subjected to any club creating a nuisance next to where he dwells. We ask the hon. Minister, why? It may be that there is a good reason. Why are we depriving the magistrates of this jurisdiction and giving it, transferring it to this cumbersome body in Georgetown and other areas? If there is no cogent, no very strong reason for the transfer of this jurisdiction we could like to appeal to the hon. Minister to reconsider this matter. Let us have all the amendments. As I said before, let us have all the checks and balance but let us give the authority to the magistrate, where it has always been. I have confidence in our magistrates.

They will be able, with the increased powers, to dispose justice properly and satisfactorily in these cases.

Let me give, perhaps, a last example of the benefit of having it with the local magistrate. Under the Clubs Ordinance, it was possible for the magistrate, one afternoon, to visit premises and the next morning, on the basis of a complaint put up to him by a police officer, to strike an undesirable club off the register. The police officer may have gone, may have had a report, may have seen undesirable elements in this club, may have examined the register and seeing that it was a phony club, may have realized that they were creating a nuisance in the area, and the next morning that club's Licence could have been taken away. Now, what will be the position? It cannot happen as expeditiously as that. You will have to wait until the Board sits at its quarterly meeting before that sort of thing can be affected. So, unless we hear some very strong reasons to the contrary from the hon. Minister we would appeal to the hon. Minister to let the jurisdiction remain with the magistrate.

The Speaker: Hon. Minister, do you wish to reply?

Mr. Hope (replying): Mr. Speaker, I think the hon. Member Mr. Feilden Singh was really misleading himself and he was really speaking in the atmosphere of...

The Speaker: Hon. Minister, will you kindly speak into the microphone?

Mr. Hope: If I may repeat, sir, I think the hon. Member Mr. Feilden Singh was really speaking in the atmosphere of fallacy. There is no question of jurisdiction any longer. But what has happened is that proprietary pubs have been abolished.

The Member was speaking as if there would be proprietary clubs. We were making certain changes putting on certain controls and in the process, had removed the supervision of proprietary clubs away from the Magistrate on the Board. This is not the case, sir. After this law is passed, it will mean that the proprietary clubs would no longer exist. What we would then have would be members' clubs which, by the very nature, one can anticipate would be very much fewer than in the case of the proprietary clubs. In fact, sir the whole purpose of bringing the members' clubs within the jurisdiction of the Liquor Licensing Board, was to rationalize supervision by the Magistrate, the Magistrate was, in fact assisted by the Magistrate, the Magistrate was, in fact, assisted by the police who were themselves operating at a disadvantage in dealing with liquor.

The Comptroller of customs is really the authority in this case in terms of supervision and control liquor, and what we are trying to do is to bring all the supervisor of liquor, the sale of liquor, under an authority in which the Comptroller of Customs has a legal right to anticipate, and that, sir, is the real reason for bringing the members' clubs under the jurisdiction of the Board.

In fact, sir, I am told that section 6 of the Intoxicating Liquor Licensing Ordinance, Chapter 316, States that the licensing board themselves comprise Magistrates. I am told there are three Magistrates on each of those Boards and, in fact, what we have done, while we have rationalized the thing by bringing the Comptroller of Customs in the position where he can control the same of liquor even to members' clubs, we have not removed supervision from Magistrates even though it may not be a magistrate himself, but a Board of Magistrates, sir. So we have not lost the advantage of having the thing supervised by magistrates, we have gained the advantage of having the Comptroller of Customs involved in supervision. Thank You.

Question put and agreed to.

Bill read a Second time.

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Assembly in Committee.

Clause 1.

Mr. Hope: Mr. Speaker, may I move an amendment to Clause 1 which is really a deletion of Clause 1 (2) leaving Clause 1 (1) as, in fact, Clause 1.

Amendment put and agreed to.

Clause 1, as amended, agreed to and ordered to stand part of the Bill.

Clause 2

Mr. Hope: May I move an amendment to Clause 2 as well.

For the words “for a period of three consecutive months after the commencement of this Act the words “until the 31st December, 1973.”

