

LEGISLATIVE COUNCIL.

THURSDAY, 13TH JULY, 1950.

The Council met at 2 p.m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

PRESENT.

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson, O.B.E., (Acting).

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

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. W. J. Raatgever (Nominated).

The Hon. V. Roth (Nominated).

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

The Hon. D. P. Debidin (Eastern Demerara).

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. F. E. Morrish (Nominated)

The Clerk read prayers.

The minutes of the meeting of the Council held on the 7th of July, as printed and circulated, were taken as read and confirmed.

PAPERS LAID.

The COLONIAL SECRETARY laid on the table the following:—

The Report of the Department of Local Government for the year 1949.

The Report of the Commissioner of Income Tax for the year 1949.

The Report of the Georgetown Planning Commissioners for the half-year 1st August, 1949, to 31st January, 1950.

The Report on the Georgetown Fire Brigade for the year 1949.

The Annual Report and Statement of Accounts of the Demerara Electric Company for the year 1949.

GOVERNMENT NOTICES

INTRODUCTION OF BILLS.

The ATTORNEY-GENERAL gave notice of the introduction and first reading of the following Bills:—

A Bill intituled "An Ordinance to amend the Registration of Births and Deaths Ordinance, (Chapter 139)."

A Bill intituled "An Ordinance to amend the Marriage Ordinance (Chapter 142)."

UNOFFICIAL NOTICES

EXPORT PRICE OF RICE.

Mr. DEBIDIN gave notice of the following motions:—

WHEREAS rice is being sold under Contract by the British Guiana Rice Marketing Board to West Indian Colonies at a price considerably less

than the world market price thereof, and at a price far less than those Colonies should pay and would be prepared to pay;

AND WHEREAS the Colony of British Guiana is thereby being permitted to lose greatly in her national income, and this in spite of a continued adverse trade balance and a weak economic position; and her rice producers are being caused unnecessary suffering and discouragement through low uneconomic prices for what they produce, opposed to high prices for what they consume;

AND WHEREAS it is tantamount to British Guiana subsidising the price of rice to consumers in the Contracting Colonies of Trinidad, Barbados, etc., when it should be the duty of the Governments of those Colonies concerned or the Imperial Government so to do;

AND WHEREAS devaluation of the sterling and various other supervening causes, which have affected and will affect cost of production considerably, and which could not have been contemplated at the time the contracts were made between this Colony and the Caribbean Colonies concerned for the supply of rice at the prices fixed thereunder, would make it proper to repudiate, vary or re-open the said Contracts in so far as the selling prices are concerned;

And Whereas the increase recently obtained in the Contract Prices is insufficient to cover the increased cost of bags to producers, the steady rise in commodity prices, and the continued impact of devaluation;

Be It Resolved that this Honourable Council recommend to Government that they request the B.G. Rice Marketing Board to approach the Governments of the Caribbean Colonies concerned, with a view to securing such an increase in the export price of rice, as will bring it on a level with prevailing average world market prices of equivalent grades.

MINIMUM PRICE OF PADI.

Whereas due to increase cost of production of rice due in turn chiefly to the steady rise in cost of living and the impact of devaluation, rice producers in the Colony, especially peasant rice farmers have been finding that cost of production exceeds the income derived from the rice produced;

And Whereas now the subsidisation by the Rice Marketing Board of the

price of rice bags is being withdrawn and this and other causes such as adverse weather condition and lack of more adequate drainage and irrigation facilities would tend to send up cost of production to a greater extent;

Be It Resolved that this Honourable Council recommend that the minimum price of padi be fixed at a producers' price of \$4.00 per bag and the price of rice in its various grades be proportionately increased.

STATE REGISTRATION OF NURSES.

Dr. NICHOLSON gave notice of the following motion:-

Whereas the principle of state registration of nurses obtains in most progressive countries;

And Whereas in the neighbouring island of Trinidad a move is already on foot to give effect to the principle of state registration of nurses;

And Whereas state registration of nurses is desirable for the protection of the nursing profession;

Be It Resolved that this Honourable Council recommend to Government the desirability of introducing state registration of nurses in this country.

BUILDING CONSTRUCTION IN BURNT AREA.

Mr. ROTH gave notice of the following motion:-

"Whereas it is essential in the best interests of the City of Georgetown that fire hazards be kept at the practical minimum;

And Whereas the erection of non-fire-resisting buildings in the area known as the Regent and High Streets Burnt Area will perpetuate the fire hazards existing there before its destruction;

And Whereas the Georgetown Town Council has, in its wisdom and contrary to the advice of its technical officers, granted permission for the erection in this area of a three-storey non fire-resisting building, construction of which has now begun;

Be It Resolved that this Honourable Council recommend to Government that it take such immediate steps as may be necessary to prevent the erection of the said building and to introduce such regulations or laws as may be necessary to bring the rebuilding of the said area under similar control to

that exercised over the 1945 Burnt Area”.

