

# LEGISLATIVE COUNCIL

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

THURSDAY, 14TH MARCH, 1957.

The Council met at 2 p.m.

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## PRESENT:

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

### *Ex-Officio Members*

The Hon. the Chief Secretary,  
Mr. F. D. Jakeway, C.M.G. O.B.E.

The Hon. the Financial Secretary,  
Mr. F. W. Essex.

### *Nominated Members of Executive Council:*

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

The Hon. W. O. R. Kendall, (Member for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E.  
(Member for Local Government, Social Welfare and Co-operative Development).

The Hon. R. B. Gajraj

The Hon. R. C. Tello

### *Nominated Official:*

Mr. J. I. Ramphal,

### *Nominated Unofficials:*

Mr. C. A. Carter

Rev. D. C. J. Bobb

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser

Mr. R. B. Jailal

Mr. Sugrim Singh

### *Clerk of the Legislature—*

Mr. I. Crum Ewing.

### *Assistant Clerk of the Legislature—*

Mr. B. M. Viapree (Ag.)

### *Absent:*

The Hon. the Attorney General,  
Mr. G. M. Farnum, (Ag.) —on leave.

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

Mr. T. Lee. —on leave.

Mr. W. A. Phang —on leave.

Mr. L. A. Luckhoo, Q.C.—on leave.

Mr. E. F. Correia—on leave.

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

The Speaker read prayers.

The minutes of the meeting of the Council held on Thursday, 7th March, 1957, as printed and circulated, were taken as read and confirmed.

## ANNOUNCEMENT

ATTORNEY GENERAL EXCUSED

**Mr. Speaker:** The hon. the acting Attorney General (Mr. G. M. Farnum) has asked to be excused from today's meeting.

## PAPERS LAID

**The Financial Secretary (Mr. Essex):** I beg to lay on the table:

"The Sixty-sixth Annual Report of the Chamber of Commerce of the City of Georgetown, Demerara, British Guiana, for the year ended 31st December, 1956".

**Mr. Kendall (Member for Communications and Works):** I beg to lay on the table:

The Annual Report of the Transport and Harbours Department for the year 1955

## INTRODUCTION OF BILL

**Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines):** On behalf of the Member for Labour, Health and Housing (Mr. Cummings) I beg to give notice of the introduction and first reading of a Bill intituled:

"An Ordinance to amend the Labour (Conditions of Employment of certain workers) Ordinance."

## ORDER OF THE DAY

LABOUR (CONDITIONS OF EMPLOYMENT OF CERTAIN WORKERS) (AMENDMENT) BILL

A Bill intituled:

"An Ordinance to amend the Labour (Conditions of Employment of certain Workers) Ordinance".

was read a first time.

## FIRE BRIGADE BILL

**The Chief Secretary:** I beg to move the second reading of the Bill intituled:

"An Ordinance to provide for the establishment of the British Guiana Fire Brigade and for purposes connected therewith."

This Bill has quite a long history of preparation which goes back as far as 1953, and comes from a paragraph in the Report on the Public Service prepared by Mr. Mills, which reads as follows:

"53.7 Legislation concerning the operation of the fire brigade and general fire protection matters should be enacted, and the fire brigade should work under regulations specially designed to meet its needs rather than on regulations drafted primarily for police duties. These matters should be given early attention."

On the basis of that recommendation the Administration decided that a Bill should be prepared, separating the Fire Brigade from the Police Force, and that is the object of the Bill now before the Council. In fact the Fire Brigade has been separated from the Police Force for some years. To all intents and purposes it operates quite independently from the Police Force already, but nominally the Commissioner of Police is still the head of the Fire Section, and in disciplinary matters the members of the Fire Brigade come under him. It is thought desirable that that *de facto* separation should be recognized *de jure*, and in this country particularly, having regard to our own exceptionally high fire hazards, there should be a separate Fire Brigade.