Amendment put and agreed to.

Clause 2, as amended, agreed to and ordered to stand part of the Bill.

Clause 3, as amended, agreed to and ordered to stand part of the Bill.

Schedule agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with Amendments; as amended, considered; read the third time and passed.

MOTIONS**CONFIRMATION OF THE PURCHASE TAX (MOTOR CARS)
(AMENDMENT) ORDER 1973**

“ Be it resolved that the National Assembly in terms of section 5A (5) of the Motor Vehicles and Road Traffic Ordinance, Chapter 280, confirm the purchase Tax (Motor Cars) (Amendment) Order 1973 (No.89) which was made on the 25th August, 1973, and published in the Gazette on the 26th of August 1973. [**The Minister of Finance**]

Mr. Hope: Mr. Speaker, I wish to move the Motion Standing in my name. Sir, if I may explain. Following the introduction of the Common External Tariff in Guyana with effect from 1st August of this year the customs duties in Guyana were brought in line with the customs duties in the rest of the region that form part of the Caribbean Common Market Community. The Common External Tariff in this House some months ago and if I may explain now what I explained then, in the process of compiling this Common External Tariff, the duty rates in Guyana had to be reduced because in General, the national rates of Customs Duties in Guyana before C.E.T., were higher than most of the rest of the Caribbean, practically all of the rest of the Caribbean. Therefore, with the coming of Common External Tariff, it meant that the new rates were, in fact, lower and are lower than our former Customs rates.

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This would have meant normally that the Government would have suffered substantial losses in revenue through customs duties. In fact, when the rates were being negotiated with the rest of the Caribbean this was the Government's intention when the common external tariff was introduced and was made law of Guyana that compensatory taxes in the nature of consumption taxes or

purchase taxes would be imposed on goods in order to recover the revenue lost and in order to recover the revenue lost and in order to maintain the price of the goods.

The ones we are dealing with refer to motor cars. In the case of motor cars the common external tariff duties were substantially lower than the former Guyana rates. What we have done here is to use the Act which was passed some months ago by virtue of which we were able to impose a 7.5 per cent purchase tax on motor cars in order to recover the duty lost on those cars. In the calculations we have tried to ensure that in arriving at these percentages we would impose such a level of consumption tax that together with the c.i.f. rates the sale prices of motor cars would not be affected. In fact, one cannot be absolutely accurate to the last dollar and it might be that the prices may vary by a few dollars one way or the other. But the level of

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percentages here was designed to ensure that the duty lost by the reduction of duty on motor cars was removed.

This Order imposes a level of consumption tax of 36.5 per cent in the case of one size of car and in 24 per cent in the case of the other. There was a slight error in the sense that no distinction was made there. These higher percentages, 36.5 per cent and 24 per cent, applied only to motor cars to be used for private purposes and not for hire cars and for certain other vehicles which were exempted under the 7.5 per cent Order which was passed earlier this year. That error was corrected by a subsequent order which reduced the consumption taxes of 27 per cent and 15 per cent in the case of cars which are registered as hire cars and in the case of the vehicles like jeeps which were exempted from the Order made earlier this year to impose 7.5 per cent tax. The effect of all this is that 7.5 per cent or its equivalent still remains only on motor cars used for private purposes. So we have two rates of consumption taxes: 36 per cent and a 24 per cent which incorporates the 7.5 per cent and lower rate 27 per cent and 15 per cent which does not incorporate the 7.5 per cent which therefore applies only to hire cars and other vehicles like jeeps

which were exempted from the order made earlier this year to impose a 7.5 per cent tax on these motor cars. That briefly, sir is the rationale and the background to the Motion which I now commend to this house.

Question Proposed.

Mr. Speaker: Hon. Member Mr. Feilden Singh.

Mr. Singh: Mr. Speaker as we could have appreciated from the hon. Minister's statement has Motion before the House and the following Motion on the Order Paper are inextricably bound up, because the later one amends the one we are talking about at the present moment. With your permission I will deal with both of these Motions together to prevent me from having to speak on the Motion Following.