ORDER OF THE DAY

GOVERNMENT PURCHASES OF STONE.

Mr. ROTH asked and the COLONIAL SECRETARY laid over replies to the following questions:-

Q. 1.—In view of the fact that Monkey Jump Quarry lies 70 miles from the stone-crushing plant at Ruimveldt and Skull Point Quarry 66 miles from Ruimveldt and in view of the fact that it has been proved that gabbro from the former quarry produces a greater proportion of dust than granite from the latter, will Government state the reason why stone delivered at Monkey Jump is purchased at \$4.25 per ton and stone delivered at Skull Point at only \$3.45 per ton.

Q. 2.—Does Government consider that an increase of 6 per cent in haulage distance warrants a 23 per cent increase in the purchase price?

A. 1 & 2.—Except in the case of supplies obtained under contract for specific works, Government has to purchase stone from the cheapest source available at the time the stone is required. It has on occasion been impossible to obtain boulder stone from any other source but the Monkey Jump Quarry without delay which would have involved the cessation of works in progress.

The Public Works Department Legislative Council Advisory Committee has agreed to the purchase of stone in the open market at the best market price at the time the stone is required.

As the bulk of purchases of gabbro was in the form of boulder stone for Sea Defence Works the question of dust produced by crushing does not arise.

T. & H. DEPT. MECHANICAL SECTION.

Mr. ROTH, on behalf of Mr. CARTER, asked and the COLONIAL SECRETARY laid over replies to the following questions:-

Q. 1.—How many vacancies are in the Mechanical Section of the Transport and Harbours Department

among the Senior Engineering Staff?

A. —Two vacancies

Q. 2.—What are these vacancies?

A. —Assistant Mechanical Engineer (Marine) Assistant Mechanical Engineer (Locomotive).

Q. 3.—Does Government intend filling these vacancies locally or from abroad?

A. —Vacancies will be filled locally if fully qualified and otherwise suitable candidates are available; if not, from abroad.

Q. 4.—Have there been any applicants for these posts?

Q. 5.—If so, how many, and what qualifications have they?

A. —Only one application has been received and that is from an employee of the Transport and Harbours Department for the post of Assistant Mechanical Engineer (Locomotive).

The applicant is an Associate of the Institute of Welding and an Associate Member of the Institute of Locomotive Engineers. He also holds a certificate from the International Correspondence School.

He was first apprenticed in 1922 as Boiler Maker and rose in the Department through grades of Charge Hands and Foreman to his appointment as Workshop Superintendent on the 1st of January, 1949.

Q. 6.—How do these qualifications compare with that of the Chief Mechanical Engineer?

A. —The qualifications of the Chief Mechanical Engineer of the Transport and Harbours Department were fully set out in the Colonial Secretary's Replies to Questions No. 8 of 1949 tabled in the Legislative Council on the 27th of May, 1949.

Q. 7.—Will Government give an undertaking that qualified local candidates will be given preference when appointments to these vacancies are to be made?

A. —See Reply to Question 3.

RUIIMVELDT BREACH.

Dr. J A G A N asked and the COLONIAL SECRETARY laid over replies to the following questions:-

- Q. 1.—What is the total cost incurred in repairing the breach at Ruimveldt?
- A. —The total cost is estimated at \$65,000.
- Q. 2.—How much of the total cost was paid out as compensation for damages and to whom paid?
- A. —No compensation has been paid.
- Q. 3.—Has Government conducted an enquiry into the Ruimveldt breach? If so, when will this report be made public; if not, will Government undertake an enquiry?
- A. —The matter was investigated departmentally, with the assistance of Mr. G. E. Bennett, M.I.C.E, a Consulting Engineer, who was in the Colony at the time, and Government is satisfied that the breach was not attributable to negligence on the part of the Public Works Department. It is not considered that any further action is necessary.

BUILDING CONSTRUCTION IN BURNT AREA.

Mr. ROTH: Sir, I ask your permission to move the suspension of the Standing Rules and Orders in order to move a motion of which I now give notice. The motion reads:

“Whereas it is essential in the best interests of the City of Georgetown that fire hazards be kept at the practical minimum;

And Whereas the erection of non-fire-resisting buildings in the area known as the Regent Street and High Street Burnt Area will perpetuate the fire hazards existing there before its destruction;

And Whereas the Georgetown Town Council has, in its wisdom and contrary to the advice of its technical officers, granted permission for the erection in this area of a three-storey non-fire-resisting building, construction of which has now begun:

Be It Resolved that this Honourable Council recommend to Govern-

ment that it take such immediate steps as may be necessary to prevent the erection of the said building, and to introduce such regulations or laws as may be necessary to bring the rebuilding of the said area under similar control to that exercised over the 1945 Burnt Area”.