The Bill is quite simple in intent; it sets up a single Fire Brigade for the whole country, but by a Schedule in the Bill that Fire Brigade operates for the present only in Georgetown and New Amsterdam where there are

effective units of the Brigade in existence already. Provision is made in the Bill for additional areas of the country to be added to the Schedule as and when it becomes necessary to set up other units of the Fire Brigade, all of which will, of course, be under the control of the Chief Fire Officer. Where there is no unit of the Fire Brigade the Police will carry on their duties of fire protection as they do at present.

This Bill was read a first time on the 26th of July last year but its further progress was deferred to allow bodies or institutions to make any representations they might think fit about the Bill. I can say that it has the approval of the Fire Advisory Board and the Mayor and Town Council of New Amsterdam have signified their agreement. The Mayor and Town Council of Georgetown have also indicated their approval of the Bill, subject to one or two points of detail which I think can be better dealt with at the Committee stage when I shall have one amendment, and possibly two, to put forward.

I think that is all I need say on the second reading. At one stage somebody in Finance Committee, I think, expressed some apprehension that this might be the beginning of a very large increase in the cost of the Fire Brigade, but that will not be so. The Bill of itself will not involve any additional expenditure on the Fire Brigade whatsoever. Any further expenditure will come with development of the Brigade which the Council may itself approve. The Bill merely recognizes what is the position today—the Fire Brigade as a separate entity from the Police Force. I formally move that the Bill be read a second time.

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

**Mr. Jailal:** I am in full support of the Bill, but before we go into Committee I think it would be well to mention that in the establishment of the Fire Brigade as a separate entity the villages look forward to the expansion of its services in terms of training young men in the various areas which are at present unprotected against fire. I suggest that the Brigade should undertake a programme of training although we know that it will take some time before sufficient water mains are installed in all parts of the countryside. Industry is showing its head at various points and it needs some reasonable protection against fire.

I remember that some time ago there was a fire at one of our central rice mills in the Mahaicony-Abary area and a unit of the Fire Brigade was rushed from Georgetown. How effective the expedition was I cannot say, but I feel that some time should be found for training of fire fighters in the villages so that in addition to two or three policemen who may be stationed in the areas there would be young villagers who would know how to fight a fire. It is something that is done wherever industry is established. Indeed I know that in industrial concerns the practice is that all male employees, including office staff, have to undergo a period of training in fire fighting. I venture to suggest that it would be a very good thing if the Fire Brigade would undertake such training throughout the villages of the Colony.

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 1.—*Short title*

**The Chief Secretary:** I move that "1957" be substituted for "1956" at the end of the clause.

Question put, and agreed to.

Clause 1, as amended, passed

Clauses 2 to 21 passed as printed.

Clause 22.—*Powers of persons in control of operations at a fire.*

**The Chief Secretary:** I should point out that one of the points raised by the Georgetown Town Council relates to paragraph (d) of clause 22, which reads:

"(d) cause any water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which a fire may break out;"

The Town Council feel that power to shut off water from mains in a district should not be given to the Chief Fire Officer, but that he should cause any person in charge of the water supply to do so. In other words, the Chief Fire Officer should have power to make an order, but not to do it. It was pointed out that that suggestion was covered by clause 25 which says:

"25. Any water undertakers shall, on being required by any such member of the Brigade as is mentioned in the last preceding section to provide a greater supply and pressure of water for extinguishing a fire, take all necessary steps to enable them to comply with such requirement and may for that purpose shut off the water from the mains and pipes in any area; and no authority or person shall be liable to any penalty or claim by reason of the interruption of the supply of water occasioned only by compliance

of the water undertakers with such a requirement."

The amendment proposed by the Town Council would in fact be a duplication of clause 25. I have discussed the question of whether or not the Chief Fire Officer would wish to act without the co-operation of the Chief Engineer or whoever was in charge of the water supply, and he told me that in practice he could not, because the controls were usually under lock and key in a building, and he would have to go to somebody and say he wanted the water to be shut off.

