

LEGISLATIVE COUNCIL

FRIDAY, 8TH 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. (Western Essequibo).

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

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

The Hon. T. Lee (Essequibo River).

The Hon. W. J. Raatgever (Nominated).

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

The Hon. C. P. Ferreira (Berbice River).

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. L. A. Luckhoo (Nominated).

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

The Clerk read the prayers.

OATH OF ALLEGIANCE

Mr. R. B. Gajraj took the Oath of Allegiance and his seat as a Nominated Member.

The PRESIDENT: I feel sure hon. Members wish to join with me in welcoming Mr. Gajraj to our deliberations.

Mr. GAJRAJ: Thank you, Sir.

CONFIRMATION OF MINUTES

The Minutes of the meeting of the Council held on Thursday, the 31st of May, 1951, as printed and circulated, were taken as read and confirmed.

PRESENTATION OF REPORTS AND DOCUMENTS

The following documents were laid on the table:—

The Post and Telegraph (Imperial Reply Coupon) Order, 1951. (Colonial Secretary).

The Minutes of a meeting of Finance Committee of the Legislative Council held in the Council Chamber on Wednesday, the 23rd of May, 1951. (Financial Secretary and Treasurer)

GOVERNMENT NOTICES

FIRES PREVENTION (METROPOLIS) ACT, 1774.

The ATTORNEY-GENERAL gave notice of the following motion:—

WHEREAS it is enacted by section twenty-five of the Civil Law of British Guiana Ordinance, Chapter 7, that the Legislative Council may by resolution declare that any statute of the Parliament of the United Kingdom or of Great Britain or of England passed before the fourth day of March, eighteen hundred and thirty-one, or any part of that statute, shall be part of the law of the Colony as from a date specified in the resolution;

AND WHEREAS it is necessary and expedient to declare that a certain part of the Fires Prevention (Metropolis) Act, 1774, (14 Geo. 3. C. 78), passed in the year 1774 by the Parliament of Great Britain shall be part of the law of the Colony as from the date hereunder mentioned;

BE IT RESOLVED by this Council that on and after the day of 1951, section 86 of the Fires Prevention (Metropolis) Act, 1774, (14 Geo. 3.C. 78) shall be part of the law of the Colony.

INTRODUCTION OF BILLS

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

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".

UNOFFICIAL NOTICES

LAND SETTLEMENT POLICY

Dr. JAGAN gave notice of the following motion:—

BE IT RESOLVED that this Council recommends to Government the setting up of a Committee of Enquiry to investigate into the administration and functioning of the Vergenoegen and Cane Grove Land Settlement Schemes with the view of recommending future land settlement policy.

FREEHOLD TITLE ON ESTATE LANDS

Dr. JAGAN also gave notice of his intention to move the following amendment to item 10 on the Order Paper of Friday, the 8th of June, 1951:—

Add the following as the 5th preamble clause and the second resolution clause respectively:—

"AND WHEREAS extra-nuclear houses are now being built on estate lands under leases with many objectionable features;"

"BE IT FURTHER RESOLVED that this Council recommend that Government enter negotiations with the Sugar Producers' Association with the view of obtaining freehold title to estate-owned lands on which extra-nuclear houses are to be built in exchange for absolute grant of equivalent areas of land now leased."

ORDER OF THE DAY

REPLIES TO QUESTIONS

Mr. KENDALL asked, and the Colonial Secretary laid over replies to the following questions:—

Q—1. Could Government state what efforts have been made to remove the ship sunk with scrap iron at the mouth of the Berbice Harbour?

Q—2. Is the vessel interfering, or would it interfere with the movements of Bauxite ships?

Q—3. Has Government investigated as to the cause of the mishap?

Q—4. Was the amount of cargo to be taken safely by the ship over the bar certified by some competent authority before the sailing of the vessel?

Q—5. What is the amount Government received from the Berbice Bauxite Company to the end of December,

1950, for shipping dues and royalty on Bauxite.

A—1, 2, & 4. As a Judicial Court of Enquiry has been set up to investigate the sinking of the ship, replies to these questions cannot be given until the Enquiry has been concluded.

A—3. A Court of Enquiry has been appointed in accordance with section 16 of the Shipping Casualties (Investigation and Prevention) Ordinance, Chapter 124, and a notice to this effect has been published in the "Official Gazette" of Saturday, the 26th of May, 1951, page 1310.

5. Shipping dues for the year 1950 were as under:—

Pilotage fees	\$ 5,799.96
Light dues	\$ 3,902.56
Tonnage dues	\$24,390.60
	\$34,093.12

Royalty for the year 1950 was \$12,176.40.

REDUCTION OF PRICE OF GASOLENE

Council resumed the debate on the following motion by Mr. Debidin:

WHEREAS the price of gasolene for local consumption is excessive, having regard to all circumstances including corresponding prices in other colonies, nearness to oil producing countries and recently the resorting to bulk storage locally;

AND WHEREAS two factors particularly are responsible for this high price, namely:— (a) The imposition by Government of well over 100% duty and (b) the enormous profit which importers are receiving, having regard to the quantity of petrol imported;

AND WHEREAS the high price per gallon of petrol must inevitably affect the transportation cost to business undertakings and even to Government;

AND WHEREAS also the poorer classes of people suffer an increase of fares to be paid and cheap transportation is a social necessity;

BE IT RESOLVED that this Honourable Council recommends that Govern-

ment takes steps to control the retail selling price of petrol;

BE IT FURTHER RESOLVED that this Council recommends that in no circumstances the retail selling price of petrol shall exceed the sum of 50 cents per gallon; and that to achieve this end both the duty imposed by Government and the profits by the importers be made to carry the reduction of the present selling prices;

BE IT FURTHER RESOLVED that this Council recommends that the Competent Authority under the Motor Vehicles and Road Traffic Ordinance, 1940, be requested and be empowered to fix all fare charges for all types of motor vehicles plying for hire commensurate with the reduction in the retail selling prices of petrol.

Mr. DEBIDIN: I think the hon. Member for Georgetown Central (Mr. Fernandes) was speaking when the Council adjourned on the last occasion. I do not know if he was finished.

Mr. FERNANDES: I was, Sir. I think I covered everything.

Mr. FRASER (Financial Secretary and Treasurer, acting): Sir, it seems to me that the motion which has been moved by the hon. Member for Eastern Demerara (Mr. Debidin) has much about it that is unreal. He states in the first preamble:

"Whereas the price of gasolene for local consumption is excessive, having regard to all circumstances, including corresponding prices in other colonies . . ."

I did not hear the hon. Member give the prices of gasolene in the other Colonies, but from inquiries which I have made I understand that the price of gasolene in Barbados is 71 cents per imperial gallon; in Jamaica it is 72 cents, and in the United Kingdom it is 73 cents per gallon. In the circumstances it does not seem that the term "excessive" is applicable in so far as the retail price in this Colony is concerned. The price of gasolene in this Colony in 1949 was 65 cents per gallon, and the

reason for its rising to 76 cents per gallon is no doubt due to the impact of the revaluation of the pound sterling on freight and labour rates.

In the second preamble to his motion the hon. Member states that the high price of gasolene is due to the high duty imposed by Government, and also to the enormous profits which are made on the sale of gasolene. I hardly think that that statement bears examination. The present rate of duty on gasolene has been current since 1940, and is hardly higher than the rate charged both in Barbados and Jamaica.

As regards the question of enormous profits the hon. Member for Central Demerara (Dr. Jagan) told this Council that the margin of profit allowed to the distributors of gasolene is only four cents, so that the statement that the profits are enormous is hardly borne out by the facts.

