

**LEGISLATIVE COUNCIL**

THURSDAY, 14TH JUNE, 1951.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. John Gutch, O.B.E., President, in the Chair.

**PRESENT:**

The President, His Excellency the Officer Administering the Government, Mr. John Gutch, O.B.E.

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. the Financial Secretary and Treasurer, Mr. W. O. Fraser (Acting).

The Hon. C. V. Wight, C.B.E. (Demerara-Essequibo).

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

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

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

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

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

The Hon. J. Fernandes (Georgetown Central).

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

The Hon. W. O. R. Kendall (New Amsterdam).

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

The Hon. J. Carter (Georgetown South).

The Hon. R. B. Gajraj (Nominated).

The Clerk read prayers.

The Minutes of the Meeting held on Friday, the 8th of June, 1951, as printed and circulated, were taken as read and confirmed.

**PAPERS LAID.**

The ACTING COLONIAL SECRETARY laid on the table the following documents:—

The Report of the Director of Audit, British Guiana, on the Accounts of the Transport and Harbours Department, for the year ended 31st December, 1949.

The Report by the Director of Audit, British Guiana, on the Audit of the Accounts of the Government of British Guiana for the year ended 31st December 1949.

The Report on the Essequibo Boys' School for 1950.

**U OFFICIAL NOTICES****MIDWIVES FOR RURAL DISTRICTS**

Mr. DEBIDI gave notice of the following motions:—

“WHEREAS the rural districts of the Colony, and particularly the river districts and other remote areas are very inadequately served by qualified midwives;

“AND WHEREAS in a good many of these areas the residents have to depend upon unqualified persons for midwifery attention;

“AND WHEREAS in order to keep down the Colony's expenditure, and at

the same time provide a more adequate service throughout the Colony, it is very desirable that a scheme be immediately inaugurated whereby young women with permanent residence in the very areas to be served may be given a course of training in midwifery, and be registered as midwives;

"AND WHEREAS this could be arranged at no great expenditure by the Medical Department of the Colony;

"BE IT RESOLVED that this Honourable Council recommend to Government the very early establishment of facilities for the training of a sufficient number of women drawn from the rural areas of the Colony, particularly of the remote districts, in a course of midwifery, practical and theoretical with a view to their being registered as midwives;

"AND BE IT FURTHER RESOLVED that this Council recommend the appointment of a Select Committee to consider all the details involved by the aforesaid recommendation, and report thereon to this Honourable Council as early as possible."

#### COTTAGE HOSPITAL FOR CENTRAL MAHAICONY

"WHEREAS the Mahaicony District is one of the largest, and most important rural districts in the Colony embracing as it does the Mahaicony-Abary Rice Expansion Scheme, the large rice growing and cattle areas on both banks of the Mahaicony Creek with a population spreading out to a distance of about thirty miles on both banks of the Mahaicony River, also containing the three local authorities of Eastern Mahaicony which extends from Plantation Park to the Abary River, the Central Mahaicony Local Authority, and Perth Village, and also embracing populated areas up to as far west as Plantations DeKinderen and Fairfield;

"AND WHEREAS Mahaicony is approximately midway between Georgetown and New Amsterdam, that is approximately forty miles from the nearest public hospital;

"AND WHEREAS there is a Government Medical Officer stationed at Central Mahaicony, but in very urgent cases most often necessitating an operation persons injured seriously in accidents or taken seriously ill otherwise, will have to be sent to Georgetown for an operation,

whereas immediate attention and facilities for hospitalizing such cases for a few days might save many a life;

"AND WHEREAS also there is no mortuary in this district;

"BE IT RESOLVED that this Honourable Council recommend to Government--

- (a) the establishment of a cottage hospital at Central Mahaicony; and
- (b) the erection of a mortuary at Central Mahaicony."

#### COLONY WIDE PENSION SCHEMES

"WHEREAS it is desirable that a contributory pension scheme be established for the whole Colony with universal application wherever there is the relationship of employer and employee;

"AND whereas the Colony is in need of money to finance certain development schemes which would result in a greater measure of prosperity to the Colony generally, e.g. making available through Loan Banks or otherwise more money to more peasant farmers for more production of rice, cattle, milk, provision, etc., and for the erection of houses;

"AND WHEREAS if the aforesaid Colony-wide pension scheme be made a Government controlled undertaking, there would be a considerable revolving sum in the hands of Government which can be used as aforesaid—

"BE IT RESOLVED that this Honourable Council, accepting the principle of the establishment of a colony-wide pension scheme, recommend to Government the appointment of a Select Committee of this Council to consider and report on—

- (a) the establishment and application of a colony-wide pension scheme;
- (b) the expediency and manner of Government controlling the same; and
- (c) the purpose or purposes to which funds in the hand of the Government may be devoted in the interest of the development of the Colony.

#### ORDER OF THE DAY

##### BILLS—FIRST READING.

On motions moved by the ATTORNEY-GENERAL and seconded by

Mr. WIGHT, the following Bills were read the first time:—

A Bill intituled "An Ordinance further to amend the Widows' and Orphans' Pension Ordinance."

A Bill intituled "An Ordinance to amend the Widows' and Orphans' Pension (Amendment) Ordinance, 1950."

A Bill intituled "An Ordinance to amend the Matrimonial Causes (Amendment) Ordinance, 1950."

#### TAX (AMENDMENT NO. 2) BILL, 1951

Council resolved itself into Committee to resume consideration of the Bill intituled—

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

#### COUNCIL IN COMMITTEE

The ATTORNEY-GENERAL: During the consideration of this Bill in Committee at the last meeting of the Council, several amendments were moved. I have sought to put these amendments into proper form and a copy of the amendments, as proposed, has been circulated to hon. Members. There was an amendment which I myself moved with regard to inserting in clause 2, after the words "Governor in Council," the words "during the month of January in each year," but it was pointed out that that would not be good enough because licences were due to be issued in the month of January and, therefore, consideration of the applications would have to be made prior to the month of January. Consequently, I thought it desirable to substitute the month of July for the month of January. The year would run from July to July if the appointment of the Committee is approved. If that suggestion is accepted by hon. Members it would be operative from the coming month—from July 1, next month. It would also meet the point raised by hon. Members in connection with the month of January. With

regard to the proposed new section, 21A, it would be recollected that there was a suggestion by the hon. the Fourth Nominated Member (Mr. Farnum) that the members of the Legislative Council Advisory Committee should form the Committee itself, but it was pointed out that as the Legislative Council Advisory Committee is not a statutory body it would be cumbersome and difficult to include it as suggested. Following upon that, there was a motion to the effect that there should be the same number of members on the Committee as those which comprise the Legislative Council Advisory Committee to the Medical Department. Accordingly, I have suggested the substitution of the words "six Members of the Legislative Council" for the words "not less than two and not more than three" in sub-clause (1) of the clause (21A), as printed. With regard to sub-clause (3), there was a motion to the effect that the decision of the Committee should not be final, and in order to remedy this I move the insertion of a new sub-clause 4 to read as follows:—

"(4) Any person aggrieved by the refusal of the Committee to approve of his application may appeal to the Governor in Council who may reverse, modify or confirm the decision of the Committee. The decision of the Governor in Council shall be final."

I think that would meet the point raised by hon. Members. There is also for the consideration of this Committee the question of the payment of duty in respect of licences to sell drugs during 1951. If the provisions are accepted and licences are issued, then the question of the payment of the licence fees would be considered, and it is possible that the fees might be made payable for a half year. That is the proposal which I put to the Council. Those are the main features of the amendments discussed by the Council apart from the one relating to duty which was mentioned by one hon. Member in the course of the debate,

Mr. FERNANDES: So far as I am concerned, all these amendments seem to be in order except the one relating to clause 2, empowering the Governor to appoint this Committee in July each year. Appointing a Committee from July to July would be perfectly in order if it is Government's intention, in accordance with the statement just made by the Attorney-General and in accordance with amendment (f) (in the list of proposed amendments) to bring this Bill into operation immediately, and then the Committee appointed could go into the applications for licences for 1951. Personally, I think it is a great error on the part of Government to withhold these licences until now—June. Now we are likely to make an even greater error in appointing a Committee in July to consider licences which started in January this year—1951. If my objection to the appointment of this Committee in January every year had any merit—and it must have had because Government has brought in an amendment—then my objection to considering licences from July would have even greater merit. I am in agreement with the consideration of licences from April, but I feel it would be wrong to appoint a Committee in July, this year to consider licences for 1951. Even if Government appoint the Committee before then, it would have to go through perhaps 1,000 applications and arrive at a decision in each case.

