

# SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956)

Wednesday, 14th June, 1961

The Council met at 2 p.m.

## PRESENT :

**Speaker**, His Honour Sir Donald Jackson

**Chief Secretary**, Hon. Major I. O. Smith, O.B.E. (acting)

**Attorney-General**, Hon. A. M. I. Austin, Q.C. *ex officio*

**Financial Secretary**, Hon. W. P. D'Andrade.

The Honourable <b>Dr. C. B. Jagan</b>	—Member for Eastern Berbice (Minister of Trade and Industry)
" " <b>B. H. Benn</b>	—Member for Essequibo River (Minister of Natural Resources)
" " <b>Janet Jagan</b>	—Member for Western Essequibo (Minister of Labour, Health and Housing)
" " <b>Ram Karran</b>	—Member for Demerara-Essequibo (Minister of Communications and Works)
" " <b>B. S. Rai</b>	—Member for Central Demerara (Minister of Community Development and Education).

<b>Mr. R. B. Gajraj</b>	—Nominated Member
" <b>W. O. R. Kendall</b>	—Member for New Amsterdam
" <b>R. C. Tello</b>	—Nominated Member
" <b>F. Bowman</b>	—Member for Demerara River
" <b>S. Campbell</b>	—Member for North Western District
" <b>A. L. Jackson</b>	—Member for Georgetown North
" <b>S. M. Saffee</b>	—Member for Western Berbice
" <b>Ajodha Singh</b>	—Member for Berbice River
" <b>R. E. Davis</b>	—Nominated Member
" <b>H. J. M. Hubbard</b>	—Nominated Member
" <b>A. G. Tasker, O.B.E.</b>	—Nominated Member

Mr. E. V. Viapree—Clerk of the Legislature (acting)

Mr. V. S. Charan—Assistant Clerk of the Legislature (acting).

## ABSENT :

Mr. L. F. S. Burnham, Q.C. — Member for Georgetown Central

Mr. Jaiarine Singh—Member for Georgetown South

Mr. E. B. Beharry—Member for Eastern Demerara

Mr. A. M. Fredericks — Nominated Member.

The Clerk read prayers.

## MINUTES

The Minutes of the meeting of the Council held on Thursday, 8th June, 1961, as printed and circulated, were taken as read and confirmed.

## PAPERS LAID

**The Chief Secretary** (Major Smith): I beg to lay on the Table

- (i) Sessional Paper No. 5/1961 — Service with Overseas Governments.
- (ii) Reports of the Director of Audit on the Accounts of the Georgetown Mariners' Club for the years ended 31st December, 1958 and 1959.

**The Financial Secretary** (Mr. D'Andrade): I beg to lay on the Table

- (i) The Annual Report of the Accountant General for the year 1959.
- (ii) Order in Council No. 34 of 1961 made under section 8 of the Customs Ordinance, Chapter 309, on the 2nd day of May, 1961, and published in the Gazette on the 27th of May, 1961.

**The Minister of Natural Resources** (Mr. Benn): On behalf of the Minister of Labour, Health and Housing (Mrs. Jagan), I beg to lay on the Table the

Annual Report of the Government Analyst's Department for the year 1960.

## MOTION

**The Financial Secretary:** beg to give notice of the Motion standing in my name on the Order Paper. It reads as follows:

"Be it resolved: That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 34 of 1961, which was made on the 2nd day of May, 1961, and published in the Gazette on the 27th of May, 1961."

## INTRODUCTION OF BILL

**The Chief Secretary:** I beg to give notice of the introduction and First Reading of the

Overseas Officers Agreement Bill, 1961.

## ORDER OF THE DAY

## BILL — FIRST READING

The following Bill was read the First time:

A Bill intituled: "An Ordinance to give legislative effect to any agreement providing for the terms on which overseas officers may be employed in the Public Service and for matters relating thereto."

CRIMINAL LAW (PROCEDURE)  
(AMENDMENT) BILL

**Mr. Speaker:** Council to resume consideration, in Committee, of the following Bill:

A Bill intituled: "An Ordinance to amend the Criminal Law (Procedure) Ordinance."