In the first resolve clause of his motion the hon. Member asks this Council to recommend that the retail selling price of gasolene be controlled. I am surprised to know that the hon. Member is not aware that the price of gasolene has been controlled for some years under the Defence Regulations. But the unreality of the motion would seem to lie in the second resolve clause, and I shall read it. It says:

“Be it further resolved that this Council recommends that in no circumstances the retail selling price of petrol shall exceed the sum of 50 cents per gallon; and that to achieve this end both the duty imposed by Government and the profits by the importers be made to carry the reduction of the present selling prices;”

The present selling price is 76 cents per gallon, and the price which the hon. Member wants this Council to recommend is 50 cents, a difference of 26 cents. If there are in fact no profits which can bear a share of the 26 cents it means that the entire 26 cents would have to be surrendered from the duty on gasolene. Thus the sum of 31.5 cents, which is the duty levied on gasolene,

would have to be reduced to 5.5 cents. On the imports of gasolene into the Colony in 1950 on which duty was paid the loss to revenue would work out at a sum slightly over half a million dollars. I think hon. Members will agree with me that that would be a rather large slice of our revenue.

At this point I would like to call the attention of hon. Members to Ordinance 10 of 1950 which was recently passed. Under the provisions of this Ordinance this Council agreed to certain primary industries in the Colony being allowed gasolene duty free. That concession is costing the Colony \$86,000 per year, and in view of the demands on our budget it would seem that that is as far as it is prudent to go. The hon. Member, however, seems to consider that it is a matter of paramount importance that cheap gasolene should be made available to everyone, but I would suggest that what is desirable is not always possible, and I think it is a matter of overriding importance that the budget of the Colony should be maintained in a balanced state. I would call Members' attention to the Budget Statement printed on the first page of the Estimates, from which it will be seen that the estimated budget deficit is \$87,000, a mere fraction of the half a million dollars which the hon. Member is asking this Council to surrender. I said that we would all like cheap gasolene, but we also want better roads, better drainage and irrigation, more hospitals and more schools—all of which cost money.

I would also like to call the attention of hon. Members to the authority given this Government to raise a loan of \$10 million in London. In addition to that this Council has authorized Government to raise a further loan of \$1½ million for housing projects. The loans will necessitate provision in the budget in a full year of a sum of \$625,000 to meet service charges. In addition to that the needs of our expanding population will bring items on the budget of a rather urgent nature. I am referring particularly to the increased cost of primary education

for the greater number of children who will be claiming admission to the schools, with an addition of over \$1 million to the Estimates on the existing basis of education.

In considering the motion I would ask hon. Members to bear in mind the impending demand I have mentioned because, unless the budget is balanced the Colony will be running into the very serious position of deficit financing. Before I take my seat I should like to announce that a letter has just been received by Government in which the agent for gasolene in this Colony has asked that a sum of one cent per imperial gallon be added to the price of gasolene imported into the Colony. If the application is approved it will mean that the price of gasolene will go to 77 cents, and as far as I understand, this increase will be general throughout the West Indies.

Mr. DEBIDIN: The hon. the Financial Secretary has told us nothing new, or nothing that we did not know. I wish that he would adopt a realistic attitude towards the question of communications in this Colony. He must not only have regard to the disreputable condition of the roads and the inability of the Government to make them up, but he must also consider the cost of maintenance of motor vehicles using those roads, and the high cost of transportation to the Government. The price of gasolene is far too high. Perhaps the Financial Secretary was not listening when I gave the prices of gasolene in some of the Colonies which are near to the distributing centres. We are near to Venezuela and Trinidad, and the cost of transportation and handling should not be as high as it is to transport gasolene to places like Jamaica. It seems to me that if we were not hedged in by agreements, international and otherwise, and by currency restrictions and so forth we would get gasolene far cheaper from

Venezuela in return for our copra and rice.

In reply to the remarks of the hon. Member for Georgetown Central (Mr. Fernandes) I would like to say that it is begging the question to ask where are we going to get half a million dollars from? That is not the question. Is it or is it not a fact that we are paying far too much for gasolene? Is it not a shame that a Colony which is next door to the pumps which are pumping gasolene should have to pay such a high price for it? Does it not impede progress and development generally? If we are to be logical the same reason which induced Government to grant a rebate of duty on gasolene to certain industries should impel Government to secure cheaper gasolene for the ordinary consumer who must have funerals and weddings. Why should such persons have to pay through their noses for gasolene in a country so near to the sources of supply? For the benefit of the hon. the Financial Secretary who said I did not give the prices of gasolene in neighbouring countries, I will repeat that the price in Trinidad is 42 cents or 52 cents per American gallon. In Dutch Guiana it is 22½ cents per gallon, and in Venezuela it is 11 piastres. The Financial Secretary says that the duty is the same in Trinidad, but there is a great difference in the selling price there.

The hon. Member for Georgetown South (Mr. Carter) has moved an amendment. I agree that my figure of 50 cents per gallon might be too low, but it is a matter which should go to a Committee to examine the question of profits and handling. It seems to me that in view of the fact that bulk storage has been resorted to, and the increased demand for gasolene in this Colony, we are allowing the oil companies to reap big profits. I agree that the matter should be referred to a Selected Committee.

The PRESIDENT: I do not think that amendment was seconded. The minutes record that it was not.

Mr. DEBIDIN: I was not aware of that. If you will permit me I will accept the hon. Member's motion, as he has suggested, subject to the approval of my seconder.

The PRESIDENT. I think the hon. Member must proceed with his own motion. The hon. Member has moved his motion and is now replying to the debate on that motion. I do not think he can now refer to some other motion and submit it for the approval of the Council.

Mr. DEBIDIN: The whole point is that I was under the impression that the amendment had been seconded. For your ruling, Sir, I would like to know whether it is necessary for an amendment of this kind to have a seconder.

The ATTORNEY-GENERAL: Yes

Mr. DEBIDIN: Then there is only one course open to me. I think it is a reasonable course, and that is to second the amendment and withdraw the motion proper.

The PRESIDENT: I think the hon. Member is getting a little confused. He is the mover of this motion, and some other Member, in the course of the debate, proposed an amendment which has not been seconded, according to the Minutes. The hon. Member is now making his concluding remarks and after he is finished I will put the question. Probably the hon. Member is thinking of the amendment that was moved, but that has nothing to do with this Council.

Mr. DEBIDIN: I am thinking of the amendment which the hon. Member moved. I told him after the adjournment that I thought a motion like this should go to a Select Committee. I shall proceed, however, whatever the result,

and if necessary we shall come back to the Council again.

Dr. JAGAN: To a point of correction: I am wondering whether the hon. Member is not correct. This is a case where an amendment to the hon. Member's motion **has been** moved and even though it was not seconded I think he has a right to speak on it and to second it if he chooses to do so now. I would like to have your ruling on this matter, Sir.

The ATTORNEY-GENERAL: There is a motion before this Council by the hon. Member for Eastern Demerara and, as we understand it, there was an amendment moved but it was not seconded. I suggest that until the amendment is seconded there is no amending motion. First of all, it has to be seconded in order to bring it into the debate. The hon. Member's motion can be withdrawn, but I think he is precluded from seconding the amendment. In the course of the debate on the motion the hon. Member for Georgetown South moved an amendment but no one thought fit to second it and, therefore, the discussion was limited to the motion. Until the amendment is seconded it cannot be the subject of debate.

Mr. DEBIDIN: The question asked by the hon. Member for Central Demerara is whether I am entitled to second the amendment at this stage.

The ATTORNEY-GENERAL: The hon. Member can second an amendment at any stage.

Mr. GAJRAJ: But certainly not after he has been called upon to speak in reply to the various speakers on his motion.

Dr. JAGAN: The hon. Member for Eastern Demerara was called upon and got up to speak, but I certainly do not think that debars him from seconding the amendment.

Mr. WIGHT: The position seems to have arisen out of a mistake on the part of the hon. Member for Eastern Demerara. It appears that there was nothing to prevent him from seconding the amendment had he been aware of the fact that that had not been done. Instead of exercising his right to reply, all he had to do was to say that he seconded the amendment. The difficulty he finds himself in is that he appears to be exercising his right to reply to the debate on the motion, and it seems to me that it would be for the Chair to rule whether he is now in a position to second the amendment. It seems to me that the position has been complicated further by his insistence on his right to reply.

Mr. DEBIDIN: May I say, Sir, that I think I have both a right to reply and a right to second the motion. It is only a question of the order in which I do them. I have not decided yet, but at this stage when what would appear to some Members to be a reply is concluded, I can speak and second the amendment. You will have the right to put the original motion as well as the amendment to the vote, Sir. Subject to your ruling therefore, I formally second the amendment moved by the hon. Member for Georgetown South and will proceed to speak on it.