With respect to the undertaking given by the Attorney-General in accordance with the minute by the Director of Medical Services—that when this Bill is passed nearly all of those at present selling drugs would be licensed—I am submitting that it would be wrong to deal with the licence for 1951 after more than half of the year has passed. I am strongly recommending to Government that the licences for 1951 be approved forthwith and after they are issued this law should be enacted. All of that can be done before the end of July, and the Ordinance can come into operation right away because the Committee

would have to consider applications for new drug stores during the remainder of this year. They would also have to go into applications for licences for 1952. I am sure that there will be no end of hardship and dissatisfaction if my suggestion is not followed.

Mr. DEBIDIN: It seems to me that the hon. Member who has just taken his seat has given a very true picture of what the position would be if we accept the amendments as they have been presented, and practically the same idea had occurred to my mind. The assurance was given by the Attorney-General on the last occasion that nothing would be done to deprive those persons who already hold licences from getting similar licences this year, and that in the years to come there would be better supervision and control under this Ordinance. I feel, therefore, that all those persons who hold licences for 1950 should be given similar licences this year, and that the provision made in paragraph (f) whereby they would be made to pay half of the usual duty is a fair one. The entire list of amendments is very fair, to my mind, and I think it should be accepted by this Council. I myself agreed that no reference should be made to the Legislative Council Advisory Committee to the Medical Department in this Bill—following the suggestion that it should be appointed to deal with these applications—because it is not a statutory body.

I have come today to support the amendment by the Sixth Nominated Member and I am glad to see that Government has put forward the amendments now before us, as circulated. With those observations, I beg to move the following amendment to the amendment already moved under 21A. It is for the insertion of the following new paragraph (4) to clause 2—21A:—

“(4) All persons who obtained licences to sell drugs for the year nineteen hundred and fifty shall be entitled to be granted similar licences for the year nineteen hundred and fifty one.”

The words I have just read will precede the words in amendment (a) in the list of amendments, as circulated. I feel sure that the hon. the Attorney-General will agree to this small paragraph being added to his amendments.

The ATTORNEY-GENERAL: With regard to the proposed amendment of the hon. Member, I think he has, by his acceptance of the other amendment, agreed in principle that there should be a Committee and that it should be appointed during the month of July. The moment you have the Committee appointed recourse must be had to the provisions of sub-clause (4) of clause 21A which reads:—

“(4) Subject to the provisions of section twenty-seven of the Pharmacy and Poisons Ordinance, no licence as aforesaid shall be issued to any person unless his application has been approved by the Committee.”

The hon. Member's amendment seems to render the provisions negative, at least for this year, and seems to be providing positively for the issue of licences for all those persons who had licences during the course of 1950. It is thought that the operation of the Committee should really begin in connection with 1952. The hon. Member for Georgetown Central has stated in the course of his remarks this afternoon that although he was given an assurance as to the policy to be adopted in connection with the working of this legislation, at the same time he did not seem to relish the assurance. I pointed out on the last occasion—and I think those members of the Medical Advisory Committee who were present when the discussion took place can confirm what I said on the last occasion—that the Director of Medical Services has outlined the policy with regard to the procedure he proposes to follow. He has said—and I repeat:—

“That steps should be taken to amend the existing legislation so that a registered

Chemist would not be enabled to take charge of more than one drug store.”

He also stated at the beginning that:—

“There seemed to be a good deal of misunderstanding as to precisely what the proposed amendment to the Tax Ordinance was intended to achieve.”

He also explained “that initially nearly all vendors of drugs were likely to be given licences.” Consequently it will be seen that the appointment of the Committee means that there will be some time spent in getting all the necessary information before any such action can be taken, as has been suggested. Obviously, those things must be investigated. In addition to that the Director of Medical Services very definitely stated that nearly all of those who are at present licensed are likely to be given licences. That is the same point the hon. Member is seeking to embody in the law, and I would suggest to him that it is not necessary, having regard to the practical side of it, and the fact that there is a statement by the D.M.S. which I read to hon. Members on the last occasion, and which I have read again today. I do not think it is necessary to put into the law what the hon. Member suggests. To a large extent it would mean recasting subsection (4) of the proposed new section 21A.

I think some of the difficulty with regard to this matter has arisen from perhaps a little confusion. The whole point is that what we are seeking to amend is the Tax Ordinance, and not the Pharmacy and Poisons Ordinance. If hon. Members refer to the Tax Ordinance, No. 43 of 1939, they will see that sections 20 and 21 provide for the issue of druggists' licences in Georgetown and New Amsterdam, and in the rural districts. The proviso to section 21 of that Ordinance states:



"Provided that a licence to sell drugs under this or the last preceding section shall not entitle a person to practise as a druggist in the dispensing or compounding of drugs."

The point which emerges is that in order to avoid any contravention of the law it is proposed to establish a Committee which, in the light of information which is received, would be in a position to say whether those persons who are permitted to practise as druggists under the provisions of those two sections are fit and proper persons to be granted licences. It will be observed that the proposed new section 21A to be inserted in the Principal Ordinance follows logically upon sections 20 and 21 of that Ordinance. The point I wish to emphasize is that the proviso which I have just read makes it definite that a licence to sell drugs under sections 20 and 21 of the Ordinance shall not entitle a person to practise as a druggist in the dispensing or compounding of drugs.

By the appointment of a Committee there will be machinery or opportunity for a complete examination of the applicants when they come forward but, as the D. M. S. indicated in the course of his discussion of the policy, we cannot start with that immediately and say that, say on the 1st of July, the Committee would have data on which to decide to withhold licences, unless those who are members of the Committee can be satisfied that there is ground for withdrawal or withholding of a licence. I have only made that point in answer to what the hon. Member has said. His amendment is that for the next six months all those who carried on drug businesses in 1950 should continue to do so in 1951.

Mr. DEBIDIN: When I moved the amendment I thought it would have been accepted as being reasonable. The hon. the Attorney-General has certainly given me some food for thought by his comments on the amendment. First of all he seems to suggest that very careful consideration should

be given to the licensing of premises for 1951, but if the Committee is appointed in July and has to make a careful examination of all the facts, that could hardly be done within a short time, and it would mean that some persons would be suspended in the air for a period of probably nine months as regards the running of their drug businesses. Reading between the lines of the hon. the Attorney-General's remarks there seems to be an intention to restrict these drug stores to the sale of certain drugs. That is what I spoke about when I was supporting the amendment by the hon. Nominated Member, Mr. Farnum. We would like the Committee to be appointed to have a certain amount of democratic flavour in it, and that the six members will be so appointed as to provide a fair representation of the elected section of the Council. I know that there are medical practitioners and dentists but we should see that there is a fair representation of elected Members who are answerable to the public.

The amendment to clause 3, which has been suggested, would enable those who have been operating to continue to do so throughout this year, so that when the Committee is appointed in July it would consider all applications for 1952. A certain amount of time must be taken and communication has to be made with the successful applicants, all of which would take up the best part of the remaining months of this year. I cannot see how the Committee to be appointed in July can operate for the granting of licences for this year. It must operate in 1952.

Dr. NICHOLSON: To a point of correction. It was made clear from the outset of this debate that the Bill would not affect anybody who is selling drugs in 1951, but would become operative from 1952.

