

LEGISLATIVE COUNCIL.

(Constituted under the British Guiana
(Constitution) (Temporary Provisions)
Order in Council, 1953)

MONDAY, 11TH, JANUARY, 1954

The Council met at 2 p.m. His Honour the Speaker, Sir Eustace Woolford, O.B.E., Q.C., in the Chair.

PRESENT :

His Honour the Speaker, Sir Eustace Gordon Woolford, O.B.E., Q.C.

Ex-Officio Members:—

The Hon. the Chief Secretary, Mr. John Gutch, C.M.G., O.B.E.

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

The Hon. the Financial Secretary, Mr. W. O. Fraser, O.B.E.

Nominated Members of Executive Council:—

The Hon. Sir Frank McDavid, C.M.G., C.B.E. (Member for Agriculture, Forests, and Lands and Mines).

The Hon. P. A. Cummings (Member for Labour, Health and Housing).

The Hon. W. O. R. Kendall.

The Hon. G. A. C. Farnum, O.B.E.

The Hon. G. H. Smellie.

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

Deputy Speaker:—

Mr. W. J. Raatgever, C.B.E.

Nominated Officials:—

Mr. W. T. Lord, I.S.O.

Mr. J. I. Ramphal.

Nominated Unofficials:—

Mr. T. Lee.

Mr. W. A. Phang.

Mr. W. A. Macnie, C.M.G., O.B.E.

Mr. C. A. Carter.

Mr. E. F. Correia.

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertie H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

Lt. Col. E. J. Haywood, M.B.E., T.D.

Mr. R. B. Jailal.

Mr. Sugrim Singh.

Clerk of the Legislature — Mr. I. Crum Ewing.

Assistant Clerk of the Legislature — Mr. I. R. King.

Absent:—

Mr. L. A. Luckhoo.

The Speaker read prayers.

MINUTES

The Minutes of the meeting of the Council held on Wednesday, the 6th of

January, 1954, as printed and circulated, were taken as read and confirmed.

REPORTS AND DOCUMENTS

The following documents were laid on the table:—

By the Financial Secretary:

Report of the British Guiana Rice Marketing Board for the period 1st October, 1951, to 30th September, 1952.

By the Member for Agriculture, Forests Lands and Mines:

The Trading and Profit and Loss Account and the Balance Sheet of the Processing Factory to the 31st of December, 1952, together with the Director of Audit's Certificate and Report thereon.

By the Member for Labour, Health and Housing:

The Annual Report of the Infant Welfare and Maternity League for the year 1952.

GOVERNMENT NOTICE

INTRODUCTION OF BILL

The Attorney-General: I beg to give notice of the introduction and first reading of a Bill intituled:—

"An Ordinance to continue in force the Rent Restriction Ordinance, 1941."

I also wish to state that the Bill is of an urgent nature and, in view of that fact, I have obtained His Excellency's consent in terms of Section 48 (2) of the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953, to move a motion for the suspension of the relevant Standing Orders to enable me to proceed with the Bill through all its stages at this meeting.

ORDER OF THE DAY

RENT RESTRICTION (CONTINUANCE) BILL, 1954

The Attorney-General: In pursuance of the notice which I have already given, I shall now ask leave of the Council to move the suspension of the relevant Standing Orders to enable me to take through all its stages today the Bill intituled—

"An Ordinance to continue in force the Rent Restriction Ordinance, 1941."

I should also like to express my thanks to you, Sir, and to the Members of this Council for meeting at such short notice to take this particular Bill. It will be appreciated that the Bill is of an urgent nature because of the fact that the Ordinance itself has to be continued by a resolution of the Legislative Council which is in existence at the end of the year. The Bill which is before the Council, if approval is given for the suspension of the Standing Orders, will be retrospective and operative from January 1, 1954. I think all hon. Members will realize the necessity to deal with this Bill today. I beg to move that the relevant Standing Orders be suspended for the purpose which I have already stated.

The Financial Secretary seconded.