I move the suspension of the Standing Rules and Orders in order that the motion may be taken now.

Dr. NICHOLSON seconded.

Mr. DEBIDIN; I desire to speak on the motion which has been put before the Council for the suspension of the Standing Rules and Orders. The motion which the hon. Nominated Member has just read, and which he seeks to move, I regard as being extremely objectionable and premature, and also against the best principles of democracy. We are bound by rules in this Colony. There are Ordinance and Regulations governing the mode of operation in regard to buildings. From the motion it appears that the Georgetown Town Council has thought fit to sanction certain acts within its powers.

Mr. ROTH: I rise to a point of correction. When the time comes I will show that the Town Council acted *ultra vires*.

The PRESIDENT: I think the hon. Member must confine his remarks to the matter of urgency. Suspension of the Standing Rules and Orders is not ordinarily allowed unless it is a matter of urgency, and if the Council does not think this is a matter of sufficient urgency it will vote against it. That is the essence of moving the suspension of Standing Orders, and the hon. Member cannot debate the matter until they are suspended.

Mr. DEBIDIN: I quite agree that that is the principle under which a suspension of the Standing Orders would be moved. I am very grateful for the hon. Member's interpretation a while ago. It seems to me that it puts the lid on his effort to move the suspension of the Standing Orders because he has raised an issue which can only be determined by the Supreme Court and not by this

Legislature if, as he wants to make out, the action of the Town Council was *ultra vires*.

Mr. ROTH: I wish the hon. Member would wait until I make my case before he answers it.

The PRESIDENT: I would again suggest that at this stage it is a question of the urgency of the matter.

Mr. DEBIDIN: I do not regard this matter as being urgent, and I have the right to oppose the suspension of the Standing Rules and Orders.

Motion put, and agreed to.

Standing Rules and Orders suspended.

Mr. ROTH: This motion does not need any lengthy exposition. I am fully confident that hon. Members are agreed on the necessity to keep the fire hazards of this City to the lowest practical level. Within the last 100 years the whole of the business section of Georgetown has been destroyed by fire at least once, a large part of it twice, and one section three times. With the exception of the case of the 1945 fire it was permitted in those destroyed areas to rebuild much as they were before with non-fire-resisting material, but in 1945 it would appear that those in authority had at last learnt from costly experience, and steps were taken to see that the rebuilding of that area was done with fire-resisting material.

Shortly after the Regent and High Street fire, the *locus* with which this motion solely deals, it was bruited that the rebuilding of that area would be brought under similar control to that of the 1945 burnt area. Unfortunately, however, it would appear that it has never got beyond the stage of rumour, for we have just learnt that the City Council, acting against the recommendation of the Fire Chief and of the City Engineer, has granted permission for the erection in that area of a three-storeyed wooden building. Now, Sir, if that permission is allowed to stand the Town Council cannot morally refuse subsequent applications for the erection of similar non-fire-resisting buildings,

and in the end the original fire hazards will be restored. It may be asked: what about the possible financial loss that may be suffered by the person who has begun, with the permission of the City Council, to construct this building? I maintain that that is a matter between the City Council and the individual in question. If hon. Members consider that the interests of one individual have priority over the general interests of the City then they will oppose this motion, but if, on the other hand, they consider that the interests of the City are paramount to everything else they will support it.

I have left my strongest point for the last. I wish to draw the attention of the hon. Member who opposed the suspension of the Standing Rules and Orders, to the fact that the proposed new building being in the Planning Area, it was the statutory obligation of the Town Council to refer the application for permission to build to the Central Planning Authority. This the Town Council failed to do. Consequently the permission which the Town Council granted was *ultra vires* and illegal. I therefore now formally move the motion.

Mr. SMELLIE: I wish to second the motion which has been moved by the hon. the First Nominated Member. I think it is very timely and I commend it to the acceptance of Government.

Mr. DEBIDIN: This motion has come to all of us — at least to myself — as a surprise. Nevertheless I must credit the hon. Nominated Member with having referred to the matter before in this Council, or he attempted to do so in this Council. Therefore I feel that his persistence is somewhat to be admired. In my opinion he has moved a motion which violates the principles of democracy. There are Statutes and Rules under those Statutes governing the action of not only corporate bodies but individuals, and if the Georgetown Town Council, which seems to be the body authorized by Statute and the Building Regulations to determine what class of building should be erected and what provisions must be complied with, approves of the erection of the building concerned, I feel it is within its right.