Mr. FERNANDES: It has been clearly stated by the hon. the Attorney-General that the Bill will operate in 1951. I say that with all due respect

to the hon. Member for Georgetown North (Dr. Nicholson) who is a Member of the Executive Council. I wish to thank the Attorney-General very much for quoting the Director of Medical Service at length, and thereby establishing my point. The D.M.S. proposes to invite applications for licences after the Committee is appointed, and a good deal of information has to be filled in on the form. I agree with him that that is necessary, and he says it will enable him and his Committee to more clearly inspect each one of the drug stores. Now any one person must realize that that will take until October or November this year before a task of that kind can be completed. I am therefore not withdrawing my point. I am asking Government to give an assurance that this Bill will not be enacted before licences for the current year are issued. Government is quite right in calling upon persons in the drug business to take their licences out before the middle of July, and warning that anyone who fails to do so would have to get permission. I can assure Government that there will not be a single one left out.

I am not in agreement with the hon. Member's amendment because I do not think it is necessary. I think it can be done without any amendment. The trouble is not with the Bill but really with the Pharmacy and Poisons Ordinance which, however, is not before us, and there is nothing I can do about that. Before I take my seat I would like to ask the hon. the Attorney-General whether legislation of this kind exists in any other part of the British Commonwealth, and if so, where?

Dr. JAGA : I am still not fully cognizant of the way in which the Committee is going to operate. Perhaps the confusion in my mind was transmitted to other Members when I spoke on the last occasion. It was felt that I was being inconsistent with the stand which I took in connection with the Dentists Bill which sought to preclude

the registration as dentists of persons without the requisite qualifications. I am still of that view and I agree with the object of this Bill as an additional safeguard against the sale of drugs by unqualified persons. In view of the proposal that the members of the Medical Advisory Committee should be appointed to the Committee I would like to know how the Committee is going to operate.

I have before me a list of the various districts of the Colony with the applications which have been made to the Medical Department for licences. I will take as an example the Courentyne district, from which 86 applications were received—one from a chemist and druggist, one from a sicknurse and dispenser, and 84 from persons who desire to come under the Third Schedule. What is the Committee to do in these matters? Some hon. Members have said that the consideration of these applications by the Committee will take a long time, but I do not agree with that, because in their applications the applicants will have to state whether they are chemists and druggists, or sicknurses and dispensers, and if they do not come within either of those two categories they would automatically fall within the Third Schedule. It follows that those 84 persons will be given licences to sell drugs under the Third Schedule. If a person who is licensed to sell drugs listed in the Third Schedule proceed to buy all sorts of drug and sells them illicitly, and he is charged by the police and possibly fined, what is going to be the attitude of the Committee towards such a person if he makes application again to sell drugs under the Third Schedule? Would he be denied a licence?

Another problem with which the Committee will be faced is to determine whether a drug store, at which part-time service is given by a chemist and druggist or a sicknurse and dispenser, should be granted a general licence to sell all drugs. In determining

that the Committee must be fully aware, and it must be precisely stated what number of hours a qualified person must be on the premises of a drug store for a licence to be issued for the sale of all drugs. It may be found that one registered chemist and druggist is named by 12 applicants for a general licence, and would have to share 8 hours between 12 stores. How is the Committee to determine how many hours such a person must spend in a particular drug store? The Bill is very silent on that point.

Another point is whether a person who has been convicted for selling drugs outside Schedule Three, under which he is licensed, should be denied a similar licence for the following year. It is not clear whether the Committee would be able to dilute the policy, because that would defeat the very object of this Bill, which is to prevent unqualified persons from selling dangerous drugs. The Committee may dilute that policy by deciding to allow a person who has been selling drugs in a district for a long period, to sell all the drugs. If that is the intention it would certainly be defeating the object of this Bill. But if it is the other way around, that the Committee is to see to it that only persons who have the requisite qualifications are granted licences for certain types of drugs, I say that unless the position is clarified in this Bill the Committee will be faced with many problems in its endeavour to prevent the illicit sale of drugs. The granting of licences alone is not going to stop it. It is up to the police to see that people do not sell drugs in respect of which they do not hold the requisite qualifications.

What I do not understand is how the Committee is going to work. For instance, if a person is licensed to sell drugs under Schedule Three but stocks all kinds of drugs, and he is charged and convicted for so doing, would the Committee be competent to deny that person a licence to sell drugs under

Schedule Three for the following year? I should like the hon. the Attorney-General to tell us how the Committee is going to function; whether it is going to assume the role of the police and say that because a person has been convicted he would not be granted a licence to sell drugs under Schedule Three. If that is the object let us have it clearly understood.

The ATTORNEY-GENERAL: As I indicated on the last occasion, I think this Council is entitled to receive from the hon. Member, who is a member of the Legislative Council Medical Advisory Committee, his suggestions as to the best way to exercise control and to fight the evils which the hon. Member says exist. The hon. Member has posed a question to me whereas I should be seeking enlightenment from him as a result of this discussion. As I indicated before, this Bill deals with the Tax Ordinance. What the hon. Member is introducing relates to the Pharmacy and Poisons Ordinance, which restricts the sale of certain drugs to certain categories of persons. What the hon. Member is seeking to discover is whether a person who is convicted for selling drugs which that Ordinance prohibits him to sell, would be granted a licence to sell drugs under this Bill. I would suggest to the hon. Member that that would be a matter for the Committee to determine in the light of the circumstances presented.

It may be that the Committee might act strongly, but it is desirable that there should be legislation to provide for the tightening up of the situation and to see that the people convicted be prevented from selling drugs or poison which may be inimical to the interests of the public. These are matters which, in the light of the situation you are now tackling, would have to be determined and the best course would have to be followed in order to reach the desired end, and that is to protect the public. We can only tell the hon. Member, in the light of some possible or hypothetical case,



what should be done. Here you have licences given under the provisions which exist, and those licences relate to certain circumstances provided in another Ordinance, as the hon. Member for Georgetown Central observed some time ago. If there are persons who seek to get around or circumvent the provisions of the Pharmacy and Poisons Ordinance, it would be for the Committee itself to decide as to the course to be adopted. Such circumstances might arise out of the sale of drugs as to make the Committee feel it imperative upon them to decide that the offender should not be granted a licence. The moment the circumstances are presented to the Committee it might say: "This man has proved himself unworthy to hold a licence". Therefore, it is impossible for me to anticipate here what circumstances would arise before the Committee sitting in solemn conclave and with the opinion of the Director of Medical Services. The hon. Member must remember that there would be all the provisions of the Pharmacy and Poisons Ordinance, and that section 19 of that Ordinance reads:—

"19—(1) No one shall keep open any shop for selling, retailing, dispensing, or compounding, or shall sell, retail, dispense, or compound, drugs or poisons, or patent or proprietary medicines, unless those drugs or poisons, or patent or proprietary medicines, are sold, retailed, dispensed, or compounded, in a shop which is under the immediate personal control, management, and supervision of a duly registered chemist and druggist, employed therein for the purpose, who is not acting in a similar capacity for any other person or in any other shop, and unless the drugs or poisons aforesaid are sold, retailed, dispensed or compounded, by or under the direct charge and supervision of that chemist and druggist".

The hon. Member raised that point a moment ago.

Then, the Ordinance goes on to say—in section 23 (1)—that

"23.—(1) No poison shall be sold, dispensed or delivered by the assistant, apprentice or shopman of a druggist

unless the assistant, apprentice or shopman holds a certificate granted under this Ordinance, or sells, dispenses, or delivers the poison under the supervision of someone holding a certificate under this Ordinance."

Then, in section 24 (2), it is stated that:—

"(2) No registered chemist and druggist shall have his name posted, or permit or cause his name to be posted over more than one shop of the kind, or control, manage or supervise, more than one."