Question put, and agreed to.

Standing Orders suspended.

The Attorney-General: I beg to move that the Bill be now read a first time.

The Financial Secretary seconded.

Question put, and agreed to.

Bill read a first time.

The Attorney-General: I beg to move that this Bill be now read a second time. In so doing I would point out that the Rent Restriction Ordinance of 1941 was enacted by the Government with the advice and the consent of the Legislative Council. I think all hon. Members are fully aware of the objects of restricting, in specified areas, the increase of rent for certain classes of dwelling houses to which the Ordinance applied, as it provided the tenants of these dwelling houses with security of tenure. The Ordinance was amended in 1947, 1948 and 1950, and it still forms the basis of the existing law in this matter of rent restriction. The Ordinance of 1941 continued in force for a period of one year, subject to the proviso that the Legislative Council might, prior to its expiration, by a resolution declare that it should continue in operation for a period of one year. Section 16 of the 1941 Ordinance, as amended, *reads* as follows:—

“16. (1) Subject to the provisions of this section, this Ordinance shall continue in force up to and including the thirty-first day of December, nineteen hundred and fifty-one.”

Then the proviso follows and *reads*:—

“Provided that the Legislative Council may, prior to the expiration of this Ordinance, by resolution (which resolution shall be published in the *Gazette*) declare that this Ordinance shall continue in force for a further period of one year from the date of that expiration, and may from time to time, prior to the expiration of that or any further continued operation, similarly declare that it shall continue in operation for a further period of one year.”

I think hon. Members will, therefore, appreciate the necessity for having a Bill of this nature. I may point out that in 1947 the Ordinance was amended specifically to extend its operation to December 31, 1951, as I have read. The proviso which I have also read was

retained to the effect that the Council, by resolution, might continue it for a further period of one year. I do not think there is much more that I can add, except to say that the question of rent and rent restriction is one which always occasions some discussion, and I would point out to hon. Members that I am aware of the fact that there is need for some further amendment of the Ordinances themselves, but the essential point, to my mind, is that we should continue the operation of the provisions such as we have. I do not deny the fact that there is necessity for further improvements—amendments to the Ordinance—but that is a matter which should be gone into later and not at this particular meeting. I beg to move that this Bill be now read a second time.

The Financial Secretary seconded.

Mr. Lee: I desire to say that at the appropriate stage I shall move that the Ordinance be extended to 1956. It is impossible with the conditions that are existing at the moment, for this Bill to be abolished in a year's time and I do not see the use of coming back to this Council time and time again for extensions. I think we should face facts. If the housing problem is going to be tackled, let it be tackled and I am sure that in three years' time we will get results. When the Bill reaches the Committee stage I will move the necessary amendment.

Mr. Ramphal: The hon. Member rose slightly before me. I wanted to take up from where the Attorney-General left off—by saying that there is room for the amendment of the Ordinance—and to throw out the suggestion that the Minister who has proper charge of this particular Ordinance should take into consideration the question of setting up a Committee as early as possible—before the end of this year—

[Mr. Ramphal]

and give us an opportunity to consider all the amendments that should be made to it. I desire to throw out that suggestion, Sir.

Mr. Gajraj: I rise to say that I am in entire agreement that it is necessary that this measure should be adopted today, and I have no doubt whatever that there will be no dissentient voice raised in the passing of this Bill. I understand that in 1950 the Legislature debated this matter very fully and the then Government promised that a Committee would be appointed to investigate the complaints that were made in the matter. I trust that no more time would be lost—to touch on the hon. Member, Mr. Ramphal's point—and that the Member in charge of this task would give this Council the assurance that a Committee would be appointed at an early date.