I also said that the motion is premature, because it does appear to me that the burnt area upon which the building is being erected has been existing for some time. My question to the mover and to the Council is what has been done by the Planning Authority or any other authority to establish the principle upon which building is to be done in this particular area? I cannot see how this Council can be asked to convert itself from a legislative body into one of lesser responsibility — in other words a Town Council. That is what we are being asked to do. It seems to me that if the hon. Member's contention is right he can as any individual in the City, any ratepayer or taxpayer, move the Supreme Court for an injunction to prevent the erection of the building. To come to this Council and ask Members, without any knowledge of the Building By-laws, to check or hold up the action of a statutory body *hey presto*, is asking too much of this Council. We must respect our position in this Council and not act on the whim of any individual. I say whim because, is the hon. Member setting up the principle that every building in the City must be constructed of ferro concrete?

Mr. ROTH: I said that the motion applies only to the burnt area and nowhere else.

Mr. DEBIDIN: I cannot understand the interruption of my friend. He has not allowed me to complete my statement. Is he saying that every building to be put up in the City must comply with his requirement? He refers to fire-resisting material which suggests some material other than wood. I cannot see how High street or Regent street can be considered more important than Water street or Lombard street from the point of view of fire hazards. It seems to me that the proper authority to determine what type of building should be put up in any part of the City is the Georgetown Town Council for whose charge of the City very sacred laws have been prescribed. The hon. Member has merely made a statement that no permission has been obtained from the Town Planning Authority. He also made a statement about Mr. Atkinson not giving certain permission.

Mr. ROTH: To a point of correction. I said nothing about Mr. Atkinson not giving permission. I referred to a recommendation by the Fire Chief.

Mr. DEBIDIN: The hon. Member has also said that no permission has been obtained from the Planning Authority. I do not know if I heard him correctly. I say that this Council is left without particular reference to the Authority, and I would like the hon. Member to quote the particular section of the Town Planning Ordinance to show that in respect of the burnt area in question the Town Council must obtain the permission of the Planning Authority for the erection of any building. He merely says that the Town Council has not had that permission, but he must show us where the Town Council is compelled to ask the permission of the Planning Authority. Has the Town Planner been consulted by my friend and has authorized him to say that the Town Council has done something against his powers? Has he got Mr. Atkinson's permission to say that there has been a violation of his recommendation? Let us have a picture of how wrongly the Town Council has acted in the particular circumstances. It is asking this Council too much to make a definite pronouncement against a statutory body, and to ask Government to interfere and stop the erection of the building—something which, in my opinion, not even Government can do without the sanction of the Supreme Court. I feel that in this Colony there is too much inclination on the part of individuals to curtail the freedom of action of others. This is a particular instance of a pre-supposed right of an individual to assume power to interfere with the freedom of action of another.

Mr. FERNANDES: As I see it there are two points brought out by the hon. Member who moved this motion. One is the question of fire hazards and the other is the decision of the Town Council being *ultra vires*. Now if the Town Council's decision is *ultra vires* I maintain that this motion is unnecessary, because Government has the means to stop the erection of the building. I will not comment very much on that point. I will deal with the question of fire hazard. In

this very burnt area some building operations have taken place since the fire. I refer to the most easterly section of Messrs. Bookers premises. I am under the impression that a three-storeyed wooden structure has been put up in this area and on the site nearest to Water street. It will be remembered that the premises in which Bookers Tailoring Department was carried on, and also those rented from Bookers by the Singer Sewing Machine Company, were burnt by the fire. It is going to be very difficult to start now to make a law to stop the erection of wooden buildings in this area after the erection of the building I have referred to without my friend taking any objection to it whatever. It was built on a spot where one could see it if he were driving along High street, Regent street, Commerce street or along Water street, yet nobody took any objection to it.

If the newspaper reports are correct the building in question is to have a fire-resisting ground floor which the business part of the building will occupy. I am one of those who like fire prevention, and I would recommend everything possible to avoid similar calamities to those we have had in recent years, but there is another side to building in a country like ours. We are not a very wealthy country, and if we insist that every building should be of such a type it would be impossible for certain people to construct, because it would not only be very expensive but it would not be economical. Whether a building is constructed of stone, wood or anything else for business purposes in that area it will not be worth any more rent. On that account I think that it is unwise to rush a motion of this kind through the Council at a time like this, and perhaps take certain Members off their guard and get them to vote for something which might ultimately affect quite a few people in British Guiana considerably. If it is the desire of Government that as far as possible the City should consist of fireproof buildings I think the law should have been put into force not only with respect to the 1945 burnt area and to this particular area but to the entire commercial area. Instead Government stood by and did nothing.