The hon. Member wanted to know whether there should be fixed and approved hours during which a qualified chemist and druggist should be on the premises, but one cannot determine that. What the law has said is that if a duly qualified chemist is working on the premises he should see that the premises are closed up and that the drug and poisons are locked away so that no one other than he can have access to them, thus avoiding any of these prohibited things being done. The hon. Member is endeavouring to say that there may be illegal practices with only one chemist responsible for the supervision and, therefore, there should be a certain number of hours limited during which a particular chemist should be at the shop. If he is there for two or three hours—I suppose that is the point—everybody would know that they should get their drugs and poisons then, but those are matters which would be gone into by the Committee. It is obvious that we cannot do it here and settle all these points, and that is the reason why we have to appoint an Advisory Committee, and perhaps that is the reason why it was suggested that the Committee should be composed of Members of this Council. As Members of this Committee they would have a responsibility from two points of view—safeguarding the interests of the community as a whole, and seeing that nothing is done that would result in the removal of the duty payable with respect to the sale

of drugs. On the other hand, they would have to see that only those persons who are suitable and worthy should continue the sale of drugs under the particular schedule.

Mr. FERNANDES: I was a little amused when the hon. Member for Central Demerara said that this Committee will find itself embarrassed in going into the provisions of this Bill. How can the Committee find itself embarrassed in doing so when the members of that Committee are the persons who made the recommendations and Government are now trying to make those which they have accepted into law. Many people make recommendations in the belief that they would not be held responsible for putting into practice what has been recommended but in this particular case the "buck" has been passed right back and the people who made the recommendations would have to see that they are carried out. The hon. Member also referred to licences under clause 3, but there is only one licence obtainable under the Ordinance we are amending and that is a licence for a drug store.

No Committee can recommend any other licence for anyone, except where the hon. Member is thinking of persons who want to open drug stores and sell drugs under Schedule I, II, III, or IV. If they are granted permission to obtain licences, it would be under the Tax Ordinance, and such a licence includes everything which conforms to the Ordinance. Where the Committee will run into trouble is when it gets inside information that "John Jones" who only conforms with the law as regards selling drugs under Schedule III, for instance, is selling under Schedule II, or even under Schedule I, and has been posing as a doctor. That is where the Committee is going to have a headache, because in the English Act it is provided that in addition to being disqualified a registered pharmacist can be prosecuted. That shows that such a person would have to be convicted in a Court of law. If he is convicted in a Court of law and the conviction is upheld, the Committee

can refuse to grant him a drug licence any longer. There is nothing that I or any other Member of this Council would want to do for a case of that kind.

With regard to the question of providing the number of hours during which a registered chemist and druggist would be permitted to operate at any one point, that should be purely a matter of agreement between the parties. It is possible for a man during an 8-hour day or in certain parts of the country to cover 8 or 10, or even 12 drug stores. All the proprietor has to show is that such a person would be there, say between 12 noon and 1 p.m., while another can show that he would be there between 2 p.m. and 3 p.m., and as long as he is there at the prescribed time every day the people in the country districts would be able to attend and get the drug he could sell. Therefore, the fact that a man's name is on three or four or more drug stores should not disqualify him, providing he attends at the stated time. If it could be proved that he does not attend, the Police should be informed and if the lapse continues that person should not be permitted to sell drugs in future.

Dr. JAGAN: The hon. Member always speaks with the infallibility of the Pope, but on this occasion he is wrong. He was not on the Medical Advisory Committee to know what happened there. The whole object of the Bill is to protect the public from people who sell drugs without having the qualification to do so. At the present time licences are issued to everybody to sell drugs and, as the hon. Member rightly said, they can sell under Schedule III so long as they have the qualification. The whole object in bringing this Bill, I repeat, is to prevent illicit trading in drugs by unqualified persons. When the Bill was first introduced, I opposed it and pointed out that if a person was selling outside his qualification it was for the Police to stop him. On the other hand, he would not be able to sell if the drugs are locked up. We know that in many cases there

are two keys to a lock, and while the druggist is out with one of them somebody else can sell with the other.

The Director of Medical Services has stated that the only way to stop this illicit trading is to issue a suitable licence and to make it clear that a man who has the right to sell under a particular Schedule would not be given any other licence. That is why the appointment of this Committee was suggested by the Director of Medical Services. Any member of the Committee would be able to enter a drug store or other premises and determine whether the vendor was selling under the specific type of licence he held. The general licences are being issued by the District Commissioners at their office, but if that was the only purpose there would be no object in this Bill at all. I think the hon. the Attorney General will agree that I am right in saying that the intention of Government is to issue particular types of licence so that they could be easily checked. Why I said that the Committee would be embarrassed is because it seems to me that the members are taking it upon themselves to determine whether a man's licence should be taken away from him simply because he has broken the law. For instance, if I have a licence to sell under Schedule III and I break the law six times by selling under Schedule I or Schedule II, it would not be for the Committee to deprive me of the licence I hold under Schedule III; it would be for the Police to charge me and for the Magistrate to fine me heavily every time I am convicted. It would not be for the Committee to usurp the powers of the Police and the Magistrate by taking away my licence.

Mr. WIGHT: It is obvious that Members of this Council are of the opinion that this law is necessary to control the sale of drugs. Therefore, the next point would be to decide whether this Bill, when it becomes an Ordinance, should apply as from January 1, 1951. If it is the desire of the Council that

the Bill should not apply to any period during 1951, then the deletion or amendment of clause 3 would be necessary, and there will also have to be the deletion of the proviso in clause 21 A (5) which provides for the issue of licences with the approval of the Committee during the year 1951. The issue appears to be quite a simple one. If it is the desire of the Council that the Ordinance should come into effect in 1951 and that the licences should be issued in terms of the Draft Bill, then it would necessitate an amendment to clause 3 as regards the payment for licences. It would be quite easy to insert a proviso in the clause dealing with the Pharmacy and Poisons Ordinance stipulating that licences should only be issued from July, 1951, and then clause 4 could be amended to provide that the Bill should come into force, with Your Excellency's assent, as from July 1, 1951.

It seems to me that that is the only issue to be decided by this Council. If this Council desires that those persons who hold licences for 1950 should be given an opportunity in 1951 to dispose of their stock if they care to, then that would be possible. As I pointed out when the second reading of the Bill was being debated, there will be cases of hardship if persons are unable to get licences for 1951, because they might find themselves saddled with goods which they might be unable to dispose of even at cost price, since other persons in the trade would know of their inability to get licences and compel them to suffer loss. If the Council decides that the Ordinance should come into force in July, this year (1951), the Committee can be set up immediately and could deal with applications for the granting of licences as from January, 1952. That would give to those persons who were granted licences in 1950 an opportunity to dispose of their stock in 1951, with six months' notice. That, to my mind, would meet the situation quite clearly, and I do not think it is necessary to go into details at present as to the



functions of the Committee. In this Colony, as elsewhere, a Committee set up with any composition and with any terms of reference would never satisfy everybody. There is only one further comment I would make and that is, all proceeding for the carrying out of the policy of the Medical Advisory Committee might be put into the hands of the Financial Secretary and Treasurer because there is a law to provide for the sale of drugs of this kind. This suggestion might receive some consideration in another place. I feel sure that the Attorney-General will be able to draft an Ordinance to meet the position.

Mr. DEBIDIN: I am really surprised at the remarks made by the last speaker, and I am amused at the arguments put forward by the hon. Member for Georgetown Central. He seems to be under the impression that if he does not put forward an amendment in this Council it is no amendment at all. Here we have an assurance by the Attorney-General that those persons who had licences for 1950 would not suffer with respect to this year—1951—and yet we find the hon. Member for Georgetown Central speaking of difficulties with respect to the granting of licences if the Bill does not come into force as from July this year.

Mr. FERNANDES: To a point of correction: I would like to point out that the assurance I asked for from the Attorney-General had nothing to do with the year 1951 or 1952. It was an assurance that the law being passed in this Bill would not create any undue hardships.

Mr. DEBIDIN: That is not a point of correction, I submit. We have had information before us which came down from the Medical Advisory Committee and it showed that those persons who had licence in 1950 would be given for this year also. Further it is provided in the new clause 3 that only half of the duty that is normally payable

would be charged in respect of licences for this year, and the hon. Member should realise that this clause is subject to death at the end of this year. There is no point, therefore in urging that the Bill should not come into effect until July, this year, as the hon. Member for Georgetown Central and others have done. The hon. the Attorney-General has risen on two occasions and given the assurance I have referred to, and if hon. Members have accepted it I cannot see why the argument should be repeated *ad nauseum*. We all agree that the Committee should be appointed in July, 1951, and should consider applications for licences for 1952, but the effect of the hon. Member's argument is to lead us into more confusion.