Now, I would like to clear up one misconception. Whenever this question of rents and tenants of houses is mentioned many people feel that it is the large property owner who would benefit from amendments to this Ordinance. But in my experience on the Georgetown Town Council I have found that the large property owner of 10 and 20 years ago is passing away because of the fact that the operation of this Ordinance has proved the keeping of properties for rental unremunerative. As time goes on many people dispose of their holdings. Some allow their properties to go to ruin. In the Georgetown Town Council people have come and asked us to issue closing orders so that they could pull down their ramshackle buildings and put up something new so as to be able to get better rentals than those fixed in 1939.

Housing is one of the most important forms of development which this

Council must engage in, and every opportunity must be given to private enterprise to take its proper share in building houses for our people. I would like a definite assurance that this matter would not be forgotten and that something would be done quickly.

Mrs. Dey: I have to endorse that statement. I also am in favour of a Committee being set up to go into this matter. The last speaker stressed the landlord's position, but I feel the tenant's position must also be considered so that there would be a "fifty-fifty" understanding—tenants on the one side and landlords on the other.

Mr. Cummings (Member for Labour, Health and Housing): As Member in charge of Labour, Health and Housing I wish to assure this Council that the question of the appointment of a Committee is already receiving consideration, and I trust that within this month the Committee will be appointed. (*Applause*).

The Attorney-General: There is little I can add, having had the assurance by the hon. Member in charge of Housing that a Committee would be set up before the end of the month, except that both sides will get a hearing. There have been previous committees considering this particular question of landlord and tenant and the views of both sides were put forward. The difficulty is, how to bring the divergent views together and find a "middle way."

The Council is fully appreciative of the necessity of passing the Bill and I would tell the "hon. Member for Wake-naam" (*laughter*)—I was associating him with former distinctions—or I should say the hon. Member, Mr. Lee, that I do not think it is desirable at this juncture, in spite of this Bill, to deal with the question of amendments or to decide whether the Ordinance should

remain in force for five years, or three, or two years. Some hon. Members might feel it should remain in force for only two years—we do not know. I would suggest to the hon. Member not to pursue this particular aspect of the matter at the present time.

Mr. Speaker: Before coming here today some leading members of the legal profession asked me to bring to the notice of this Council the fact that this Ordinance requires substantial amendment. I am sure I can say that Their Lordships the Judges also feel that the Ordinance should be amended. At least one of the Judges has indicated that in a lecture given by him to the Law Society.

The Attorney-General: I had all the proposed amendments cyclostyled and I had hoped to present them to the last Legislature. In fact I spoke to one of the Ministers and gave him a copy. All the amendments should be incorporated into a comprehensive whole which would be submitted to the Committee when it comes to deliberate on this question.

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.

Clause 2—*Interpretation.*

Mr. Lee: May I be given the undertaking by the hon. Member in charge of Housing that the Committee will send in their report within six months, so that I may withdraw my suggestion? I know what committees do. I would like this matter to be speedily

gone into, so that the right penalties could be secured.

The Attorney-General: The hon. Member appreciates that the difficulties in the latter regard are perhaps similar in the case of the Rice Farmers (Security of Tenure) Ordinance. I am sure that this Council will use experience in a matter of this nature. The hon. Member's point as regards time should be left to the Committee.

Mr. Cummings: I do not think it would be prudent to give an undertaking to my honourable friend that the Committee would report in six months. I am sure he would wish the Committee to take evidence and go very carefully into what, I consider, is an intricate matter, and it would be very rash for me to tell them to do the work in six months. I can give the assurance, however, that the Committee will take a reasonable time to investigate and make a report and that that report will be submitted as soon as is practicable.

Mr. Lee: The reason why I ask for an assurance is because members of the Tenants' Association have approached me with respect to amendments they have prepared in the form of a letter of petition, seeing that the matter is urgent. Meanwhile, may I ask the hon. Member, Mr. Gajraj whether it is possible to pass through the Town Council, a resolution whereby any repairs and improvements done to properties may be relieved of taxation so far as the renovated parts are concerned? The hon. Member referred to the fact that some landlords had sought Closing Orders. I would suggest that if such landlords were given an opportunity to rebuild or repair their houses, on the understanding that their taxes would not be increased within a certain period, perhaps they would see their way to put their properties in proper order,

Mr. Gajraj: The hon. Member should be the first to appreciate that the Georgetown Town Council has in the past made every effort to encourage new buildings, because in the Fourth Legislative Council an Ordinance was passed giving the Town Council authority to exempt new buildings from taxation.