I do not even know the gentleman

concerned with the building in question. I have not spoken to him for a couple of years but I should know him if I saw him. Here is a taxpayer of the City who has had his plan prepared, submitted it to the Town Council, the proper authority, who approves it and he makes his contract. Construction has started and at that point a Member of this Council comes here and moves the suspension of the Standing Rules and Orders, expecting the Council on the spur of the moment to recommend to Government that the construction of the building be stopped, and that a new law be made to prevent the person concerned from carrying on with his plan. Now, Sir, this is not only undemocratic but it is unfair—absolutely unfair. We have had that area vacant for quite a long while; nobody has attempted to build and now that somebody is trying to build every possible obstacle is being put in his way. As regards the fire aspect, there are cities in the outer world with fire-proof buildings and all sorts of preventions against fire but, nevertheless, every day we read of two or three or four blocks being burnt out at one time. I do not think that our wooden City, so far as I can remember—over a period of 40 years—since I was a boy—has ever had a fire anywhere as bad as those which take place so frequently in the stone cities abroad. I certainly think this is not the right way to handle a position of this kind.

As regards the suggestion that the Mayor and Town Council acted *ultra vires* in this matter, that is something which, I understand, is engaging Government's attention as a legal principle. I do not know what is the interpretation of this Ordinance, but the Town Council has the right to refer any of these applications to the Central Authority for consideration. From the point of view of fire hazards, the Council has permitted many things which some hon. Members have thought it fit to question and which, in their opinion, are greater fire hazards than this building. One only has to walk through the City and he would see many three-storey buildings very close to each other and representing a definite danger in case of fire. As a matter of fact, two of them are immediately East of the

home of a Member of this Council. They, in my opinion, constitute a greater fire hazard than the proposed building. They are in Lamaha Street — in public view and on a site where the breeze would blow strongest and things of that kind— but nobody takes any notice of them. We find here, however, every conceivable objection being taken to a building which, if the hon. Member's report is correct, will have a ground floor completely fire proof. I am, definitely, going to vote against the motion for two reasons, one being that I think it is too late to stop this building. A move should have been made to get the necessary law into force before the building operations were started. Secondly, I certainly feel that it would not be right and in the interest of the safety of the community to force people to erect buildings out of a kind of material and in such a manner that would make them entirely uneconomical for the use to which they would be put.

The ATTORNEY-GENERAL: With regard to the observations made by the last two hon. speakers, I would point out for the information of this Council that the proposed building is situate in the area which was destroyed by fire on May 9, 1947, and is within the planning area of the Resolution passed on June 24, 1949, by the Central Housing and Planning Authority and published in the *Gazette* on August 20, 1949. In section 21 of the Town and Country Planning Ordinance, No. 25 of 1946, it is provided that:

"21. (1) From and after the date of the first publication in the *Gazette* of a resolution by the Central Authority to prepare or adopt a scheme, it shall be the duty of the Local Authority of the area to which the resolution relates, to submit all applications and proposals for development within that area to the Central for their permission or prohibition as the case may be."

Hon Members are aware of that provision. Further to that, in a letter dated [November 13, 1948, the Acting Colonial Secretary wrote to the Town Council stating that "...It is now proposed to introduce legislation to enable the Planning Commissioners appointed under the Town Planning (Georgetown Fire Area) Ordinance, 1945, to administer the area destroyed by the 1947 fire, and to deal with applications for the erection

of buildings within the area." The Town Clerk replied to that letter, dated November 16, 1948, pointing out "that the various matters connected with that Ordinance, e.g., a plan of the area and the costs of its re-planning, etc., were submitted to the Council and agreement reached thereon, before the Ordinance was enacted." He also said: "I am to ask in this instance that similar conditions be observed before the legislation in question is introduced by Government."

That gives the various aspects of this new or second burnt out area. The first draft of this legislation was prepared, but in view of the fact that the Georgetown Planning Commissioners were engaged with the first burnt area for which plans were being passed for buildings, it was thought that in the light of the experience gained they would know the legislation required in regard to this second burnt area. Government still considers that it is desirable — and, I think hon. Members will agree with Government in spite of the points raised — that the area should be developed along the lines of the Town Planning Georgetown (Fire Area) Ordinance 1945 and to be administered by Commissioners—either the Commissioners of the first area or by another similar body. I would point out that a introduced into the Legislative Council. In the meantime, Government is seeking the meantime, Government is seeking the views of Central Housing and Planning Authority particularly with regard to the points raised by hon. Members as regards fire hazards.

I would point out for the information of Members of this Council that certain proposals for legislation were made by the Superintendent of the Georgetown Fire Brigade some time in September, 1949, and a letter dated September 28, 1949, was sent by the Acting Colonial Secretary to the Georgetown Town Council with regard to the proposed legislation, as follows:-

"I am directed to inform you that the Superintendent of the Georgetown Fire Brigade was requested to examine the existing legislation relating generally to the provision of safety measures against fire risks with a view to making such amendments as are considered necessary to bring those provisions up

to date. As a result of this, and following on discussions he had with you and other interested persons, he prepared notes on certain amendments required to be made. These include suggestions for amending the Municipal By-laws for controlling the use of welding plant, and also with respect to buildings.