In so far as the general aspect is concerned I wish to draw the Council's attention to the fact that there is a shortage of chemists and druggists in the Colony, and that throughout the rural districts the people need to be served by drug stores because of the inadequacy of the medical service. I recently defended a man who sold drugs at his drug store without the supervision of a chemist and druggist. That man has had long experience in the drug trade and has been a compounder on immigrant ships. Will the Committee to be appointed give him a licence to sell certain drugs?

Mr. WIGHT: What I have been trying to point out is that Your Excellency could appoint the Committee in July and could give your assent to the Ordinance which could become operative from the date of your assent. The Committee would begin to function in July and be able to do all the preparatory work for January, 1952. That was so obvious and clear that I thought it was understood. It is also true that there is no necessity or a proviso to the clause which say:

"Subject to the provisions of section twenty-seven of the Pharmacy and Poisons Ordinance no licence shall be



issued to any person unless his application has been approved by the Committee."

I therefore suggested a proviso that licences may be issued in 1951 despite that clause. The Ordinance would be operative but no licences would be issued in 1952 unless the Committee approved, but I observe that Members may not desire that the Ordinance should commence this year, and may desire to allow every person who had a licence in 1950 to continue to trade in 1951. So that the proviso would be absolutely necessary, and the Committee could be appointed and proceed to consider applications for licences in 1952.

Mr. DEBIDIN: Has the hon. Member moved an amendment, or is he suggesting that further consideration of the Bill be deferred for the hon. the Attorney-General to go into the matter?

Dr. SINGH: We recently passed a Bill designed to eliminate as far as possible the practice of quacks as dentists, and I think the same thing should be done with regard to the Pharmacy and Poisons Ordinance. If that is to be done, there must be changes which the Director of Medical Services and his Committee will recommend to Government. In my opinion, a man who has had 10 or 15 years' experience in a drug store, or in an estate hospital, should be considered as qualified to sell drugs. I think the present Schedules with regard to the sale of drugs should be brought up to date and expanded as far as possible. I feel that the Committee will be beset with a good deal of difficulty.

Mr. DEBIDIN: The hon. Member is stressing again the point I made earlier, and I would like to point out to him and the Council, that no power is being given to the Committee to grant a licence to any drug store where there is no chemist and druggist, to sell dangerous drugs. If there are persons of long experience who should be granted

such licences, there must be some provision in this Bill empowering the Committee to grant licences to such persons. Without such a provision in the Bill, the Committee can do nothing but grant licences in accordance with the Pharmacy and Poisons Ordinance.

The ATTORNEY-GENERAL: I think that on reflection, hon. Members will realise that we have travelled far away from the Bill which is before us, and have been discussing the Pharmacy and Poisons Ordinance. The amendment proposed in the Bill relates to the Tax Ordinance and to the provisions relating to druggists who are permitted to take out drug licences.

With regard to the points raised by the hon. Member for Demerara-Essequibo (Dr. Singh) who is the Chairman of the Legislative Council Medical Advisory Committee, I should like to quote an extract from the minutes of the meeting of the Committee held on the 1st February, 1951, at which the hon. Member was present when the matter was discussed. The minutes state:

"Members were agreed on the following recommendations—

- (i) That in the amending Bill approval of licences by a three to four-man Committee under the Chairmanship of the Director of Medical Services should be substituted for the D.M.S. himself.
- (ii) That revision of the Poisons Schedules to the Pharmacy and Poisons Ordinance was very desirable.
- (iii) That steps should be taken to amend the existing legislation that a registered chemist would not be enabled to take charge of more than one drug store.
- (iv) That the attention of Government should be drawn to the desirability of further controlling the selling prices of drugs.

The Director of Medical Services drew the Committee's attention to the fact that a sub-committee of the Chemist and

Druggist Board was already engaged in planning the provisions desired at (ii) and (iii)."

It is therefore clear that those matters to which reference has been made by hon. Members are matters which the members of the Advisory Committee are addressing their minds. At this juncture I do not think that they come within the purview of this Council.

Dr. SINGH: I quite realize that I have brought in irrelevant matter but I was only taking the opportunity to suggest that the D.M.S. and his Committee might consider the question of amending the Pharmacy and Poisons Ordinance.

Dr. JAGAN: I think the hon. the Attorney-General should not always read the minutes of the Medical Advisory Committee in this Council. We must be very careful. The Committee meets once per month at 11 a.m. and adjourn at noon, but it has taken two sittings of this Council to iron out one point which might be decided in perhaps half an hour by the Medical Advisory Committee.

The ATTORNEY-GENERAL  
There is a smaller membership in the Advisory Committee.

Dr. JAGAN: We have to be careful when we quote what takes place on the Advisory Committee because all the views expressed by members of the Committee are not recorded in the minutes. That is the reason why, after a full discussion has taken place in this Council, the views of the members of the Committee might differ. The hon. Member who is the Chairman of the Advisory Committee has now injected a new point as to whether persons who are not properly qualified should not be permitted to sell drugs. That is the reason why I desire to have the functions of the proposed Committee made very clear, because every now and then we have some new point being injected. I know that the intention is to grant

specific licences under the various Schedules, and I have here a list showing the various districts and the applications which have been made with respect to them.

Dr. NICHOLSON: With reference to the minute quoted by the hon. the Attorney-General I suggested at the meeting of the Advisory Committee that persons who have been in business 15 years or more should be allowed more scope in selling drugs, but that was a suggestion by one member, and it was not carried. I also suggested that one chemist and druggist might be assigned to at least three drug businesses, but it was not embodied in the final decision of the Committee. The decisions of Committees are not always unanimous. I know that there are drug businesses in the City and outside which are run by men who are not chemists and druggists, but have had years of experience in compounding either at public hospitals or in estate hospitals. If this Bill is passed those persons would be regarded as unqualified persons, and the scope of their businesses would be very much reduced. I do not know whether the Committee to be appointed will have the power to move such persons up from the sick-nurse and dispenser class to the chemist and druggist class, in view of their long experience in hospitals and in the drug trade. We cannot rely too strongly on minutes of Committees because the decisions arrived at are not always the unanimous views of the members.

Mr. GAJRAJ: I am rather surprised that we should have spent nearly two hours this afternoon and, in my opinion, achieved so little. When I saw on the table before me a list of amendments prepared by the hon. the Attorney-General which have taken into account the suggestions made by hon. Members on the last occasion, I thought that the passage of this Bill would have taken perhaps half an hour at the most because, like the hon. Member for Georgetown Central (Mr. Fer-

nandes), I felt that the only point that required clarification was the proposed new clause 3 which refers to the granting of half-yearly licences for 1951, because I felt, and till feel, like many other Members who have spoken on the point, that those persons who were granted licences in the various categories for 1950 should be granted licences for 1951, and that the provisions of this Bill, if accepted by the Council, should be made applicable to 1952. On that point I think there is a fair measure of agreement, but as to how it could be provided for in this Bill seems to be the point at issue.

The hon. Member for Eastern Demerara (Mr. Debidin) has proposed an amendment by adding to the proposed new clause 3, but with all due deference to the hon. Member as a lawyer, I think his amendment is rather in the clouds and is being placed in the wrong position. I agree with the hon. Member for Western Essequibo (Mr. Wight) who proposed that clause 3 should be deleted, and that a proviso be inserted after sub-clause (5) on the printed sheet, and in order to shorten the debate I will move a further amendment for the insertion of the following as a proviso to the printed paragraph (4):—

“Provided that all persons who were granted licences to sell drugs for the year nineteen hundred and fifty shall be eligible for similar licences for the year nineteen hundred and fifty-one.”

That, in my opinion, would meet the views of hon. Members who suggest that licences should be granted for 1951 to those persons who were carrying on drug businesses in 1950, and that the Committee, when appointed, would commence work on applications which may be received for the granting of licences for 1952.