Nevertheless, Government feels that the clause should remain as it stands. It does put the responsibility for carrying out the action on shoulders where it should rest—that is on the Chief Fire Officer. It is for him to take the most practicable action of securing water or shutting water off. In practice he would normally do so by getting hold of the Chief Engineer and doing it with him. I do not think the Town Council need have any apprehension that the Chief Fire Officer would turn off water all over the city, but the clause gives him the necessary authority to act in time of emergency. In the circumstances the Administration would prefer not to delete clause 22.

**The Chairman:** Mr. Gajraj, do you want to say anything?

**Mr. Gajraj:** As a member of the Government I am in full agreement with the hon. the Chief Secretary.

**The Chairman:** Having sat down you may be willing to speak in another capacity. Is there any objection to the clause?

**Mr. Jailal:** I do not wish to move an amendment but to draw the Coun-

oil's attention to the fact that we have in clause 22 (d) made provision for the shutting-off of water mains. I think we should make provision for the shutting-off of electric power supply in the fire area because, if we have to make an order giving the Fire Chief the right to order the Town Council to shut off the water mains, then he should have the power to order the Electric Company to cut off its supply in the area. You may have a power station nearby, and it may be necessary to do so in the opinion of the Fire Chief but not in the opinion of the Electric Company, and so, if the Fire Chief has no power to order that it be done, it may not be done. Therefore I am suggesting that an amendment be made to that effect.

**The Chairman:** If the hon. Member looks at the next subclause (e) he would see that he has power to take measures to have it done.

**Mr. Jailal:** In the case of the water mains we made specific mention of it. My feeling is that the Electric Company may in their opinion consider that their service to the factory or building concerned is the only thing that should be cut off. There may be a difference of opinion. The Fire Chief may feel that a transformer sub-station next to the area should be killed. Will we leave it to the Electric Company to decide whether they will or will not shut it off? It is going to mean this, that in a case where there is a difference of opinion the Electric Company will have the right to uphold their own decisions in the matter.

**The Chairman:** I assume that the Fire Chief has power to do anything he deems necessary.

**The Chief Secretary:** I appreciate what the hon. Member Mr. Jailal has said, but subclause (d) gives specific power for the purpose of dealing with what may be a water-shortage to fight the fire. The point the hon. Member is saying is that there may be a hazard arising from a continuous supply of electricity, but there are also other sources of danger besides that. There may be the hazard of rediffusion lines, telephone lines. We are satisfied that electricity is a hazard to be dealt with, and we have a general provision in subclause (e)

“to take any measures that may appear expedient for the protection of life and property.”

**Mr. Jailal:** I merely mention it for the Council to think about it, but I do not know that electricity in a fire area can be a dangerous affair. If you have a 6,000 volt unit near to where you have a fire, you may well have an explosion causing much more damage than the fire that is in progress because of the very fact of its explosive nature of such stations. If, however, the hon. the Chief Secretary feels that adequate provisions are there in the Bill, I would not press the point.

Clause 22 passed as printed.

Clause 23—*Members of Police Force to aid Brigade.*

**The Chief Secretary:** It has been pointed out that this clause as it stands is unnecessary, because the Police Ordinance already has this provision requiring Police Officers to assist in all fire fighting operations—section 23 (g) of the Police Ordinance, Chapter 77. It has been pointed out that it is more appropriate that the duties of the Police be included in the Police

[The Chief Secretary]

Ordinance and not in the Fire Brigade Ordinance. As it is already there, it is proposed to delete this clause as it stands. But there is another clause which I would like to move into the Bill. It bears no relationship to the existing clause 23, but it will be convenient to substitute it for that. I have not sufficient copies for circulation, but some Members have it and I will read it. The proposed new clause 23 reads as follows:

“Power to destroy property in order to arrest spread of fire.

23. On the occasion of a fire the Chief Fire Officer or other member of the Brigade in charge is hereby empowered if it appears to him necessary for the purpose of arresting the progress of any fire, to order any house or other building, paling or erection to be pulled down or otherwise destroyed, and he is also empowered to use any water in any tank, cistern or other vessel or receptacle in the neighbourhood of the fire; and no action for damages in respect of anything so done shall be maintainable against anyone so doing or against anyone acting by his authority.”