As I said the subsequent Order which is No. 96 of 1973 amends the Order now under the debate, No 89 of 1973. I should like to preface my remarks by appealing to the hon. Minister of the patient and to appreciate that any criticism I may make at this time is not for the sake of criticizing but merely because, as I reliably informed, there are genuine problems and difficulties which have arisen as a result of this Amendment to the First Order, No. 13 of 1973. Let us not indulge in any invective. As I understand it, we have a problem and I should like to ask the hon. Minister to bear with me as we go through these problems and try to appreciate what I am saying.

The hon. Minister has quite rightly explained that the purpose of the legislation was to make good the shortfall as a result of the common external tariff. I should also like to mention that we should bear in mind that this legislation has to be interpreted by laymen, by members of the Licence Revenue Department and ordinary police men in our districts. We do not want the interpretation to have any difficulties as far as these people are concerned.

Let us look at the first problem. If we start from the beginning, there was the Act itself, No. 2 of 1973, the Motor Vehicles(Purchase Tax) Act 1973. After this Act, we had the Order made under the Act, the first Order No13 of 1973. In section 2 of this order it is specifically stated that the expression “motor car” does not include certain vehicles which are register able as motor cars under the Ordinance.

It enumerates them: a jeep, the selling agent being Guyana Gajraj; a Land Rover, the selling agent being Bookers; a Mini Moke, the selling agent being bookers. A jeep would also include a Suzuki jeep which Auto Supplies is now selling. The Order also lists a motor vehicle, not being a motor bus, constructed and used for carrying not less than eight passengers, in other words, a small passenger vehicle like a station wagon used for carrying passengers. These were excluded. It was made patently obvious that the Government wanted to attach this purchase tax to private motor cars and not to vehicles like jeeps and Land Rovers which, though they registered as private, as recognized by the Customs Department as commercial vehicles and pay duty as commercial vehicle. That was the clear intention here and the Minister has acknowledged that.

3.15 p.m.

What happened after the first amendment was passed?

Under the first amendment 89 of 1973, clause 2 states:

“Clause 3 of the Principal Order shall, in respect of every motor car (which expression in that clause shall for the purposes of the modification effected by this Order included vehicles otherwise excluded by clause 2 of the Principal Order)...”

So that by 89 of 1973, that exception as regards jeeps, land rovers, mini-mokes, etc; was taken away and by 8 of 1973 it was made compulsory that these categories of vehicles would pay

thirty-six and one half per cent over 1800 cc's and twenty four and one half percent if less than 1800 cc's.

It was recognized that a mistake was made; that this should not be so. So we had Order No.96 of 1973, which is the subject of the succeeding motion on the Order Paper, and this Order puts a proviso- "Provided that in respect of the registration of a motor car which, but for this Order, would be excluded for the purposes of clause 3 of the principal Order the words 'thirty-six and one-half' and 'twenty four and one-half,' appearing in paragraph (a) and (b), shall be constructed and read as 'twenty-seven' and 'fifteen,' respectively." So that we have now by the correction of 89 of 1973 that these special categories of private vehicles which were exempted in 13 of 1973, namely, jeeps, land rovers, mini makes are now to pay 27 per cent if they are over 1800 cc's and 15 per cent under 1800 cc's.

But what is not appreciated is the fact that these vehicles are also caught as commercial vehicles by the consumption tax. We are talking here about purchase tax, but they are caught by consumption tax, so they are caught twice.

Let me give an example, using the figure of \$100. Let me the old rate. Under the old rate these jeeps and Land Rovers etc; would way a preferential duty, if they were preferential, of 43 percent value of \$100 and we out on the preferential duty of 43 percent we will have a price of \$143.