Before I take my seat I would like to point out to hon. Members that in the course of the debate this afternoon they seemed to have lost sight of the fact that there is a proposal that appeals

should be made to the Governor in Council from the decisions of the Committee, because I observe that that is incorporated in the hon. the Attorney-General's amendment. If there is that right of appeal to the Governor in Council, and if, as we have suggested, and I think the Council has accepted, that instead of a Committee of three or four there will be a Committee of seven with the Director of Medical Services as Chairman, the basis of discretion which is inherent in all human beings would certainly be greater, and the claims of individuals or companies would receive far more sympathetic consideration than if one, two or three persons have to decide such matters. But if in spite of that there is still a grouse by an unsuccessful applicant, there is the Governor in Council to whom that person might appeal, and I am sure that the Governor in Council would bear all the various aspects of the claim in the petition in mind, and the person would be given a reasonable and proper hearing. In the circumstances I do not think any person who makes his living by the sale of drugs and poisons under the various Schedules will have any legitimate cause for complaint.

One thing which has disturbed my mind during the debate on the last occasion was the insistence with which the hon. Member for Central Demerara (Dr. Jagan) suggested to the hon. the Attorney-General that the proposed Committee should have all the points of procedure and the various details explained as to what they should do. It seem to me that if we are to sit here and tell the members of the Committee exactly what they should do in every case that may come before them, there is no need for a Committee. We might simply have those things listed in writing and given to the Director of Medical Services. But I think the Council feels that the six members who will sit with the D.M.S. will exercise a wide discretion, and that applications for licences will be properly considered. These are days when we get claims for more democratic rights for citizens,

and with some justification we have claims for a more advanced Constitution, but when we have hon. Members implying, by their remarks, that they are unable and unwilling to undertake responsibility—because when one is a member of a Committee one has to exercise discretion—and want to be told what they should do, it gives one the impression that they are unwilling to undertake responsibility.

Mr. DEBIDIN: I think it is highly improper for the hon. Member to suggest that Members are shirking their responsibility or not willing to undertake responsibility. I feel that in his exuberance of free speech, the hon. member has overstepped the mark.

Mr. GAJRAJ: I am not surprised that I was interrupted by the hon. Member who, if he had been listening very carefully—

Mr. DEBIDIN: I have been listening, and I think the hon. Member should be careful in his speech.

Mr. GAJRAJ: I said "If the hon. Member had been listening very carefully." I think you will agree, Sir, that I have the right to say "if", because I cannot listen with the hon. Member's ears.

Mr. DEBIDIN: Well, please do not make remarks.

The CHAIRMAN: Will the hon. Member please address his remarks to the Chair?

Mr. DEBIDIN: I am sorry. I was addressing the Chair.

The CHAIRMAN: Will the hon. Member take his seat when I am speaking? I have not noticed anything improper in the hon. Member's remarks.

Mr. GAJRAJ: We must train ourselves for the greater responsibility

which I am sure will be ours in the years to come. I would like to see when opportunities are given to hon. Members to take executive action, that those opportunities are accepted in a spirit which I am sure we would all be glad to exercise for the benefit of this country.

Mr. DEBIDIN: I am afraid I was unable to understand the amendment moved by the hon. Member. May I ask if it is his intention to delete the Attorney-General's amendment that half-year licences should be granted for 1951?

Mr. GAJRAJ: In reply I say yes, Sir.

Mr. DEBIDIN: It seems that the hon. Member has not clarified the position but has thrown more confusion into it. Moreover, I think it is almost unparliamentary for a Member to refer to a simple amendment moved by another Member as being clumsy. I rather think that the hon. Member's powers of comprehension are clumsy. I would like to say that I consider the Attorney-General's amendment most reasonable. I cannot imagine that he did not take into consideration all the factors necessary when he put forward his amendment providing for a half-year's licence.

I feel, Sir, that we ought to give him the necessary support and credit for everything done in that direction. It is clear to my mind—it is not to the hon. the Sixth Nominated Member's—that all these people are in a state of suspension in so far as their businesses are concerned, and if this Ordinance becomes operative now, it is reasonable to ask them to pay a half-year's duty only. Whatever it is, it adds up to the same thing in the end. The hon. Member says "so and so" should be done and proceeds to make the situation more complicated but, as I have already stated, the matter is one for the Attorney-General to deal with and state what should be done. At this moment I am very concerned about a



certain aspect of this whole question, and that is, what is to be done with regard to those people who have experience in this direction. Reference has already been made by the hon. Member for Georgetown North, to those people who have had experience in estate hospitals and other places, and I feel it is unreasonable to ask this Council to accept amendment (d), as circulated. I think the Attorney-General should reconsider it and put it in a form which would be more acceptable to us. I will read a suggested amendment, and I think it is something which this Council should consider for insertion in the Bill as a new clause, 4. It read :—

"4. The Committee may grant a general licence to any person to sell all drugs in the Schedules to the Pharmacy and Poisons Ordinance, Chapter 103, if in the opinion of the Committee such person is competent to sell such drugs."

Here again, I am making use of simple and intelligible language. I think all of us would like to see a certain class of people—people with experience—provided for, but in spite of all the sententious argument we have heard about the functions and powers of the Committee that would be appointed, it would be powerless in so far as this point is concerned. It would not have power to give a licence to any person unless he is a chemist and druggist. If the Committee had power to deal with applications from the people to whom I am referring, then there would be a right of appeal to the Governor in Council in cases of refusal. I trust, however, that this additional clause would find some sympathy with hon. Members and be accepted by this Council, because it deals with what I regard as a very important aspect of the question of drug stores—the question of service in the rural districts of the Colony, especially. A doctor or a proper drug store might be some distance away from a sick person in a rural district, and if he is unable to travel in order to get medical attention a person in the class I have

mentioned would be able to render some aid. He cannot be considered for the granting of a licence, however, unless the Committee is given the necessary power to do so.

Mr. WIGHT: I beg to move that clause 2 of the draft Bill be amended by the insertion after the words "The Governor in Council" of the words "during the month of July in each year."

The ATTORNEY-GENERAL: I think I have moved that already.

Mr. WIGHT: Well, I will move a further amendment in order to meet the wishes of the majority of the Council. It is that we substitute for the word "not less than two and not more than three fit and proper persons" in the same clause, the words "six Members of the Legislative Council". Lastly, we should insert a proviso to clause 5 (formerly clause 4) providing that licences may be issued for the year 1951 with the approval of the Committee. The effect of that is to bring into being this clause with the amendments circulated by the Attorney-General, save and except that my amendment will provide that all the licences which were issued in 1950, should also be issued in 1951, and that the Committee should go into operation at once with respect to licences for 1952. In other words, my amendments are the same as those that have been circulated, with the addition of the proviso I have suggested to clause 5 and the deletion of clause 3, relating to the duty payable. Those hon. Members who are in favour of allowing persons who held licences in 1950 to continue to do so in 1951 would support the amendment, and if they are against that then the Attorney-General's amendment should be put.

Dr. NICHOLSON: The new clause proposed by the hon. Member for Eastern Demerara is, to my mind, a necessary and desirable piece of legislation and, as such, it has my whole-hearted support. Further, it would give the

Committee more elbow room to move in. It is desirable from this point of view: In certain parts of the country districts there are no registered chemists and druggists, and if there is a sicknurse and dispenser who has had years of service in a hospital who is a reputable person and who has set up a drug business, he should be allowed to sell all the drugs on the Schedules. The hon. Member has somewhat anticipated my move but, as a member of the Legislative Council Advisory Committee to the Medical Department, I prefer that the proposal for a measure of that sort should come from another member of the Council and not from myself. I support it wholeheartedly.

Mr. FARNUM: I also agree that those persons who held licences for 1950 should be given licences for 1951, and that a Committee should be appointed in July this year to deal with applications for licences for 1952 and onwards. With regard to the amendment moved by the hon. Member for Eastern Demerara, I am supporting it also, in terms of the views expressed by the hon. Member for Georgetown North. This hon. Member would have knowledge as to whether these men with experience should be registered because, as a doctor, he would know what service they can render to the public. There is no doubt that although these men are unregistered they render very valuable service in the community owing to the fact that they have had years and years of experience in hospitals on sugar estates, the public hospitals and the Government Laboratory. Their services are especially valuable in remote rural districts where medical men are far apart. I have very great pleasure in supporting the amendment moved by the hon. Member for Eastern Demerara.