Mr. KENDALL: I would like to know whether this Council, after having confirmed the Minutes of a previous meeting—the meeting of May 31—in which it is stated that an amendment to this motion was moved by the hon. Member for Georgetown South but was not seconded, can rightly permit the hon. Member for Eastern Demerara to second that amendment today?

The PRESIDENT: If the debate on the motion was not finished the amendment could have been seconded by any hon. Member before it was finished. It was not so seconded and there being no other Member wishing to speak on the

original motion or to second the amendment I called upon the hon. Member to reply to the debate on the motion. He said, first of all, that he proposed to go into the amendment moved, when I drew his attention to the fact that that particular amendment had not been seconded. He then changed his mind and said he seconded the amendment. The position is, of course, peculiar. I doubt if such a situation would have arisen in Parliament, because no Member replying to a debate on his own motion would have seconded an amendment which had been moved by somebody else in the course of the debate. However, my ruling is that the debate on the motion before the Council was concluded and I called upon the hon. Mover to reply, and when he is finished his speech I will put the question as in his motion.

Mr. DEBIDIN: There is only one point I would like to urge at this stage and that concerns the question whether I cannot in the course of my reply and before the motion is put second the amendment.

Mr. ROTH: To a point of order: The Chair has given a ruling and it is not for the hon. Member to argue now.

Mr. DEBIDIN: The Chair has given a ruling on another point and I would wish you to give my point some consideration, Sir.

The PRESIDENT: I am not quite sure what the hon. Member means. I cannot rule on his point. We have had a debate on this motion and it has been brought to a conclusion. The hon. Member is now replying to the debate on the motion and I do not know why he should seek to second an amendment moved by somebody else in order to introduce a new motion at this stage. If the hon. Member wishes to introduce a new motion he can do so and it would come up in the ordinary course on the Order Paper.

Mr. DEBIDIN: In view of the statement made by the Financial Secretary—that the Company concerned is asking for an increase of one cent per gallon in the cost of gasolene—I am asking whether I am entitled to urge that the motion be sent to a Select Committee and to move that as an amendment in the course of my reply.

The PRESIDENT: If the hon. Member changes his mind and wants to introduce a new motion, when would the debate be concluded? It cannot go on without any limit. The debate has been concluded and the hon. Member has been called upon to reply, which he is now doing.

Mr. DEBIDIN: That being your ruling, Sir, I shall proceed with my reply. It only means that if the motion is not accepted I would have to bring a new motion.

The COLONIAL SECRETARY: To a point of order: I think I am right in saying that it would not be possible for the hon. Member to introduce a new motion on the same subject within less than six months.

Mr. DEBIDIN: I am aware of that. I shall refer at this stage to the question of the Budget. The balancing of the Budget depends upon the skill of the Financial Secretary and Treasurer in finding means of introducing new taxation measures, and I have no doubt that if this motion is accepted it would not be given effect to within the remaining period of the present Budget year. Government might give effect to it in a truncated form, and that is to reduce the duty payable on gasolene as from the Budget year, 1952. That would be the recommendation of this Council as I see it. There seems to be some misapprehension that if this motion is accepted and a recommendation sent to Government, immediate action must result. This is not a tax Bill or law; it is merely a recommendation to Govern-

ment which may not be accepted and effectuated in this present Budget year. Further, if a recommendation is sent to Government as a result of the motion there is nothing to prevent Government from saying that they cannot see their way to reduce the price of gasolene below 60c. per gallon, although a reduction to 50c. has been recommended in the motion. That would be fulfilling the wish of the Council to some extent, and the wish of the Council would be indicated by the acceptance or otherwise of the motion.

Mr. WIGHT: To a point of order: I do not think that the Hon. Member who is so suspicious of the powers of the Governor in Council would expect His Excellency to ask the Governor in Council to consider any motion in the light of a negative vote by this Legislative Council. If this Council votes against the motion I do not see how the Governor in Council can interfere. I suggest to the hon. Member, if he fears that, to withdraw the motion and leave the matter to the Governor in Council.

Mr. DEBIDIN: I think my hon. Friend has misunderstood me. What I said was that some of the Members of this Council who spoke on the motion were apparently under a misapprehension to the effect that the Governor in Council must accept the figure of 50c. and none other as regards the reduction. If this Council wants to see a reduction in the price of gasolene—a reduction of any kind—it can accept this motion and then the whole thing would be put before the Governor in Council. If the figure of 50c. is not accepted the Governor in Council would fix another figure and initiate legislation to give effect to it. The Governor in Council would also have the power to recommend that a Committee should go into the whole matter. Although the amendment has not been moved I am still suggesting that this Council should accept the

motion and give effect to the amendment in a way. If that is done I feel sure that hon. Members would not be doing anything amiss.

It is true that gasolene is the source of a considerable amount of revenue, but this is revenue which is going to increase all the time and I want to point that out particularly for the consideration of hon. Members. If gasolene becomes cheap it would automatically give an incentive to the people in the Colony to buy more cars and use more gasolene. The result is that Government might find that a reduction in the cost of gasolene might be offset by the use of an increased quantity. This is a point that should not be overlooked. There is very little more that I can say except to ask that the motion be put. As I stated at the outset, it is designed to assist not only the owners of garages and cars, but the poor people who have to travel in various parts of the Colony. I appreciate the remark made by the hon. Member for Georgetown South when he said that it was fitting that I should move this motion. We have to depend on petrol for development in this Colony, and I think it well that the hon. Member moved that the by-products relating to gasolene be included in this motion. I support the suggestion because it would also assist very largely in the development of this Colony.

The PRESIDENT: I will now put the motion.

Motion put, the Council dividing and voting as follows:—

For: Dr. Jagan and Mr. Debidin—2.

Against: Messrs. Gajraj, Luckhoo, Carter, Peters, Kendall, Fernandes, Farnum, Roth, Raatgever, Dr. Nicholson, Dr. Singh, Wight, the Acting Financial Secretary and Treasurer, the Attorney General and the Acting Colonial Secretary — 15.

Motion lost.

BILLS DEFERRED

The ATTORNEY-GENERAL: With the permission of Council I ask leave to postpone the second reading of the following Bills, intituled—

“An Ordinance to amend the Music and Dancing Licences Ordinance with respect to the granting of licences.”

“An Ordinance further to amend the Licensed Premises Ordinance, 1944, with respect to the opening and closing hours of retail spirit shops other than those in Georgetown and New Amsterdam.”

These Bills are listed as items 3, and 4, respectively, on the Order Paper.

Agreed to.

TAX AMENDMENT BILL, 1951

The ATTORNEY-GENERAL: I beg to move the withdrawal of the Tax (Amendment) Bill, 1951, which was published on December 13, 1950. Hon. Members will recollect that early in January, last, I moved the second reading of this Bill, but there was a certain amount of opposition to the form in which it was presented, therefore it was postponed in order to enable the provisions to be further examined. In the light of consideration given by the Legislative Council Advisory Committee to the Medical Department, a new Bill was published on May 19, 1951, and has since been introduced into this Council and received its first reading. Accordingly, I ask leave to withdraw the Bill published in the *Official Gazette* on December 13, 1950, to enable me to proceed with the one published on May 19, 1951, which is before the Council at the present time. In other words, there are two Bills dealing with the same thing and it is desired to withdraw the one that was published first.

Mr. WIGHT seconded.

Motion put and agreed to.

Tax Bill published on December 13, 1950, withdrawn.

The ATTORNEY-GENERAL: I now beg to move the second reading of a Bill intituled—

“An Ordinance further to amend the Tax Ordinance, 1939.”