Mr. Speaker: For five years; wasn't it?

Mr. Gajraj: Yes, Sir. In so far as extensions are concerned, I am afraid that the Government of the time was not in favour of extensions to buildings being given the same degree of relaxation from taxation as new buildings. It would be asking too much to suggest that I should speak on behalf of the Town Council, saying what it would be prepared to do. It is possible for a member of that body to introduce any motion which has for its purpose something that is good and reasonable, but of course I am not in a position to say whether it would be accepted by the Town Council.

Mr. Speaker: I think that the selection of the personnel of a Committee of this sort is highly important. There are members of this Council who will be appointed to the Committee, but I would suggest that one of the City Magistrates should be asked to serve. In the case of the Landlord and Tenants Ordinance Mr. Crane (now Sir Alfred) was Chairman of that Committee which submitted a very valuable report.

Council resumed.

The Attorney-General: With the consent of Council I move that the

Bill be now read a third time and passed.

The Financial Secretary seconded.

Question put, and agreed to.

Bill read a third time and passed.

PROCEDURE ON THE ESTIMATES

Mr. Speaker: Did the hon. Mr. Ramphal wish to say something on the third reading?

Mr. Ramphal: Yes, Sir. I wanted to rise to a point of order. I thought that was the end of the Bill, and there being no other business on the Order Paper the normal thing would be for the Council to adjourn.

Mr. Speaker: No, there is still something else.

Mr. Ramphal: I wish to rise to a point of order. On the last occasion we met the hon. the Financial Secretary (Mr. Fraser) introduced the Appropriation Bill which was read a first and second time. He then proceeded to make his Budget speech and, as I understood it, we were going to proceed this afternoon straight into Finance Committee. As you know, Sir, the Estimates reflect changes of Government policy, and an opportunity is afforded Members of the Council when the Appropriation Bill is read a second time, to discuss the principles and policies outlined in the Estimates. I find, however, that we are now departing from what I consider to have been the usual practice. I understand that last year — there might have been very good reason for it — there was a departure from the old practice. I feel that if we enter into Finance Committee without first discussing the policies behind the Estimates we shall come back to this Council more or less

half committed to what is in the Estimates. I think we owe it to ourselves as Members, and we owe it to our country, that we should discuss the Estimates freely, frankly and openly, and not come back after discussion in Finance Committee as an *ex post facto*. I rise to this point of order to seek guidance on this matter. There are older Members of Council here, particularly the hon. the Attorney-General, who may be able to throw some light of guidance on this particular matter.

Mr. Speaker: Would the hon. Member for Agriculture, Forests, Lands and Mines (Sir Frank McDavid) like to say something in reply?

Sir Frank McDavid (Member for Agriculture, Forests, and Lands and Mines): The change that was made last year was more in form than in substance. Before last year the Estimates were presented to the Council and the Financial Secretary made a speech or delivered a formal address with reference to a motion that the Council approve of the Estimates. Before that motion was taken the Financial Secretary invited the Council to go into Finance Committee to consider the Estimates in detail. Thereafter we came back into Council and the motion for the approval of the Estimates was formally put after the Council had had an opportunity of open debate on the report of the examination of the Estimates in detail in Finance Committee. That was the procedure.

Last year, instead of presenting the Estimates under the cover of a motion, we went at once to the stage of legislation. This year, like last year, the Financial Secretary has presented an

Appropriation Bill in relation to the Estimates, and obtained permission to have it read a first time. He then obtained the permission of the Council to move its second reading, and took that opportunity to make his Budget Address. In other words, his address was his speech introducing the Appropriation Bill in its second reading. That is the stage at which we are now, and the Financial Secretary has quite properly (it is the customary procedure elsewhere) asked Members of the Council to meet in Finance Committee to go into the Estimates in detail in order that they may familiarize themselves with the contents of the Estimates.