That provision does not exist in section 207 of the Georgetown Town Council Ordinance and will remain in so far as Georgetown is concerned even if this clause is not put into this Bill, but the Fire Advisory Board has pointed out that we are now getting on to a national basis, and this provision should be applicable to anywhere where there is a unit of the Fire Brigade. That seems a good reason, and for that reason we are proceeding to incorporate this provision in this Bill in the place of the original clause 23.

**The Chairman:** Members have got copies of the proposed amendment.

**The Chief Secretary:** This makes it applicable to anywhere.

**The Chairman:** I take it there is no objection.

**Mr. Jailal:** The last four lines of the proposed new clause read:

“and no action for damages in respect of anything so done shall be maintainable against anyone so doing or against anyone acting by his authority.”

The opening sentence of the clause says “The Chief Fire Officer or other member of the Brigade in charge is hereby empowered”. I am wondering whether this makes a double job of it by saying “anyone acting on his authority”.

**The Chief Secretary:** I see the hon. Member's point. I will ask that we just leave this particular clause for a moment.

The wording (of the two sections) is identical except at the beginning and at the ending. I think the best way to make it quite clear is to say “anyone acting with the authority of the Chief Officer or other member of the Brigade in charge”. We can keep those words. The law says here, “anyone in whom that control is vested or against anyone acting by his authority”. It should be maintainable against the Chief Officer or any member of the Brigade in charge, or against anyone acting by their authority. It would then read:

“23 On the occasion of a fire the Chief Fire Officer or other member of the Brigade in charge is hereby empowered if it appears to him necessary for the purpose of arresting the progress of any fire, to order any house or other building, paling or erection to be pulled down or otherwise destroyed, and he is also empowered to use any water in any tank, cistern or other vessel or receptacle in the neighbourhood of the fire; and no action for damages in respect of anything so done shall be maintainable against the Chief Fire Officer or other member of the Brigade in charge or against anyone acting by his authority.”

I am grateful to Mr. Jailal for having drawn attention to this point.

Question put, and agreed to.

Clause 23, as amended, passed.

Clauses 24, 25 and 26 passed as printed.

Clause 27 — *Interference with Brigade.*

**Mr. Jailal:** I have looked through this clause but I have not seen any penalty provided for owners of motor cars and other vehicles. I wonder if it is intended that this clause should cover cases of obstruction of the Brigade? If so, I will suggest an amendment.

**The Chairman:** Is the hon. Member referring to the question of impeding the Brigade?

**Mr. Jailal:** Yes, Sir. Clause 24 refers to "Closing of Streets at fire", and we have had cases in the past where streets were closed but some people paid no attention to that. I think clause 27 is the one under which a charge should be brought against such persons. It is not clear to my mind what would constitute an obstruction, however, and I do not know whether a member of the Brigade would have the right to bring a charge in such a case.

**The Chairman:** There is nothing to prevent him.

**The Chief Secretary:** I propose not to take the third reading of this Bill today. I should like to take an opportunity to discuss this question as well as the one relating to the question of electricity with the Chief Officer of the Brigade. I do not know whether hon. Members would consider that to be satisfactory.

**Mr. Jailal:** Since that is so, I would suggest that if the Chief Officer of the Brigade is of the opinion that the question of obstruction should be covered by clause 27, we should con-

sider the question of imposing a higher fine for the offence. There have been cases where persons did not pay any attention to precautions taken by the Brigade and I think that in one such case recently several persons were injured. I think the fine is one of \$200 only.

**The Chairman:** It is not \$200; it is "not exceeding \$200". I do not know why we are insisting with that form of legislation in this Colony. I am not the Legal Draughtsman, but I think the best way of doing it is to state a maximum and a minimum amount.

**Mr. Jailal:** I think the minimum in this case should be \$200, but I would not press the point.

Clauses 27 to 32 passed as printed.