This new Bill which hon. Members have before them seeks to prohibit the issue of licences to sell drugs unless the applicant for such licence has obtained the approval of a Committee to be appointed by the Governor in Council. This measure is an additional safeguard against the sale of drugs by unqualified persons. As I have already indicated, this matter was considered by the Advisory Committee to the Medical Department and they have approved of the provisions of this Bill. It will be seen that clause 2 provides for a new section—21A—in which there are special provisions governing the issue of licences to sell drugs and patent or proprietary medicines. I would also point out that section 27 of the Pharmacy and Poisons Ordinance, Chapter 103, empowers the Governor in Council to authorise the sale of drugs and patent or proprietary medicines by unqualified persons in areas remote from the coastlands. I may mention that when this matter was discussed by the Legislative Council Advisory Committee and the Director of Medical Services on Thursday, February 1, the Director of Medical Services indicated the manner in which it was proposed to administer these provisions.

I think hon. Members will agree that this measure is designed to, and it is hoped that it will have very helpful results so far as the control of the sale of drugs and poisons is concerned. I think also that the method by which, as I have indicated, the D.M.S. and his Committee will deal with applications for licences will ensure that there will be control over those who seek to obtain licences for the purpose of selling patent and proprietary medicines. I move that the Bill be read a second time.

Mr. WIGHT: In seconding the motion I would like to congratulate the

hon. the Attorney-General on his alacrity, his ingenuousness and also his ingenuity in bringing this Bill before the Council. There can be no doubt that in its original form the Bill was misunderstood, and was likely to cause misapprehension and misunderstanding in the minds of certain chemists and druggists and the proprietors of shops which sell these drugs, especially in the rural areas. I prefaced my remarks with congratulations to the hon. the Attorney-General because of the fact that I happen to have had some complaints from the area I have the honour to represent, which I passed on to him, and apparently this Bill is the outcome. I think it should be satisfactory to all persons who see the necessity for protecting people who are not fully aware of the dangers of some of these drugs, especially the sulpha drugs, as they are known. I shall, however, leave that aspect of the matter to those hon. Members who belong to the medical profession.

There is, however, one point which has given me some thought, and it is whether this Council would be prepared in this particular case to leave finality of decision in a Committee, or would leave the final decision to the Governor in Council. I think it should now be understood by those who were raising objections to the original Bill, that there is no intention to prevent them from selling these particular drugs, but it is simply a precautionary measure to enable the medical authorities to know where they are being sold and to have some control over the sale of them.

Mr. FERNANDES: I was not present when the original Bill was brought before this Council. I have just had a copy of it presented to me and I can quite see why Members objected to it very strongly. In neither of the two Bills are we told of any flagrant weakness in the present set-up. We are just told that the Bill is brought to enable the sale of drugs to be tightened up.

If that is exactly what is intended by this Bill then I should support it. The hon. Member for Western Essequibo (Mr. Wight) said that it is not intended to prevent those who are selling drugs at present from continuing to do so, but only to be able to keep an eye on them. If I were able to accept that I would be inclined to accept this Bill, but I observe in the new Bill that two members have been added to form a Committee of which the Director of Medical Services will be Chairman. That may be quite all right, but we have been told in this Council in a recent matter that the Legislative Council Advisory Committee to the Medical Department was used as a rubber stamp to give approval of what the D.M.S. wanted to do. I have no doubt that in a Committee of three it would be an easy matter for him to get at least one member to apply the rubber stamp method. I know it is usual, particularly on a Committee of laymen with a technical man as Chairman, for the laymen to accept everything that is put up by the professional Chairman.

I am not as sure as the hon. Member for Western Essequibo appears to be as to the idea behind this Bill, but if Government would give me an assurance that that is the intention I would be willing to support it, because that assurance would be recorded in *Hansard*, and I would have an opportunity to throw it back at Government if the assurance is not lived up to. But if this Bill is just another instance of the Head of a Department being made virtually a little dictator in the matter of deciding who should and who should not be granted licences, that is something which I am very strongly against. I am strongly opposed to Government creating any unnecessary hardship on anybody who wishes to obtain a licence to trade. If the hardship is necessary it is understandable, but I have not been told anything which convinces me that this hardship is necessary, because I am sure that checks can be made without having to do this. I take my

seat hoping to get the necessary assurance that the statement made by the hon. Member for Western Essequibo that this Bill will not affect existing traders but merely as a further check on the sale of drugs, particularly those to which he referred, is correct. I will vote in accordance with that assurance.

Mr. DEBIDIN: The last speaker said he would support the Bill if he got an assurance. I am opposing it, assurance or no assurance. I do not feel that there is ample justification for the introduction of this measure. With due deference to the hon. Member for Western Essequibo (Mr. Wight) I feel that I represent a fairly large and very thickly populated constituency, and I feel that there should be no impediment against person who have been serving the various communities, spread out as they are in my constituency, obtaining licences to sell drugs. I feel that the Ordinance which stipulates the type of drugs which may be sold under the supervision of a qualified chemist and druggist provides ample safeguard with the Police supervision we have in the Colony. I think that in view of the criticism which is being levelled at the Medical Department in respect of the health services in the Colony, it comes without grace that we should be asked to tighten up in a matter of this kind.

The number of qualified chemists and druggists in this Colony is limited, and only the larger drug stores can afford to pay them attractive salaries. The result is that the small drug stores have to resort to the part-time employment of those qualified chemists, so that one chemist may be employed in two or three drug stores. If this Bill is passed the proprietors of those small drug stores may be told that this part-time arrangement will not be allowed, and their stores would be reduced to the status of an ordinary provision shop which is allowed to sell patent medicines. The small drug stores in the rural districts are of great service to those communities. They are carried

on by persons who have had a great deal of experience in the sale of drugs, some of whom are probably sicknurses and dispensers, or may have been apprentices to a doctor or at some medical institution. In the recent debate on the registration of dental mechanics we deplored the shortage of qualified dentists in the Colony. In my opinion the situation in respect of the dental mechanics is of far less importance than that of persons who sell drugs to the public in the rural areas. A person suffering from toothache may be able to bear the pain until he can come to Georgetown and see a dentist, but in the case of serious illness the immediate administration of a drug might save a life.

I am not overlooking the necessity to safeguard the public in the matter of the use of dangerous drugs, but I have known of very few cases in which persons have suffered or died as a result of the use of dangerous drugs sold by unqualified persons. On the other hand I have read in the Press reports of harm being done to persons by drugs sold at stores where there were registered chemists and druggists. I welcome legislation which safeguards public health, but I am opposed to legislation which restricts a public service of a very substantial nature. This legislation, in my opinion, restricts (not deliberately) a function which has been performed by small drug stores throughout the country, to the disadvantage of thousands of people who are dependent upon them. There is the danger, and I wish to sound a note of warning, that if this Bill is passed there might be a monopoly of the drug trade by the larger firms throughout the Colony. Unless I am assured that there is grave danger to the public in the present system I am prepared to stand by it because it provides a wider service. I fear that if the proposed Committee is hand-picked by the Executive Council the position would not be any better than if the Director of Medical Services was given the sole power

to decide who should be granted licences. I would much prefer to see the Medical Advisory Committee empowered to deal with applications for licences. In all the circumstances I cannot support the Bill.

Dr. SINGH: I think the words "unqualified persons" in the Bill have been the cause of a great deal of suspicion and misunderstanding, but I feel that the time has come when Government should restrict the sale of drugs to the public by unqualified persons. Those unqualified persons who have been selling patent medicines for years will be allowed to carry on even under this Bill, but we know of certain incidents which have taken place within recent years. For instance we know of the case on the West Coast where three children met an untimely death.

Mr. DEBIDIN: I rise to a point of correction. The allegation in that case was that the drug was bought from a qualified person.

Dr. SINGH: However, the incident occurred, and it has served to emphasize the need for strict measures of control. An unqualified person or an illiterate person cannot differentiate between the various types of patent medicines. There are scores of students who have failed to pass the chemists and druggists examination for various reasons, but have had training in hospital dispensaries or under doctors. Surely such persons would be considered qualified persons under this Bill. I therefore feel that we should not worry too much about the words "qualified persons", because the Committee will use its discretion in deciding who should be granted licences to sell drugs. As long as a person can prove that he has been carrying on a drug store for a certain number of years he would not be refused a licence.

Mr. FERNANDES: Is the hon. Member speaking on behalf of Government or for himself?

Dr. SINGH: I am speaking as a member of the Medical Advisory Committee which discussed this Bill. Surely we can advise the Government.