What is the percent position? The present position is that on a c.i.f. of \$100 you have the common external tariff duty of 35 percent, so we have now \$135, and then you have 10 per cent consumption tax. The shortfall really between 35 and 43 is 8 per cent but we are putting on a 10 per cent. But as the hon. Minister quite rightly explained, it is not always possible to get an exact figure, so even though shortfall is 8 per cent we have put on 10 per cent as consumption tax. Ten per cent, using the figure \$100 and \$135 would be \$13.50 to make a total \$148.50. But this is not

all: the special categories of vehicles, which had been excluded, are now subject to this special duty of 27 per cent and 15 per cent.

Let us take Land Rovers. Land Rovers will pay an additional 27 per cent on the show-room price by this Order 96 of 1973. We have, so far \$148.50 which is 35 per cent duty plus 10 per cent consumption tax. Let us for the sake of argument put a profit of 25 per cent for preparing the car, bringing it down and all the rest of it. So that if the cost, so far, is \$148.50 and we put on 25 per cent, which is \$37.12, it will now be \$185.62. On that show room price we have now to add the purchase tax. We talked about 10 per cent consumption tax but it is caught by purchase tax also, so we now have to put on, in the case of Land Rover, and 27 per cent purchase tax. Twenty- seven percent of \$185.62 will give you \$50.11. So that the new price on this \$100 will be \$235.73.

Let us look at the price would have been under the old system. Under the old system the price would have been \$100 plus 43 per cent- \$143. You add the price 25 per cent profit which gives you \$35.75. So that the old price for this \$100 land rover would have been \$178.75.

If we were merely making up the shortfall in duty and we are not imposing new taxation, well then something is radically wrong because as against an old price of \$178.75 we now have a new price of \$235.73. That is a difference of \$56.98 it is in fact approximately more.

If the Government's intention is merely to make good the shortfall in duty as a result of this common external tariff then we wonder what the position is here. Jeeps, Land Rovers and mini mokes are used for industrial and agricultural purposes predominantly. Even though they have a "P" registration they are regarded by the Comptroller of Customs and Excise as commercial vehicles, so that we have the situation where these vehicles are caught twice. They are caught by the consumption tax legislation. Surely, this could not have been the intention of the Government, and let me assure the hon. Minister that this is the interpretation of the Licence Revenue Department.

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I have had extensive consultation with the people who are involved in this business, with the people who know, and this I have been reliably informed is what the Licence Revenue Offices is saying.. This is their interpretation. If they are wrong, then I would like to hon. Minister to issue the necessary instructions so that they can correct this.

How, Mr. Speaker, it is obvious that this would create a hardship on farmers, and it is obvious that this is not the intention of Government, since all that was intended was merely to make right the shortfall.

But let me deal with the second problem. Under the first Order 13 of 1973, as I said before, jeeps, Land Rovers, Mini Mokes were all completely exempted from purchase tax and if they were used in the interior areas for industry and agriculture they would have paid only six percent duty. Under the new Common External Tariff, they still pay only six percent duty, but we have got the anomaly whereby they are caught by the amendment. Order 8 of 1973 they are caught and under the amendment 96 and 1973, they are caught to the extent of twenty seven percent for over 1800 cc's and fifteen per cent for under 1800 cc's.

Let us take the figure again \$100 plus tax of \$6 for working in the interior areas. They will now have to pay \$100 plus \$6, plus also the purchase tax of 27 per cent on the showroom prices that they are caught with the twenty-seven per cent in addition to the six per cent. Surely this could not have been the intention of the Government.

The position, as I understand it, is that Guyana Timber or Guyana or any industrial concern operating in the interior, somebody extracting timber from the interior areas that is using jeeps or Land Rovers will now have to pay more than twenty seven per cent, because twenty seven percent is the showroom price. They now have to pay an additional amount in excess of twenty- seven percent. Difficulties have been created to the extent that I understand that there is a certain amount of stagnation in the registration of these vehicles at the present time.