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

## COUNCIL IN COMMITTEE

**The Attorney-General:** When the Committee last considered the Bill, it had passed all the Clauses and there remained the First and Second Schedules to be considered. The hon. Nominated Member, Mr. Gajraj, had suggested that the Mayor of Georgetown and the Mayor of New Amsterdam should be amongst those persons exempted from service as jurors on account of the dislocation of civic business if they were called upon to serve on juries.

I am grateful for the suggestion made by the hon. Nominated Member, and the Government is pleased to accept

the suggestion and to insert "The Mayor of Georgetown and the Mayor of New Amsterdam" in the list of persons exempted from service as jurors, after "Members of the Legislature". So that the list reads: "The Judges of the Supreme Court", "Members of the Legislature", "The Mayor of Georgetown and the Mayor of New Amsterdam". "Officers of Her Majesty's navy, army or air force on the active list" and so on.

I also discovered that there is an error in the First Schedule in that overseers of Local Authorities and members of the Special Constabulary appear under the head "Georgetown Sewerage and Water Commissioners." Those offices should be moved up to the first category so as to follow "Registered Sicknurses and Dispensers."

I therefore move as an Amendment to the First Schedule: first the insertion of the words "The Mayor of Georgetown" and "The Mayor of New Amsterdam," as I have explained, and, secondly, the transfer of the words "Overseers of Local Authorities and members of the Special Constabulary" to the bottom of the list after the words "Registered Sicknurses and Dispensers".

Question put, and agreed to.

First Schedule, as amended, passed.

#### *Second Schedule*

**The Attorney-General:** I have a formal Amendment to the Second Schedule—that before the words "Section 20" there should be inserted the words "Subsection (1) of section 19 and section 20". The capital "s" of the words "Section 20" should be a small "s".

Question put, and agreed to.

Second Schedule, as amended passed.

Council resumed.

**The Attorney-General:** I beg to report that the Criminal Law (Procedure) (Amendment) Bill has been considered in Committee and passed with Amendments, and to move that the Bill be now read the Third time.

**The Financial Secretary:** I beg to second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

#### **SUPPLEMENTARY APPROPRIATION (1959) BILL**

**Mr. Speaker:** The hon. the Financial Secretary to move the Second Reading of a Bill entitled:

"An Ordinance to allow and confirm certain additional expenditure incurred in the year ended on the thirty-first day of December, 1959."

**The Financial Secretary:** I beg to move the Second Reading of the Supplementary Appropriation Bill, (1959), 1961, The purpose of the Bill now before Council is to obtain legislative sanction for expenditure in excess of that provided for by the 1959 Appropriation Ordinance, No. 2 of 1959. The amount to be covered is \$870,139.09.

**The Attorney-General:** I beg to second the Motion.

Question put, and agreed to.

Bill read a Second time.

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

#### **COUNCIL IN COMMITTEE**

Clauses 1 and 2 and Schedule passed as printed.

Council resumed.

**The Financial Secretary:** I beg to report that the Bill has been considered in Committee and passed without Amendment. I now beg to move that the Bill be read the Third time.

**The Attorney-General:** I beg to second the Motion.

● Question put, and agreed to.

Bill read the Third time and passed.

#### THE GEORGETOWN TOWN COUNCIL (AMENDMENT) BILL

**Mr. Speaker:** The hon. Minister of Community Development and Education to move the Second Reading of a Bill intituled:

"An Ordinance to amend the Georgetown Town Council Ordinance."

**The Minister of Community Development and Education (Mr. Rai):** The Georgetown Town Council wishes to have an Amendment made to its Ordinance to enable it to award scholarships and other awards to suitable persons. At the present moment it has not that power. This Bill seeks to confer upon the Town Council the necessary power to do so. I now beg to move the Second Reading of the Bill intituled: "An Ordinance to amend the Georgetown Town Council Ordinance."

**The Minister of Natural Resources (Mr. Benn):** I beg to second the Motion.

● Question put, and agreed to.

Bill read a Second time.

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

#### COUNCIL IN COMMITTEE

Clauses 1 and 2 passed as printed.

Council resumed.

**Mr. Rai:** I wish to report that the Georgetown Town Council (Amend-

ment) Bill was considered in Committee and passed without amendment. I therefore move that the Bill be now read the Third time.