Dr. NICHOLSON: The object of this Bill is to impose some order in the sale of drugs and patent medicines in order to protect the lives of the people of this country, and I believe that all Members of this Council are interested in that object. The Medical Department is anxious to prevent the issue of licences to persons who are not qualified to sell drugs of a certain kind, and for that reason applicants for licences are divided into three categories. Those who are chemists and druggists will be allowed to sell the widest range of drugs, while restrictions will be imposed in the case of sicknurses and dispenser and persons who have no qualifications at all, as regards the type of drugs they will be permitted to sell. Even those persons are not allowed to sell drugs like antibiotics, penicillin and others of that kind.

For years persons have been allowed to sell drugs of every kind all over this country but the question is, should Government allow them to continue *willy nilly*, by applying for licences to do so? A young man came to me the other day and complained that he owned a little shop on the East Coast somewhere near to a qualified Chemist and Druggist, but because he was unqualified he would not be allowed to sell those drugs any more. We cannot permit things like that. Some of these applicants are illiterate people and some of the labels they put on bottles are totally inadequate. Sometimes the medical practitioner himself has to ask patients when they come to him, to tell the druggist to supply them with literature as to these drugs. How can a man who is illiterate give such directions to a purchaser? Some allowance, I expect, would be made to persons who are reputable and have been in the business for a long period—for about 10 or 15

years, or more. Another point is that a man may be a layman who has a drug business going for a number of years and he engage a Chemist and Druggist—just to look after prescription—and that Chemist and Druggist might be serving three or four drug businesses in the same way. Even in Georgetown some of the persons who own drug stores are only sicknurses and dispensers, while others are not.

One hon. Member has stated that the object of this Bill is to run the small man out of business and so allow the big house to gain a monopoly. I do not want to insult him, but I must say that that seems to be so much nonsense. There is no such intention. If one visits the Corentyne district he would find that there are three or four druggists there, perhaps, but there are sugar estate hospitals and doctors there also. Why should we multiply the number of persons selling drugs in that district. Every little establishment or business there, displays drugs for sale. We should not continue a system or a practice which is somewhat dangerous so far as the health of the public is concerned. It should be discontinued for the good of all concerned, and that is what the Bill seeks to do.

Mr. FARNUM: From what I have heard I do believe that some tightening up is necessary in this matter, but in the process of that tightening up I am afraid that certain persons would find themselves forced out of business. I have in mind persons who have served on sugar estates as assistants to the dispensers there. These persons, while not qualified, have gained experience over a number of years in estate hospitals and through circumstances beyond their control, perhaps, they have left the estates and started small drug stores in many parts of the Colony. There are also men who have served for a number of years in Government institutions and have gained considerable experience there. Some of these men have also

started small drug stores and have had good reasons for doing so. They have their families to support and I am very fearful that the powers given to this Committee may be such that these men would be forced out of business, because there would be a discretion in the Committee to decide whether they should be granted licences or not and the decision of the Committee would be final. I think it would be much better if the Committee referred to in clause 21A is comprised of the members of the Advisory Committee to the Medical Department and the Director of Medical Services. I think that would put us on safer ground than if we left two or three persons to sit as a Committee with the Director of Medical Services, because we do not know who these men would be. On the Advisory Committee there are businessmen and laymen of wide experience, and I am sure that applications would receive better consideration from that Committee than if left to only two or three persons.

Mr. CARTER: Like other Members who have spoken on this Bill and have pointed out the danger that would ensue if the Director of Medical Services and two or three other persons be the sole authority to issue licences, I feel that a good solution of the problem has been suggested by the last speaker. I am sorry he did not frame an amendment in that respect, but possibly he did not have the time to do so. I feel, as hon. Members do, that too much power should not be given to the Director of Medical Services, and that the Legislative Council Advisory Committee should be the body entitled to issue licences to persons who make applications, since members of that Committee are Members of this Council and would be aware of the views expressed here. We feel that illiterate persons should not be entitled to licences, but that persons who have had years of experience in dispensing drugs should not be forced to give up their business and seek some other means of livelihood. We feel sure about the ability of these

persons and think that some leeway should be given them.

Mr. LUCKHOO: I am rather enamoured of the suggestion of the last two speakers that the Advisory Committee to the Medical Department would perform this function more readily and to better advantage. The observation I desire to make is that a small Committee would be able to enquire into the merits of the various cases, but what I am absolutely opposed to is the finality which would lie in the decision of this Committee. I feel, therefore, that at the proper stage provision should be made for a right of appeal from the decision of this Committee. We all know that in many other respects there is a right of appeal from one body to another, and even though one may not utilize that right nevertheless it is there.

Mr. PETERS: I think the hon. the Attorney-General is quite in order in seeking to restrict the freedom with which drugs and poisons should be sold in our community. There is wisdom in the decision to put some check upon that freedom. On the other hand, we sometimes get a little restive through the arbitrary ways of certain licensing Committees. We feel that something should be done to watch the movements of this Committee and to exercise some jurisdiction over their decisions. In the light of what has been said here this afternoon I am satisfied that we are seeking to ensure for the community better conditions with regard to the pursuit of health and happiness. My own feeling is that there is wisdom in the recommendation of the hon. Nominated Member who has just taken his seat and also in the opinion expressed by the hon. Nominated Member, Mr. Farnum. There should be some provision for a right of appeal to the Governor in Council, and I think that if we do that we would be following the path of wisdom in this matter.

The ATTORNEY-GENERAL: I think it is the consensus of opinion of hon. Members that there should be some control over people who seek to

sell these patent or proprietary medicines. It is obviously desirable that those who sell these medicines should have some form of licence whereby the Medical Department or the Police would know that they have set themselves up as vendors, and it is therefore necessary that there should be some legislation in this form. As to the type of the Committee or the personnel from which it should be drawn, that is a different matter. What we are discussing now and what we have to decide now is whether, in principle, this legislation is required. I think that all hon. Members would agree that some such legislation is necessary so as to safeguard the health of the people in this Colony. That is a matter of paramount importance. With regard to the details of the working Committee which the Bill calls for—a Committee which would go into the matter with the Director of Medical Service—I understand that the matter was discussed some time in February, this year. As I have already pointed out, the Director of Medical Services stated then 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 explained initially that nearly all vendors of drugs were likely to be given licences. . . .”

With regard to the statement made by the hon. Member for Georgetown North about the youngster of 17 or 18 years of age who set himself up as a vendor of these medicines, I take it that the Committee would consider whether he is a fit and proper person to be given a licence as such. There would be similar cases which would also require examination. Every hon. Member might be aware of such cases, but it would be said that as a legislative body we are in favour of some form of legislative control so that there would be a desirable measure of control with regard to those who seek to be vendors of these medicines. I would also point out, with particular reference to the complaint made by the hon. Member

for Georgetown Central, that, as stated by the Director of Medical Services, —

“The licensing system ought not to be used directly to ensure compliance with the provisions of the Pharmacy and Poisons Ordinance . . .”

At the present time those who are vendors sell what they like, and the door is open to abuse as to what they can sell. They might have started with selling Eno's Fruit Salts and might have finished up by selling anything that can be sold in the form of medicine, whether proprietary or otherwise. It is for that reason that legislation in this form is being presented and hon. Members asked to approve of it. When those who seek to sell patent or proprietary medicines are licensed, we would know what they are licensed to sell. It would then be possible to find out whether anyone has contravened the provisions under which he was granted the licence. Eventually, by this means, there would be a strict control of those who sell the medicines and of the medicines themselves. I would add that the members of the Advisory Committee to the Medical Department agreed to the provisions of the Bill as they have been presented to this Council.