I am sure that the Government would not want either Guyana Timbers or GUYBAU or the people who are opening up the interior areas to suffer in this way, and this is, therefore, an anomaly which needs to be corrected because they have been caught as I reiterate under Order 13 of 1973 they were completely exempted, there was no question of paying purchase tax law and made them pay this special thing. It is true that they are not paying thirty-six and a half and twenty-four and a half. They are only thirty-six and a half and twenty four and a half. They are only paying twenty seven and fifteen. But they are paying what they never paid before, and this is what needs to be corrected.

This third observation is really not an anomaly so much as an observation. It is n observation which I think needs some looking into, and needs to be corrected or at least, to be given some attention. Under Section 4(8) of Act No. 2 of 1973, purchase tax is paid on the showroom price if a new car is bought from a dealer. Section 4 (8) states:

“Vehicle which is the subject matter of purchase from a dealer in motor vehicles means such sum as in the opinion of the Licensing Officer, is the ordinary retail selling price at which the motor vehicle would normally be sold without having regard to any discount, commissions, monetary reductions or other allowances given or made by the seller thereof.”

What it really means is the showroom price. It does not matter if you get ten percent or five percent discount, what purchase tax would be paid on would be the showroom price. If John Public buys his car from the dealer on motor vehicles, he pays a purchase tax on the showroom price.

But what happens in the case where individual is going to the United Kingdom for the short holiday. He goes to the motor dealer and say: “Look I want a new car delivered to me in the United Kingdom,” and he pays for it. No purchase tax is payable on that transaction, none

whatsoever. He goes to the United Kingdom, and has his car delivered to him. Now, if he asks the dealer to ship that car back from him after he has used it in the United Kingdom, and it is passed back to him through the motor dealer he will pay purchase tax on the showroom price. He will be caught. But if he ships it back him, he does not pay purchase tax on the showroom price. What he says on, is the c.i.f. value when it comes back to Guyana I think it will be regarded as a second hand vehicle at that stage.

Anyway, what is in fact the position; it is that instead of paying on the showroom price, he would be paying on the value when it comes back here to Guyana. So he is in the fortunate position where he pays no tax whatsoever in the United Kingdom. He has a new car which comes back.

The Speaker: Hon. Member, Mr. Singh, I do not have the Act here, but I seem to recall that the Comptroller of Customs has the right to place a valuation, notwithstanding whatever value they may attach to it. I think that is the 1973 Act, but I just want to draw this to your attention. This is my recollection I may be wrong.

Mr. M. F. Singh: Yes sir, you may be wrong. In section 4 (8) (b) we are told that in the case of a used motor vehicle imported in to Guyana value means such sum as is certified by the Comptroller of customs and Excise to be the value of the motor vehicle taking into account the amount of customs duty and defence levy liveable thereon." But the point I am making is, he does not pay on the profits that would have been made by the company. The company, if the defence levy were.

The Speaker: Certainly hon. Member, if the Comptroller of customs sees this is coming in and this is a device to avoid paying, he will naturally increase the c.i.f. value. I think that is why that clause was put in, for precisely the same purpose.

Mr. M. F. Singh: Mr. Speaker, one can argue that it would be wrong for the Comptroller of Customs to do that because the law says that he should take into account the amount of customs duty and defence levy liveable thereon. I do not think it gives him the scope to take into account what profit would have been made by the dealer in respect of charging this purchase tax. This is the point that I wanted to make.

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In fact, it applies not only to the person buying a car in the United Kingdom but to the individual who imports a car into Guyana who is not classified as a dealer in motor vehicles. There again, the Comptroller of Customs would fix the duty on that car coming into Guyana on the basis of c.i.f. value, and the customs duty and defence levy. I am reliably informed that this legislation having been worded that way people are abusing it; that is why I am drawing it to the attention of the hon. Minister. I do not think that the legislation is tight enough and that it does really permit the levying of taxes in order to take the account of the extra sum of which the purchase tax would have been collected if we were using show-room price.