"2. The Law Officers who have been consulted have submitted draft legislation, which Government is now considering, to give effect to certain of the amendments required to be made. But as regards the two matters referred to above, they advise that these should be submitted to you for such action as the Mayor and Town Council may think fit. I accordingly forward the accompanying relevant extracts from a memorandum addressed by the Superintendent of the Georgetown Fire Brigade to the Honourable the Attorney General, and from certain notes by the Superintendent, dealing with these two matters.

"3. I should be grateful if I might be informed in due course of the Town Council's decision on these suggestions."

The Town Council considered the matter and the Town Clerk replied on December 19, stating:-

"I am directed to acknowledge the receipt of your letter of the 28th September last, on the subject of the existing legislation relating generally to the provision of safety measures against fire risks, with particular regard to the use of welding plants and with respect to buildings for that purpose as well as other buildings of a certain type of material to be erected within a certain area of the City. As mentioned in my letter of the 5th instant, these matters were considered by the Council at a Statutory Meeting held on the 12 instant, when the following decisions were arrived at:-

(a) That the necessary By-laws be amended in accordance with the suggestion of the Superintendent, Fire Brigade, as regards type of generators to be used, etc.

(b) It is not agreed that buildings be licensed for the purpose of installing welding plants for two reasons:

- (1) The difficulty of having heavy machinery repaired which would be incapable of being moved about necessitating such repairs having to be carried out on the spot.
- (2) The general replanning scheme of the City by the Central

Housing and Planning Authority in connection with which it is understood that certain areas would be set aside for industrial purposes, etc.

"2. In view of (1) and (2) it is considered that the suggestion should be held over for the time being.

(c) That a decision be deferred with regard to the construction of certain types of buildings within an area defined by the Superintendent, which again concerns the replanning of the City; also in view of the report of the Fire Advisory Committee, wherein the Council commented on the use of certain types of building materials somewhat different from those recommended by the Superintendent. A decision was deferred, however, in view of the present replanning of the City.

(d) The Superintendent advocates that the sub-division of lots in the City should not be carried out where it will obstruct easy and reasonable access for fire fighting and rescue. The Council has been in correspondence with Government on this matter for some time now and it is held that the views of the Superintendent strengthens the Council's point of view in this matter. I am to urge, therefore, that this amendment to the law be made as early as possible by Government.

"3. I trust that the foregoing decisions will be of some assistance to Government in the various matters referred to."

Hon. Members will see that this matter of fire hazards and protection to buildings was taken up by Government with the Town Council some time ago, and as regards to the particular question of buildings, the point made was that this is a matter which concerns the planning of the City. That brings us back to the same point to which I referred at the beginning of my comment and that is, under section 21 of the Town and Country Planning Ordinance the Town Council should have referred the matter to the Central Housing and Planning Authority. I think that is irresistible and that is the position. In addition to that, they were informed some time ago that there was a proposal by Government to bring the second fire area within a similar provision to that of the Georgetown Fire Area Ordinance of 1945.

Therefore, from whichever point of view hon. Members are disposed to approach the matter, the conclusion must be reached — as the hon. Mover of the motion pointed out at the beginning of his speech — that the Town Council should have forwarded the proposals to the proper authority or, at least, should have allowed the Central Housing and Planning Authority to know what they had in mind. If you are considering the matter from the point of view of fairness or equity, hon. Members have to consider it from the point of view of the knowledge of the Town Council as to what the procedure was in the first instance, in relation to the Central Housing and Planning Authority and what had been told them by Government in relation to this particular area. I suggest to hon. Members that the facts of the case as I have put them before this Council seem to indicate that the matter should not have been disposed of in the way that it was done.

Mr. DEBIDIN: I have not got the right to a second speech, but I would ask permission, sir, to make a brief statement.

The PRESIDENT: Just for clarification; I cannot permit the hon. Member to speak twice. If it is for the explanation of a fact or a point of law, however, I will not mind.

Mr. DEBIDIN: I shall keep within the question of clarification, Sir. As regards the question of re-planning, may I ask whether the Town Planning Authority has presented any proposal for re-planning (a) the City, and (b), this burnt out area? If so, when would these proposals come to fruition? Secondly, I should like to know whether Government realises that lands valued at approximately \$40,000 are remaining, as a capital sum of money, idle in this area.

The PRESIDENT: I will ask the Attorney-General to deal with the first question later. As regards the second, the hon. Member has really developed new argument.

Mr. DEBIDIN: Very well, sir.

The ATTORNEY-GENERAL: I am aware of the proposals with regard to the burnt out area, but, in so far as this particular area is concerned, shortly after the fire took place the Commissioners had the benefit of the advice of Mr. Woodhouse who was on the Staff of the Colonial Development Corporation at the time, and he advised what should be done as regards the Ordinance under which we are working in connection with the first burnt out area.