As I pointed out at the beginning, the Bill which was introduced in January last, met with some opposition and as a result of the discussion which took place the Legislative Council Advisory Committee discussed this matter with the Director of Medical Services from every angle and, consequently, this was agreed to by them. I am sure they took into consideration all the factors which hon. Members have referred to in the course of the debate today. If they started, as I have said, with the desirability of having a great measure of control, then the whole situation falls into position because, as the Director of Medical Services indicated in the course of the discussion, the majority of those who now sell would be licensed and in

the course of time if they are found to be wanting the question of renewing their licences—that is, the annual licences—would come up for consideration. It is not a case where the Committee would be regarded as a sort of rubber stamp, agreeing with and saying “yes” to whatever the Chairman says. Neither can it be suggested with any justification that the members of the Committee would be handpicked, as one hon. Member seems to suggest, just for the purpose of saying “yes” to what is proposed. I think hon. Members will agree that the principle involved in this Bill is desirable. Although there may be one or two points to be discussed and settled in the Committee stage, I feel this second reading of the Bill should be passed by hon. Members.

Motion put and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE

Clause 1—*Short Title.*

The ATTORNEY-GENERAL: I beg to move the insertion of the word and figure “No. 2” after the word “(Amendment)”.

Agreed to.

Clause 2—*Insertion of new section in the Principal Ordinance.*

Mr. LEE: I will take opportunity to make my comments now. It seems to me that these appointments will lie entirely in the hands of the Director of Medical Services who will recommend the persons to be appointed, although the Governor in Council will have power to do so.

The ATTORNEY-GENERAL: I am really astonished that the hon. Member who is a member of the Executive Coun-

cil does not know that as such he would have the right to make suggestions as to the personnel of the Committee.

Mr. LEE: Whether I am a member of the Executive Council or not, the Committee might not meet with my approval.

The ATTORNEY-GENERAL: Apparently the hon. Member has misunderstood what I said. He began by saying that although the Governor in Council is in power to make the appointments they would actually be made by the Director of Medical Services. I am saying that that is not an actual fact and that the hon. Member knows, as a member of the Executive Council, that members of the Executive Council can make suggestions as to the persons who should be appointed to this Committee or any other Committee.

Mr. LEE: I know that the members of the Executive Council would have the right to suggest persons for appointment, but I am saying that the Bill as it stands should state definitely who should be the members of this Committee. I think that they should include the Director of Medical Services, a private medical practitioner and a dispenser who is not in the employ of Government. The Director of Medical Services might very well recommend a doctor and a dispenser who are in the employ of Government and that might be accepted by the Governor in Council, but I would not support that. I am trying to protect the rights of the people. Many of these patent medicines are sold in the interior. Suppose the Director of Medical Services suggests that a shopkeeper should be on the Committee? Government should be careful about the appointment of the Committee.

The ATTORNEY-GENERAL: The hon. Member is obviously arguing in favour of the terms of the Bill and fortifying the argument that there should be measure of control, but he goes on to suggest that the Committee should in-

clude a dispenser and a doctor who is not in the Government Service. Would that ensure that the licences would be any better?

Mr. FARNUM: I move that paragraph 21A(1) of clause 2 be amended to provide that the Committee to consider applications for licences shall consist of the Director of Medical Services as Chairman, and the members of the Legislative Council Medical Advisory Committee.

The ATTORNEY-GENERAL: The Legislative Council Medical Advisory Committee is not a statutory body.

Mr. WIGHT: I would suggest to the hon. Member that as the Medical Advisory Committee is not a statutory body and is liable to change, he might suggest that the personnel of the Committee might be enlarged.

Mr. DEBIDIN: On the question of Advisory Committees not being statutory bodies I would like to remind Members that the appointment of these Advisory Committees was the subject of a Message from the Governor which was accepted by this Council. Appointments and leave to the members of these Committees are gazetted from time to time, and I cannot think of any Committees which are of a more permanent nature. If Members are agreeable to substituting the Medical Advisory Committee for the Committee suggested in the Bill I think it would be an amendment which could properly be accepted by this Council in spite of what the hon. the Attorney-General may feel about it.

Mr. WIGHT: The hon. Member has remarked that it does not matter what the hon. the Attorney-General feels about it, but I would point out to him that the Attorney-General has to affix his signature to the Ordinance before the Governor assents. He has to advise the Governor who assents, therefore it does matter what the Attorney-General thinks. It is true that the Governor has appoint-

ed these Advisory Committees but in these matters one has to look ahead. From 1952 onwards we may not have Advisory Committees in view of the proposed change of Constitution, and if we refer to the Medical Advisory Committee in this Bill we would have to amend the law again later on.

Mr. LEE: Unless a body is statutory mention cannot be made of it in an Ordinance. I propose that after the word "Chairman" the following words be inserted "a doctor who is in private practice, and a dispenser who is not in the Government Service". There may be no doctor in the next Legislative Council.

Mr. LUCKHOO: With respect to sub-paragraph (3) I move the deletion of the words "and the decision of the Committee shall be final" and the substitution of the words "subject to the applicants' right of appeal to the Governor in Council whose decision shall be final". I think that would meet the criticism which has been levelled—that the power remains in the hands of the Committee who might not always exercise it wisely.

Mr. DEBIDIN: I am quite in agreement with that amendment, and I would ask you, sir, to deal with the two amendments separately. I can quite see that the whole clause may be thrown out.

The ATTORNEY-GENERAL: While I appreciate what hon. Members have said with regard to the membership of the Committee being comprised by members of the Legislative Council Advisory Committee, I would point out, as I indicated a while ago, that Legislative Council Advisory Committees are not statutory bodies, and by practice they are appointed from time to time. That is the constitutional practice which has nothing to do with the purely legal aspect of the matter. Consequently, if hon. Members consider it desirable to include the members of the Advisory

Committee in this clause it would have to be re-drafted in a different form.

I propose to insert in sub-paragraph (1) the words "during the month of January in each year" after the words "The Governor in Council shall." The reason is that licences will be issued at the beginning of the year, and the Committee would be appointed in January of each year.

Mr. FERNANDES: I am glad the hon. the Attorney-General has made that point, because licences are issued in January, and if this Committee is appointed in January it would not be able to deal with licences for the current year. The Governor would have to appoint a Committee in January for the issue of licences for the following year. No person can do business except he has a licence, and if it is the intention that the Committee should consider whether an applicant should be granted a licence or not, I suggest that the Committee should be appointed in October so that an applicant would know in time whether he would be granted a licence to sell drugs in January of the next year.

I would like to support the amendment moved by the hon. Nominated Member, Mr. Farnum, because I think the Medical Advisory Committee is the right body to make these decisions. As regards the point made by the hon. Member for Essequibo River (Mr. Lee) that it is possible that there may be no doctors in the next Legislative Council, I would say that we do not particularly need doctors on a Committee of this kind. The Director of Medical Services will be the Chairman of the Committee, and I am sure he would bring to the notice of the members of the Committee any danger there may be in granting a particular licence. The Committee will have no power to contravene the Ordinance of 1930 which specifically states what is required of a person who desires to sell certain drugs and poisons. They would not be able to

grant a licence to sell drugs and poisons, except the terms and conditions of that Ordinance are complied with. For instance they could not say that John Jones is sufficiently qualified, although not a chemist and druggist, and grant him a licence.

The question of the Medical Advisory Committee not being a statutory body is a bit difficult because Government may decide to abolish the Legislative Council Medical Advisory Committee, but if the majority of Members of this Council feel that the Committee should comprise the entire personnel of the Medical Advisory Committee, an amendment can be moved to the effect that the Committee should consist of six persons (there are six members of the Medical Advisory Committee), and in deference to the wishes of the Council I daresay Government would appoint the members of the Medical Advisory Committee as members of the Committee to be appointed, except Government has no regard for the wishes of this Council. If Government feels that Members of this Council should not have a voice in what should be done in the country then the time has come when we should have a new Constitution. I support the amendment moved by the hon. Nominated Member, Mr. Farnum.

Mr. GAJRAJ: I am in entire agreement that there should be a right of appeal from the decision of the Committee which will be appointed, therefore the amendment moved by the hon. Nominated Member, Mr. Luckhoo, is, I am sure, one that will receive the support of hon. Members. But I see that many hon. Members feel that the Committee proposed is too small in number, as apart from the Director of Medical Services, who will be its Chairman, there will be two or three others, and there is no doubt that the chances are that some people's applications for licences may not get the very best consideration in a Committee of three or

four. I was rather enamoured with the suggestion that the Committee should be the Medical Advisory Committee, but hearing that it is not a statutory body, and taking the long distance view that from 1952 that Committee may not be in existence, it strikes me that the amendment moved by the hon. Nominated Member, Mr. Farnum, might not meet the case. I will therefore move a further amendment to the proposed new section 21A (1) for the deletion of the words "not less than two and not more than three" and the substitution therefor of the word "six".