My suggestion is that we should pass these Motions, because we must keep some existing law in force. But I would strongly urge the hon. Minister to set up a committee, as early as possible comprising the Comptroller of the Customs and Excise, the Chief Licence Officer, representatives of the Ministry of Finance, representatives of the Motor Dealers' Association and the law officers with a view to scrapping the existing legislation; and when you scrap that legislation a comprehensive bit of legislation should be enacted, one bit of legislation, correcting the anomalies that I have spoken about, streamlining it and making the legislation readily understood by the laymen who have to administer the law.

After all, Mr. Speaker, these people are ordinary people. I know that they have had problems. I know the difficulties being experienced by the staff at the Licence Revenue Department at the present moment to interrupt these laws.

The very fact that there are two Bills, one correcting the other, it means that the Government has acknowledged that there are problems. Order No.89 of 1973 is dated 25th August, 1973 and Order No.96 of 1973 is dated 7th September, 1973. One Order is promulgated and within two weeks thereafter another Order, amending the previous Order, is also was promulgated. So there are problems. Let us not fool ourselves.

This Order number No. 96 of 1973 corrected two anomalies. First of all, it corrected what was clearly not Government's intention when it enacted No.89 of 1973. It corrected the duties in respect of these special categories of vehicles; it lowered the form 36.5 per cent to 27 per cent and from 27 and from 24.5 per cent to 15 per cent. That was one mistake corrected. The other was in respect of paragraph 3 No.89 of 1973. We had to include a proviso, I would call it, because 4 (1) or order 89 of 1973 states:

“Subjects to paragraph 2 where a motor vehicle is registered as a good vehicle or as a hire car purchase tax should be charged.”

It is therefore necessary to put in brackets in Clause 3 of Order 89 of 1973 the words:

“Which is liable to be registered under the ordinance as a motor car but for the registration as a good vehicle or as a hire car”,

so as to keep out commercial vehicles. Therefore the definition “motor vehicle” would not include commercial vehicles; otherwise trucks would have been caught in this part of the legislation, and the intention was mainly to catch cars or vehicles used as cars. So that if a station wagon was registered as a hire car, and after a certain period of time, within five years, you changed it back... **[Interruption]**

I know but the mistakes was made and it had to be corrected and made abundantly clear, and the words “which is liable to be registered under the Ordinance as a motor car,” had to be put in so

that it could be limited to motor car and not applied to trucks or anything else which it would have applied to were it not for this Order No.96 of 1973. There are problems. We had a first set of Amendments, No 96 of 1973, amending some of the anomalies. I am sure it would not have been necessary to bring this Order, No. 96 of 1973, if all the parties had sat down and thrashed it out and had agreed on legislation. We would have had only one, No. 89 of 1973 and it would have had everything. Let us look into the other anomalies. I say not as criticism; I am merely saying that there are problems which need to be studied and solved.

Mr. Hope (replying): Mr. Speaker, the hon. Member Mr. Feilden Singh has only touched on one, and by no means the largest, of the problems which faced the people concerned in converting our present level of duties under C.E.T., in imposing consumption taxes and purchase taxes, and in doing these two things in such a way as to ensure that there would be no change in the actual prices of each of the hundreds of goods which are being sold in the markets and shops and for which legislation has provided.

In fact the hon. Member spent more than fifteen minutes dilating on a problem which we had already recognized and sought to amend. If I may say so, it was a fifteen minutes which was not as well spent as the minutes which preceded those fifteen minutes in pointing to what must be an anomaly.

I refer at this point to the question which the hon. Member raised that in case of jeeps and other vehicles which may be classified as commercial vehicles consumption taxes applied as well as purchase taxes. May I say to the hon. Member that I have no means of knowing whether the hon. Member is correct in his assertion? But I know that that as of now only one tax ought to apply and that is the purchase tax which is the subject of the debate.

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The hon. Member injected the consumption tax, into the debate. If he is right that this consumption tax applies then it would certainly be in my view, an anomaly. As I said, I have no means of knowing now whether the hon. Member is accurate. However, it is something which I would certainly want to investigate. This is the reason why I said those were better spent minutes than his last minutes.