**Mr. Ram Karran:** I second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

#### LOCAL GOVERNMENT (AMENDMENT) BILL

**Mr. Speaker:** The hon. Minister for Community Development and Education to move the Second Reading of a Bill intituled:

"An Ordinance to amend the Local Government Ordinance."

**Mr. Rai:** Under Section 3 of the Local Government Ordinance the Chairman of the Village Chairman's Conference is a member of the Local Government Board. During last year this organization changed its name to the British Guiana Association of Local Authorities.

This Bill seeks to enable the President of the Organization under its new name to be a member of the Local Government Board.

This Bill provides for exemption from rates of playing-fields of schools, or other educational institutions wherever situated. Under the Local Government Ordinance churches and schools and the land on which they are situated, are not subjected to payment of rates.

It also provides for distraining for rates. At the present time where rates are owing on lots or buildings, the Local Authority can distrain on all moveable property on the lot or in the building. It is considered desirable that the moveable property of only the person liable for the payment of the rate should be distrained upon.

Finally, the Bill provides that in a case where wrongful levy has been made by a Local Authority, the person whose property had been wrongfully levied upon has a right of action against the Local Authority. I now wish to move the Second Reading of the Local Government (Amendment) Bill.

**Mr. Ram Karran :** I beg to second the Motion.

**Mr. Tasker:** While the Bill is desirable, I would like to ask the hon. Minister whether he does not think that Clause 3, which provides for the exemption from rates of playing field of schools and other educational institutions, can be broadened to include "recreational or community welfare institutions" as well. Under the provisions of the Marshall Plan, which is expected to come into force shortly, there will be an increasing number of Local Authorities and sugar estate communities under Local Government. At this point the question of Community Centres should be considered as they will become part of the services to be provided for the new local authorities.

It seems to me that while the Local Government Ordinance is being amended, it would be advisable to broaden this power to the local authorities, so as to enable them to exempt from rates such lands which are used as playing fields by these other institutions, as these areas will also be for the benefit of the community. I will not suggest at this stage any Amendment, but in Committee stage I will suggest an alternative wording which I will ask the Government to accept, so that this power of the local authority should be broadened, in view of the developments which will come from the Marshall Plan for the reorganization of Local Government.

**Mr. Rai:** I note the point made by the hon. Nominated Member, but I do not think that problem has arisen or will arise. I do not see there are any other

playing fields at the moment subjected to the jurisdiction of local authorities. But I can assure the hon. Nominated Member his point will be dealt with when the Marshall Plan is being implemented.

Question put and agreed to.

Bill read a Second time.

#### COUNCIL IN COMMITTEE

Council resolved itself into committee to consider the Bill Clause by Clause.

Clauses 1 and 2 passed as printed.

Clause 3—*Amendment of Section 118 of Chapter 150.*

**Mr. Tasker :** I do not understand why, in this new paragraph "s", we should not insert after the word "educational" the words "or community welfare."

It may well be that this is too broad a measure for the Local Authority. If that is so, then I think we should be told I do not see why this has been confined strictly to educational institutions, when the object of the Bill itself is in respect of playing fields for the people.

**Mr. Rai :** The point raised by my hon. Friend has not yet arisen and is not likely to arise in this Ordinance. The Ordinance which has been tabled in this Council is intitled: "An Ordinance to amend the Local Authority (Constitution) Election Procedure, and Financial Provisions Bill, 1960," dealing with the reorganization of the Local Authority. In it are a series of legislation to be dealt with.

**Mr. Tasker:** I beg leave to withdraw my amendment.

Clause 3 passed as printed. Clauses 4, 5, 6, and 7 passed as printed.

Council resumed.

## ADJOURNMENT

**Mr. Rai:** I beg to report that the Bill has been considered in Committee and passed without Amendment. I now move that it be read the Third time.

**Chief Secretary:** I beg to move that Council adjourns to Thursday, the 22nd of June at 2 p.m.

Question put and agreed to.

**Mr. Speaker:** Council now stands adjourned to Thursday, the 22nd of June at 2 p.m.

Bill read the Third time and passed.