With regard to the point made by the hon. Member for Georgetown Central (Mr. Fernandes) that if the proposed Committee is to consider applications in January of each year it would place in a rather invidious position those persons who may not be granted a renewal of their licences, and also those who intend to enter the drug trade, because the decisions of the Committee may not be known until February or later. Therefore I would suggest that the appointment of the Committee should be made in October of the previous year. I move that instead of the word "January," as proposed by the hon. the Attorney-General, the words "October in the previous year" be inserted.

Mr. DEBIDIN: May I be permitted to draw a distinction between the amendments which have been moved? I appreciate the great deal of force in the remarks made by the last speaker who has certainly put forward suggestions which are worthy of consideration, but I would like to point out (and it is something which I have always observed from the constitutional angle) that the members of these Advisory Committees are persons who have been elected by the people, and some of them are Nominated Members of this Council who have a duty to perform to the entire Colony. Their representation on the Advisory Committees is far wider than possibly

any nominee of the Executive Council who may be in some business in Georgetown, or a medical practitioner in a particular district. There is that great distinction between a Committee appointed by the Governor in Council and a Legislative Council Advisory Committee.

I would also like to allay the fears of those Members that the Advisory Committees may be abolished under the new Constitution. In the first place we are not certain that the next election will be held under the new Constitution so that the new Council would have the right to say that Advisory Committees should be abolished, and we might have a ministerial form of Government. An amendment of the Ordinance would then be necessary to suit the position as it then exists. That can be done with the same facility as we are now seeking to appoint this Advisory Committee. I can see no harm in making reference in an Ordinance to a body which is semi-statutory, or of a permanent character under the present constitution of the Council. I think these points should be considered.

Mr. FERNANDES: There is one point I omitted to make, and it is that if the proposed Committee is to comprise the Director of Medical Services and three others it means that any one member who agrees with the views of the Director of Medical Services, who will be the Chairman, will constitute a majority. The hon. Member for Essequibo River (Mr. Lee) made the point that it is usual, and I think this Council knows it, that recommendations for the appointment of such Committees come from the Director of Medical Services. He would recommend three persons and the Members of the Executive Council would have the right to throw them all out, but if they succeed in throwing one out they will have done well. If they succeed in changing two, I think they will have done remarkably well, but I doubt whether they would be able to substitute any one per-

son in the three to be appointed. So that in any case, if this clause is passed as it is, it would have the same effect as the previous Bill because, if he so desires, the Director of Medical Services would have the final word as to who should be granted a licence. That is the reason why I suggested the other side of things.

Mr. WIGHT: If the hon. the Attorney-General is prepared to accept reference to the appointment of the Medical Advisory Committee in the Ordinance I would support the amendment to that effect, but I do not think he can accept that proposal, despite the opinion held by Members of this Council. That is my view and I have no hesitation in saying that I speak from a legal point of view. I therefore feel that the suggestion of the hon. the Seventh Nominated Member (Mr. Gajraj) covers exactly what is desired by hon. Members, that members of the Medical Advisory Committee may be appointed members of the proposed Committee, and I am prepared to accept that amendment. I am also in favour of the amendment moved by the hon. the Sixth Nominated Member (Mr. Luckhoo).

As I indicated when I seconded the second reading of the Bill, I do not think finality should rest with the Committee, but rather with that much maligned body, the Executive Council. I only hope that under the new Constitution none of those Members who, throughout this Council's existence, have maligned the Governor in Council, will be able to accept appointment to the body which will replace the Governor in Council.

Mr. DEBIDIN: To a point of order. Is the hon. Member delving into speculation?

Mr. WIGHT: The hon. Member has not risen to any point of order. It has been suggested that the Governor in Council will simply accept the recommendations of the Director of Medical

Services, and I am suggesting that no hon. Member would be able to persuade the majority of the electorate that he would not like the honour of being made a member of the body that will take the place of the Executive Council under the new Constitution. It would be very difficult for the hon. Member to convince any electorate in the Colony that he would not like that honour.

Mr. DEBIDIN: I would like to clarify the atmosphere of suspicion and doubt which the hon. Member is referring to with regard to a Body—the Executive Council—of which he himself is a member. If the members of the public have implicit faith and confidence in the Committee he would be standing on very sound ground.

Mr. WIGHT: I do not understand that kind of vapourising, sir. I will tell the hon. Member that I am not prepared to sit down unless he has risen to a point of order. After all, the Governor in Council is the embodiment of advisers to His Excellency the Governor. It should be remembered that the President of that Body is none other than the King's representative—His Excellency the Governor, or the Officer Administering the Government in the absence of His Excellency the Governor. I myself do not like the idea of finality remaining in the decisions of the Committee because, as a lawyer, I have been trained to appreciate the fact that there should be a right of appeal to any citizen in most cases of this kind. There is another point I would like to make. I think it might be properly made here although it relates to clause 3; and that is, arrangements should be made for the dealing with applications and the granting of licences at any time. Under sections 20 and 21 of the Principal Ordinance provision is made for the granting of annual licences and I do not know whether the Licensing Officer would exercise his discretion in these cases. Sometimes we find a Civil Servant reading the

law a little too rigidly, and I would suggest that consideration be given by the Attorney-General to the point I have made in providing for the date when the Ordinance should come into force. If it comes into force on January 1, 1951, which is retrospective, a man may have purchased stocks anticipating a turnover for the whole year and if in his application to the Committee he failed to mention it, that stock would have grown by the time he gets his licence. We know what some of these businessmen give. They would know they cannot get licences and, therefore, would not submit the full value of their stock.

Dr. NICHOLSON: When this matter was discussed by the Legislative Council Advisory Committee it was thought that a Committee comprising more than three members would be too cumbersome to deal with all the applications coming in. A Committee comprising seven members would have to sit in endless sessions to get through all the applications brought before it. We all know how difficult it is to get all the members present when a meeting of one of these Committees is summoned. The question of a final appeal to the Governor in Council was also considered, but we thought it would be giving the Executive Council an enormous amount of work to do if it had to listen to all the appeals that might be brought. The opinion expressed this afternoon is that the Executive Council has no power, but some hon. Members seem to be blowing hot and cold in the same breath. If it is true that the Executive Council has no power, why should we think of referring the matter to it.

Mr. LEE: If it is the opinion of this Council that members of the Legislative Council Advisory Committee should be elected to the Committee relating to this Bill, then I would move an amendment of this motion to provide that the six other persons referred

to in the Bill should be Members of this Council. If it is the intention of this Council that the "six other persons" should be Members of the Legislative Council, I would ask that that be stated.

Mr. FARNUM: I would like to get a definite statement from the Attorney-General as to whether or not he is prepared to accept my amendment.

The ATTORNEY-GENERAL: I am not in a position to indicate that to the hon. Member at this moment.

Mr. FARNUM: In the circumstances I will withdraw my amendment in favour of the one moved by the hon. Member for Essequibo River. I understand he has moved that the "six other persons" should be appointed from among the Members of the Legislative Council.

Mr. LEE: I was only trying to ask the hon. the Sixth Nominated Member (Mr. Farnum) to include that suggestion in his amendment.

Mr. FARNUM: In that case I will withdraw my amendment in favour of the hon. Member's.

Dr. JAGAN: I would suggest that the question be now put. We have certainly heard a lot of irrelevant nonsense this afternoon.

Mr. LEE: I must certainly ask the hon. Member to withdraw that remark.

Dr. JAGAN: I do not know why the hon. Member is objecting because I was certainly not referring to him.

Mr. LEE: It is the language that I am objecting to.