What we had done was to revise a whole system of customs duties imposing just as elaborate a system of consumption taxes and with the additional constraint of ensuring that the final price remained the same after these two taxes were out together as was the case when only one tax applied.

We are in the course now of getting reaction from the business firms because it is only in this way we can be assured of the extract of the accuracy of the percentage when converted to dollars and cents in the shops. The ministry and the departments which are involved in this work are the Customs Department, the Licence Revenue Department, the legal officers as well as officers of the Ministry of Finance. What we had done in the process of preparing this is what the hon. Member was gratuitously offering us in terms of advice.

The question was also raised as to certain vehicles which were exempt from customs duties from the customs duties in certain circumstances as in agriculture and for use in the hinterlands. If not exempt they pay a lower price rate of duty. And I also say that if vehicles used for those purposes are in face now paying something more because of these taxes it would certainly not be the intention of the Government.

As to the question, sir, of the interpretation of the Motor Vehicles (Purchase Tax) Act 1973 in which the valuation of motor cars came under question where the motor car is not sold by a dealer. I should say, that what has to be used is the value of the motor vehicle as assessed by

the Comptroller of customs and Excise, in my view, the law enjoins the Comptroller of Customs and Excise to do is to ensure that he includes customs duties and defence levy in that valuation.

In fact what the hon. Minister does not realize is that if a private person imports a motor car, one assumes that when he bought that motor car, say in the United Kingdom, he would have been buying the motor car which includes the profit element of the dealer in the United Kingdom. Therefore when the car lands here the C.I.F. referred to, the cost, is not the cost as if it were bought in bulk from a factory but a cost which includes the dealer's make-up in the United Kingdom. In fact the Comptroller of the Customs and Excise, because he has experience of valuation, has valuation has the right- the customs Ordinance gives him this right to put a valuation on that car which is more in accord with the market value of that car, and on that basis he proceeds to collect duty.

If the car is valued properly at the customs level where the car has been imported by a private individual, as I suspect the Comptroller of Customs and Excise would ensure, then this defection ought not to pose a difficulty and create a loop-hole. However if the hon. Member feels that there is a loop-hole I will certainly ask the legal officers together with the relevant people to examine it again because it is certainly the intention that a person should not escape the proper purchase tax merely by going through the device of importing that vehicle himself whether it is a new vehicle or whether it is a second-hand vehicle.

Question put, and agreed to.

Motion carried.

**CONFIRMATION OF THE PURCHASE TAX (MOTOR CARS) AMENDMENT
(NO. 2 ORDER 1973 (NO.96))**

11.10.73

National Assembly

3.45 - 3.55 p.m.

“Be it resolved that this National Assembly in terms of section 5A (5) of the Motor Vehicles and Road Traffic Ordinance, Chapter 280, confirm the purchase tax (Motor Cars) (Amendment) (No.2) Order 1973 (No.96), which was made on the 7th September, 1973, and published in the Gazette on the 8th September, 1973. ”[**The Minister of Finance**]

The Speaker: The hon. Minister of Finance.

Mr. Hope: I beg to move the Motion of the confirmation of the Purchase Tax (Motor Cars) (Amendment) (No. 2) order 1973 (No.96). Since this Motion has been the subject of the discussion just recently concluded I will stand on those decisions.

Question proposed put, and agreed to.

Motion carried.

BILL - SECOND READING

NATIONAL INSURANCE AND SPECIAL SECURITY (AMENDMENT) BILL 1973

A Bill intituled:

“An Act to amend the National Insurance and Social Security Act, 1969.”

[**The Minister of Labour**]

The Speaker: The hon. Minister of Labour

The Minister of Labour (Mr. Carrington): Mr. Speaker, by consent of the Opposition I beg to defer further the National Insurance and Social Security Act (Amendment) Bill 1973.

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Question put and agreed to.

Bill, by leave, deferred.

ADOURNMENT

Resolved, “That this Assembly do now adjourn to a date to be fixed. [Mr. Ramsaroop]

Adjourned accordingly at 3.55 p.m.