The CHAIRMAN: I am not at all clear on this registration of chemists and druggists. Is this under section 27 of the Pharmacy and Poisons Ordinance?

The ATTORNEY-GENERAL: The purpose is referred to in the Objects and Reasons of the Bill which state:—

“This Bill seeks to prohibit the issue of licences to sell drugs unless the applicant for such licence has obtained the approval of a Committee appointed by the Governor in Council. This measure is an additional safe-guard against the sale of drugs by unqualified persons.

“2. Section 27 of the Pharmacy and Poisons Ordinance, Chapter 103, empowers the Governor in Council to authorise the sale of drugs and patent and proprietary medicines by unqualified persons in areas remote from the coast lands.”

The CHAIRMAN: It seems to me that the last amendment, proposed by the hon. Member for Eastern Demerara, should really be an amendment under the Pharmacy and Poisons Ordinance.

The ATTORNEY-GENERAL: I was trying to point out that the hon. Member's amendment is related to the Pharmacy and Poisons Ordinance, but what we are dealing with is the Tax Ordinance.

Mr. DEBIDIN: Here is a Bill dealing with the appointment of a Committee under the Tax Ordinance, and when this Committee is appointed it would issue licences under the Pharmacy and Poisons Ordinance. I do not see how anyone can say that my amendment does not come under this Bill. It is under this Bill that power will be given to the Committee to say whether certain persons in the rural areas should be licenced or not. If you divorce this question from the Bill you will have to divorce sub-clause 21A (4) which speaks of the same thing. It says:—

“(4) Subject to the provisions of section twenty-seven of the Pharmacy and Poisons Ordinance, no licence as aforesaid shall be issued to any person unless his application has been approved by the Committee.”

This sub-clause will be re-numbered (5) following the insertion of a new sub-

clause (4), but I see no reason why this is not the proper place to have the amendment made.

Dr. SINGH: I do not agree with the hon. Member's suggestion. It must come under the Pharmacy and Poisons Ordinance to show whether this Committee can make allowances or not.

The ATTORNEY-GENERAL: I think that what seems to be worrying some hon. Members is the fact that those persons who were given licences for 1950 would be permitted to carry on and have licences for 1951. That is the burden of the argument—that the provisions of the Ordinance should really become operative from 1952, and that for the purpose of guaranteeing the provisions of the Ordinance itself it should be passed so as to enable the Committee to get underway and deal with matters which would come before them. I think we can say, however, that those who obtained licences in 1950 would be entitled to get similar licences and to carry on during the course of this year. That is the object of the amendment by the hon. Member for Eastern Demerara; that is the object of the clause which he is seeking to move.

Dr. ICHOLSO : I think we should read the clause again; I do not agree with the hon. the Attorney-General.

The ATTORNEY-GENERAL: The amendment reads:—

“All persons who obtained licences to sell drugs for the year nineteen hundred and fifty shall be entitled to be granted similar licences for the year nineteen hundred and fifty-one.”

Mr. DEBIDIN: There has been no amendment since then.

The CHAIRMAN: The hon. Member for Georgetown North is speaking about the first amendment moved by the hon. Member for Eastern Demerara.

The ATTORNEY-GENERAL: That amendment is still before the Council.

I think the hon. Member moved a second amendment in which he suggested certain conditions relating to the granting of a general licence. I do not know whether he wishes now to incorporate one into the other.

The CHAIRMAN: The second amendment, as I have already said should be an amendment to the Pharmacy and Poisons Ordinance.

Mr. DEBIDIN: May I be allowed to point out this: If this particular Bill is seeking to establish a Committee, would it be out of place to indicate the powers of the Committee in it. In other words, would it be wrong to insert a clause or clauses in the Bill stating what the powers of the Committee would be? That is merely what the amendment seeks to do. This Bill gives the Committee a wider discretion to consider applications for licences from persons who might be perfectly competent to hold them by reason of long service in that particular sphere. Consequently, the Committee would know the scope of its function and be able to say whether it would grant a particular application. We have a clause in this Bill already—clause 21A (4)—which states:—

“(4) Subject to the provisions of section twenty-seven of the Pharmacy and Poisons Ordinance, no licence as aforesaid shall be issued to any person unless his application has been approved by the Committee.”

In other words, it is only when an application has been approved by the Committee that a person would be entitled to pay for and receive his licence. As I have already stated, power has been given to the Committee to approve of applications subject to section 27 of the Pharmacy and Poisons Ordinance, and I submit that if my amendment is rejected sub-clause 21A (4), as originally printed, should be rejected also. This sub-clause indicates two things: It pre-supposes, first of all, that the application must be made to the Committee and I respectfully submit that my amendment is quite appropriate to the other clauses here.

The ATTORNEY-GENERAL: I should point out to hon. Members, and particularly to the hon. Member who has just taken his seat, that it is not appropriate for the following reasons: The Pharmacy and Poisons Ordinance deals with several aspects of the question and is not, in itself, legislation which is uncommon. Other Colonies have it. In the United Kingdom also, it deals with the Pharmacy and Medicines Acts, and it provides for the sale and control of drugs and poisons, and various matters of that sort. The particular amendment which we have before us deals with the question of the payment of a tax or duty in order to enable those persons who are druggists to do certain things—to perform work as such. But, before they perform, what the law says in the Tax Ordinance—under sections 20 and 21—they have to take out an annual licence and in that respect, the Committee has to be certain as to who are druggists. In order to make that clear the Tax Ordinance states that:—

“20. Every person who sells, barter or exposes or offers for sale, drugs, including drugs and patent or proprietary medicines, whether with or without other goods, wares or merchandise, (exclusive of articles for the sale of which a licence with a special duty charged thereon is provided by law), in a shop, private hospital, or house, shall take out an annual licence. . . .”

A man might be the best druggist and the best qualified person in the world, but without paying his fee and getting his licence he cannot operate. Following upon sections 20 and 21 of the Ordinance a proviso has been added which reads:—

“Provided that a licence to sell drugs under this or the last preceding section shall not entitle a person to practise as a druggist in the dispensing or compounding of drugs.”

Therefore, if a particular person is given a licence and becomes a seller under sections 20 and 21, there is inferred in the proviso what he cannot do. In other words, these are prohibited things. We have here a proposal

by way of amendment that after section 20 in the Tax Ordinance there should be the insertion of this provision further amending the Principal Ordinance by the insertion of the new section, 21A. The Committee may approve or reject an application, as we have already agreed. Sub-clause 21A (4) reads:—

“(4) Subject to the provisions of section twenty-seven of the Pharmacy and Poisons Ordinance, no licence as aforesaid shall be issued to any person unless his application has been approved by the Committee.”

Obviously, this clause becomes necessary in order to support or follow up the procedure laid down. The Pharmacy and Poisons Ordinance is mentioned in that connection for the simple reason that section 27 of that Ordinance is a particular section relating to particular circumstances in this Colony. It has been accepted because it provides that the Governor in Council, having regard to the particular circumstances and conditions which exist in the Colony, “may, in areas remote from the coastlands, authorise the sale of drugs and patent or proprietary medicines by persons not registered as chemists and druggists.” Consequently in dealing with the proposals in the contemplated legislation it has to be subject to the proviso to that particular section, because that particular section relates to a totally different set of circumstances—a set of circumstances which are peculiar because of the fact that in the remote areas it may be necessary to have these persons operating. Consequently, whatever we do it is not desirable to interfere with that particular aspect of the question. We have it in clause 21A (4) that no licence shall be granted except with due regard to that section, 27, of the Pharmacy and Poisons Ordinance. That is the reason for what the hon. Member has called a “tie-up.”