Clause 33—*Repeal and saving.*

**The Chief Secretary:** In view of the substitution of a new clause 25, the Gazette provisions of power to break down buildings under the Georgetown Town Council Ordinance and the New Amsterdam Ordinance are now to be repealed, and it is proposed that that repeal section should be extended in the form in which I have presented the copy. I will read the new clause 33 (1) which says:

"33 (1) Subsections (7) and (8) of section 206, sections 207, 208, paragraph (f) of section 226 of, and Part VII of the sixth schedule to, the Georgetown Town Council Ordinance, and Part XXV of the New Amsterdam Town Council Ordinance, are hereby repealed without prejudice, however, to anything lawfully done or any expenditure lawfully incurred thereunder."

Question put, and agreed to.

Clause 33, as amended, passed.

Schedule passed as printed.

Title and enacting clause passed.

Council resumed.

Bill deferred in Committee.

#### CUSTOMS (AMENDMENT) BILL

**The Financial Secretary:** I beg to move the second reading of the Bill intituled:

“An Ordinance to amend the Customs Ordinance.”

Section 20 (1) of the Customs Ordinance provides for the establishment of a Customs Tariff Tribunal consisting of a Chairman and four members to be appointed by the Governor, to decide all disputes by members of the public concerning the classification of goods and such things referred to it under Sections 19 and 20 of the Customs Ordinance. Under the law as it stands, the Tribunal cannot operate unless each and every member is present. In other words, there is no provision for a quorum, and if one of the members is absent the Tribunal cannot sit. In practice this has proved extremely inconvenient, for obvious reasons, for on occasion a member is unavoidably prevented from attending.

Under the new proposals the Tribunal will consist of a standing Chairman a standing Government official, and in addition to those two permanent members there will be a panel of six persons to be appointed by the Governor, and three of those persons will be chosen to complete the panel for each dispute before the Tribunal. Hon. Members will see that there is provision for a rotational system which would ensure that if one of the three members drop out there is another to take his place. With a panel of six we shall be able to provide for any particular sitting of the Tribunal,

unless there is some major calamity affecting the whole panel.

We have also taken the opportunity to put into this Bill a provision that if any member of the Tribunal has a direct interest in a dispute—for example, if he is a director or a servant of the firm which is making the appeal—he shall automatically be disqualified from sitting on that particular dispute, and another member of the panel will take his place. I formally move that the Bill be read a second time.

**The Chief Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

#### COUNCIL IN COMMITTEE

Council resolved itself into Committee and passed the Bill as printed.

Council resumed.

**The Financial Secretary:** The Bill having passed through the Committee stage without amendment, I move that it be now read a third time and passed.

**The Chief Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

#### REMUNERATION OF OFFICER ADMINISTERING THE GOVERNMENT

**The Financial Secretary:** I beg to move the following motion:

“Be it resolved: That this Council approves of the remuneration of the Officer Administering the Government being payable on the following basis:



(i) the Governor's salary subject to a token reduction of five per cent; and

(ii) the full Duty Allowance payable to the Governor."

Since 1952, following a suggestion by the Secretary of State and the practice in certain other Colonies, it has been the practice here to pay to the Officer Administering the Government 95 per cent. of the Governor's salary and the full Duty Allowance payable to the Governor when the Governor is on vacation leave. This practice has been supported by a vote of Finance Committee, subsequently ratified by the full Council on two occasions, but it has been brought to notice that there is on the books a Resolution by the Legislative Council which

was passed as long ago as 1937, in which it is laid down that the Officer Administering the Government should receive his substantive salary and 50 per cent. of the difference between his salary and that of the Governor. It is therefore necessary, for the sake of tidiness and good form, that we should replace the 1937 Resolution by this one in order to regularize a practice we have actually been following. I formally move the motion.

**The Chief Secretary:** I beg to second the motion.

Question put, and agreed to.

Motion adopted.

**Mr. Speaker:** That being all the business for today, Council is adjourned *sine die*.