It is quite true, as the hon. Mr. Ramphal said, that the Appropriation Bill and the Estimates reflect policy, but in order to truly appreciate the depth, or the lack of depth, of that policy it is as well that Members get together and go into this volume in detail, with explanations by Heads of Departments. The report of the Finance Committee on the Estimates will then be presented to the Council by the Financial Secretary, and the debate on the second reading of the Appropriation Bill will continue. That is the opportunity Members will have to discuss the whole ambit of Government policy, financial and economic, and at that stage they will have obtained complete knowledge of what this book (the Estimates) represents. That is the time when the Budget debate takes place. I like that procedure because, if we continue the debate on the second reading now I humbly submit that like myself, most Members do not know what this really is. Having heard the Financial Secretary's Budget address (he covered a very wide field but not in any details), examination in Finance Committee and explanations by

[Sir Frank McDavid]

Heads of Departments will give Members time and opportunity to study and really understand what they are talking about.

The last point I would make is that examination of the Estimates in Finance Committee does not necessarily commit Members, or half-commit them as Mr. Ramphal has suggested. Members can reserve their views in Finance Committee. It may not be that when you come into Council your views will prevail, but no Member is precluded from expressing his full views in open Council on any item, notwithstanding the fact that the matter had been discussed in Finance Committee. I hope I have made it clear. I look forward to the debate on the second reading of the Appropriation Bill. That is the time when every Member, I hope, will speak, and will speak with some knowledge. Again I submit that it would be most unfair to ask new Members of the Council to speak today on the Estimates without having had an opportunity of going into them in some detail. I submit that the procedure is justified and correct.

The Attorney-General: There is one point I wish to make clear and that is, the debate at the present time is on the second reading of the Bill and it has been deferred subject to the consideration of the Estimates in detail by Finance Committee. That, may I suggest, is to be regarded as informative and provides an opportunity for detailed analysis. But it must be made perfectly clear that when the Council resumes consideration of the Bill itself the second reading will be concluded and then the Council will go into Committee on the Bill. Consideration by Finance Committee is provided

for in the Standing Orders but, as hon. Members would observe, there are two Members, the hon. the Chief Secretary and myself, who are not Members of the Finance Committee. Therefore, it is a Committee of the whole Council which provides the procedure for the consideration of a Bill after the second reading has been taken. I hope that is perfectly clear.

If consideration by the Finance Committee is an informative matter when they have accepted the explanations on the various proposals as outlined to them in detail and return to the Council hon. Members would then put their mark of approval, as has happened on several occasions. But consideration by Finance Committee never abrogates the procedure consequent upon a Bill having received its second reading and sent to a Committee of the whole Council. I hope, Mr. Speaker, that is perfectly clear.

Mr. Lee: May I add that in the Committee stage, as the hon. the Attorney-General has said, when the Appropriation Bill is under consideration it is then that hon. Members can take objection to the items in the Estimates that they do not want.

Mr. Speaker: One of the reasons for the appointment of the Finance Committee was to allow Members an opportunity of having detailed explanation from the Heads of Departments as to the proposed expenditure. It saves a lot of time. In the old days consideration of the Estimates took days and days. As the hon. the Attorney-General has said, there is nothing to prevent hon. Members who wish to be informed as to what the policy of Government is from obtaining it. I would suggest, subject to any decision of the Council being taken, to let us make a trial of that procedure.

Mr. Ramphal: I am deeply indebted to the hon. Member for Agriculture and the hon. the Attorney-General. I think it has cleared our minds very much to learn that the Finance Committee is not a Committee of the whole Council and that the discussion stage of

the Bill in Committee comes after the deliberation of the Finance Committee. I thank them very much.

Mr. Speaker: There being no further business the Council stands adjourned *sine die*.