The general issue relates to the Pharmacy and Poisons Ordinance and the various categories of drugs which are set out in the Schedules to that Ordinance. The hon. Member for Georgetown Central (Mr. Fernandes) at the beginning of his remarks pointed out that we were dealing with the Tax Ordinance, but were addressing our minds to the Pharmacy and Poisons Ordinance, which was causing difficulty. I suggest that in his amendment the hon. Member is now seeking to deal with something which cannot properly be put before the Council.

Dr. JAGAN: If we are not dealing with the Pharmacy and Poisons Ordinance, as the hon. the Attorney-General has pointed out, then the granting of licences would be automatic. One would just have to apply for a licence and it would be granted. The whole object of the Bill is to give the Committee power to determine the type of licence to be issued to an applicant according to his qualification. What the hon. Member is trying to suggest at this point is that a chemist and druggist or a sicknurse and dispenser could apply for a licence to sell drugs under Schedules A, B and C, although his qualification only entitled him to sell under Schedule C. That is the reason why I ask what were going to be the powers of the Committee in dealing with applications for licences.

Another question which has not been answered is whether the Committee will be empowered to reject an application for a licence from a person who had been convicted for a breach of the Ordinance the previous year. I can foresee that such a case will arise, and there will be an appeal to the Governor in Council and endless discussion on the matter.

The ATTORNEY-GENERAL: It is obviously difficult to answer those questions, for the simple reason that the hon. Member for Georgetown Central (Mr. Fernandes) suggested that I should not refer to the minutes of the

Medical Advisory Committee, but I pointed out that those were matters engaging the attention of sub-committees of the Medical Advisory Committee. It is impossible to answer those questions as regards matters of detail which hon. Members consider should be ironed out and settled by the members of the Advisory Committee. All this Bill seeks to do is to prepare the way for an examination of applications for licences, and as hon. Members have been told, it is proposed that nearly all of them will be granted. There may be one or two which will require examination, but the majority of those who have had licences before will have an opportunity to continue to trade. In other words there is no suggestion of withholding licences from those who have had licences before, but in the course of time, as soon as the Committee is in possession of all the facts and information with regard to the large number of applicants, it will be in a position to determine and suggest the course to be pursued even in matters to which the hon. Member has referred, and in regard to which he is now seeking to move an amendment.

Those are things we cannot do now. I would suggest that the hon. Member is opening the door to very great issues by the proposed amendment. In other words he is seeking to remove or weaken the foundation of the Pharmacy and Poisons Ordinance which was designed to protect the public. I therefore suggest to the hon. Member that his amendment requires a great deal of consideration, because it is said that hard cases make bad law. I would add that hasty amendments can make worse law. The hon. Member may be well intentioned but he is putting forward an amendment, the result of which would be to create more difficulty if we did not give the fullest consideration to the matter. Legislation of this nature is not unique in British Guiana. Other Colonies have similar Ordinances which are not interfered with without

erious consideration and reflection as to the effect upon the public. We cannot permit everybody to stock drugs and poisons which they can sell *ad lib*. Hon. Members would be well advised, before an amendment of this nature is accepted, to give it the very fullest consideration, and I suggest that this is not the way to deal with this matter. Some people may have done good work, but consideration must be given to the best method of assisting them to carry on that good work. I am appealing to hon. Members not to create greater difficulties and undermine the fabric of legislation which was designed to protect the public.

Mr. DEBIDIN: I appreciate the argument of the hon. the Attorney-General but once again we must hear that fine argument by the hon. the Sixth Nominated Member as regards the function of the Committee. The hon. the Attorney-General is surely not unmindful of what the hon. Member said about the function of the Committee, and how well it would go into all these questions. His argument would have a great deal of force if the Committee were not to be selected from Members of this Council, if not Members of the Medical Advisory Committee, who have a responsibility to the public to see that no person is thrown upon the community who is not competent to fulfill the requirements of the Pharmacy and Poisons Ordinance. I think there need be no doubt as to the *bona fides* of any Committee or their scrupulous fairness in dealing with applications that may come before them.'

If we accept the suggestion of the hon. the Attorney-General that the suggested amendment should be made in the Pharmacy and Poisons Ordinance, should it not be stated in this Bill that the Committee to be appointed may grant such applications? I suggest that in this Bill it might be stated that "notwithstanding any of these provisions a person may be granted such a licence

if the Committee is of the opinion that he is competent to sell all the drugs mentioned in the Schedules." I am not quite clear as to the full effect of the amendment proposed by the hon. Member for Western Essequibo (Mr. Wight) but I know he has suggested something which I am also asking for, and for that reason I will not oppose it. I shall, however, move that a new clause be added to the Bill to provide that persons who held licences in 1950 should be granted licence for 1951, and should pay only 50 per cent. of the fee. I see no difficulty in accepting such a simple amendment, and I am asking you, sir, to put that amendment to the Council.

Mr. WIGHT: The position is becoming a little confused. I am sorry if my language is obscure in the mind of the hon. Member but, apparently, he knows what my intention is, and he agrees with it. What I would like to point out is that this Council has the right, when the Committee is appointed and delegated to do certain duties, to make certain limitations or lay down certain principles on which the Committee may act. Therefore it is somewhat doubtful, I submit, if a Committee is appointed under this Ordinance, how the rights of this Council would be safeguarded if it is intended to impose limitation on the exercise of the powers of the Committee. It would appear that the Committee might have been appointed in the first place under the Pharmacy and Poisons Ordinance, and the Tax Ordinance amended merely to provide that licences may be granted to such persons approved by the Pharmacy and Poisons Ordinance. It would be impossible to have a Committee set up under the Tax Ordinance with limitations put on that Committee by direction of this Council under the Pharmacy and Poisons Ordinance.

With regard to the other point I feel sure that the hon. the Attorney-General will be able to wriggle his way out of the various amendments, but I

am thinking whether it would not be easier for the Attorney-General to withdraw his amendment and for me to withdraw my amendment. I visualize that there is going to be some confusion when we come to a division on the various clauses. It is going to be difficult to know exactly where the amendments are to be inserted, and very difficult for Member to answer when the questions are put.

Dr. JAGA : The time being almost 5 o'clock I would suggest that the various amendments be cyclostyled and circulated, and that consideration of the Bill in Committee be resumed tomorrow afternoon.

The ATTORNEY-GENERAL: Following upon what the hon. the Deputy President has said the only other point is the question of the insertion of a new paragraph (f).

Mr. WIGHT: In that case I would withdraw my amendment, and there would only be the amendment by the Attorney-General as cyclostyled. If the Council accepts the suggestion by the hon. Member for Eastern Demerara (Mr. Debidin) that those who had licences in 1950 should be granted licences for 1951 the proposed amendment for a half-year's licence would not be necessary.

Mr. DEBIDI : I imagine that the Attorney-General's reason for introducing an amendment for a half-year's licence is that he realizes that the people in the drug trade could not operate fully, not knowing whether they would be licensed for 1951. I think that is a very strong reason why they should be allowed a half-year's licence.

Mr. WIGHT: I cannot agree that because those people are now being allowed to sell drugs they should be allowed to do so free of licence from January to June. It would mean that those who have paid their licence in January have paid for a full year while others would get away with a half-year's licence, although they have been selling drugs from January. If they are prepared to pay a full year's licence they could be allowed to operate on the same terms as they did in 1950. But if they desire to pay a half-year's licence then the Ordinance should be brought into force from the 1st July.

Mr. DEBIDIN: The hon. Member has made it very difficult for me to vote now. He has made a statement which can only mean that in granting a licence for this year Government should impose a condition on these people of having to pay for something from which they have had no benefit. It is not right that this Legislature should be bargaining in this way by granting a concession and exacting a penalty.

Mr. WIGHT: It is not a penalty. They are being granted licence from January, so why should they be allowed to pay for a half-year's licence?

The ATTORNEY-GENERAL: I move that the Council resume with leave to the Committee to sit again.

Council resumed.

The PRESIDENT: I should have liked us to reach finality with this Bill today. I sincerely trust that we shall not spend another afternoon on it tomorrow. Council will adjourn until 2 o'clock tomorrow.