Dr. JAGAN: I have listened with great interest to this whole debate and particularly to the hon. Member for East Demerara and the hon. Member for Central Georgetown. We have been hearing quite a great deal about the Fire Chief, the Town and Country Planning and the Central Housing and Planning Authority, and so on, but up to this day this Council has not seen the Fire Report which was finished and gone into such a long time ago; therefore, we do not know the details. As regards the Central Housing and Planning Authority, we are told that the Town Planner is a dreamer and that what he intends for British Guiana is something for the next 50 or 100 years. But, here we are asking that the matter be referred from the Town Council to the Central Housing and Planning Authority, and whether that is legal or not I do not know. If this matter is *ultra vires* as the hon. Mover of the motion suggests, then it seems to me that the Central Planning Authority, should have acted as a result of their power over this particular area. I do not know anything about their plans and, consequently, I do not know that we should be asked to veto this measure at this time. The hon. Mover of the motion has referred to the question of fire hazards but, as other speakers have already pointed out, there is a fire hazard anywhere you turn in this City of Georgetown.

I will mention another aspect of the question and that is, to compel every landlord to take out compulsory insurance so that every individual would be protected to some extent in case there is a fire. Can we afford to say that people in Georgetown must put up buildings of a certain type? The hon. Member for Georgetown

Central has made a particularly good point. I know that in the United States of America there are buildings made of ferro-concrete, but I also know that every now and then there are large fires there with loss of life in many cases. If the hon. Mover of the motion had suggested that it was in the best interest of the people of Georgetown and of this Colony that concrete buildings should go up, and had gone further and suggested that Government should erect the buildings, perhaps I would have agreed with him. I would like to inform him, however, that Government has already spent \$200,000 of the taxpayers' money for the development of the burnt out area. If Government chooses to spend another \$1,000,000 or \$2,000,000 to build concrete buildings and rent them to the individuals who want to set up business, when the proposal comes here we would have a general debate on it. In the meanwhile we must give serious consideration to the question these individuals must be forced to build concrete, fire-resisting buildings because, as one hon. Member has pointed out, it might not be within their means to do so. What is good enough for Great Britain is not good enough for British Guiana in this respect, and I feel that this motion is really out of place in this Council. If the hon. Member does not withdraw the motion, I think the Council would do well to vote it out. I hope hon. Members would do so.

Dr. GONSALVES: I think we should have had a little more direction, so to speak, from the Attorney General as to the way in which we should move in this matter. As I see it, there is as much for as there is against the motion. There are two authorities which we are questioning, and we have to consider several questions. One is, that the Town Council gave permission for the erection of a building of a certain type against an Ordinance that is in prospect to allow these burnt out areas to become declared and to allow only buildings of a certain type to be erected in them. I think that would bring about a very peculiar issue for us in this Council. The hon. the Attorney General said these laws are in the making and the Town Council, taking opportunity of the fact that they were deferred, thought they had the right to

give permission for the building in question. If that is correct, it seems to me that it leaves us in a very peculiar position. With regard to the remarks made by the hon. Member for Georgetown Central, he is perfectly right in saying that in certain cities abroad there are buildings made of fire-resisting materials, but one still finds large fires in those places. There are laws stipulating that the buildings in this area should be of a special type and cost, and therefore we find the City Council giving permission for the erection of this building. As I have said at the outset, it leaves us in a very peculiar position. We do not want to interfere with the City Council and its findings; we do not want to tell them to refer the matter back to the Planning Authority. It does seem to me that it is Government's duty to advise us what to do. We have had an explanation from the Attorney General, but I do not think it is sufficiently clear. As far as I see there is a balance on both sides. We do not want to tell somebody that they cannot build in this area; we do not want to take away anybody's democratic right. If Government had defined their laws and had made them already, there would hardly have been any need for debating this question. Until that comes it seems to me that I would be on the side of voting against the motion.

Mr. FERNANDES: With your permission, Sir, I would like to ask the Attorney General a question. I think he quoted section 21 (1) of Ordinance 25 of 1946, and it is just an interpretation of the word "development" in that subsection that I would like to hear. As I see it, development means using a spot for something that it was not used for before. Putting a house back where it was before is not development, I think. I borrowed a dictionary from inside and had a look at the word "development", but I do not think it has helped me.

The ATTORNEY-GENERAL: The hon. Member has to turn to the definition of "development" in the Interpretation clause — clause 2 — of the Ordinance. It says this:-

"development" in relation to any land includes any building or r -building operations and any use of the land or any buildings thereon for a purpose

which is different from the purpose for which the land or building was last being used;"

In other words, if you are reconstructing a building, that is development under the Ordinance. Section 2 says: "Development" includes any build- or re-building operations and any use of the land or any buildings thereon for a purpose which is different from the purpose for which the land or building was last being used."