Dr. JAGAN: Nonsense is nonsense, no matter what language it is dressed up in. What I am objecting to is the yardstick which this Committee would use in granting licences. At this particular time a person can only get a licence in relation to the qualification

he holds. Therefore, in accordance with this clause, the Committee can only consider which category the applicant should fall into. The Governor in Council to whom there should be a right of appeal would be able to say whether or not that person has a right to sell drugs in the category stated by the Committee.

The ATTORNEY-GENERAL: The hon. Member is a member of the Committee but, apparently, he has not read what the Director of Medical Services has said. He indicated, as I have already pointed out, that the majority of those who are now vendors would continue and that if there were any offences as a result of their having been granted licences, then those who have offended would not be granted further licences. It merely means that it would be left to the people themselves to keep within the terms of the licences—to sell only the medicines which they have been licensed to sell.

Dr. JAGAN: May I ask whether the present *status quo* would be maintained? That is what the situation boils down to. There are certain individuals who have not got the necessary qualification. These persons would be selling illegally and I want to know whether in future they would be permitted to sell by law.

The ATTORNEY-GENERAL: If they are selling illegally they should not be permitted to sell. That is the object of the whole Bill. Does the hon. Member desire that we should perpetuate a system whereby the vendors of these medicines would continue an illegal course?

Dr. JAGAN: I am not suggesting that we should give *carte blanche* to these people who sell drugs which they are not qualified to sell. Certain hon. Members made the point that if those persons who are selling illegally are taken out of the market a hardship would be created in the districts con-

cerned. We have not got any statistics relating to the subject but in the Courtenyne district, for instance, I believe there are only 7 or 8 persons registered there as chemists and druggists or dispensers who would be entitled to sell drugs under all the Schedules. I would like to know whether the Committee which would be appointed under the Ordinance would be competent to deal with applications from other persons besides the seven or eight who are competent to sell the drugs listed. If the Committee would be competent, then what yardstick would it use to decide whether the other applicants should be granted licences. I would like to have the situation clarified. I do know that at the present time unqualified persons are selling all the drugs listed in the Pharmacopoeia, while others are selling drugs outside their particular schedule. What is to be the effect of this clause if it is not to give the assurance which hon. Members have requested?

I would like to get the situation made clear because there must be some yardstick to decide whether a person is entitled to sell drugs outside the particular category for which he holds qualification, and whether because of long experience or otherwise he would be permitted to do so. Unless we get this question clearly determined we would not be certain whether we are maintaining the original situation or *status quo*, or whether we are getting a complete grasp of the whole situation. I am not saying that I am for the complete maintenance of the *status quo* at the present moment, but I am saying that there should be some definite yardstick for determining who and who are qualified. As I have already stated, if a Committee is to be appointed to consider applications it must have some yardstick in order to determine whether persons without qualification should be given the right to practice the dispensing of drugs outside the licence which they hold. This Committee would not deal really with those persons who

are qualified because they would be automatically registered under the law. That is why I am saying that the situation must be made clear.

The ATTORNEY-GENERAL: The hon. Member has been able to walk very adroitly along the tight-rope, because I am not quite sure what he is driving at. If the hon. Member is trying to find out who are the persons that would be eligible for licences under this provision, I do not think that is a question he should address to me.

Dr. JAGAN: To a point of order: I have mentioned this question, over and over to the Medical Advisory Committee, so I do not wish it to be said that this is the first time I am raising it.

The ATTORNEY-GENERAL: I would ask the hon. Member what answer he received to the question. The answer is, obviously, the answer I gave to this Council and that is what the Director of Medical Services stated to be the policy by which he would be guided. He said that—

(1) A three or four-man Committee under the Chairmanship of the Director of Medical Services should be substituted for the Director of Medical Services himself.

(ii) Revision of the Poisons Schedules to the Pharmacy and Poisons Ordinance was very desirable.

(iii) The existing legislation should be amended so that a registered Chemist would not be enabled to take charge of more than one drug store.

(iv) There should be further control of the selling prices of drugs.

I take it that those were the points of decision reached by the Advisory Committee after the discussion which had taken place and when the Director of Medical Services made the statement which I referred to in the course of the debate on the second reading. Consequently, it seems that the hon. Member should have been in a position to

elucidate the position to this Council rather than endeavouring to get me to give the position. One is aware of the fact that there is a large number of vendors at the present time. They would be required to apply for licences and, having been licensed to sell in the various categories, if there are contraventions of the Ordinance—if they sell illegally—to use the words of the hon. Member—then, of course, steps would be taken against the offenders. When they come back to apply for licences they would be told that they had not kept within the four corners of the licences which they had been granted although they had been given particulars in that respect.

The main difficulty, as I see it, is in regard to those who have no qualification. If this Council agrees with the proposal put forward with regard to the appointment of the members of the Legislative Council Advisory Committee, then the hon. Member would be able to assist in formulating the yardstick and the conditions whereby these vendors would fall into the various categories. Those are matters of detail, and nobody should expect that we can sit here when we are dealing with legislation in principle and work out a formula whereby these licences would be issued.

Mr. LUCKHOO: I would not like this opportunity to pass without referring the hon. Member for Central Demerara to certain remarks he made when the dental Bill was before this Council not so long ago. I made notes then and I shall quote from them. He said:

“We must protect the people from themselves; you cannot hand them a blank cheque—statistics were not sustained!”

I would remind the hon. Member of his remarks on that particular Bill when he took up a particular attitude. I am referring to remarks uttered by him on April 19, 1951,

Dr. JAGAN: It seems to me that I have raised a hornet's nest, but those hon. Members who are members of the Advisory Committee to the Medical Department will recall that I wanted this matter clarified long ago but up to now it has not been done. The hon. Member has referred to statistics, but it is not a question of protection at all; it is a question of whether a licence in the ordinary way would be given to an individual when he is not qualified to hold it. At present a person can practice as a chemist and druggist or as a dispenser and get a licence to sell drugs in accordance with the qualification he holds. If he is supposed to sell under Schedule II and he sells under Schedule I he can be prosecuted.

The point is that due consideration has to be given to the whole situation as it exists at present. Why appoint a Committee which is not going to give consideration to people who have no particular qualifications to practise outside these implied here. That is the practice which obtains today and to which the Director of Medical Services and many other persons have objected. That is why we find certain drug stores putting up the name of a registered chemist and druggist and proceeding to sell all the drugs listed in the Schedules, while the man whose name has been put up might not be there at all during the day or might be there for just a fleeting moment.

How would Government determine whether a particular drug store would have such a part-time man, and how would the Committee determine how long such a man spends at a drug store at which his name has been put up, and so on? These things are not specified and that is what I am trying to get at. If it is felt that they should be left elastic, then I agree that the Committee should deal with them. One should be able to say, however, that we are stamping out the practice which obtains at the present time; that is, to allow a man to put up his name at more than one drug store at the same time. I don't know how the Committee is going to

evaluate these matters. It is not that I am against the Bill at the present moment, but I want to prevent certain persons from breaking the law as they are doing now. We have to give consideration to the position of the registered people. Because of unfair competition we find that these people cannot enlarge their numbers; since many others are not endeavouring to qualify at the moment. I would therefore ask the Committee to give special consideration to the question whether an individual should be given a special licence so that he could practice outside the schedule to which he is assigned.

The CHAIRMAN: I think hon. Members will agree that when we adjourned last the hon. the Attorney-General promised to consider the various amendments suggested, but the Fourth Nominated Member has withdrawn the amendment which he proposed for the appointment of the members of the Legislative Council Advisory Committee to the Medical Department to be members of the Committee referred to in this Bill. I think that would have been impracticable because that Advisory Committee is not a statutory body. We are left with two amendments relating to this clause, one by the hon. Member for Essequibo River who suggested that it should be amended to provide that six fit and proper persons (apart from the Chairman) should be appointed members of the Committee in question, and that they should include a private medical practitioner, and a dispenser who is not in the employ of Government. Then, the Fifth Nominated Member moved an amendment to the effect that the members of the Committee be increased to six. I think the Attorney-General will consider these amendments along with the question of appeal to the Governor in Council. He also has to consider his own amendment, and we will continue with the consideration of the Bill when we resume next week.

Council resumed.

The PRESIDENT: Council will now adjourn until 2 p.m., on Thursday next, June 14.