That is to say, if you have a building and you are changing it up. It is there. But this is re-building, erecting anew—a totally different thing.

Mr. FERNANDES: I saw that, but I did not see any "stop" in that same definition. I asked a specific question—if putting a building back on the same spot for the same purpose and the same type of building as before can be construed as development under the Ordinance. What the hon. the Attorney General has read I cannot agree with.

The ATTORNEY-GENERAL: It is the hon. Member's privilege to disagree.

Mr. DEBIDIN: The emphasis seems to be placed on some building or erection different from the one which was there and a different purpose for which the first building was used. That seems to indicate clearly —

The PRESIDENT: I cannot allow the hon. Member to make two or three speeches. The Standing Orders must be observed.

Mr. LEE: I feel that if the Town Council has given the owner of this property permission to erect and has accepted the plan he submitted but did not submit it to the Town Planning Authority, what are we to do? The man has gone to the expense of engaging contractors and starting the erection on that plan which was accepted by the Municipality, a statutory body of responsible men. I do not see that I can help the hon. Mover of this motion. Those men in the Town Council are responsible men and should know it was their duty to send that plan to the Town Planning Authority

They did not do so but gave their permission for the erection to a person who knows nothing about the law save that he has to submit the plan and specifications to the Town Council, get them approved and build according to that plan. I cannot see that I can support this motion.

The ATTORNEY-GENERAL: That is an entirely different matter, I may say. The hon. Member is going on grounds totally outside what I suggest should be the proper consideration to guide this Council.

Mr. LEE: I accept that.

Mr. ROTH: I am very grateful to the hon. the Attorney-General for his elucidation of the legal points raised by another legal Member and a non-legal Member. I have no need to refer to the remarks of the hon. Member for Eastern Demerara. As regards the remarks of the hon. Member for Georgetown Central, we all know that buildings of concrete or fire-resisting materials are more expensive to erect but, as we know, are far more cheaper to maintain than wooden buildings. You do not have to paint every three years and wood ants do not get at them. The hon. Member seems to have overlooked that point. Then the hon. Member argues that because Government did not bring in Regulations at the time it was not fair to do it now. I thought he was one of those gentlemen who believe that it is never too late to mend.

The hon. Member for Essequibo River asked how the matter can be solved after having been granted by the Municipality. The hon. the Attorney-General has pointed out that is quite a different matter altogether. If the City Council cared to act illegally, then it must stand by the consequence of its act. Then there is the point raised by the hon. Member for Eastern Demerara about a statutory body. We have nothing to do with that. The hon. Member seems to forget that there is the over-riding statutory body in this land, and if one of the subsidiary bodies makes a mistake we have every right to correct that mistake. Some Members tried to draw a red herring across the trail by suggesting why I did

not mention other buildings which are so close together in Lamaha Street, and why I did not suggest to Government about that. I am only concerned with this area, because it is in a business section of the town which was originally built of wood and was wiped out in one and a half hours by fire. I desire to bring about such conditions as to prevent the least likelihood of such a holocaust. That is what I have in mind. If hon. Members think otherwise, they are quite at liberty to do so.

Question put, and not agreed to.

Motion lost.

MOTOR VEHICLES & ROAD TRAFFIC
(AMENDMENT) BILL.

The ATTORNEY-GENERAL: I beg to move the first reading of a Bill intituled: -

“An Ordinance further to amend the Motor Vehicles and Road Traffic Ordinance, 1940.”

Dr. NICHOLSON seconded.

Question put, and agreed to.

Bill read a first time.

RICE MARKETING (AMENDMENT)
BILL.

The ATTORNEY-GENERAL: In the absence of the hon. the Financial Secretary and Treasurer, and with your permission, Sir, and that of the Council, I beg to move the first reading of a Bill intituled —

“An Ordinance to amend the Rice Marketing Ordinance, 1948, with respect to the powers and functions of the Rice Marketing Board and the Executive Committee of the Board; and in other respects.”

Dr. NICHOLSON seconded.

Mr. ROTH: I ask that the first reading of this Bill be deferred. As Your Excellency knows, there is strong opposition to it and the body closely concerned circulated all hon. Members a week ago: Quite a voluminous correspondence reached us last night, and we have not had time to discuss it.

The PRESIDENT: The object of the first reading is merely to bring the Bill to the notice of the Council. There is no question of any debate, no question of rushing this Bill, which is the last thing I would like to see done, as it is a very important matter. The object of the first reading is merely to bring to the notice of hon. Members that there is the Bill for consideration, and for the same reason it is published in the *Gazette*.

Mr. ROTH: My object was to bring to your notice what is happening.

Question put, and agreed to.

Bill read a first time.

The Council adjourned to Thursday, 20th July, 1950, at 2 p.m.